

PART(II) AGENDA PAPERS FOR THE SEVENTYEIGHTH MEETING OF THE EXECUTIVE COUNCIL

Contents

Page No.

Item No.2 REPORTING ITEM :

- (i) Report of action taken on the minutes of the 77th meeting of the Executive Council held on 11th December, 1992. 2:1:(1)

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

- (i) Filing of nomination by NEHU Teachers for contesting in the Meghalaya Legislative Assembly election 1993. 3:1:(1)

Item No. 5 ACADEMIC MATTERS :

5:8-Others -

- (i) Implementation of 5 days weeks in the University and colleges. 5:8:1:(1)

Item No.6 ADMINISTRATIVE MATTERS :

6:1-Selection Committee :

- (iii) Selection Committee recommendation 6:1:3:(1)

- (iv) Constitution of Selection Committee for Group 'B' and 'C' categories of post 6:1:4:(1)

6:2 - Appointment/Creation-upgradation of Posts/confirmation/Extension etc.

- (ii) Confirmation of service of Dr. T. B. Subba, Reader, Department of Anthropology, NEHU, Shillong. 6:2:2:(1)

- (iii) Appointing of Acting/Officiating Head of a Department. 6:2:3:(1)

- (iv) Appointment of Proctor (City) in place of Dr. Nikhlesh Kumar, Reader, Department of Sociology. 6:2:4:(1)

- (v) Appointment of Dr. R. P. Singh, as visiting Fellow, Department of Botany. 6:2:5:(1)

- (vi) Appeal against reversion order of Adhoc Promotees under Section 32 of NEHU Act. 6:2:6:(1)

6:3 - Leave/Deputation-

- (ii) Sabbatical leave in respect of Prof. R. S. Tripathi, Botany Department, NEHU, Shillong w.e.f. 9.3.93 to 8.9.93 to avail E. C. post Doctorial Fellowship. 6:3:2:(1)

Contd/.../-

Contents

Page No.

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

- (i) Permanent absorption of Shri Pankaj Khare in Indira Gandhi National Open University 6:6:1:(1)
- (ii) Extension of time for exercise of option by CPF beneficiaries 6:6:2:(1)
- (iii) Officiating of Smt. I. Majaw, Deputy Librarian as Librarian, NEHU, Shillong. 6:6:3:(1)

6:7 - Others -

- (i) Provision of rent free and furnish accommodation to NEHU employees, payment of Licence free by NEHU employees and HRA to them on the basis of Planth area etc. 6:7:1:(1)
- (ii) Allocation of a plot of land at Permanent campus for setting up of a Police out-post 6:7:2:(1)
- (iii) General Annual Report for the year 1991-92. 6:7:3:(1)

Item No. 7 FINANCIAL MATTERS :

7:1- Finance committee/Annual Accounts etc.

- (i) Approval of the Annual Accounts for the year 1989-90. 7:1:1:(1)

Item No. 2 REPORTING ITEMS : -

- (i) Report of action taken on the minutes of the 77th meeting of the Executive Council held on 11th December, 1992.

Action taken on the minutes of the 77th meeting of the Executive Council is reported as under :-

- (1) No: EC:77:92:5(iii) - The Draft Statute on recognition of the Students' Union has been submitted to the Ministry for Visitor's assent-reply awaited.
- (2) No: EC:77:92:1 - Case of Prof. S.N. Guhathakurta-Necessary action taken.
- (3) No: EC:77:92:6:02(1) - Order confirming Prof(Ms)V. Tandon has been issued.
- (4) No: EC:77:92:6:02(ii) - Order confirming Prof. R. Gopalakrishnan has been issued.
- (5) No: EC:77:92:02:(iii) - Order confirming Sh. S.K. Nanda issued.
- (6) No: EC:77:92:02:(iv) - Order confirming Prof. L.K. Jha issued.
- (7) No: EC:77:92:6:02:(v) - Order confirming Sh. K.M. Zakhuma issued.
- (8) No: EC:77:92:6:02(x) - Order confirming Prof. V.K. Kumar issued.
- (9) No: EC:77:92:6:02:(xii) - Order confirming Prof. S.K. Mishra issued.
- (10) No: EC:77:92:6:02(xiii) - Order confirming Prof. M.M. Agrawal issued.
- (11) No: EC:77:92:6:02:(xiv) - Order confirming Prof. M. Sangma issued.
- (12) No: EC:77:92:6:02:(xv) - Order confirming Prof. A.C. Mohapatra issued.
- (13) No: EC:77:92:6:02(xvi) - Necessary action taken in sanctioning special pay to Ms. B. Bareh, AR(P).
- (14) No: EC:77:92:6:02:(xix) - Order confirming Prof. M.M. Singh issued.
- (15) No: EC:77:92:6:03(ii) - Necessary action taken granting Sabbatical Leave to Prof. V.K. Kumar.
- (16) No: EC:77:92:6:04(i) - Necessary action taken in appointing an Inquiry Officer and a Presenting Officer.
- (17) No: EC:77:92:6:04(ii) - Necessary action taken in revoking the suspension order in respect of Sh. N.P. Garg.
- (18) No: EC:77:92:6:06(i) - Necessary action taken in processing cases for grant of advance increment.
- (19) No: EC:77:92:6:06(iv) - Necessary action taken in setting the payment to Dr. B.N. Mehrotra.
- (20) No: EC:77:92:6:06(v) - Necessary action taken in setting the payment to Prof. R.G. Michael and conveying the University's appreciation for the service of Prof. Michael.

(21) No:EC:77:92:6:03(i)- Santion of study leave to Shri S.K.Mishra, Lecturer Pachhunga University College has been conveyed.

(22) No:EC:77:92:6:06(ii)-The constitution of the committee to look into matters relating to the SASRD has been notified-report awaited.

(23) No:EC:77:92:6:06:(vi)-The decision of the Executive Council regarding re-imbusement of expenses on medical treatment, has been notified to all concerned.

(24) No:EC:77:92:6:07:(i)- The Annual Report for the year 1990-91 as approved by the Executive Council, has been given for printing.

(25) No:EC:77:92:6:02:(xviii)- Designation of Lecturers of constituent Colleges as Readers under the CAS-Reference has been made to the respective State Govts. for concurrence with regard to application of the same benefit to teachers of affiliated colleges-reply awaited.

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

(i) Filing of nomination by NEHU Teachers for contesting in the Meghalaya Legislative Assembly election 1993.

The following teachers of the University requested permission for contesting in the Meghalaya ^{Legislative} Assembly Election held on 15.2.93.

1) Dr. H. Bareh	Professor	Centre for Creative Arts.
2) Dr. M.S. Sangma	Professor	Deptt. of History.
3) Dr. R.C. Ialoo	Reader	Deptt. of Botany.
4) Shri S.L. Marbaniang	Lecturer	Deptt. of Mathematics.
5) Shri P.G. Momin	Lecturer	Deptt. of Geography.
6) Dr. H. Iamin	Lecturer	Deptt. of Anthropology
7) Dr. K.M. Warjri	Lecturer	Centre for Adult & Contg. Education.

As per existing Ordinance, members of the Teaching Staff are eligible for contesting election with the permission of the University. In view of this, permission have been granted to the above mentioned teaching staff for contesting in the said election.

The matter is placed before the Council for ratification.

5:8 - Others -

(i) Implementation of Five-Days Week in the University and Colleges.

The matter of Implementation of five-days week in the University has been placed before the Executive Council in its 62nd meeting held on 7th September 1988. The decision of the E.C. is at Annexure A.

The subject again came up for discussion in the Joint Consultative Council in its meeting held on 12th Nov. 1992. The decision of the Council is at Annexure B.

Since the earlier decision of the Executive Council, there has been certain changes in the University including the important aspect of the shifting of the administrative offices to the Campus. Because of the distance between the Campus and the teaching Departments there has a very great pressure on the transport system of the University so much so that most of the vehicles are on the verge of breaking down. If the Saturdays can be made off days, the break will provide respite to the vehicles for servicing and maintenance.

It is also learnt that the subject came up for discussion in the Meghalaya Assembly and a decision to implement five-days week in Meghalaya is likely to be taken.

The loss of working hours in the University and Constituent Colleges can be made up by increasing one lecture period on each working days.

The uniformity of working days for the administration and teaching departments will also remove the inconvenience faced by the teaching departments in the absence of the Officers and Staff on Second Saturday in the present system.

The matter is placed before the Council for its consideration.

EXTRACT OF THE MINUTES OF THE SIXTY SECOND MEETING OF THE
EXECUTIVE COUNCIL HELD ON WEDNESDAY, THE 7TH SEPTEMBER, 1988.

5:8 - Others -

(i) Introduction of 5 day week -

No:EC:62:88:5:08:(i) - The Council considered the contents of the letter No.F.1-41/85(NP-I) dated the 11th August, 1988 received from the University Grants Commission regarding the introduction of 5 day week and noted that option had been given to the Central Universities to decide on the matter on their own. The Council, after due consideration, RESOLVED that the existing arrangement may continue in North-Eastern Hill University.

MINUTES OF THE FIFTH J.C.C. MEETING HELD ON
NOVEMBER 12, 1992.

The Committee noted that with the introduction of five-day week system, all Central Offices remain closed on Saturdays. With the exception of NEHU, all offices in the State of Meghalaya are closed on the fourth Saturday and in Mizoram both the State and Central Departments are closed on Saturdays since all social and customary obligations are observed on Saturdays.

The Committee decided to recommend to the Vice-Chancellor for introducing five-day week system in the University.

6:1:3:(1)

Item No. 6 : ADMINISTRATIVE MATTERS :

6:1- Selection Committee-

(iii) Selection Committee recommendation.

The recommendations of the Selection Committee for placement of Lecturers in the Senior Scale/Selection Grade/Reader under the Career Advancement Scheme are placed before the Council for consideration and approval. The recommendations will be tabled by the Chair.

AGENDA NOTE

ITEM : Constitution of Selection Committee for Group 'B' and 'C' categories of posts.

The Executive Council vide its resolution No.EC: 67:89:6:67(i) in its 67th Meeting on 15th & 16th of September, 1989 (Annexure I) resolved that there should be a separate Selection Committee for Technical posts. Such decision when put into practice was not found feasible nor practicable. It rather created operational difficulties in view of scattered campuses. Separate Selection Committee for Technical posts have also created anomalies which are difficult to be set right by administration. In fact there has also been lapses regarding recruitment of Technical posts concerning the School of Life Science and Physical Science due to the lack of co-ordination between the Selection Committee and Establishment.

Incidentally prior to this arrangement, a single SC was constituted by E.C. which was based on the recommendation of the Joint Consultative Committee. The constitution of Separate S.C. for Technical posts although approved by E.C. has not however been placed before the JCC for its recommendation. As such the matter was placed before the JCC which met on 12.11.92 and which proposes vide Annexure II under Item No.2 that the University may maintain one single S.C. for both Technical and Non-Technical posts and ^{to} co-opt faculty members from concerned Departments in the S.C. when such interviews are held. The JCC desired to place the proposal to the E.C. for consideration.

If the above suggestion is agreeable to E.C. single Selection Committee for Group 'B' & 'C' Posts for both Technical and Non-Technical will be as follows :

FOR GROUP 'B' & 'C' POSTS (FOR ALL CAMPUSES)

- | | | | |
|----|---------------------------|---|-------------------|
| 1. | Registrar | - | Chairman. |
| 2. | Librarian | - | Member. |
| 3. | Finance Officer | - | Member. |
| 4. | Controller of Examination | - | Member. |
| 5. | Dy.Registrar (Estt.I) | - | Member Secretary. |

This will also be Selection Committee for Group "D" in the Hqs.

NORTH-EASTERN HILL UNIVERSITY
MAWLYNPOH::SHILLONG.

EXTRACT OF THE 67TH E.C. MINUTES HELD
ON 15TH & 16TH SEPTEMBER, 1989

No. EC:67:89:6:07:(i): The Council considered the recommendations of the Joint Consultative Committee and RESOLVED to approve as follows :

(1). There will be one common Selection Committee for recruitment to Group 'B' and 'C' posts in the three Campuses including the school of Agricultural Sciences and Rural Development and a combined Seniority List will be maintained for the staff of these two categories.

(2). Recruitment to Group 'D' posts may be made Campus-wise through separate Selection Committee and their seniority may be maintained Campus-wise.

(3). There will be a separate Selection Committee for technical posts.

(4). Advertisement will specify the number of vacancies available in the Campuses.

(5). Scrutiny of applications will be done Campus-wise, subject to final clearance by the head-quarter after the applications are centrally scrutinised.

(6). The Selection Committees will be constituted as follows :

For Group (B' & 'C' Post and at Headquarters

- | | |
|-------------------------------|---------------------|
| 1. Registrar/O&SD | - Chairman |
| 2. Librarian | - Member |
| 3. Finance Officer | - Member |
| 4. Controller of Examinations | - Member |
| 5. Deputy Registrar(Admn) | - Member-Secretary. |

For Kohima & SASRD

- | | |
|--|---------------------|
| 1. Deputy Registrar(Kohima) | - Chairman |
| 2. Assistant Registrar(Kohima) | - Member-Secretary. |
| 3. Assistant Registrar(SASRD) | - Member |
| 4. A senior teacher not below the rank of Reader | - Member |

For Mizoram

- | | |
|---|--------------------|
| 1. Deputy Registrar(Mizoram) | - Chairman |
| 2. Assistant Registrar(Mizoram) | - Member-Secretary |
| 3. A senior teacher not below the rank of Reader. | - Member |

NORTH-EASTERN HILL UNIVERSITY
MAWKYNROH*** SHILLONG.EXTRACT OF THE 5TH JOINT CONSULTATIVE COMMITTEE
MINUTES HELD ON 12TH NOVEMBER, 1992**Item No.2: Constitution of one common Selection Committee
for Group 'B' and 'C' categories of posts.**

The Committee was apprised that the recommendation of the Joint Consultative Committee to constitute one selection committee for all technical and non-technical posts in Group 'B' and 'C' categories was accepted by the Executive Council vide its 67th Meeting dated 15th and 16th September 1989.

However, the Executive Council while accepting the recommendation of the J.C.C. in this regard made a clause that there should be a separate Selection Committee for technical posts which was not recommended at the J.C.C. level. This decision to constitute a separate Selection Committee for technical posts will not be feasible nor practicable and will create operational difficulties in view of scattered campuses.

It was decided that the University may maintain one Selection Committee for both technical and non-technical posts and to co-opt a faculty member from the concerned department in the Selection Committee when considered necessary. This proposal may be referred to the next E.C. for consideration.

6:2:2:(1)

6:2 - Appointment/Creation up gradation of Posts/confirmation/
extension etc.

- (ii) Confirmation of service of Dr.T.B.Subba, Reader,
Deptt. of Anthropology, NEHU, Shillong.

Dr.T.B.Subba who joined as Reader in the Deptt. of
Anthropology, NEHU, Shillong ~~2.7.91~~ 3.9.91 has
completed his probation period of one year on 2.9.92
and due for confirmation.

The Head, Deptt. of Anthropology, NEHU, Shillong has
recommended that Dr.T.B.Subba may be confirmed.

Dr.T.B.Subba has also submitted the self-expression
forms which will be tabled by the Chair.

The matter is placed before the Council for consid-
eration of the confirmation w.e.f. ~~2.7.91~~ 3.9.91 i.e.
the date of joining.

(iii) Appointment of Acting/Officiating Head of a Department.

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There is a practice in the Academic Departments whereby a Head of a Department asks some other teacher to look after the Department when he goes out of station or on leave. This is done in most of the Departments specially during the winter vacation.

A Head of Department is appointed by the Executive Council on the recommendation of the Vice-Chancellor under Statute 7. If the Head of Department is not available at the station, another teacher of the Department may have to look after the work and for this the power rests with the Executive Council and when the Executive Council is not in session, the Vice-Chancellor may exercise the powers of the Executive Council. The Head of Deptt. does not seem to possess the power to ask other teachers of the Deptt. to look after the office of the Head.

If the absence of the Head from Headquarter is only for a short duration, it may not be necessary for the Head to entrust some other teacher to look after the office and if it is for a long period, it may perhaps be better for the Vice-Chancellor to issue necessary orders.

Here again, the advice of the Law Ministry may be referred to which states that "an officer appointed to perform the current duties of an appointment can exercise administrative or financial powers vested in the full-fledged incumbent of the post but he can not exercise statutory powers, whether these powers are derived from an Act of Parliament, Rules Regulations etc."

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

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(iv) Appointment of Proctor (Duty) in place of Dr. Nikhlesh Kumar, Reader, Deptt. of Sociology.

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Dr. Nikhlesh Kumar, Reader who was appointed as Proctor (Part-time) for Shillong City vide No. F.5-8/Estt-II/85-10, dated 8.4.1992 tendered his resignation vide his letter No. 4002, dated 11.3.1993 stating that it is becoming difficult on his part to discharge his duties as Proctor, Shillong City in view of the increased responsibilities in the Department and the pressure of his own research commitments.

The Vice-Chancellor is, therefore, pleased to recommend Dr. Surendra Singh, Reader, Deptt. of Geography for appointment as Proctor, Shillong City in the event of acceptance of resignation of Dr. N. Kumar.

The matter is therefore placed before the Council for consideration.

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6:2:5:(1)

- (v) Appointment of Dr. R. P. Singh as Visiting Fellow, Department of Botany, NEHU, Shillong,

The Head Department of Botany made several requests to the Vice-Chancellor and the then OSD NEHU, for appointment of Dr. R. P. Singh as Visiting Professor/Visiting Fellow in the Department of Botany, in view of the urgent need of the Department to make up the shortage of staff. Dr. R. P. Singh has the required specialisation.

The appointment of Visiting Professor/Visiting Fellow under the UGC scheme could not be considered in view of the paucity of fund. As such the Vice-Chancellor approved the appointment of Dr. R. P. Singh as Visiting Fellow against the vacant post of Reader in the Department of Botany with effect from 30.11.90, for a period of one year.

On the expiry of the term on 30.11.91 the Head of Department made a request to the Vice-Chancellor for the extension of the term for another period of one year. As per Vice-Chancellor's order and approval he was again appointed for another period of one year with effect from Dec. 2, 1991 upto 1.12.92 and again from 2.12.92 for another period of about 4 (four) months upto 31.3.93, as requested by the Head of the Department. The vacant Reader's post has been advertised and interview is likely to be held shortly.

The matter is placed before the Council for consideration and ratification of the action taken and also to allow him to continue until a regular appointment is made against the post.

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Agenda Item No -

Subject: (vi) Appeal against reversion order of adhoc promotees under Section 32 of NEHU Act.

The following appellants who are the employees of the University and who were promoted on adhoc basis and then reverted back to their substantive post have appealed against the order of reversion following appointments of regular candidates. Their representations are at Annexure I to VII.

- (1) Smt. L.G. Lyngdoh Regular Assistant (1640-2900) offered adhoc promotion as Section Officer (2000-3500) (Annexure I)
- (2) Smt. Sweetpea Lyngdoh Regular JDC (1200-2040) offered adhoc promotion as Assistant (1640-2900) (Annexure II)
- (3) Smt. T. Dkhar - do - (Annexure III)
- (4) Smt. M.G. Lyngdoh - do - (Annexure IV)
- (5) Smt. M. Langstang - do - (Annexure V)
- (6) Smt. M.S. Langstang - do - (Annexure VI)
- (7) Smt. K. Nongsiej - do - (Annexure VII)

It is clarified that adhoc promotion is a stop-gap arrangement which is resorted to for administrative convenience and in order to avoid dislocation of works against purely short term vacancies and in the circumstances as explained below :-

- (1) When there is an injunction by a Court/Tribunal directing that the post may not be filled-up on regular basis.
- (2) Where the Direct Recruitment quota is vacant.
- (3) In short term vacancies.
- (4) Revision of recruitment rules.
- (5) Revision of Seniority List.

The adhoc promotions are offered ~~without following~~ the regular Selection procedure on seniority basis to meet the exigency of works which cannot be postponed till appointments of regular candidates.

The G.O.I's instruction on adhoc appointment/promotions stipulates that whenever appointment is made on adhoc basis the fact that it shall not bestow any claim for regularisation, nor can be counted for the purpose of seniority, confirmation or any claim for promotion in the grade should be spelt out clearly in the order of such appointment.

The instant cases of adhoc promotions were made in view of the circumstances mentioned at (2), (3) & (4) above.

To be specific, in the past the University adopted two tier system of Promotion/Recruitment viz. 50 % reserved for promotees and 50 % reserved for Direct Recruitment.

The NEHUNSA demanded that in order to create more promotional incentives to the employees, the 50 % reservation for promotees may be raised to 75 %. Since 1988 till 1990 the issue was under negotiation and during the intervening period, the University could not fill-up the 50 % vacancies reserved for Direct recruit and thus had to resort to adhoc promotion by offering the said appellants on the basis of seniority to officiate against the higher post as S.O./Assistants in order to avoid dislocation of works till appointments of regular candidates.

In the year 1990, the Recruitment/Promotion policy was revised and an interim policy was framed by inducting 25 % reservation of vacancies to be filled in by departmental candidates on passing departmental exam. vide Annexure VIII and IX. Thus the policy was revised from two tier system to three tier system as shown below :-

(Old policy)

1. 50 % of vacancies reserved for promotees
2. 50 % of vacancies reserved for Direct Recruitment

(Revised Interim Policy)

1. 50 % of vacancies reserved for promotees.
2. 25 % of vacancies reserved to be filled in by conducting departmental exam.
3. 25 % of vacancies to be filled in by Direct Recruitment.

From the above equation, it may be seen that the 50 % quota reserved for Direct Recruitment as per old policy which was offered on purely adhoc basis to the appellants was reduced to 25% to be filled in for departmental candidate on passing departmental exams.

In 1991, the University processed filling up of vacancies by Direct recruitment and by conducting departmental examination as per the revised policy and the appellants were also informed to compete with the others vide Annexure X.

The panels for Direct Recruitment and Departmental Exam. quota were finalised by Selection procedure and regular appointments made against the Direct Recruitment and Departmental Exam. quota. This resulted in the reversion of the appellants as neither their turn came through DPC nor did they pass Deptt. Exam./ their name recommended by the Selection Committee through open advertisement. In such cases the G.O.I. instruction stipulate that all adhoc appointment have to be replaced by regular incumbent and subsequent reversion of the adhoc appointees should take place on the principle of 'first come last go and last come first go' basis. The reversion of adhoc promotees in such cases is not a penalty of reduction in rank.

Secondly, it may be mentioned here that as per the G.O.I. instruction, adhoc appointment does not bestow any claim for regular appointment, promotion, seniority in the grade and confirmation, which was duly expressed in all orders extending adhoc promotion to the appellants and accepted by them.

The copies of the relevant office orders in addition to the copies of orders already enclosed by the appellants are appended vide Annexure XI, XII, XIII & XIV for ready references.

The matter is placed before the E.C. for favour of perusal and orders.

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FINANCE DEPARTMENT
NORTH EASTERN HILL UNIVERSITY
SHILLONG

Annexure I

No. FO/21/92-1385

Dated 23rd September, 1992.

To

The Registrar
NEHU, Shillong.

Sub: Representation submitted by Smt. L.G. Lyngdoh,
Assistant.

Please find enclosed the representation submitted by Smt. L.G. Lyngdoh, Assistant, which speaks for itself for necessary action at your end particularly in respect of her request in the penultimate paragraph of the representation.

Sd/-
(Finance Officer)

Copy to : Smt. L.G. Lyngdoh, Assistant, Finance Dept.

Annexure I (1)

Dated Shillong, the 8 September, 1992.

To

The Registrar,
North Eastern Hill University,
Lower Lachumiere, Shillong.

(Through the Finance Officer, North Eastern Hill
University, Lower Lachumiere, Shillong).

S u b: Reversion Order - appeal for retaining thereof.

R e f: No:F.2-1/Estt.I/90-5649 dated 24.8.92 and
No:F.2-1/Estt.I/90-5651 dated 24.8.92.

Sir,

With reference to the office orders mentioned above, I am to state the following facts for favour of your kind consideration and early necessary action, that -

1. Sir, the appointment order issued vide No:F.2-1/Estt.I/90-593 dated 1-5-91 allowing me to function as Section Officer, vide Shri G.D.Ghosh(Compilation Section) since retired on adhoc basis and in the scale of Rs.2000-60-2300-EB-75-3200/- p.m. on an initial pay of Rs.2000/- plus usual allowances with effect from the date of joining to 30.6.91 or until further orders. On 15-6-91, vide order No:F.2-1/Estt.I/90-2280 I am allowed to continue as Section Officer until finalisation of appointment. Again, vide office order No:F.2-1/Estt.I/90-3947 dated, 26-7-91 I am to continue as Section Officer, Academic Staff College.

As from above, during the periods I had received three orders - of which the first two is against Shri G.D. Ghosh Section Officer since retired and the last order is against the sanction post in the Academic Staff College.

On having studied the appointment orders, it may be mentioned here that my appointment to the next higher posts is being consider on merit and seniority basis and against the sanctioned posts, and not as an adhoc basis as adhoc appointment is to be made only by direct recruitment to temporary posts created in a service, which in the interest of public service need be filled in immediately, subjected also that the post is likely to last for more than four months.

contd.....2/-

Annexure I

- 2 -

2. Sir, on 24-8-92 I received two orders for reversion of my appointment from the post of Section Officer to that of Assistant and the simple reason is that due to repatriation of one Shri B.M. Das, Section Officer. On having reverted to the lower post, it greatly affected me both mentally and physically it hamper my daily works and also my health for I am victimised by way of reversion for no fault of mine.

Now Sir, on having reverted the total emoluments will be effected and the management of my family will be upset which this should have been protected as per the Constitutional rights of employees.

Considering the facts stated above, I am to request you, that when any case are decided for given appointment to the next higher post from amongst the eligible employees, and not to complicate cases by reversion or diversion so that the concerned employees can achieve justice.

Therefore, for the interest of University in particular and the employees of the University in general, may I be allowed to appeal my case through your good Office, to the Executive Council as provided under Art.32 of the North Eastern Hill University Act, 1973 to enable the Council for taking necessary action and till such time may I be allowed to continue in the post of Section Officer.

For which act of your kindness I shall ever remain grateful to you.

Thanking you,

Yours faithfully,

Sd/-

(Smti. L.G. Lyngdoh)
S.O. Finance (Bill Section)

Advance Copy forwarded for necessary action to:-

1. P.S. to Vice Chancellor, North Eastern Hill University, Shillong, for information and necessary action.
2. The Registrar, North Eastern Hill University, Shillong for information and necessary action.

(Smti. L.G. Lyngdoh)
S.O. Finance (Bill Section).

Annexure II

To

The Registrar,
North-Eastern Hill University,
Shillong.

(Through proper channel)

Sub: Reversion of Smti. Sweetpea Lyngdoh from the post of
Assistant to the post of U.D. Clerk- representation against.

Sir,

Most respectfully I have to state that under orders of the Registrar of the University conveyed under office order No.F.2-1/Estt-1/90-9649 dated 24.8.92 (copy enclosed as Annexure-I) I have been ordered to be reverted from the post of Assistant to the post of U.D. Clerk describing the order as "reversion of ad-hoc employees to their substantive posts". The order is unjust and incorrect/illegal. In this connection, I beg to submit the following for favour of your kind and sympathetic considerations:-

1.1) That I was appointed on promotion from the post of U.D. Clerk to the post of Assistant under order of the Officer-On-Special Duty, NEHU conveyed under Order No.F.446/Estt-I/85-3146 dated 3.7.89. The order stated inter-alia the following:-

(i) that the appointment was "on a purely temporary ad-hoc basis",

(ii) that "the appointment will not bestow on her a claim for regular appointment and that ad-hoc services rendered would not count for the purpose of seniority/promotion/confirmation in that grade."

(iii) that the appointment was against a new post sanctioned under order No.F.13-1/CRC-990 dated the 14-2-89. (Copy of order enclosed as Annexure-II).

1.2 That my promotion was on the basis of recommendation of Departmental Promotion Committee and strictly as per procedure followed in such promotion hereto before.

2.0 That under another consequential order vide No.F.2-1/Estt-I/90-5651 dated 24.8.92, I was placed under order of transfer from my posting in Conference Section as Assistant to Finance Section as U.D. Clerk. (copy of order enclosed as Annexure-III).

3.1 That under Govt. of India's orders, ad-hoc appointments are subjected to following conditions:

a) Purely short term vacancies caused by leave, short term deputation, training etc. may be filled by ad-hoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short term promotion. Ad-hoc appointment can also be made when the panel is exhausted or expired and there is no time to convene a DPC meeting and prepare a fresh panel. Ad-hoc appointments made to fill in short term vacancies should be only by promotion of departmental candidates and not by direct recruitment.

b) In the case of regular vacancies due to death, retirement resignation, promotion, deputation for a period exceeding one year, the vacancies should be filled by the regular method and not by ad-hoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, ad-hoc appointment can be made without following the prescribed procedure.

c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing ad-hoc appointments to the Secretary Minister in charge of the Administrative Ministry who would give suitable directions for terminating the adhoc arrangements as early as possible. Ad-hoc appointment continuing for more than one year may be reported to the Department of Personnel and Administrative Reforms on 1st June every year.

3.2 That the Govt. of India's orders debar ad-hoc appointments under inter-alia the following circumstances:-

(i) When amendment to existing recruitment rules is contemplated &

(ii) Non-finalisation of seniority list in the feeder grades.

3.3 That under such orders, reversion of ad-hoc employees, on replacement by regular incumbents "should take place strictly in the reverse order of seniority- the juniorⁿ-most candidate being reverted first".

3.4. That Ministries do not have any authority to continue an ad-hoc appointment beyond a limit of one year period (vide C.S.D.P. & A.R.O.M. No.22011/6/75 Estt (D) dated the 30th Dec.'76, DP& AR OM No.22034/1/76-Estt(D) dated the 29th April 1977, M.H.A., DP & AR, O.M. No.36011/14/83-Estt(CST) dated 30th April 1980 and DP & AR O.M. No.39021/35/78-Estt(D) dated the 24th November 1979).

4.1. That my appointment was not against any short term vacancy but against a newly created post. And that I had held the post of Assistant for a continuous period exceeding 3 years prior to the issue of the impugned order of reversion. And that while the order of reversion had been issued in my case, my juniors (i.e. appointees on ad-hoc basis after my promotion e.g. those appointed in 1991) continue to hold the post.

In view of my appointment against a regular vacancy arising out of creation of a new post on the basis of DPC recommendation and as per procedure in vogue till then and my continuing to hold the post for a period for exceeding one year, my appointment- though initially described as a ad-hoc one- was neither a regular appointment ab-initio or at least became an appointment of regular nature after expiry of initial period of one year.

And that even otherwise, the order of reversion issued in my case is irregular and illegal- the same having not been issued following the principle of last come first go, (amongst ad-hoc employees), as laid down in the orders issued by the Govt. of India- more so as Govt. of India's orders debar ad-hoc appointment pending revision of recruitment rules/procedures.

4.2. That in the context of above-mentioned Govt. of India order, the Hon'ble Delhi High Court held in G.P.Sarabhai Vs. Union of India (1983 Lab.I.C.1910) and Dr.(Mrs)D.Marwah-Vs-E.S.I.C.(C.P.V. No.3743/82 dated 20.12.84) that if a temporary ad-hoc appointment continues beyond a period of one year, it will be treated as a regular appointment".

4.3. That Central Administrative Tribunals have also, in many a judgements, held the same view (vide Dr.(Mrs)Prem Lata Choudhari Vs E.S.I.C. (1988) 1 ATR 196; (1987)3 A.T.C. 879, etc).

4.4. That the Jabalpur Bench of the Administrative Tribunal dealt with the issue in more than one case and decided as follows:-

(i) " The ad-hoc employment has to be necessarily in the nature of transitory, short term, fleeting employment, for a limited duration and specified purpose and also against temporary posts".

(ii) An ad-hoc service should not exceed one year in aggregate notwithstanding any interruptions and break in service.

&

(iii) The services of such employees can be terminated in accordance with the Temporary Service Rules for valid reasons.

They are also eligible for being declared as quasi permanent in terms of Rule 3 of Temporary Service Rules.

Vide Guru Prasad-Vs-Union of India, (1988)6 ATC 47).

(iv) "When purpose of employment is co-related to the period for which the temporary post had been created the appointment becomes an ad-hoc appointment where the appointee knows that his appointment is for a particular specified period. In case the appointment is for an unspecified period, the appointee expects to remain in service till the post lasts. If either the period of service or longevity of post is unspecified the appointment no longer remains ad-hoc". (vide para 9 of judgement in A.N.Sharma-Vs-Union of India, (1988)6 A.T.C. 168).

4.5 That the principle of last come first go, laid down as a mandatory procedure for reversion of ad-hoc appointees, as laid down in orders of Govt. of India (vide para 3.4. herein above), has also been laid down as a point of Law by the various Administrative Tribunals (vide Principal Bench in Dr.(Mrs)Sangita Narang & others-Vs-Delhi Administration 1988(6) ATC 405,etc).

5.1 That my appointment being on basis of recommendation of D.P.C. having continued for more than one year (infact more than 3 years), my appointment order having not specified the period of service for which the appointment was made and logevity of the post also being unspecified. (in fact the post created before my appointment against which I was appointed still continues) and my order of reversion having been issued without following the principle of last come first go, on the basis of principle of law, as decided by law Courts (illustrative cases mentioned above), my appointment even though initially described as ad-hoc was regular at least after expiry of first one year of service in the post of Assistant; and that on these principles of law, the impugned order of my reversion is irregular and illegible and is to be set aside.

Prayer

In the above context, I pray unto your august self to cause a review of the impugned order of my reversion as in office order No. F.2-1/Estt-1/90-9649 dated the 24.8.92 (copy as Annexure I) & cancel the order. And for this act of kindness, I, as in duty bound, shall everpray.

Yours faithfully,

Advance copy to: The Vice-Chancellor,
NEHU for favour of advance information and kind actions. (Smti.Sweetpea Lyngdoh)

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHUMIERE ::: SHILLONG

No. F. 2-1/Estt-I/90-5649

Dt. 24.8.1992.

OFFICE ORDER.

On repatriation of Shri B.M. Das, Section Officer from deputation to Novadaya Vidyalaya Samiti with effect from 24.8.1992 vide Order No. PE/B/1/89-NVS/SER/1575-807 dated 22.7.92 from Deputy Director, Regional Office, NVS, Shillong the order of the Registrar, NEHU, Shillong is hereby conveyed to the reversion of the adhoc employees to their substantive posts/ as shown against their names with effect from the same date viz. 24.8.1992.

Sl.No.	Name	From	To
1.	L.G.Lyngdoh	S.O.(Finance(Adhoc)	Assistant
2.	Smti Sweetpea Lyngdoh.	Asstt.Conference(Ad)	U.D.C.
3.	Smt. S.Kurkalang	UDC Finance(Adhoc)	L.D.C.

Sd/- S. Sailo
Assistant Registrar(Estt-I)

Copy to:-

- 1. Finance Officer, NEHU, Shillong.
- 2. Salary Section, NEHU, Shillong.
- 3. The Deptt. concerned.
- 4. Persons concerned.
- 5. Appointment File.
- 6. Concerned Personal Files

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE:: SHILLONG;

No.F.4-6/Estt.I/85-3116

Dated, the 3.7.89.

ORDER

The Officer on Special Duty, NEHU, Shillong is pleased to appoint the following U.D.Clerk as Assistant on a purely temporary and adhoc basis, in the scale of pay of Rs.1400-40-1600-50-2300-EB-60-2600/- on an initial pay of Rs. 1400/- p.m. plus other allowances as admissible under the rules with effect from the date of joining and until further orders.

- 1. Smt. Lavinia Syiemlieh - Finance - Vice Shri K.S. Rapphap Finance.
- 2. Smt. Sweetpea Lyngdoh - Exams. - New post sanctioned Campus Dev. Deptt. order No.F:13-1/CRC/-990 dated 14.2.89.
- 3. Smt. Teiribon Dkhar - Exams. - -do- Conference Section.

The appointment will not bestow on her a claim for regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/confirmation in that grade.

Sd/-
(C. Lyngdoh)
Assistant Registrar(Admn)
3.7.89.

Copy to :-

- 1. The Finance Officer, NEHU, Shillong.
- 2. The Section Officer(Salary),NEHU, Shillong.
- 3. The Assistant Finance Officer, NEHU, Shillong.
- 4. The Executive Engineer, Campus Dev. Deptt.,NEHU,Shillong.
- 5. The Deputy Registrar (Conf), NEHU, Shillong.
- 6. Smt. L. Syiemlieh, UDC, Finance Deptt.,NEHU, Shillong.
- 7. Smt. S. Lyngdoh, UDC, Campus Dev. Deptt.,NEHU,Shillong.
- 8. Smt. T. Dkhar, UDC, Conference Section,NEHU, Shillong.
- 9. Personal File.
- 10. Appointment file.

No.F.2-1/Estt.I/90-5651

Dated the 24th August, 1992.

OFFICE ORDER

The order of the Registrar, NEHU, Shillong is hereby conveyed that- On representation of Shri.B.M.Das, Section Officer, the undermentioned staff are transferred from present posting and posted as shown against their names with effect from 24.8.1992 and untill further orders:-

	<u>From</u>	<u>To</u>
1. Shri B.M.Das, S.O.	being repatriated from deputation to NVS wef. 24.8.92	C.D.D.
2. Smt.J.Pathaw, S.O.	C.D.D.	Finance Deptt. (vice Smt.L.G.Lyngdoh since reverted to Asstt.)
3. Smt.L.G.Lyngdoh, Asstt.	Finance (on being reverted to substantive post)	Conference Section vice Smt.S.Lyngdoh Asstt.(ad hoc) being reverted.
4. Smt.Sweetpea Lyngdoh, UDC	Conference	Finance vice Smt.L.Pyngrope UDC (ad hoc)

Sd/-

(S.Sailo)

Asstt.Registrar(Estt.I)

Copy to:-

1. The Finance Officer, NEHU, Shillong.
2. The Salary Section.
3. The Asstt.Finance Officer, NEHU, Shg.
4. The University Engineer, NEHU, Shg.
5. The A.R.Conference, NEHU, Shg.
6. Shri.B.M.Das, S.O. He should report to the U.E., CDD immediately.
7. Smt.J.Pathaw, S.O., CDD, NEHU, Shillong.
8. Smt.L.G.Lyngdoh, Asstt., Finance, NEHU, Shg.
9. Smt.S.Lyngdoh, UDC, Conference, NEHU, Shillong.
10. Concerned personal file.
11. Posting & Transfer of S.O.file.

with a request that the concerned section Officers should be released from their present posting to join in their new places of posting immediately.

(Copy)

Annexure (11)

To

The Vice-Chancellor,
North-Eastern Hill University,
(Chairman, Executive Council of the University).

(Through Proper Channel).

Sub: Reversion for the post of Assistant to the post of U.D.
Clerk-Representation Against.

Sir,

Most respectfully I have to state that I have been reverted from the post of Assistant to the post of Upper Division Clerk under Order of the Assistant Registrar Wide No. F:2-2/Estt.I/90-5291 dated 17.9.91 and illegal. In this connection, I beg to submit the following for favour of consideration and orders:-

- 1.1. That Sir, there is no Recruitment Rules for appointment to the post of Assistant. And that under the procedure is vogue, based on executive instructions on the subject, all appointments to the post of Assistant were made by promotion ~~from~~ from the eligible Upper Division Clerks on the basis of Seniority-cum-Fitness.
- 1.2. That is fact all appointments to the posts of Assistant made during the years 1987-1989 were made by promoting eligible Upper Division Clerks on the basis of seniority-cum-fitness.
- 1.3. That is July, 1990, a revised procedure of recruitment to the post of Assistant was notified, the revised procedure provides inter-alia the following methods of recruitment:-
 - a) by promotion of eligible U.D.Clerks on the basis of seniority-cum-fitness.....50% of vacancies.
 - b) by promotion of U.D.Clerks on the basis of results of a qualifying examination.....25% vacancies.
 - c) by direct recruitment of outsiders through selection Board25% vacancies.
- 1.4. That on the basis of Law as decided by the Hon'ble Gauhati High Court in the case of K.I.Singh Vs State of Manipur & others (1989) 1 G.L.R.248-7 relying on the decision of the Hon'ble Supreme Court of India in the case Y.V.Rangian-Vs-J.Sreevivas Rao (A.I.R. 1983 S.C. 852 para 9) appointments to all vacancies in a post which occurred prior to amendment of the rules/executive instructions/procedures would be governed by the old rules/procedure/instruction shall govern appointments to all vacancies arising on and from the date of such amendments.
- 1.5. That on the basis of Law as above, all vacancies in the post of Assistant which occurred prior to July, 1990 (in fact from the particular date of July, 90 when the procedure was amended by the Executive Council as mentioned in para 1.3. herein-above) were to be filled in the basis of procedure mentioned in paras 1.1 & 1.2. herein-above) and that the procedure as amended in July, 90 would govern recruitment to the vacancies arising on and from July, 1990 only.

Contd.....2..

T. Dhar.

- 2.1. That I was eligible for promotion to the post of Assistant in vacancies which occurred prior to July, 90.
- 2.2. And that I also had a right to consideration for promotion to the post of Assistant against vacancies arising prior to July, 1990 on the basis of Seniority-cum-Fitness. My service records were/ are always unblemished and in fact I was never communicated of any adverse comment occurring in any of my Annual Confidential Reports. And hence on such consideration I had a right to such promotion as there existed/exists no ground/basis to hold me as unfit for promotion.
- 3.1. That in fact I was promoted to the post of Assistant against a regular vacancy that occurred prior to July, 90 vide order of the Special Officer of the University Communicated under order No. F.4-6/Estt.I/85-3146 dated 3.7.89. The order described the appointment as ad-hoc one conferring no right on me to hold the post, etc. (copy enclosed as Annexure-I).
- 3.2. That after I had continuously held the post for more than a year, I was reverted to the post of Upper Division Clerk from the post of Assistant under Order No. F.2-2/Estt-I/90-5291 dated 17.9.91 (copy enclosed as Annexure-II).

The order showed inter-alia that the reversion was as a consequence of fresh promotions/appointments to the post of Assistant made under the amended procedure/instructions; this order, therefore confirmed that my promotion to the post of Assistant was against a regular vacancy and not against any short term vacancy.
- 3.3. That in the context of position of fact and law detailed in para 1.4. to 2.2 herein-above my appointment on promotion to the post of Assistant was irregular and illegally described as ad-hoc in the aforesaid order of my promotion.
- 3.4. That describing my appointment on promotion to the post of Assistant as ad-hoc was irregular and illegal also on the basis of Government of India's orders/instructions and the law on the subject as decided by Law Courts including Central Administrative Tribunal as detailed herein-above.

Contd...page..3...

- 3.5. That under Government of India's orders, adhoc appointments are subjected to the following conditions :-
- a) Purely short term vacancies caused by leave, short term deputation, training etc. may be filled by adhoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short term promotion. Adhoc appointment can ~~xxxx~~ also be made when the panel is exhausted or expired and ~~xxx~~ there is no time to convene a DPC meeting and prepare a fresh panel. Adhoc appointments made to fill in short term vacancies should be only be promotion of departmental candidates and not by direct recruitment.
 - b) In the case of regular vacancies due to death, retirement resignation, promotion, deputation for a period exceeding one year, the vacancies should be filled by a regular method and not by adhoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, adhoc appointment can be made without following the prescribed procedure.
 - c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing adhoc appointments to the Secretary, Minister in-charge of the Administrative Ministry who would give suitable directions for terminating the adhoc arrangements as early as possible. Adhoc appointments continuing for more than one year may be reported to the Department of Personnel and Administrative Reforms on 1st July every year.
- 3.6 That the Government of India's orders debar adhoc appointments under inter-alia the following circumstances :-
- i) When admendment to existing recruitment rules is contemplated, and
 - ii) Non-finalisation of seniority list in the feeder grades.
- 3.7 That under such orders, reversion of adhoc employees, on replacement by regular incumbents " should take place strictly in the reverse order of seniority- the junior most candidate being reverted first ".
- 3.8. That Ministries do not have any authority to continue an adhoc appointment beyond a limit of one year period (vide C.S.D.P. & A.R. O. M. No. 22011/675-Estt (D) dated the 30th December, 1976 , DR. & AROM No. 22034/1/86-Estt(D) dated the 29th April, 1977, M.H.A., DR & A.R. O.M. No. 36011/14/83- Estt(CST) dated the 30th April, 1980 and DP & AR OM No. 39021/35/78-Estt(D) dated the 24th November, 1979).
- 3.9. That in the contest of the above mentioned Govt. of India's order, the Hon'ble Delhi High Court held in G.P. Sarabhai -Vs- Union of India (1983 Lab.I.C. 1910) and Dr (Mrs) D. Marwah- Vs- E.S.I.C. (C.P.W. No. 3743/82 dated 20.12.84) that if a temporary adhoc appointment continue ~~xx~~ beyond a period of one year, it will be treated as a regular appointment."

- 3.10. That the Central Administrative Tribunals have also, in many judgements, held the same view (vide Dr. (Mrs) Prem Lata Choudhari - Vs- E.S.I.C. (1988) 1 ATR 196 ; (1987) 3. A.T.C. 379 etc).
- 3.11. That the Jabalpur Bench of the Administrative Tribunal ~~xxxx~~ dealt with the issue in more than one case and decided as follows :-
- i) " The adhoc employment has to be necessarily in the ~~xxxx~~ nature of transitory, short term fleeting employment, for a limited duration and specified purpose and also against temporary post".
 - ii) An adhoc service should not exceed one year in aggregate notwithstanding any interruptions and break in service.
 - iii) The services of such employees can be terminated in accordance with the Temporary Service Rules for valid reasons. They are also eligible for being declared as quasi-permanent in terms of Rule 3 of Temporary Service Rules. (Vide Guru Prasad -Vs- Union of India, (1988) 6ATC47).
 - iv) When purpose of employment is co-related to the period for which the temporary post has been created the appointment where the appointee knows that his appointment is for a particular specified period. In case the appointment is for an unspecified period the appointee expects to remain in service till the post lasts. If either the of service or longevity of post is unspecified the appointment no longer remains adhoc. (vide para 9 of judgement in A.N.Sharma-Vs- Union of India (1988) 6A. T.C. 168).
- 3.12. That the principle of last come first go, laid down as a mandatory procedure for reversion of adhoc appointees, as laid down in orders of Government of India (vide para 3.4. herein above), has also been laid down as a point of Law by various Administrative Tribunals (vide Principal Bench in Dr (Mrs) Sangita Narag and others- Vs- Delhi Administration 1988(6) ATC 405, etc.
- 3.13 That in the contest of the above position of fact and law - particularly in view of (a) my appointment against a regular vacancy and not against a short term vacancy, (b) my ~~xxxx~~ eligibility for promotion, (c) my unblemished service record, (d) precedence of promotion to all vacancies in the post of Assistant on the basis of seniority-cum-fitness during the relevant time when the vacancy occurred, (e) my holding the post for more than one year continuously, (f) my order of promotion having not specified any purpose of giving the promotion to the post of Assistant, (g) the order of my promotion having not specified any period during which the promotion shall last, and (h) my reversion having ordered without following the principle of last come-first go, my promotion to the post of Assistant was, for all intents and purposes. a regular promotion ab-initio or at least became a regular appointment after expiry of initial period of one year, and that in view of this, the order of reversion is irregular and illegal and is liable to be held void ab-initio.

- 3.14 That my promotion order Annexur^e- I described the appointment as adhoc only to maintain vacancy for subsequent filling in after amendment of rules/orders/procedures as and when made and as such the description adhoc is irregular and illegal on the basis of law as decided by the Supreme Court of India as pointed out earlier.
- This is also irregular and illegal on the basis or orders of the Government of India which debar^s ad-hoc appointment on ground that the rules/ procedure for recruitment is under process of amendment (vide para 3.6(1) herein-above).
- 3.15 That my order of reversion is also bad in law and liable to be held void ab-initio on point of authority.
- 3.16 That promotion/appointment allowed in the chain of my reversion (vide order of reversion- copy at Annexure-II) is , in fact promotion on the basis of amended rule ~~xxx~~ against vacancies which occurred prior to the aforesaid amendment. And that on this count on the basis of law as detailed in para 1.4. herein-above my reversion and the aforesaid order of promotion are liable to be held void ab-initio.
- 3.17. That even after latest amendment to recruitment procedure came in to force, all appointments to the post of Assistant have been made on ad-hoc basis, my reversion was also the result of a fresh adhoc appointment. On this count also, my reversion is illegal and liable to be held void ab-initio on the basis of law on the point as decided by the Hon'ble Gauhati High Court in the case reported in (1991) 2 G.L.R.

In the above context, I pray unto your august self to cause a review of the impugned order of my reversion (copy as Annexure-II) and cancell the order. And for ~~xx~~ this act of kindness, I, as in duty bound, shall ever pray.

Yours faithfully,

Sd/- T. P. Khan.

Advance copy to :-

The Vice-Chancellor, North-Eastern Hill University,
Shillong for favour of advance information and kind actions.

Sd/-

.....

No.F.44-6/Estt.I/85-3146

Dated, the 3.7.89.

O R D E R /

The Officer on Special Duty, NEHU, Shillong is pleased to appoint the following U.D.Clerk as Assistant on a purely temporary and adhoc basis, in the scale of pay of Rs.1400-40-1600-50-2300-EB-60-2600/- on an initial pay of Rs.1400/- p.m. plus other allowance as admissible under the rules with effect from the date of joining and until further orders.

- | | |
|---|--|
| 1. Smti.Lavinia Syiemlieh (Fin)-Finance | - Vice Shri.K.S.Rapthap. |
| 2. Smti.Sweetpea Lyngdoh
Campus Dev.Deptt. | -Exams. - New post sanctioned
order No.F:13-1/CRC/89-
990 dated 14.2.89. |
| 3. Smti.Teiribon Dkhar
Conference Section. | -Exams. -do- |

The appointment will not bestow on her a claim for regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/ confirmation in that grade.

Sd/-
(C.Lyngdoh)
Asstt.Registrar(Admn)

Copy to:

1. The Finance Officer, NEHU, Shillong.
2. The Section Officer (Salary), NEHU, Shillong.
3. The Assistant Finance Officer, NEHU, Shillong.
4. The Executive Engineer, Campus Dev. Deptt, NEHU, Shillong.
5. The Deputy Registrar (Conf.), NEHU, Shillong.
6. Smt.L.Syiemlieh, UDC, Finance Deptt., NEHU, Shillong.
7. Smt.S.Lyngdoh, UDC, Campus Dev.Deptt., NEHU, Shillong.
8. Smt.T.Dkhar, UDC, Conference Section, NEHU, Shillong.
9. Personal file.
10. Appointment file.

6 - Annexure III

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COPY

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE : SHILLONG

No.F.2-2/Estt.I/90-5291

Dated 17.9.91

O R D E R

Consequent upon the joining of Shri Debasish Chakrabarty Asstt. through open Selection, duly recommended by Selection Committee, Smti T. Dkhar, Asstt.(Adhoc), Conference Deptt. is reverted to her substantive post of UDC from 9.9.91 and posted in Admn. Section vice Shri Kalu Tamang, UDC, since transferred to CRC Deptt.

Sd/-
(S. Sailo)
Asstt.Registrar(Estt.I)

Copy to :-

1. The Finance Deptt., NEHU, Shillong.
2. The A.F.O., NEHU, Shillong.
3. The Salary Section, NEHU, Shillong.
4. The A.R. (Conference), Smti T. Dkhar may be released immediately to join in Admn.Section.
5. Smti T. Dkhar, Asstt.(Adhoc), Conference Deptt., NEHU, Shillong.
6. Apptt. of UDC file.
7. Personal file of Smti T. Dkhar, UDC.

.....

To
The Vice-Chancellor,
North-Eastern Hill University,
(Chairman, Executive Council of the University).
(Through Proper Channel).

Subject:- Reversion for the post of Assistant to the post of U.D.
Clerk - Representation Against. - - - - -

Sir,

Most respectfully I have to state that I have been reverted from the post of Assistant to the Post of Upper Division Clerk under Order of the Assistant Registrar Vide No.F: 2-2/Estt.I/90-4747 dt. 29.8.91. The reversion is unjust and illegal. In this connection, I beg to submit the following for favour of consideration and orders :-

- 1.1. That Sir, there is no Recruitment Rules for appointment to the post of Assistant. And that under the procedure in vogue, based on executive instructions on the subject, all appointments to the post of Assistant were made by promotion from the eligible Upper Division Clerks on the basis of Seniority-cum-Fitness.
- 1.2. That is fact all appointments to the posts of Assistant made during the years 1987-1989 were made by promoting eligible Upper Division Clerks on the basis of seniority-cum-fitness.
- 1.3. That in July, 1990, a revised procedure of recruitment to the post of Assistant was notified, the revised procedure provides inter-alia the following methods of recruitment:-
 - a) by promotion of eligible U.D.Clerks on the basis of seniority-cum-fitness 50% of vacancies.
 - b) by promotion of U.D.Clerks on the basis of results of a qualifying examination25% vacancies.
 - c) by direct recruitment of outsiders through selection Board 25% vacancies.
- 1.4. That on the basis of Law as decided by the Hon'ble Gauhati High Court in the case of K.I.Singh Vs State of Manipur & others [(1989) 1 G.L.R. 248] relying on the decision of the Hon'ble Supreme Court of India in the case Y.V. Rangian - vs- J. Sreevivasa Rao (A.I.R. 1983 S.C. 852 Para 9) appointments to all vacancies in a post which occurred prior to amendment of the rules/executive instructions/ procedure would be governed by the old rules/ procedure/instruction shall govern appointments to all vacancies arising on and from the date of such amendments.
- 1.5. That on the basis of Law as above, all vacancies in the post of Assistant which occurred prior to July, 1990 (in fact from the particular date of July, 90 when the procedure was amended by the Executive Council as mentioned in para 1.3. herein-above) were to be filled in the basis of procedure mentioned in paras 1.1. & 1.2. herein-above) and that the procedure as amended in July, 90 would govern recruitment to the vacancies arising on and from July, 1990 only.

M. G. Lyngdoh.

- 2.1. That I was eligible for promotion to the post of Assistant in vacancies which occurred prior to July, 90.
- 2.2. And that I also had a right to consideration for promotion to the post of Assistant against vacancies arising prior to July, 1990 on the basis of Seniority-cum-fitness. My service records were/are always unblemished and in fact I was never communicated of any adverse comment occurrent in any of my Annual Confidential Reports. And hence on such consideration I had a right to such promotion as there existed /exists no ground/basis to hold me as unfit for promotion.
- 3.1. That in fact I was promoted to the post of Assistant against a regular vacancy that occurred prior to July, 90 vide Order of the Special Officer of the University Communicated under order No. F: 4-6/Estt-I/89-7323 dated 16-12-89. The order described the appointment as ad-hoc one conferring no right on me to hold the post, etc. (Copy enclosed as Annexure-I).
- 3.2. That after I had continuously held the post for more than a year, I was reverted to the post of Upper Division Clerk from the post of Assistant under Order No. F: 2-2/Estt. I/90-4748 dt. 23.8.91 (copy enclosed as Annexure-II).

The order showed inter-alia that the reversion was as a consequence of fresh promotions/appointments to the post of Assistant made under the amended procedure/instructions; this order, therefore confirmed that my promotion to the post of Assistant was against a regular vacancy and not against any short term vacancy.
- 3.3. That in the context of position of fact and law detailed in para 1.4. to 2.2 herein-above my appointment on promotion to the post of Assistant was irregular and illegally described as ad-hoc in the aforesaid order of my promotion.
- 3.4. That describing my appointment on promotion to the post of Assistant as ad-hoc was irregular and illegal also on the basis of Government of India's orders/instructions and the law on the subject as decided by Law Courts including Central Administrative Tribunal, 1 as detailed herein-above.

Contd.....3/-

- 3.5. That under Government of India's orders, adhoc appointments are subjected to the following conditions :-
- a) Purely short term vacancies caused by leave, short term deputation, training etc. may be filled by adhoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short term promotion. Adhoc appointment can ~~xxx~~ also be made when the panel is exhausted or expired and ~~xxx~~ there is no time to convene a DPC meeting and prepare a fresh panel. Adhoc appointments made to fill in short term vacancies should be only be promotion of departmental candidates and not by direct recruitment.
 - b) In the case of regular vacancies due to death, retirement resignation, promotion, deputation for a period exceeding one year, the vacancies should be filled by a regular method and not by adhoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, adhoc appointment can be made without following the prescribed procedure.
 - c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing adhoc appointments to the Secretary, Minister in-charge of the Administrative Ministry who would give suitable directions for terminating the adhoc arrangements as early as possible. Adhoc appointments continuing for more than one year may be reported to the Department of Personnel and Administrative Reforms on 1st July every year.
- 3.6 That the Government of India's orders debar adhoc appointments under inter-alia the following circumstances :-
- 1) When amendment to existing recruitment rules is contemplated, and
 - ii) Non-finalisation of seniority list in the feeder grades.
- 3.7 That under such orders, reversion of adhoc employees, on replacement by regular incumbents " should take place strictly in the reverse order of seniority- the junior most candidate being reverted first ".
- 3.8. That Ministries do not have any authority to continue an adhoc appointment beyond a limit of one year period (vide C.S.D.P. & A.R. O. M. No. 22011/675-Estt (D) dated the 30th December, 1976 , DR. & AROM No. 22034/1/86-Estt(D) dated the 29th April, 1977, M.H.A., DR & A.R. O.M. No. 36011/14/83- Estt(CST) dated the 30th April, 1980 and DP & AR OM No. 39021/35/78-Estt(D) dated the 24th November, 1979).
- 3.9. That in the contest of the above mentioned Govt. of India's order, the Hon'ble Delhi High Court held in G.P. Sarabhai -Vs- Union of India (1983 Lab.I.C. 1910) and Dr (Mrs) D. Marwah- Vs- E.S.I.C. (C.P.W. No. 3743/82 dated 20.12.84) that if a temporary adhoc appointment continue ~~xx~~ beyond a period of one year, it will be treated as a regular appointment."

- 3.10 That the Central Administrative Tribunals have also, in many judgements, held the same view (vide Dr. (Mrs) Prem Lata Choudhari-Vs-E.S.I.C.(1988) 1 ATR 196; (1987)3. A.T.C.379 etc)
- 3.11. That the Jabalpur Bench of the Administrative Tribunal dealt with the issue in more than one case and decided as follows:-
- 1) "The adhoc employment has to be necessarily in the nature of transitory, short term fleeting employment, for a limited duration and specified purpose and also against temporary post".
 - ii) An adhoc service should not exceed one year in aggregate notwithstanding any interruptions and break in service.
 - iii) The services of such employees can be terminated in accordance with the Temporary Service Rules for valid reasons. They are also eligible for being declared as quasi-permanent in terms of Rule 3 of Temporary Service Rules. (Vide Guru Prasad-Vs-Union of India, (1988) 6 ATC 47).
 - iv) When purpose of employment is co-related to the period for which the temporary post has been created the appointment where the appointee knows that his appointment is for a particular specified period. In case the appointment is for an unspecified periods the appointee expects to remain in service till the post lasts. If either the of service or longevity of post is unspecified the appointment no longer remains adhoc". (vide para 9 of judgement in A.N. Sharma-Vs-Union of India (1988) 6 A. T.C. 168).
- 3.12 That the principle of last come first go, laid down as a mandatory procedure for reversion of adhoc appointees, as laid down in orders of Government of India (vide para 3.4. herein above), has also been laid down as a point of law by various Administrative Tribunals (vide Principal Bench in Dr. (Mrs) Sangita Narag and others - Vs - Delhi Administration 1988(6) ATC 405, etc.
- 3.13 That in the contest of the above position of fact and law- particularly in view of (a) my appointment against a regular vacancy and not against a short term vacancy, (b) my eligibility for promotion, (c) my unblemished service record, (d) procedure of promotion to all vacancies in the post of Assistant on the basis of seniority-cum-fitness during the relevant time when the vacancy occurred, (e) my holding the post for more than one year continuously, (f) my orders of promotion having not specified any purpose of giving the promotion to the post of Assistant, (g) the order of my promotion having not specified any period during which the promotion shall last, and (h) my reversion having ordered without following the principle of last come-first go, my promotion to the post of Assistant was, for all intents and purposes. A regular promotion ab-initio or at least became a regular appointment after expiry of initial period of one year, and that in view of this, the order of reversion is irregular and illegal and is liable to be held void ab-initio.

- 3.14 That my promotion order Annexure- I described the appointment as adhoc only to maintain vacancy for subsequent filling in after amendment of rules/orders/procedures as and when made and as such the description adhoc is irregular and illegal on the basis of law as decided by the Supreme Court of India as pointed out earlier.
This is also irregular and illegal on the basis of orders of the Government of India which debar ad-hoc appointment on ground that the rules/ procedure for recruitment is under process of amendment (vide para 3.6(1) herein-above).
- 3.15 That my order of reversion is also bad in law and liable to be held void ab-initio on point of authority.
- 3.16 That promotion/appointment allowed in the chain of my reversion (vide order of reversion- copy at Annexure-II) is , in fact promotion on the basis of amended rule ~~xxx~~ against vacancies which occurred prior to the aforesaid amendment. And that on this count on the basis of law as detailed in para 1.4. herein-above my reversion and the aforesaid order of promotion are liable to be held void ab-initio.
- 3.17. That even after latest amendment to recruitment procedure came in to force, all appointments to the post of Assistant have been made on ad-hoc basis, my reversion was also the result of a fresh adhoc appointment. On this count also, my reversion is illegal and liable to be held void ab-initio on the basis of law on the point as decided by the Hon'ble Gauhati High Court in the case reported in (1991) 2 G.L.R.

In the above context, I pray unto your august self to cause a review of the impugned order of my reversion (copy as Annexure-II) and cancel the order. And for ~~xx~~ this act of kindness, I, as in duty bound, shall ever pray.

Yours faithfully,

Sd/- *M. J. Lyngdoh.*

Advance copy to :-

The Vice-Chancellor, North-Eastern Hill University,
Shillong for favour of advance information and kind actions.

Sd/-

.....

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHUMIERE ::: SHILLONG

No. F.4-6/Estt-I/89-7323

Dated Shillong, the 16.12.89

O R D E R

The Officer on Special Officer, NEHU, Shillong is pleased to appoint Smti Mary Goretti Lyngdoh, U.D. Clerk as Assistant on adhoc basis in the scale of pay of Rs.1400-40-1600-50-2300-EB-60-2600 on an initial pay of Rs.1400/- p.m. plus other other allowances as admissible under the rules w.e.f. the date of joining or until further orders.

The adhoc appointment will not bestow on her a claim to regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/confirmation in the grade.

The appointment is made vice Shri Blosewell Kharkongor, Asstt. Estt-II Section, since appointed as Section Officer on adhoc basis.

Sd/-
(C. Lyngdoh)
Assistant Registrar (Admn.)
16.12.1989.

Copy to:-

1. The Finance Officer, NEHU, Shillong.
2. The Section Officer (Salary), NEHU, Shillong.
3. The Deptt. of Campus Development, NEHU, Shillong.
4. The Asstt. Registrar (Estt.), NEHU, Shillong.
5. Smti Mary Goretti Lyngdoh, UDC, Campus Dev. NEHU, Shillong.
6. Personal File.
7. Appointment File.

N.B: Shri M.G. Lyngdoh will continue to work in the same Deptt. till Shri B. Kharkongor for duty to the Campus Dev. Deptt.

COPY

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE::SHILLONG

No. F.2-2/Estt.I/90-4143

Date 29.8.91.

O R D E R

Consequent upon the joining of Shri R.P. Sharma as Assistant through open Selection duly recommended by Selection Committee, Smti M.G. Lyngdoh, Asstt. on adhoc basis is reverted to her substantive post of UDC with effect from 26.8.91 and is posted in Estt.II Section against the post vacated by Smti M. Warjri since reverted to LDC.

(Order of the Registrar dt. 28.8.91)

Sd/-
(S. Sailo)
Asstt.Registrar(Estt.I)

Copy to :-

1. The Finance Officer, NEHU, Shillong.
2. The Salary Section, NEHU, Shillong.
3. The University Engineer, ODD, NEHU, Shillong. Smti M.G. Lyngdoh, UDC may be released immediately to join in Estt.II Section.
4. The Asstt.Registrar, Estt.II, NEHU, Shillong.
5. Smti M.G. Lyngdoh, UDC, NEHU, Shillong.
6. Concerned Personal file.
7. Posting & transfer of UDC.

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(COPY)

Annexure V

To
The Vice-Chancellor,
North-Eastern Hill University,
(Chairman, Executive Council of the University).

(Through Proper Channel)

Subject: Reversion for the post of Assistant to the post of U.D.
Clerk- Representation Against. -----

Sir,

Most respectfully I have to state that I have been reverted from the post of Assistant to the Post of Upper Division Clerk under Order of the Assistant Registrar vide No.F:2-2/Estt.I/90-4385 dt. 14.8.94. The reversion is unjust and illegal. In this connection, I beg to submit the following for favour of consideration and orders :-

- 1.1. That Sir, there is no Recruitment Rules for appointment to the post of Assistant. And that under the procedure in vogue, based on executive instructions on the subject, all appointments to the post of Assistant were made by promotion from the eligible Upper Division Clerks on the basis of Seniority-cum-fitness.
- 1.2. That in fact all appointments to the posts of Assistant made during the years 1987-1989 were made by promoting eligible Upper Division Clerks on the basis of Seniority-cum-fitness.
- 1.3. That in July, 1990, a revised procedure of recruitment to the post of Assistant was notified, the revised procedure provides inter-alia the following methods of recruitment:-
 - a) by promotion of eligible U.D.Clerks on the basis of seniority-cum-fitness50% of vacancies.
 - b) by promotion of U.D.Clerks on the basis of results of a qualifying examination25% vacancies.
 - c) by direct recruitment of outsiders through selection Board 25% vacancies.
- 1.4. That on the basis of Law as decided by the Hon'ble Gauhati High Court in the case of K.I. Singh -Vs- State of Manipur & others / (1989) 1 G.L.R. 248 / relying on the decision of the Hon'ble Supreme Court of India in the case Y.V. Rangian - Vs- J. Sreevivas Rao (A.I.R. 1983 S.C. 852 para 9) appointments to all vacancies in a post which occurred prior to amendment of the rules/ executive instructions/procedure would be governed by the old rules/instructions/procedure and that the amended rule/procedure/instruction shall govern appointments to all vacancies arising on and from the date of such amendments.
- 1.5. That on the basis of law as above, all vacancies in the post of Assistant which occurred prior to July, 90 (in fact from the particular date of July, 90 when the procedure was amended by the Executive Council as mentioned in para 1.3. herein-above) were to be filled in on the basis of procedure in vogue prior to July, (90. (i.e. by the procedure mentioned in paras 1.1. & 1.2. herein-above)

Contd.....2/-

M. Langtang

the procedure mentioned in paras 1.1. & 1.2. herein-above) and that the procedure as amended in July, 90 would govern recruitment to the vacancies arising on and from July, 1990 only.

- 2.1. That I was eligible for promotion to the post of Assistant in vacancies which occurred prior to July 90.
- 2.2. And that I also had a right to consideration for promotion to the post of Assistant against vacancies arising prior to July, 1990 on the basis of Seniority-cum-fitness. My service records were/ are always unblemished and in fact I was never communicated of any adverse comment occurrent in any of my Annual Confidential Reports. And hence on such consideration I had a right to such promotion as there existed/exists no ground/basis to hold me as unfit for promotion.
- 3.1. That in fact I was promoted to the post of Assistant against a regular vacancy that occurred prior to July 90 vide Order of the Special Officer of the University Communicated under Order No. F4-6/Estt. I/89-7597 - - - - - DT. 6.1.90 - - - - -. The order described the appointment as ad-hoc one conferring no right on me to hold the post, etc. (copy enclosed as Annexure- I).
- 3.2. That after I had continuously held the post for more than a year, I was reverted to the post of Upper Division Clerk from the post of Assistant under Order No. F:2-2/Estt. I/90-4385 dt. 14.8.91 - - - - - (Copy enclosed as Annexure- II).
- The order showed inter-alia that the reversion was as a consequence of fresh promotions/appointment to the post of Assistant made under the amended procedure/instructions; this order, therefore confirmed that my promotion to the post of Assistant was against a regular vacancy and not against any short term vacancy.
- 3.3. That in the contest of position of fact and law detailed in para 1.4 to 2.2 herein-above my appointment on promotion to the post of Assistant was irregular and illegally described as adhoc in the aforesaid order of my promotion.
- 3.4. That describing my appointment on promotion to the post of Assistant as ad-hoc was irregular and illegal also on the basis of Government of India's orders/instructions and the law on the subject as decided by Law Courts including Central Administrative Tribunal as detailed herein-above.

Contd....p 2/-

- 3.5. That under Government of India's orders, adhoc appointments are subjected to the following conditions :-
- a) Purely short term vacancies caused by leave, short term deputation, training etc. may be filled by adhoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short term promotion. Adhoc appointment can ~~xxx~~ also be made when the panel is exhausted or expired and ~~xxx~~ there is no time to convene a DPC meeting and prepare a fresh panel. Adhoc appointments made to fill in short term vacancies should be only be promotion of departmental candidates and not by direct recruitment.
 - b) In the case of regular vacancies due to death, retirement resignation, promotion, deputation for a period exceeding one year, the vacancies should be filled by a regular method and not by adhoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, adhoc appointment can be made without following the prescribed procedure.
 - c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing adhoc appointments to the Secretary, Minister in-charge of the Administrative Ministry who would give suitable directions for terminating the adhoc arrangements as early as possible. Adhoc appointments continuing for more than one year may be reported to the Department of Personnel and Administrative Reforms on 1st July every year.
- 3.6 That the Government of India's orders debar adhoc appointments under inter-alia the following circumstances :-
- i) When admendment to existing recruitment rules is contemplated, and
 - ii) Non-finalisation of seniority list in the feeder grades.
- 3.7 That under such orders, reversion of adhoc employees, on replacement by regular incumbents " should take place strictly in the reverse order of seniority- the junior most candidate being reverted first ".
- 3.8. That Ministries do not have any authority to continue an adhoc appointment beyond a limit of one year period (vide C.S.D.P. & A.R. O. M. No. 22011/675-Estt (D) dated the 30th December, 1976 , DR. & AROM N8. 22034/1/86-Estt(D) dated the 29th April, 1977, M.H.A., DR & A.R. O.M. No. 36011/14/83- Estt(CST) dated the 30th April, 1980 and DP & AR OM No. 39021/35/78-Estt(D) dated the 24th November, 1979).
- 3.9. That in the contest of the above mentioned Govt. of India's order, the Hon'ble Delhi High Court held in G.P. Sarabhai -Vs- Union of India (1983 Lab.I.C. 1910) and Dr (Mrs) D. Marwah- Vs- E.S.I.C. (C.P.W. No. 3743/82 dated 20.12.84) that if a temporary adhoc appointment continue ~~xx~~ beyond a period of one year, it will be treated as a regular appointment."

- 3.10 That the Central Administrative Tribunals have also, in many judgements, held the same view (vide Dr. (Mrs) Prem Lata Choudhari-Vs-E.S.I.C.(1988) 1 ATR 196; (1987)3. A.T.C.379 etc)
- 3.11. That the Jabalpur Bench of the Administrative Tribunal dealt with the issue in more than one case and decided as follows:-
- 1) "The adhoc employment has to be necessarily in the nature of transitory, short term fleeting employment, for a limited duration and specified purpose and also against temporary post".
 - ii) An adhoc service should not exceed one year in aggregate notwithstanding any interruptions and break in service.
 - iii) The services of such employees can be terminated in accordance with the Temporary Service Rules for valid reasons. They are also eligible for being declared as quasi-permanent in terms of Rule 3 of Temporary Service Rules. (Vide Guru Prasad-Vs-Union of India, (1988) 6 ATC 47).
 - iv) When purpose of employment is co-related to the period for which the temporary post has been created the appointment where the appointee knows that his appointment is for a particular specified period. In case the appointment is for an unspecified periods the appointee expects to remain in service till the post lasts. If either the of service or longevity of post is unspecified the appointment no longer remains adhoc". (vide para 9 of judgement in A.N. Sharma-Vs-Union of India (1988) 6 A. T.C. 168).
- 3.12 That the principle of last come first go, laid down as a mandatory procedure for reversion of adhoc appointees, as laid down in orders of Government of India (vide para 3.4. herein above), has also been laid down as a point of law by various Administrative Tribunals (vide Principal Bench in Dr. (Mrs) Sangita Narag and others - Vs - Delhi Administration 1988(6) ATC 405, etc.
- 3.13 That in the contest of the above position of fact and law- particularly in view of (a) my appointment against a regular vacancy and not against a short term vacancy, (b) my eligibility for promotion, (c) my unblemished service record, (d) procedure of promotion to all vacancies in the post of Assistant on the basis of seniority-cum-fitness during the relevant time when the vacancy occurred, (e) my holding the post for more than one year continuously, (f) my orders of promotion having not specified any purpose of giving the promotion to the post of Assistant, (g) the order of my promotion having not specified any period during which the promotion shall last, and (h) my reversion having ordered without following the principle of last come-first go, my promotion to the post of Assistant was, for all intents and purposes. A regular promotion ab-initio or at least became a regular appointment after expiry of initial period of one year, and that in view of this, the order of reversion is irregular and illegal and is liable to be held void ab-initio.

Contd....5/-

- 3.14 That my promotion order Annexur²- I described the appointment as adhoc only to maintain vacancy for subsequent filling in after amendment of rules/orders/procedures as and when made and as such the description adhoc is irregular and illegal on the basis of law as decided by the Supreme Court of India as pointed out earlier.
- This is also irregular and illegal on the basis or orders of the Government of India which debar~~s~~ ad-hoc appointment on ground that the rules/ procedure for recruitment is under process of amendment (vide para 3.6(1) herein-above).
- 3.15 That my order of reversion is also bad in law and liable to be held void ab-initio on point of authority.
- 3.16 That promotion/appointment allowed in the chain of my reversion (vide order of reversion- copy at Annexure-II) is , in fact promotion on the basis of amended rule ~~xxx~~ against vacancies which occurred prior to the aforesaid amendment. And that on this count on the basis of law as detailed in para 1.4. herein-above my reversion and the aforesaid order of promotion are liable to be held void ab-initio.
- 3.17. That even after latest amendment to recruitment procedure came in to force, all appointments to the post of Assistant have been made on ad-hoc basis, my reversion was also the result of a fresh adhoc appointment. On this count also, my reversion is illegal and liable to be held void ab-initio on the basis of law on the point as decided by the Hon'ble Gauhati High Court in the case reported in (1991) 2 G.L.R.

In the above context, I pray unto your august self to cause a review of the impugned order of my reversion (copy as Annexure-II) and cancell the order. And for ~~xx~~ this act of kindness, I, as in duty bound, shall ever pray.

Yours faithfully,

Sd/- M. Kanykang

Advance copy to :-

The Vice-Chancellor, North-Eastern Hill University,
Shillong for favour of advance information and kind actions.

Sd/-

.....

COPY

NORTH EASTERN HILL UNIVERSITY
LOWER LACHAUMERE :: SHILLONG

No.F.4-6/Estt.I/89/7597

Dated Shillong the 6.1.90.

O R D E R

The Officer on Special Duty, NEHU, Shillong is pleased to appoint Smti M. Langstang, UDC, SC/ST Cell as Assistant on adhoc basis, in the scale of pay of Rs.1400-40-1600-50-2300-EB-60-2600/- on an initial pay of Rs.1400/-p.m. plus other allowances as admissible under the rules, with effect from the date of her joining, or until further orders, whichever is earlier.

The adhoc appointment will not bestow on her a claim for regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/confirmation in that grade.

The appointment is made vice Smti B.Dykes, Assistant Finance & Account Deptt., since appointed as Section Officer on adhoc basis.

Sd/-
(C. Lyngdoh)
Asstt.Registrar(Admn)

Copy to :-

1. The Finance Officer, NEHU, Shillong.
2. The Section Officer(Salary), NEHU, Shillong.
3. Deptt. SC/ST Cell, NEHU, Shillong.
4. Smt. M.Langstang, UDC, SC/ST Cell, NEHU, Shillong.
5. Personal file.
6. Appointment file.

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE SHILLONG

No.F.2-2/Estt.I/90 - 4385

Dated the 14.8.91.

O R D E R

Consequent upon the joining of Smti.J.Bhattacharjee, Assistant through Open Selection duly recommended by Selection Committee, Smti.M.Langstang, Assistant(Adhoc), Finance Deptt. is reverted to her substantive post of U.D.C. from 14.8.91 and posted in the same Department vice Shri.A.Dhar, U.D.C., since transferred to Estt.II.

Sd/-
(S.Sailo)
Asstt.Registrar(Estt.I)

Copy to :

1. The Finance Officer, NEHU, Shillong.
2. The Asstt.Finance Officer, NEHU, Shillong.
3. Salary Section, NEHU, Shillong.
4. Smti.M.Langstang, Asstt(Adhoc), Finance Deptt., NEHU, Shillong.
5. Appointment of U.D.C., File.
6. Personal File of Smti.M.Langstang, U.D.C.

---ooOoo---

To
The Vice-Chancellor,
North-Eastern Hill University,
(Chairman, Executive Council of the University).

(Through Proper Channel).

Subject: Reversion for the post of Assistant to the Post of U.D.
Clerk-Representation Against. -----

Sir,

Most respectfully I have to state that I have been reverted from the post of Assistant to the Post of Upper Division Clerk under Order of the Assistant Registrar vide No.F.2-1/Estt-I/91-2224 dt. 13.6.91. The reversion is unjust and illegal. In this connection, I beg to submit the following for favour of consideration and orders :-

- 1.1. That Sir, there is no Recruitment Rules for appointment to the post of Assistant. And that under the procedure in vogue, based on executive instructions on the subject, all appointments to the post of Assistant were made by promotion from the eligible Upper Division Clerks on the basis of Seniority-cum-fitness.
- 1.2. That is fact all appointments to the posts of Assistant made during the years 1987-1989 were made by promoting ~~xxxxxxx~~ eligible Upper Division Clerks on the basis of Seniority-cum-fitness.
- 1.3. That in July, 1990, a revised procedure of recruitment to the post of Assistant was notified, the revised procedure provides inter-alia the following methods of recruitment:-
 - a) by promotion of eligible U.D. Clerks on the basis of ~~the~~ seniority-cum-fitness50% of vacancies.
 - b) by promotion of U.D. Clerks on the basis of results of a qualifying examination 25% vacancies.
 - c) by direct recruitment of outsiders through selection Board 25% vacancies.
- 1.4. That on the basis of Law as decided by the Hon'ble Gauhati High Court in the case of K.I. Singh -Vs- State of Manipur & others [(1989) 1 G.L.R. 248] relying on the decision of the Hon'ble Supreme Court of India in the case Y.V. Rangian -Vs- J. Sreevivasa Rao (AIR 1983 S.C. 852 para 9) appointments to all vacancies in a post which occurred prior to amendment of the rules/executive instructions/procedure could be governed by the old rules/instructions/procedure and that the amended rule/procedure/instruction shall govern appointments to all vacancies arising on and from the date of such amendments.
- 1.5. That on the basis of law as above, all vacancies in the post of Assistant which occurred prior to July, 90 (in fact from the particular date of July, 90 when the procedure was amended by the Executive Council as mentioned in para 1.3. herein-above) were to be filled in on the basis of procedure in vogue prior to July, 90. (i.e. by the proce-

Contd.....2/-

M. S. Langstary

- x and that the procedure as amended in July, 90 would govern recruitment to the vacancies arising on and from July, 1990 only.
- 2.1. That I was eligible for promotion to the post of Assistant in vacancies which occurred prior to July 90.
- 2.2. And that I also had a right to consideration for promotion to the post of Assistant against vacancies arising prior to July, 1990 on the basis of Seniority-cum-fitness. My service records were/are always unblemished and in fact I was never communicated of any adverse comment occurrent in any of my Annual Confidential Reports. And hence on such consideration I had a right to such promotion as there existed, exists no ground/basis to hold me as unfit for promotion.
- 3.1 That in fact I was promoted to the post of Assistant against a regular vacancy that occurred prior to July 90 vide Order of the Special Officer of the University communicated under order No.F:4-6/Estt.I/89-5 dt. 2.4.90. The order described the appointment as ad-hoc one conferring no right on me to hold the post, etc. (copy enclosed as Annexure-I).
- 3.2. That after I had continuously held the post for more than a year, I was reverted to the post of Upper Division Clerk from the post of Assistant under order No.F:2-2/Estt.I/90-4260 dt. 8th August, 1991 (Copy enclosed as Annexure-II).
- The order showed inter-alia that the reversion was as a consequence of fresh promotions/appointments to the post of Assistant made under the amended procedure/instructions; this order, therefore confirmed that my promotion to the post of Assistant was against a regular vacancy and not against any short term vacancy.
- 3.3. That in the context of position of fact and law detailed in para 1.4. to 2.2. herein-above my appointment on promotion to the post of Assistant was irregular and illegally described as ad-hoc in the aforesaid order of my promotion.
- 3.4. That describing my appointment on promotion to the post of Assistant as ad-hoc was irregular and illegal also on the basis of Government of India's orders/instructions and the law on the subject as decided by Law Courts including Central Administrative Tribunal as detailed herein-above.

Contd....3/-

- 3.5. That under Government of India's orders, adhoc appointments are subjected to the following conditions :-
- a) Purely short term vacancies caused by leave, short term deputation, training etc. may be filled by adhoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short term promotion. Adhoc appointment can ~~xxx~~ also be made when the panel is exhausted or expired and ~~xxx~~ there is no time to convene a DPC meeting and prepare a fresh panel. Adhoc appointments made to fill in short term vacancies should be only be promotion of departmental candidates and not by direct recruitment.
 - b) In the case of regular vacancies due to death, retirement resignation, promotion, deputation for a period exceeding one year, the vacancies should be filled by a regular method and not by adhoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, adhoc appointment can be made without following the prescribed procedure.
 - c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing adhoc appointments to the Secretary, Minister in-charge of the Administrative Ministry who would give suitable directions for terminating the adhoc arrangements as early as possible. Adhoc appointments continuing for more than one year may be reported to the Department of Personnel and Administrative Reforms on 1st July every year.
- 3.6 That the Government of India's orders debar adhoc appointments under inter-alia the following circumstances :-
- i) When amendment to existing recruitment rules is contemplated, and
 - ii) Non-finalisation of seniority list in the feeder grades.
- 3.7 That under such orders, reversion of adhoc employees, on replacement by regular incumbents " should take place strictly in the reverse order of seniority- the junior most candidate being reverted first ".
- 3.8. That Ministries do not have any authority to continue an adhoc appointment beyond a limit of one year period (vide C.S.D.P. & A.R. O. M. No. 22011/675-Estt (D) dated the 30th December, 1976, DR. & AROM No. 22034/1/86-Estt(D) dated the 29th April, 1977, M.H.A., DR & A.R. O.M. No. 36011/14/83- Estt(CST) dated the 30th April, 1980 and DP & AR OM No. 39021/35/78-Estt(D) dated the 24th November, 1979).
- 3.9. That in the contest of the above mentioned Govt. of India's order, the Hon'ble Delhi High Court held in G.P. Sarabhai -Vs- Union of India (1983 Lab.I.C. 1910) and Dr (Mrs) D. Marwah- Vs- E.S.I.C. (C.P.W. No. 3743/82 dated 20.12.84) that if a temporary adhoc appointment continue ~~be~~ beyond a period of one year, it will be treated as a regular appointment."

- 3.10 That the Central Administrative Tribunals have also, in many judgements, held the same view (vide Dr. (Mrs) Prem Lata Choudhari-Vs-E.S.I.C.(1988) 1 ATR 196; (1987)3. A.T.C.379 etc)
- 3.11. That the Jabalpur Bench of the Administrative Tribunal dealt with the issue in more than one case and decided as follows:-
- 1) "The adhoc employment has to be necessarily in the nature of transitory, short term fleeting employment, for a limited duration and specified purpose and also against temporary post".
 - ii) An adhoc service should not exceed one year in aggregate notwithstanding any interruptions and break in service.
 - iii) The services of such employees can be terminated in accordance with the Temporary Service Rules for valid reasons. They are also eligible for being declared as quasi-permanent in terms of Rule 3 of Temporary Service Rules. (Vide Guru Prasad-Vs-Union of India, (1988) 6 ATC 47).
 - iv) When purpose of employment is co-related to the period for which the temporary post has been created the appointment where the appointee knows that his appointment is for a particular specified period. In case the appointment is for an unspecified periods the appointee expects to remain in service till the post lasts. If either the of service or longevity of post is unspecified the appointment no longer remains adhoc". (vide para 9 of judgement in A.N. Sharma-Vs-Union of India (1988) 6 A. T.C. 168).
- 3.12 That the principle of last come first go, laid down as a mandatory procedure for reversion of adhoc appointees, as laid down in orders of Government of India (vide para 3.4. herein above), has also been laid down as a point of law by various Administrative Tribunals (vide Principal Bench in Dr. (Mrs) Sangita Narag and others - Vs - Delhi Administration 1988(6) ATC 405, etc.
- 3.13 That in the contest of the above position of fact and law- particularly in view of (a) my appointment against a regular vacancy and not against a short term vacancy, (b) my eligibility for promotion, (c) my unblemished service record, (d) procedure of promotion to all vacancies in the post of Assistant on the basis of seniority-cum-fitness during the relevant time when the vacancy occurred, (e) my holding the post for more than one year continuously, (f) my orders of promotion having not specified any purpose of giving the promotion to the post of Assistant, (g) the order of my promotion having not specified any period during which the promotion shall last, and (h) my reversion having ordered without following the principle of last come-first go, my promotion to the post of Assistant was, for all intents and purposes. A regular promotion ab-initio or at least became a regular appointment after expiry of initial period of one year, and that in view of this, the order of reversion is irregular and illegal and is liable to be held void ab-initio.

3.14 That my promotion order Annexur@- I described the appointment as adhoc only to maintain vacancy for subsequent filling in after amendment of rules/orders/procedures as and when made and as such the description adhoc is irregular and illegal on the basis of law as decided by the Supreme Court of India as pointed out earlier.
This is also irregular and illegal on the basis or orders of the Government of India which debar~~s~~ ad-hoc appointment on ground that the rules/ procedure for recruitment is under process of amendment (vide para 3.6(1) herein-above).

3.15 That my order of reversion is also bad in law and liable to be held void ab-initio on point of authority.

3.16 That promotion/appointment allowed in the chain of my reversion (vide order of reversion- copy at Annexure-II) is, in fact promotion on the basis of amended rule ~~xxxx~~ against vacancies which occurred prior to the aforesaid amendment. And that on this count on the basis of law as detailed in para 1.4. herein-above my reversion and the aforesaid order of promotion are liable to be held void ab-initio.

3.17. That even after latest amendment to recruitment procedure came in to force, all appointments to the post of Assistant have been made on ad-hoc basis, my reversion was also the result of a fresh adhoc appointment. On this count also, my reversion is illegal and liable to be held void ab-initio on the basis of law on the point as decided by the Hon'ble Gauhati High Court in the case reported in (1991) 2 G.L.R.
In the above context, I pray unto your august self to cause a review of the impugned order of my reversion (copy as Annexure-II) and cancel the order. And for ~~xx~~ this act of kindness, I, as in duty bound, shall ever pray. process of amendment (vide para 3.6(1) herein-above).

Yours faithfully,
Sd/- M. S. Kaystang

Advance copy to :-
The Vice-Chancellor, North-Eastern Hill University,
Shillong for favour of advance information and kind actions.

3.17. That even after latest amendment to recruitment procedure came in to force, all appointments to the post of Assistant have been made on ad-hoc basis, my reversion was also the result of a fresh adhoc appointment. On this count also, my reversion is illegal and liable to be held void ab-initio on the basis of law on the point as decided by the Hon'ble Gauhati High Court in the case reported in (1991) 2 G.L.R.
In the above context, I pray unto your august self to

COPY

NORTH EASTERN HILL UNIVERSITY - 6 - Annexure VI
LOWER LACEAUMIERE; SHILLONG

No.F.4-6/Estt.I/89-5

Dated Shillong, the 2nd April, 90.

O R D E R

The Officer on Special Duty, NEHU, Shillong is pleased to appoint the following Upper Division Clerks as Assistant on adhoc basis, in the scale of pay of Rs.1400-40-1600-50-2300EB-60-2600/- on an initial pay of Rs.1400/- p.m. plus other allowances as admissible under the rules for a period of 6(six) months with effect from the date of 2.4.90 or until further orders whichever is earlier.

<u>Sl.No.</u>	<u>Name</u>	<u>Present Deptt.</u>	<u>Vacancy against which appointed</u>
1.	Smti Hastamaya Pradhan	D.S.W.	Assistant in Campus Development Deptt.
2.	Smti M.S. Langstang	Finance	P.A. post in Registrar's Office
3.	Smti Anjali Chakravarty	Finance	P.A. post in V.C's Office.

Sl.No.1 will have to report for duty to Campus Dev.Deptt. and Sl.No.2 & 3 to Compilation Branch (Finance).

The adhoc appointment will not bestow on her a claim for regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/confirmation in that grade.

Sd/-
(C. Lyngdoh)
Asstt.Registrar (Admn)

Copy to :-

1. The Finance Officer, NEHU, Shillong.
2. The Section Officer (Salary), NEHU, Shillong.
3. The Department of Campus Development/Dean Student Welfare, NEHU, Shillong.
4. Smti Hastamaya Pradhan, UDC, D.S.W., NEHU, Shillong.
5. Smti M.S. Langstang, UDC, Finance, NEHU, Shillong.
6. Smti Anjali Chakravarty, UDC, Finance, NEHU, Shillong.
7. Concerned Personal File
8. Appointment File.

- 6 - Annexure VI

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE SHILLONG.

No.F.2+2/Estt.I/90 - 4260

Dated the 8.8.91.

O R D E R

Consequent upon the joining of Miss.Agnes Shangpliang as Assistant through Open Selection duly recommended by Selection Committee, the undermentioned adhoc appointees are reverted to their substantive posts as shown against their names w.e.f.7.8.91.

<u>Sl.</u> <u>No.</u>	<u>Name</u>	<u>From</u>	<u>To</u>	<u>Posting</u>
1.	Smti.M.S.Langstang	Asstt.(A) Finance	UDC	Academic Section vice Smti.P.Mawrie.
2.	Smti.P.Mawrie	UDC (A) Academic Section.	LDC	Exam, Deptt.

Sd/-
(S.Sailo)
Asstt.Registrar(Estt.I)

Copy to :

1. Finance Officer, NEHU, Shillong.
2. Salary Section, NEHU, Shillong.
3. Asstt.Finance Officer, NEHU, Shillong.
4. Asstt.Registrar(Academic), NEHU, Shillong.
5. Dy.Registrar(Exam), NEHU, Shillong.
6. Smti.M.S.Langstang, Assistant(Adhoc), Finance, NEHU, Shillong.
7. Smti.P.Mawrie, UDC (Adhoc), Academic Section, NEHU, Shillong.
8. Personal File.

To
The Vice-Chancellor,
North-Eastern Hill University,
(Chairman, Executive Council of the University).

(Through Proper Channel).

Subject: Reversion for the post of Assistant to the post of U.D.
Clerk -- Representation Against. -----

Sir,

Most respectfully I have to state that I have been reverted from the post of Assistant to the Post of Upper Division Clerk under Order of the Assistant Registrar vide No. F. 2-1/Estt.I/91-2224 dt. 13-6-91. The reversion is unjust and illegal. In this connection, I beg to submit the following for favour of consideration and orders :-

1.1. That Sir, there is no Recruitment Rules for appointment to the post of Assistant. And that under the procedure in vogue, based on executive instructions on the subject, all appointments to the post of Assistant were made by promotion from the eligible Upper Division Clerks on the basis of Seniority-cum-fitness.

1.2. That in fact all appointments to the posts of Assistant made during the years 1987-1989 were made by promoting eligible Upper Division Clerks on the basis of seniority-cum-fitness.

1.3. That in July, 1990 a revised procedure of recruitment to the post of Assistant was notified, the revised procedure provides inter-alia the following methods of recruitment:-

- a) by promotion of eligible U.D. Clerks on the basis of seniority-cum-fitness50% of vacancies.
- b) by promotion of U.D. Clerks on the basis of results of a qualifying examination25% vacancies .
- c) by direct recruitment of outsiders through selection Board 25% vacancies.

1.4- That on the basis of Law as decided by the Hon'ble Gauhati High Court in the case of K.I. Singh-Vs-State of Manipur & others / (1989) 1 G.L.R. 248 / relying on the decision of the Hon'ble Supreme Court of India in the case Y.V. Ragian - Vs- J. Sreevivas Rao (A.I.R. 1983 S.C. 852 para 9) appointments to all vacancies in a post which occurred prior to amendment of the rules/executive instructions/procedure would be governed by the old rules/instructions/procedure and that the amended rule/procedure/instruction shall govern appointments to all vacancies arising on and from the date of such amendments.

1.5. That on the basis of law as above, all vacancies in the post of Assistant which occurred prior to July, 90 (in fact from the particular date of July, 90 when the procedure was amended by the Executive Council as mentioned in para 1.3 herein- above) were to be filled in on the basis of procedure in vogue prior to July, 90. (i.e. by

Contd.....p 2/-

K. Nongziej

the procedure mentioned in paras 1.1 & 1.2 herein-above) and that the procedure as amended in July, 90 would govern recruitment to the vacancies arising on and from July, 1990 only.

2.1. That I was eligible for promotion to the post of Assistant in vacancies which occurred prior to July 90.

2.2. And that I also had a right to consideration for promotion to the post of Assistant against vacancies arising prior to July, 1990 on the basis of Seniority-cum-fitness. My service records were/are always unblemished and in fact I was never communicated of any adverse comment occurring in any of my Annual Confidential Reports. And hence on such consideration I had a right to such promotion as there existed/exists no ground /basis to hold me as unfit for promotion.

3.1 That in fact I was promoted to the post of Assistant against a regular vacancy that occurred prior to July 90 vide order of the Special Officer of the University communicated under order No. F.4-6/Estt-I/89-315 _ _ _ _ _

dt. 12-4-90
The order described the appointment as ad-hoc one conferring no right on me to hold the post, etc. (Copy enclosed as Annexure-I).

3.2. That after I had continuously held the post for more than a year, I was reverted to the post of Upper Division Clerk from the post of Assistant under order No. F: _ _ _ _ _
2-1/Estt-I/91-2224 _ _ _ _ _ dt. 13.6.91 _ _ _ _ _
(Copy enclosed as Annexure- II).

The order showed inter-alia that the reversion was as a consequence of fresh promotions/appointments to the post of Assistant made under the amended procedure/instructions; this order, therefore confirmed that my promotion to the post of Assistant was against a regular vacancy and not against any short term vacancy.

3.3. That in the context of position of fact and law detailed in para 1.4 to 2.2 herein-above my appointment on promotion to the post of Assistant was irregular and illegally described as ad-hoc in the aforesaid order of my promotion.

3.4. That describing my appointment on promotion to the post of Assistant as ad-hoc was irregular and illegal also on the basis of Government of India's orders/instructions and the law on the subject as decided by Law Courts including Central Administrative Tribunal as detailed herein-above.

Contd.....p.2.

- 3.5. That under Government of India's orders, adhoc appointments are subjected to the following conditions :-
- a) Purely short term vacancies caused by leave, short term deputation, training etc. may be filled by adhoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short term promotion. Adhoc appointment can ~~also~~ also be made when the panel is exhausted or expired and ~~the~~ there is no time to convene a DPC meeting and prepare a fresh panel. Adhoc appointments made to fill in short term vacancies should be only be promotion of departmental candidates and not by direct recruitment.
 - b) In the case of regular vacancies due to death, retirement resignation, promotion, deputation for a period exceeding one year, the vacancies should be filled by a regular method and not by adhoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, adhoc appointment can be made without following the prescribed procedure.
 - c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing adhoc appointments to the Secretary, Minister in-charge of the Administrative Ministry who would give suitable directions for terminating the adhoc arrangements as early as possible. Adhoc appointments continuing for more than one year may be reported to the Department of Personnel and Administrative Reforms on 1st July every year.
- 3.6 That the Government of India's orders debar adhoc appointments under inter-alia the following circumstances :-
- i) When admendment to existing recruitment rules is contemplated, and
 - ii) Non-finalisation of seniority list in the feeder grades.
- 3.7 That under such ord@rs, reversion of adhoc @mployees, on replacement by regular incumbents " should take place strictly in the reverse order of seniority- the junior most candidate being reverted first ",
- 3.8. That Ministries do not have any authority to continue an adhoc appointment beyond a limit of one year period (vide C.S.D.P. & A.R. O. M. No. 22011/675-Estt (D) dated the 30th December, 1976 , DR. & AROM N8. 22034/1/86-Estt(D) dated the 29th April, 1977, M.H.A., DR & A.R. O.M. No. 36011/14/83- Estt(CST) dated the 30th April, 1980 and DP & AR OM No. 39021/35/78-Estt(D) dated the 24th November, 1979).
- 3.9. That in the contest of the above mentioned Govt. of India's order, the Hon'ble Delhi High Court held in G.P. Sarabhai -Vs- Union of India (1983 Lab.I.C. 1910) and Dr (Mrs) D. Marwah- Vs- E.S.I.C. (C.P.W. No. 3743/82 dated 20.12.84) that if a temporary adhoc appointment continue ~~is~~ beyond a period of one year, it will be treated as a regular appointment."

- 3.10 That the Central Administrative Tribunals have also, in many judgements, held the same view (vide Dr. (Mrs) Prem Lata Choudhari-Vs-E.S.I.C.(1988) 1 ATR 196; (1987)3. A.T.C.379 etc)
- 3.11. That the Jabalpur Bench of the Administrative Tribunal dealt with the issue in more than one case and decided as follows:-
- 1) "The adhoc employment has to be necessarily in the nature of transitory, short term fleeting employment, for a limited duration and specified purpose and also against temporary post".
 - ii) An adhoc service should not exceed one year in aggregate notwithstanding any interruptions and break in service.
 - iii) The services of such employees can be terminated in accordance with the Temporary Service Rules for valid reasons. They are also eligible for being declared as quasi-permanent in terms of Rule 3 of Temporary Service Rules. (Vide Guru Prasad-Vs-Union of India, (1988) 6 ATC 47).
 - iv) When purpose of employment is co-related to the period for which the temporary post has been created the appointment where the appointee knows that his appointment is for a particular specified period. In case the appointment is for an unspecified periods the appointee expects to remain in service till the post lasts. If either the of service or longevity of post is unspecified the appointment no longer remains adhoc". (vide para 9 of judgement in A.N. Sharma-Vs-Union of India (1988) 6 A. T.C. 168).
- 3.12 That the principle of last come first go, laid down as a mandatory procedure for reversion of adhoc appointees, as laid down in orders of Government of India (vide para 3.4. herein above), has also been laid down as a point of law by various Administrative Tribunals (vide Principal Bench in Dr. (Mrs) Sangita Narag and others - Vs - Delhi Administration 1988(6) ATC 405, etc.
- 3.13 That in the contest of the above position of fact and law- particularly in view of (a) my appointment against a regular vacancy and not against a short term vacancy, (b) my eligibility for promotion, (c) my unblemished service record, (d) procedure of promotion to all vacancies in the post of Assistant on the basis of seniority-cum-fitness during the relevant time when the vacancy occurred, (e) my holding the post for more than one year continuously, (f) my orders of promotion **having not** specified any purpose of giving the promotion to the post of Assistant, (g) the order of my promotion having not specified any period during which the promotion shall last, and (h) my reversion having ordered without following the principle of last come-first go, my promotion to the post of Assistant was, for all intents and purposes. A regular promotion ab-initio or at least became a regular appointment after expiry of initial period of one year, and that in view of this, the order of reversion is irregular and illegal and is liable to be held void ab-initio.

- 3.14 That my promotion order Annexur^a- I described the appointment as adhoc only to maintain vacancy for subsequent filling in after amendment of rules/orders/procedures as and when made and as such the description adhoc is irregular and illegal on the basis of law as decided by the Supreme Court of India as pointed out earlier.
- This is also irregular and illegal on the basis or orders of the Government of India which debar~~s~~ ad-hoc appointment on ground that the rules/ procedure for recruitment is under process of amendment (vide para 3.6(1) herein-above).
- 3.15 That my order of reversion is also bad in law and liable to be held void ab-initio on point of authority.
- 3.16 That promotion/appointment allowed in the chain of my reversion (vide order of reversion- copy at Annexure-II) is , in fact promotion on the basis of amended rule ~~xxx~~ against vacancies which occurred prior to the aforesaid amendment. And that on this count on the basis of law as detailed in para 1.4. herein-above my reversion and the aforesaid order of promotion are liable to be held void ab-initio.
- 3.17. That even after latest amendment to recruitment procedure came in to force, all appointments to the post of Assistant have been made on ad-hoc basis, my reversion was also the result of a fresh adhoc appointment. On this count also, my reversion is illegal and liable to be held void ab-initio on the basis of law on the point as decided by the Hon'ble Gauhati High Court in the case reported in (1991) 2 G.L.R.

In the above context, I pray unto your august self to cause a review of the impugned order of my reversion (copy as Annexure-II) and cancell the order. And for ~~xx~~ this act of kindness, I, as in duty bound, shall ever pray.

Yours faithfully,

Sd/- *K. Nagesh*

Advance copy to :-

The Vice-Chancellor, North-Eastern Hill University,
Shillong for favour of advance information and kind actions.

Sd/-

.....

COPY

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE:: SHILLONG

No.F.4-6/Estt.I/89-315

Dated 12.4.90

O R D E R

The Officer on Special Duty, NEHU, Shillong is pleased to appoint Smti K.Nongsiej, UDC, Finance Deptt., as Assistant on adhoc basis, in the scale of pay of Rs.1400-40-1600-~~60~~-2300-EB-60-2600/- on an initial pay of Rs.1400/- p.m. plus other allowances as admissible under the rules with effect from 1.5.90(FN) and until further orders.

The adhoc appointment will not bestow on him/her a claim for regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/confirmation in that grade.

The appointment is made vice Smti J. Pathaw, Assistant, appointed as Section Officer (Adhoc).

Sd/-
(C. Lyngdoh)
Asstt.Registrar(Admn)

Copy to :-

1. The Finance Officer, NEHU, Shillong.
2. The Section Officer (Salary) NEHU, Shillong.
3. The Asstt.Finance Officer, NEHU, Shillong.
4. Smti K. Nongsiej, UDC, Finance Deptt. NEHU, Shillong.
5. Personal File.
6. Appointment File.

-7-

Annexure VII

COPY

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE: SHILLONG

No.F.2-1/Estt.I/91-2224

Dated the 13 June, 1991.

ORDER

Consequent upon the finalisation of recruitment of Assistant through Departmental Promotion on Seniority-cum-fitness and Departmental Exam, the undermentioned adhoc Assistants are hereby ~~inverted~~ reverted to their substantive post of UDC w.e.f. 13.6.91.

Present posting

- 1. Smti G. Kapoor, Exam Deptt.
- 2. Shri A. Dhar, A.S.C.
- 3. Smti K. Nongsiej, Estt.I(A)
- 4. Smti I.E. Rynjah, Estt.I(B)
- 5. Shri P.B. Thapa, C.R.C.

Reverted to

- UDC(Exam), her original post.
- Estt.II (new post)
- UDC(Finance) her original post.
- UDC(Finance) her original post.
- UDC (C.R.C.).

3d/-
(S. Sailo)
Asstt.Registrar,(Estt.I).

Copy to :-

- 1. The Finance Officer, NEHU, Shillong.
- 2. The Asstt.Finance Officer, NEHU, Shillong.
- 3. Persons concerned.
- 4. Concerned personal files.
- 5. Apptt. file of Assistant.
- 6. Concerned Deptts: _____

EXTRACT OF THE MINUTES OF THE 68th MEETING OF THE
EXECUTIVE COUNCIL HELD ON 30th MARCH, 1990

(x) Recruitment and Promotion Policy for
the Non-teaching Staff.

No.EC:68:90:6:06(x) : The Council RESOLVED to approve the Recruitment and Promotion Policy for the Non-Teaching Staff mutually worked out and agreed upon between the Sub-Committee of the University and the NEHU Non-Teaching Staff Association. The details of the modes of promotion and open recruitment approved by the Council may be seen at appendix - VI. This Recruitment/Promotion Policy will apply only during the interim period until the University Grants Commission finalises the rules in the matter. A written undertaking will be taken from the employees that they would forego the benefits accruing to them from the interim revision and opt for the University Grants Commission Scheme as soon as it is announced.

(x) Recruitment and Promotion Policy for
the Non-teaching Staff.

No.EC:68:90:6:06(x) : The Council RESOLVED to approve the Recruitment and Promotion Policy for the Non-Teaching Staff mutually worked out and agreed upon between the Sub-Committee of the University and the NEHU Non-Teaching Staff Association. The details of the modes of promotion and open recruitment approved by the Council may be seen at appendix - VI. This Recruitment/Promotion Policy will apply only during the interim period until the University Grants Commission finalises the rules in the matter. A written undertaking will be taken from the employees that they would forego the benefits accruing to them from the interim revision and opt for the University Grants Commission Scheme as soon as it is announced.

Sl. No.	PROMOTION		MODE OF PROMOTION		OPEN RECRUITMENT
	FROM	TO	SENIORITY CUM-FITNESS	DEPARTMENTAL TEST	
1	Group 'D' L.D.C. L.D.C. Assistant	All Group 'D' Posts	Nil	Nil	100%
2		L.D.C.	75%	25%	75%
3		U.D.C.	75%	25%	Nil
4		Assistant	50%	25%	25%
5		Section Officer	50%	25%	25%
1.	Stenographers	Stenographers	Nil	Nil	100%
2.		Personal Assistant	Nil	75%	25%
3.		Sr. Personal Assistant	25%	50%	25%
4.		Private Secretary	Nil	75%	25%
1.	Library Attendant	Library Attendant	Nil	Nil	100%
2.		Jr. Library Attendant	Nil	25%	75%
3.		Semi-Professional Asstt.	75%	Nil	25%
4.		Professional Asstt.	75%	Nil	25%
1.	Lab. Attendant	Lab. Attendant	Nil	Nil	100%
2.		Lab. Assistant	25%	Nil	75%
3.		Sr. Lab. Assistant	50%	Nil	50%
4.		Technical Assistant	75%	Nil	25%
5.		Sr. Tech. Assistant	75%	Nil	25%
6.		Jr. Scientific Officer	75%	Nil	25%

No. EC:08:20:00(x)

the Non-teaching Staff. 2

COPY

EXTRACT ON THE MINUTES OF THE 69TH MEETING OF THE EXECUTIVE COUNCIL HELD ON 29.6.90.

(ii) Proposal for amending the 69th Executive Council's decision regarding Recruitment/Promotion Policy of the Non-Teaching staff (Group 'B', 'C' & 'D').

No:EC:69:90:6:06(ii) : The Council reviewed its earlier decisions vide Resolution No.EC:68:90:6:06(x) and RESOLVED to delete the last sentence of the minutes indicated below -

"A written undertaking will be taken from the employees that they would forego the benefits accruing to them from the interim revision and opt for the University Grants Commission Scheme as soon as it is announced."

Annexure X

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE : SHILLONG

No.F.2-2/Estt.I/90-6938

Dated the 30th Nov.'90.

To

(All Ad-hoc Assistant)

Sub ; RECRUITMENT OF SECTION OFFICERS/ASSISTANTS.

As per the recent Notification vide No.F.23-1/
Estt.I/90-6189 dated 31.10.90, E.C. have adopted interim
policy of promotion/recruitment for Ministerial cadre etc.
As per the ratio worked out on the basis of the said Policy
most of the existing vacancies of Assistants fall under DE/
SC quotas. To fill up the vacancies accordingly Notification
for Department Examination has been issued vide F.23-1/Estt.I/
90-6189 dated 31.10.90 and for SC advertisement has been
issued vide. No.Advt./P-2/90-6869 dated 27.11.90.

In view of the above, all the adhoc Assistants
are hereby informed that their present appointment on adhoc
basis is purely stop gap arrangement until finalisation of
the recruitment as mentioned vide para 1 above.

Sd/-

(C.Lyngdoh)
Asstt.Registrar(C.L.)

---ooOee---

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHUMIERE :: SHILLONG.I

Annexure XI

No.F. 2-1/Estt-I/90-2280

Dt. 15.6.1991.

ADHOC APPOINTMENT ORDER

In supersession/Continuation of earlier orders on the subject, the undermentioned Assistants are allowed to continue as Section Officers on adhoc basis as shown against their name until finalisation of appointment of Section Officers through open Selection and Departmental examination or further orders whichever is earlier.

1. Shri M.B. Mizar (Finance Deptt.) - Vice Shri K. Nengnong, Section Officer since appointed as Assistant Registrar on adhoc basis.
2. Shri B. Kharkonggor (Finance Deptt.) - Against the post of Divisional Account Officer in Campus Development Department.
3. Smti B. Dykes (Finance Deptt.) - Vice Shri B.M.Das, Section Officer, on deputation.
4. Smti E. Lyngdoh (Academic Section) - Vice Shri P.K.D. Purkayastha, since appointed as Assistant Registrar.
5. Smti L.G. Lyngdoh (Finance Deptt.) - Vice Shri G.D. Ghosh, since retired.
6. Smti P. Syiemlieh (College Dev. Council) - Against the post of Section Officer sanctioned for Academic Staff College (Scheme).

The Adhoc appointment will not bestow on him/her a claim for regular appointment and that adhoc services rendered would not count for the purpose of seniority/promotion/confirmation in that grade.

Sd/- S. Sailo
Asstt. Registrar (Estt-I)

Copy to:-

1. Finance Officer, NEHU, Shillong.
2. Salary Section, NEHU, Shillong.
3. Departments Concerned.
4. Persons concerned.
5. Personal File concerned.
6. Appointment File.
7. Appointment Register.

....

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHUMIERS :: SHILLONG

No. F.2-1/Estt-1/90-3947

Dt. 26th July, 1991.

In partial modification of this Department's Order of even No.2280 dated 15.6.1991, Smti L.G. Lyngdoh (Adhoc) Section Officer is henceforth accommodated against the post of Section Officer sanctioned for Academic Staff College (Scheme), NEHU, Shillong vice Smti P.Syiewlieh since reverted to her substantive post of Assistant in Exam.

Sd/- S. Sailo
Assistant Registrar(Estt-I)

Copy to:-

1. Finance Officer, NEHU, Shillong.
2. Salary Section, Finance Deptt. NEHU, Shillong.
3. Asstt. Finance Officer, NEHU, Shillong.
4. Director, CDC, NEHU, Shillong.
5. Director, Academic Staff College, NEHU, Shillong.
6. Smti L.G. Lyngdoh, Section Officer (Adhoc), Finance Department. She will continue to work in Finance Deptt. until further orders.
7. Personal File.
8. Appointment File.

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHUMERE ::: SHILLONG

No. F. 2-1/Estt-I/90-3048

Dated the 26th July 1991.

Consequent upon the finalisation of appointment of Section Officer through Selection Committee, Smti P. Syiemlieh Section Officer (Adhoc) is hereby reverted to her substantive post of Assistant, Examination Department, NEHU, Shillong with effect from 26.7.91 (P.F.)

~
Sd/- S. Sailo
Assistant Registrar (Estt-I)

Copy to:-

1. Finance Officer, NEHU, Shillong.
2. Salary Section, NEHU, Shillong.
3. Controller of Exams. NEHU, Shillong.
4. Director, CDC, NEHU, Shillong
5. Smti P. Syiemlieh, Assistant Exams. Department, NEHU, Shillong.
6. Personal File
7. Appointment File.

C O P Y

NORTH EASTERN HILL UNIVERSITY
 LOWER LACHUMIERE:: SHILLONG

No.F.2-1/Estt.I/90-696

Date: 8th May, 1992.

O R D E R

Consequent upon the winding up of the Academic Staff College, NEHU, Shillong with effect from 1.5.1992 as per UGC's instructions vide D.O.No.F.27-4/91ASC(IC III) dated 16.4.92, order of the Registrar is hereby conveyed that regular staff of the University posted to Academic Staff College against the sanctioned posts of the Scheme are accommodated/re-deployed as shown against their names with effect from 1.5.1992.

1. Smti L.G. Lyngdoh, Section Officer (Adhoc) against the Scheme post is accommodated in the same capacity against the post of Section Officer temporarily vacated by Shri V.C. Among, Section Officer transferred to Kohima Campus against temporary vacancy.
2. Shri N.C. Tarafdar, Section Officer (Regular) whose services has been utilised in ASC in lieu of posting Smti L.G. Lyngdoh Section Officer (Adhoc) is posted back to the University vice Smti L.G. Lyngdoh now accommodated as shown vide Sl.No.1 above.
3. Shri K.S. Rapphap, Adhoc Assistant posted against the Scheme post is accommodated in the same capacity against the adhoc post of Assistant in Finance since vacated by (late) Shri K.K. Pradhan.
4. Shri P.L. Shome regular stenographer posted against the Scheme post is accommodated in the same capacity against the vacant post of P.A. sanctioned for School of Environmental Science.

The services of the employees vide Sl.No.2,3 and 4 are to be retained in the ASC till 16.5.1992.

Sd/-

(S. Sailo)

Asstt.Registrar (Estt.I)

Copy to :-

1. The Finance Officer, NEHU, Shillong.
2. The Section Officer (Salary), NEHU, Shillong.
3. The A.F.O. NEHU, Shillong.
4. Director, ASC, the employees mentioned vide Sl.No.2,3, and 4 in the above Order should be released with effect from 18.5.1992 without fail.
5. Smti L.G. Lyngdoh, Section Officer (Adhoc), Finance. She will remain in the present posting till further order.
6. Shri N.C. Tarafdar, Section Officer. He should report to Estt.I w.e.f. 18.5.92.
7. Shri K.S. Rapphap, Asstt. (Adhoc) { They shall report to their new
8. Shri P.L. Shome, Stenographer { place of posting w.e.f. 18.5.92
- { without fail.
9. Concerned Personal files.
10. Posting and Transfer of S.O. file.
11. Posting and Transfer of Assistant file.
12. Posting and Transfer of Stenographer file.

6:3:2:(1)

6:3 - Leave/Deputation etc.

- (ii) Sabbatical leave in respect of Prof. R.S.Tripathi, Botany Department, NEHU, Shillong for 6 months with effect from 9.3.93 to 8.9.93 to avail E.C. Post-Doctoral Fellowship.

Dr.R.S.Tripathi, Professor Department of Botany NEHU, Shillong has requested to grant him Sabbatical leave for 6 months with effect from 9.3.93 to 8.9.93 to avail E.C.Post Doctoral Fellowship-"Bursary Marie Curie."

As per letter of Prof.R.S.Tripathi Dean of School of Life Sciences/^{at}Annexure "A" the School Board of Life Sciences in its meeting held on March 1, 1993 has recommended the sanction of Sabbatical leave for 6 months with effect from 9.3.93 to 8.9.93.

It appears that Prof.R.S.Tripathi had already left station on 4.3.93 and the bond as required to be executed for such Sabbatical leave have not been submitted.

The matter is placed before the Executive Council for consideration.

....

(R.S.Tripathi)

6:3:2:(2)

ANNEXURE "A"

Prof. R.S. Tripathi
Dean School of Life Sciences.

No. D.34/SLS/RST/93/3479

December 3, 1994.

To,

The Vice-Chancellor,
North Eastern Hill University,
Shillong.

Dear Sir,

Please recall to the discussion I had with you in connection with my application for Sabbatical leave for availing the E.C. Post-doctoral Fellowship-"Bursary Marie Curie".

In this connection, I am to state that the School Board of Life Sciences in its meeting held on March 1, 1993 has recommended the sanction of Sabbatical leave to me. Extract from the Minutes of the meeting is given as under-

" The Board decided to recommend sanction of Sabbatical leave to Prof. R.S. Tripathi w.e.f. March 9-September 8, 1993 for availing E.C. Post-doctoral fellowship-"Bursary Marie Curie".

I, therefore, request you to kindly allow me to leave station from March 4, 1993 and take necessary steps to ratify my leave.

Thanking you and with regards.

Yours faithfully,

Sd/-

(R.S. Tripathi)

.....

6:6 : Service Condition/Financial & Other Benefits
6:6:1(1)

- (i) Permanent absorption of Shri Pankaj Khare in Indira Gandhi National Open University.

Shri Pankaj Khare, Lecturer Pachhunga University College, Aizawl, was allowed to join Indira Gandhi National Open University as Lecturer School of Engineering and Technology on deputation basis and was released with effect from 18-12-88.

His deputation was initially for a period of one year and had been extended from time to time till his permanent absorption with effect from 30-6-92 in the service of Indira Gandhi National Open University.

Permission had been allowed by the University earlier for his absorption in Indira Gandhi National Open University vide order Annexure - A.

Shri P. Khare has now submitted his technical resignation from the post of Lecturer, in Geology Pachhunga University College with effect from 30-6-92 and requested that his service be transferred to Indira Gandhi National Open University vide Annexure - B.

As per deputation term, Indira Gandhi National Open University has to remit the leave salary contribution and pension Contribution to NEHU,

In view of above, the matter is placed before the E.C. for :-

i) approved of Shri P Khare's permanent absorption in Indira Gandhi National Open University.

ii) Acceptance of Shri Khare's resignation from the post of Lecturer in Geology NEHU, Pachhunga University College, Aizawl, and

iii) Transfer of service to Indira Gandhi National Open University. Subject to the condition that D.S.C. and P.C. for the deputation period are paid by Indira Gandhi National Open University.

o o o o o

6:6:1(2)

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHMIERE, SHILLONG-793001.
(Meghalaya)

Annexure - 'A'

No.15-41/Estt-II/86-7086

Dated 30-10-92

O R D E R

Subject to ratification of the Executive Council, the Vice-Chancellor is pleased to allow, Shri P.Khare Lecturer in Geology Department, Pachhunga University College, Aizawl to be permanently absorbed at the Indira Gandhi National Open University, New Delhi.

s/d

Assistant Registrar
Establishment (II).

Copy to :-

1. Finance Officer, NEHU. Shillong.
2. Director IGNOU, New Delhi - 110048
3. Principal Pachhunga University College, Aizawl.
4. Shri Pankaj Khare, Lecturer School of Engineering and Technology IGNOU, New Delhi.

s/d

Assistant Registrar
Establishment (II).

o o o o o o o

Grams . IGNOU
Telex 31-73023 IGNOU-IN 6:6:1(3)
Fax 91 011650603
91 0016862312

Annexure - 'B'

Phones: Off: 6492403

INDIRA GANDHI NATIONAL OPEN
UNIVERSITY:
198 Asiad Village, New Delhi - 110049.

No. SET/PK/92/408
January 27/1993.

The Registrar,
North-Eastern Hill University
Lower Lachumiere
Shillong.

Subject: Technical resignation from the post of
Lecturer, Pachhunga University College,
Aizawl, after being absorbed in Indira
Gandhi National Open University, New Delhi.

Sir,

Please refer to the Order No.17, F.No.AD/
2/A/0988/88/22 dated 5-01-1993, enclosed herewith, I
submit my technical resignation from the post of Lecturer
(Geology), Pachhunga University College, Aizawl, (Mizoram)
after being absorbed as Lecturer in Geology (Science),
Indira Gandhi National Open University, New Delhi, with
effect from 30-6-1992, for your kind acceptance. I request
you to kindly transfer my services to IGNOU with effect
from 30-6-1992.

Yours faithfully

S/d
(Pankaj Khare)
Lecturer.

Enclo: as above

Copy to :

1. The Director, School of Engg. & Technology, IGNOU.
2. Registrar (Admn) IGNOU
3. Principal, Pachhunga University College Aizawl,
4. Personal File.

(ii) extension of time for exercise of option by CPF beneficiaries.

The Executive Council vide Resolution No.74:92:06:6(ii) had extended the date of exercising option for retention of CPF Scheme upto 30.4.92 in term of para 2 of Circular FA.IV/PF/Change of Option/1-3/86-89 dated 24.7.91. However, as per representation submitted by the following teachers, the Circular does not appear to have been brought to the notice of all CPF beneficiaries particularly those who are on foreign assignment/leave/deputation, etc. The teachers who were on foreign assignment are:-

- 1) Dr. R.P.Sharma, Reader, English Department.
- 2) Dr. B.B.P.Gupta, Reader, Department of Zoology.

The matter is placed before the Council for consideration if the last date of exercising option in respect of the above 2 teachers could be extended.

6:6:3:(1)

(iii) Officiating of Smti I. Majaw, Deputy Librarian, as Librarian, NEHU, Shillong.

...

The Executive Council in its 76th meeting held on 14.8.1992 RESOLVED that since none of the candidates who had applied for the post of Librarian were found suitable, the post should be re-advertised immediately and the Deputy Librarian may be offered officiating incharge of the post of Librarian for a period of one year or till a regular appointment is made whichever is earlier.

Necessary order to this effect has been issued by the University vide No.F.9-18/Estt-II/90-8234, dt.3.12.92 allowing Smti I. Majaw Deputy Librarian to hold the current charge of the routine duty of the post of Librarian, NEHU, Shillong in addition to her normal duties as Deputy Librarian. The above order is issued under the provisions of FR 49(iv).

The Executive Council in its 76th meeting has not given any decision regarding financial benefits admissible to Smti Majaw for the additional charge.

The matter is therefore placed before the Executive Council to consider sanction of special pay to Smti I. Majaw, Deputy Librarian for her addl. charge as done in the case of Smti B. Bareh, who is allowed to officiate/perform the duties of DR (Finance)

.....

6:7:- Others- 6:7:1(1)

- (i) Provision of rent free and furnished accommodation to NEHU employees, payment of licence fee by NEHU employees and HRA to them on the basis of plinth area etc.

At the instance of the Teachers, the University have been in correspondence with the UGC with regard to drawal of HRA on the basis of plinth area, in respect of those employe who have not been given University accommodation and also the need for realisation of Licence Fee from those employees who have been given University accommodation in view of the representation that there was a provision for free-hard-furnished accommodation prior to the 4th Pay Commission Recommendations, and, consequently, it has been insisted upon that the previous arrangement for free-hard-furnished accommodation be allowed to continue.

The UGC, in its letter No.F.1-23/87(NP-I/CU) dated 14th Feb., 1993, (Copy enclosed as Annexure -A) have since taken following decisions.

1. No. HRA based on plinth area.

2. There is a need to realise the Licence fee from employees who have been given University accommodation.

The matter is now placed before the E.C. for considering the above UGC's decisions.

--- X ---

(COPY)

6:7:1(2)

UNIVERSITY GRANT COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI-110 002

ANNEXURE-'A'

No.F.1-23/87(NP-I/CU)

Dated 14 Feb., 1993

The Registrar
North-Eastern Hill University
Shillong-793001(Meghalaya).

Sub : Provision of rent free and furnished accommodation to teachers, payment of licence **fee** by NEHU teachers and HRA to them on basis of plinth area etc. regarding.

Sir,

With reference to your letter No. Nil dt. 24.2.92 No.36-12/Admn/88/1128 dt. 13-5-92, No.36-12/Admn/88/5754 dt. 28.8.92, No.11-19/EMS/87-88/454 dt. 27-8-91, No.F.11-19/EMS/87-88/4184 dt. 21-9-92 and No.17-2(2) Admn/91 dt.30-10-92 on the above subject, I am directed to say that the following decision has been taken by the Commission.

1. No. HRA based on plinth area.
2. There is a need to realise the licence fees from employees who have been given University accommodation.

The action taken in this regard may please be intimated to the Commission.

Yours faithfully,

sd/-

(Dr.M.V. DRISHNASWAMY)
EDUCATION OFFICER

- (ii) Allotment of land to the Meghalaya Government for erection of Police Out Post near the University Campus.

During the last trouble at Shillong in October 92, there had been also some unpleasant incidences in the permanent Campus. As a sequel to this, representations had been received from some sections of the University community for providing necessary security cover to the permanent Campus of the University by providing Police Out Post.

The matter was also discussed with the then Chief Minister of Meghalaya who assured the University that if a suitable land is provided by the University for such out post, the government could look into the matter.

The University has since been trying to locate a suitable place before taking up the matter further with the Government. The University has now identified a plot of land measuring about, 11,000 sq.ft. that is situated to the right side of the road at about 50 m from the present USIC building on the way to the Campus. Incidentally, although the land belongs to the University as per the map and boundary pillars since the plot is situated across the road leading to the Campus, the University has been experiencing threats of encroachment from outsiders.

Since the plot of land is of no much utility to the University at present, the Executive Council may consider leasing out that plot of land, measuring about 11,000 sq.ft. to the Govt. of Meghalaya for the establishment of a Police Out Post by them.

6:7:3(1)

(iii) General Annual Report for the year 1991-92.

The draft Annual Report for the year 1991-92
duly edited by the Editorial Board is placed before
the Executive Council for consideration.

7:1:1:(1)

Item No. 7 - FINANCIAL MATTERS :

7:1 Finance Committee/Annual Accounts etc.

(i) Approval of the Annual Accounts for the year 1989-90.

In terms of the provision of the NEHU Act, 1973 the Annual audited accounts of the University is required to be approved by the Executive Council.

The Annual Accounts for the year 1989-90 approved by the Finance Committee in its 33rd meeting held on 27.11.92 without comments, is placed at Annexure-'A' for consideration of the Executive Council.

(vii) Re-employment of Professor H. Bareh

.....

Professor H. Bareh, Centre for Creative Arts, NEHU, Shillong will be retiring by December, 1993.

Prof. Bareh submitted an application for re-employment for a period of two years after his retirement.

As per the guidelines for re-employment of teachers adopted by the Executive Council in its 74th meeting held on 9.3.92 the re-employment scheme will come into force after the fund is created and built-up from a date to be notified by the University.

So far, the University has not been able to create and build-up the fund.

In case the fund for re-employment of superannuated teachers cannot be created by December, 1993, Prof. Bareh's case will have to be considered against a vacancy that may be available at the time of his retirement.

The matter is placed for consideration of the Council.

- (iii) Sabbatical leave in respect of Prof. Juanita War, Linguistics Department Nagaland Campus, NEHU, Kohima.

Prof(Miss) Juanita War applied for grant of Sabbatical leave for 9 months from 15.3.93 to 15.12.93. The application was considered by the School Board in its meeting held on 7.1.93 and the Board decided as follows :-

'Prof. Juanita War's application for Sabbatical leave is recommended, but it should take prospective effect in view of the fact that the Pro-Vice-Chancellor concerned has not forwarded his comments to the Board'.

In fact the Pro-Vice-Chancellor, Kohima sent his view vide his letter dated 14.10.92. Annexure _____ The Pro-Vice-Chancellor could not recommend her case because of the shortage of Faculty in the Department of Linguistics NEHU, Kohima. The copy of the letter of Pro-Vice-Chancellor, Kohima was therefore sent to the Dean, School of Languages for his perusal and comments. The Dean in reply suggested that the matter may be brought to the notice of the Vice-Chancellor for decision in view of the negative recommendation of the Pro-Vice-Chancellor NEHU, Nagaland Campus, Kohima.

The matter is placed before the Executive Council for consideration.

....

6:2:3:(2)

ANNEXURE

C O P Y

Pro-Vice-Chancellor

No. MCK/PLMA-39/89-2034

October 14, 1992.

To,

The Vice-Chancellor,
NEHU : Shillong.

Subject:- Application for sabbatical leave in
respect of Prof. J. War, Deptt. of Linguistics:

Sir,

This invites your kind attention to the subject cited above. An application of Prof. J. War for Sabbatical leave for the period 15th March, 1993 to 15th December, 1993 is enclosed herewith. The application is forwarded with the following observations for your necessary perusal and action.

- 1) That the Department of Linguistics, NEHU Nagaland Campus, Kohima is a research oriented department at the campus and research is its main activity covering three states of the University.
2. That the research project as proposed by Prof. J. War can be undertaken while staying at the department itself. However, she can go for data collection time to time during the project is on.
3. That the case of sabbatical leave merely on the ground of research project can not be accepted when there is already shortage of faculty in the Department.

Yours faithfully

Sd/-

(K.K.Sharma)

Copy to :

1. Prof. J. War, Department of Linguistics, NEHU Nagaland Campus, Kohima.

.....

6:3:4:(1)

(1r) Extension of Extra Ordinary Leave of Dr. Sajal Nag Lecturer in Pachhunga University College.

Dr. Sajal Nag, Lecturer Pachhunga University College was granted Extra Ordinary Leave for a period of two years with effect from 1-12-90 to enable him to take up an assignment as Research Fellow at the Centre for Social Studies, South Gujarat University.

Dr. Nag has now requested for extension of Extra Ordinary Leave for a period of another one year with effect from 1-12-92 to enable him to finish his project work. The request of Dr Nag was at first not accepted on the recommendation of the Principal, Pachhunga University College and he was asked to report for duty by 6-2-93 (re-opening day of the College after winter vacation).

However, subsequently, the Principal, Pachhunga University College vide his letter dt. 22-1-93 (annexure A), conveyed his no objection for the extension of Extra Ordinary Leave to Dr. Nag for another period of one year from 1-12-92, if the V.C. desires.

The Director for Social Studies, South Gujarat had also made a request to the Vice-Chancellor, NEHU vide (annexure B).

In view of above, the matter is placed before the Council for consideration.

o o o

6:27 (2)

PACHHUNGA UNIVERSITY COLLEGE PHONE: 257
AIZAWL - 796001, GRAM :
MIZORAM.

No.PUC/PE (IS)/99/2011

Dated Aizawl, the 22nd
Jan, 1993.

To,

The Assistant Registrar (Estt. II)
NEHU, Shillong.

Subject : Extension of Extra Ordinary Leave in
respect of Dr.Sajal Nag, Lecturer in His-
tory Department.

Ref : Your F.No.15-59/Estt-II/86-8146 dt.1.12.92.

Sir,

With reference to the above, I am to
state that the undersigned has no objection to the exten-
sion of Extrs Ordinary Leave granted to Dr.Sajal Nag for
another period of one year from 1-12-92 if the Vice
Chancellor desires.

Yours faithfully,

S/d
Principal,
Pachhunga University Colleg,
Aizawl, MIZORAM.

Dr. Ghanshyam Shah
Sr. Fellow & Director

6:3:4:(3)

CENTRE FOR SOCIAL STUDIES
South Gujarat University
Campus,
Ushna Magdalla Road, Surat
395007.

Gram : Research

Tele : (0261) 667173/667174

ESTT
19-9-1992.

Prof B Pakem,
Vice-Chancellor
North-Eastern Hill University
SHILLONG.

Dear Prof Pakem,

Dr. Sajal Nag of Pachhunga University College, Aizawl is visiting scholar at the Centre from 1-12-1990 working on the project "Revolt of the Marjinal: Tribe, Insurgency and Nationality Questions in North East India", During the last year he received financial support from the Indian Council of Historical Research, New Delhi and as a result of this he has expanded his work somewhat. By now he has completed most of the field work and busy in writing a monograph. I strongly feel that if you kindly extend his leave for one year he will be able to complete his manuscript.

With kind regards,

Yours sincerely,

S/d
Ghanshyam Shah

Enclo: Dr Nag's letter and
a proposal.

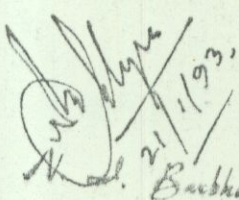
AREA OF THE NEHU LAND ON THE RIGHT
SIDE OF ACCESS ROAD AT CULVERT POINT :

$$\begin{aligned} \text{Area} &= a_1 + a_2 + a_3 + a_4 + a_5 + a_6 + a_7 + a_8 + a_9 \\ &= \left(2 \times \frac{0.50 + 2.50}{2}\right) + \left(15.50 \times \frac{3.50 + 9.40}{2}\right) + \left(11.50 \times \frac{9.40 + 12.50}{2}\right) \\ &\quad + \left(12.50 \times \frac{12.50 + 6.50}{2}\right) + \left(10.50 \times \frac{6.50 + 7.50}{2}\right) + \left(9.50 \times \frac{7.50 + 11.50}{2}\right) \\ &\quad + \left(15.50 \times \frac{11.50 + 18.50}{2}\right) + \left(11.50 \times \frac{18.50 + 21.50}{2}\right) + \left(12.50 \times \frac{21.50 + 9.50}{2}\right) \\ &= 3.00 + 93.00 + 117.70 + 115.63 + 67.50 + 81.50 \\ &\quad + 217.50 + 214.50 + 183.50 \\ &= 1092.83 \text{ Sq. m.} \end{aligned}$$

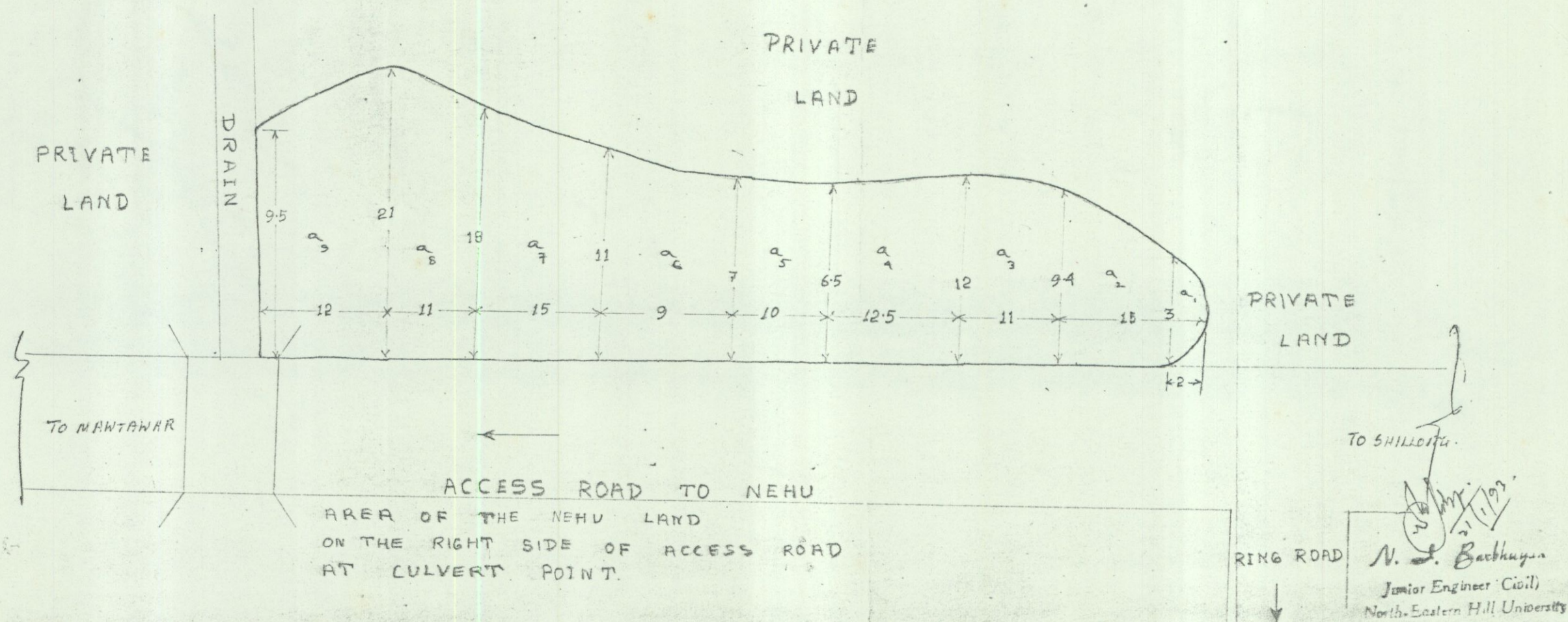
Say, 1093 Sq. m.

or, 11757 Sq. ft.

Drawing shown in Annexure - II


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ALL DIMENSIONS
ARE IN METRE



TO SHILODY

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