

6:3: Leave/Deputation

- (i) Extra Ordinary Leave and absence in respect of Dr. R.K. Pathak, Reader in Anthropology.

Dr. R.K. Pathak, Proceeded to Chandigarh on two days Casual Leave with effect from 23rd and 24th March, 1998 with station leave permission vide letter dated 24.3.98 Annexure-'I'. From Chandigarh, he informed that he had been offered the post of Professor in Physical Anthropology at Panjab University, Chandigarh, and joined on 24.3.98. The application for the said post had been forwarded by NEHU vide letter dated 27.10.97. Now, the question is of his joining the post without release from NEHU and thus having two employments simultaneously in violation of the provision of CL(9)F of OE-6 where no teacher on leave without the written permission from the University taken in advance take up assignment/employment to which emoluments or honorarium is attached.

Secondly, his action also violates the provision of OE-5 where every teacher is expected to take part in the activities of the University or perform such duties as assigned by the authorities in the interest of the University. Dr. Pathak cannot therefore join a new assignment in his own, without formal release from NEHU though the application had been forwarded by NEHU. He has therefore violated the provision of the Ordinances besides administrative irregularities by taking for granted that Extra Ordinary Leave for one year with effect from 23.3.98 would be sanctioned.

Further, Head of the Department has stated the facts of the lapses committed and highlighted the disruption of teaching/Research works of the Departments assigned to Dr. Pathak, without any alternative arrangements being made and for having joined Panjab University without any No dues Certificates being obtained.

The Head of the Department^{o/s} has intimated in his letter dt. 6.10.98 that one Intel Pentium Computer, one colour printer and one UPS costing a total amount of Rs. 70,000/- has been entered in the stock Register during Dr. Pathak's term of headship but not available in the Department. His action is found to attract proviso F.Cl(10) of OE-6 and can be termed as

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wilful absence from duty besides violation of Cl.5(1) of OE-5 and Cl.F.(G) of OE-6 which can be treated as mis-conduct.

Pending further, examination of the case and decision thereof the Vice-Chancellor, approved the withheld of Salary and explanation was called from him as to why action should not be contemplated under Cl.(2) and (3) of Section 27 of NEHU Statutes. Memos issued dt.25.5.98 are placed at Annexure-II and III and replies received from Dr.Pathak alongwith Head of the Department's comments are placed at Annexure-IV, V, VI, VIII.

As may be seen that the replies submitted by Dr. Pathak in the endorsed Annexures above are contradictory to the Head, Of the Department comments. Under the circumstances the Executive Council may decide on the course of action to be taken.

The matter is placed before the Council for decision.

NO:F:18-212/Estt.II/91

ANNEXURE-'I'(A)

No. Anth. 13/PF-RP/94-98/46

Dated 30th March, 1998.

To

The Vice-Chancellor,
NEHU, Shillong.

Subject: Dr. R.K. Pathak's request for leave without pay.

Sir,

As I forward the application of Dr. R.K. Pathak for necessary action according to the University rules, it is my duty as the Head of the Department to bring the following to your kind notice:

1. The casual leave-cum-station leave application of Dr. R.K. Pathak was received on 24.3.98 (Photocopy enclosed)
2. On 27.3.98 at 7 A.M. Dr. R.K. Pathak informed me over telephone that he joined Punjab University already and requested me to forward his application sent by speed post. The same was received on 28.3.98.
3. Dr. R.K. Pathak was sharing the following two papers:
(a) Human Ecology and Adaptation (100 Marks)
(b) Practicals in Advance Physical Anthropology (100 Marks)

Further, there were two students working for their MA/M dissertation and four for their Ph.D dissertation under him.

4. Dr. R.K. Pathak had taken over the project sponsored by G.B. Pant Institute, Almora from Professor A.K. Ghosh when the latter retired from his post in August 1997. This project has been given three months' extension for submission of the report.
5. Dr. R.K. Pathak has a project on Meghalaya sponsored by the U.G.C.

ANNEXURE-I (B)

The Vice-Chancellor,
NEHU, Shillong.

(Through Head of the Department)

Subject: Request for Leave without Pay.

Sir,

I had proceeded to Chandigarh on two days (i.e. March 23 and 24, 1998) casual and station leave.

During my personal meeting with you on March 13, 1998, I had informed you, Sir, that I had appeared for an interview for the post of Professor in Physical Anthropology at Panjab University, Chandigarh for which my application was routed 'through proper channel' and forwarded by NEHU. Sir, I have now received the offer for the post of Professor in Physical Anthropology in the Department of Anthropology, Panjab University, Chandigarh, vide letter No. 9772/Estt. I dated 24.3.98 (Photo copy enclosed) and have joined the same on 24.3.98 (afternoon)

My family circumstances do not allow me to join duty at NEHU immediately.

Therefore, this is to request your goodself to grant me leave without pay for a period on one year w.e.f. March 23, 1998 to March 22, 1999.

Thanking you in anticipation.

Yours faithfully,

March 24, 1998.

Sd/-R.K. Pathak,
Read, Department of Anthropology
N.E.H.U.

Advance copy to:

The Vice-Chancellor,
NEHU, Shillong.

6:3:1(5)

ANNEXURE-' II '

To

The Head,
Department of Anthropology,
NEHU, Shillong.

Sir,

Kindly allow me casual leave for two days (i.e. March 23 and 24, 1998) along with station leave.

Thanking you,

Yours faithfully,

R.K. Pathak

22.3.98

M E M O

No.F.18-212/Estt.II/91-97

The 25 May, 1998.

It has been reported that Dr.R.K.Pathak, Reader in the Department of Anthropology vide his application dated 22.3.1998, applied 2(two) days casual leave cum station leave permission for 23rd and 24th March, 1998. In his letter dated 24.3.98 addressed to the Vice-Chancellor, NEHU through the Head of the Department, intimated that he had been offered the post of Professorship at Punjab University, Chandigarh of which the application was forwarded by NEHU and joined the same on 24th March, 1998 with a request to grant him leave without pay. From the casual leave application dated 22.3.98 received by the Head of the Department, Anthropology, on 24.3.98, it is evidently clear that his intention was to join the Punjab University as the family circumstances did not carry any weightage not to resume duties at NEHU after expiry of leave. Further sufficient time of 30 days was offered to him by the Punjab University to join the post after settling the matters at NEHU. He has, therefore, violated the provision of Clause 4(3) and Clause (9) of NEHU Ordinances OL-5 and F.OE-6 by taking up employment in Punjab University without any formal release from NEHU. Besides, his action also attracts the provision of F.Clause(10) of NEHU Ordinance OE-6 which can be termed as wilful absence from duty and treated as misconduct, by dislodging the smooth functioning of the teaching/research assignments of the Department of Anthropology entrusted to him and without proper teaching alternative arrangements being made, he suddenly left the Department. His action has been viewed very seriously as he has acted against the interest of the University which is not expected of him, being a senior faculty member.

In view of the above, he is directed to explain as to why action should not be contemplated under Clause (2) and Clause (3) of section 27 of NEHU Statutes and forfeit his services in NEHU.

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His explanation should reach the undersigned within 1(one) month from the date of receipt of this Memo.

Sd/-Sri P.S.Rynjah
Registrar

To

Dr.K.K.Pathak,

Prof.Department of Anthropology,Punjab University,
Chandigarh.

C.C The H-head of the Department of Anthropology,NEHU,Shillong.

ANNEXURE-'IV'

Dr. R.K. Pathak,
Professor of Anthropology,
Department of Anthropology,
Panjab University,
Chandigarh-160 014.

May 29, 1998.

To

The Registrar,
North-Eastern Hill University,
Shillong.

Sir,

Kindly refer to your Memo No.F.18-212/Estt.II/91-77 dated 25.5.98. In this connection, I have to state the following:

1. I applied through proper channel for the post of Professor in Anthropology, Panjab University, Chandigarh, and my application was forwarded by NEHU (vide letter No.F.96-141/Estt.II/89-649 dated 27.10.97).
2. I appeared for the interview on March 4, 1998. On March 12, 1998, I met the Vice-Chancellor, NEHU, and informed him that I have appeared for the interview, and in the event of my selection I would like to join the University for various reasons.
3. On March 21, 1998, I received a telephone call that my old mother who stays alone at Chandigarh was seriously ill. Since there is nobody to look after her, immediately I rushed to Chandigarh on March 22, 1998. March 22 being Sunday I could not give my leave application to H.O.D Anthropology, NEHU. However, I gave the leave application to my wife instructing her to submit the same to H.O.D in the early hours of March 23.
4. Upon reaching Chandigarh I made necessary arrangement for medical treatment of my mother. Further, the doctor advised me that it will take some time for her to recover. Consequently, I decided to stay on and extend my leave.

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5. On March 24, 1998, on receipt of a telephone call from a friend at Panjab University, I reached there and learned that my appointment order was ready and I had to join immediately lest there might be litigation and cases. In this connection, I must say that I did not have any intention of any type to violate the Rules and Regulations of NEHU where I have been teaching for about 10 years. Two urgent situations compelled me to overstay and assume the charge of Professor at Panjab University, Chandigarh, (i) The critical condition of my ageing and lone mother, (ii) The suspected fear of litigation and Court case relating to appointment.

5. Accordingly, at that point of time, I took a decision to stay back and join Panjab University (may be I am wrong). However, the same day, i.e. March 24, 1998, I sent a letter by 'speed post' to NEHU authorities (advance copy marked to the Vice-Chancellor, NEHU) explaining the circumstances under which I had to stay back to join Panjab University and requesting to grant me leave of absence for one year.

6. I was teaching one course on Human Ecology and Adaptation and was sharing one Practical in Semester IV. I had already taught more than one unit out of four units of the course. On March 25, 1998, I requested H.O.D. Anthropology, NEHU over telephone to make necessary arrangements for teaching the course, and suggested the name of Dr. R. Khongsdier, Lecturer in the Department, who has the same specialization as that of mine (i.e., Physical Anthropology) as he would have no difficulty in teaching the course. It may not be out of place here to mention that last year Dr. R. Khongsdier had shared the same course with me.

7. At present four Research Scholars are working with me for Ph.D. Two of them are in the advance stage of their work, while the other two scholars had been doing field work in the last five months and have come back this morning. During my stay for the last 12 days here I have been supervising their work. I assure the University

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for SOL. (I received his application on 11/13/98 by speed post on 10.3.98
Ref: Your letter No.18-212/Fast II/91-92 dated 29.6.98
Panjab University and requested me to kindly forward his application

Dear Madam,
and forwarded on 31.3.98.) In his telephonic talk he asked me not to worry about the papers assigned to him as he would complete them during his proposed visit to Shillong for about a month in May this year. He was in Delhi for about a fortnight and did not give a definite answer to me that it is my moral responsibility that I should complete the papers assigned to me in time. He was in Delhi for about a fortnight and did not give a definite answer to me that it is my moral responsibility that I should complete the papers assigned to me in time.

the scholars complete their work well in time. I must again state that I had no intention of violating the Rules of the University where I have worked sincerely for the last 10 years. It was not a willful absence on my part. The urgent situation and compelling circumstances guided me to join Panjab University, Chandigarh.

I am extremely sorry for the inconvenience caused to the University in this respect. At that time I was in a fix, I could not do otherwise except joining U.P. Government.

I request you to kindly consider my case, treat this letter as an apology, and grant me one year leave of absence as per rules, and allow me to continue at Panjab University, Chandigarh.

sd/-R.K. Pathak
Yours sincerely,
During his absence, I received the papers assigned to him as he would complete them by the time he returned. I had no letter on 17.7.98 but could not reply immediately because of my illness and IVth semester examinations. My immediate reply has been forwarded on 31.3.98.) In his telephone conversation, he asked me not to worry about the papers assigned to him as he would complete them by the time he returned. I had no letter on 17.7.98 but could not reply immediately because of my illness and IVth semester examinations. My immediate reply has been forwarded on 31.3.98.) In his telephone conversation, he asked me not to worry about the papers assigned to him as he would complete them by the time he returned.

Copy to:
The Vice-Chancellor,
NEHU, Shillong.

6:3:1(11)

ANNEXURE-'V'

CONFIDENTIAL

21.7.98

To

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

Ref : Your letter No.18-212/Estt.II/91-192 dated 29.6.98.

Dear Madam,

I received the above letter on 7.7.98 but could not reply immediately because of the IInd and IVth Semester examinations. My comments are as follows:

Para 6. This para contains a few lies such as his claim that he had already taught more than one unit out of four units of the course titled "Human Ecology & Adaptation". As per the records available to me he taught this paper on 12, 16 and 17 March, 1998 only and gave a few reading materials to the students of the IVth Semester. Dr. R. Khongsdier, who was requested to take over this paper, informed me that he had to start from the beginning itself. As for the other paper, Dr. Pathak has not claimed to have taught anything and this was taken care of by Sri B. Mondal. It is also not true that he talked to me over telephone on 25, 1998 and suggested what he claims. The matter of fact is that he telephoned on 27.3.98 at 6:55 hours and informed me that he had already joined Punjab University and requested me to kindly forward his application for EOL. (I received his application sent by speed post on 30.3.98 and forwarded on 31.3.98.) In his telephonic talk he asked me not to worry about the papers assigned to him as he would complete them during his proposed visit to Shillong for about a month in May this year. He was in Shillong for about a fortnight but did not give a single class.

Para 7. Regarding the four research scholars under him only two of them (Thungcham Tsopoe and Akumemba Jamir) are actually in touch

available to me he taught this paper on 12, 16 and 17 March, 1998

only and gave a few reading materials to the students of the IVth

Semester. Dr. R. Khongsdier, who was requested Contd/.../- over this

paper, informed me that he had to start from the beginning itself.

As for the other paper, Dr. Pathak has not claimed to have taught

anything and this was taken care of by Sri B. Mondal. It is also

not true that he talked to me over telephone on 25, 1998 and

suggested what he claims. The matter of fact is that he telephoned

on 27.3.98 at 6:55 hours and informed me that he had already joined

with him. Mrs.N.Mukherjee and Murali Kotal went under him by default and perhaps much against their wish, in the event of the resignation of Dr.Sarthak Sengupta to return to Dibrugarh University and the retirement of Professor A.K.Ghosh. These two scholars have informed me that they have not met Dr.R.K. Pathak after he was assigned supervisorship for them. One of them (Mrs.Mukherjee) has made a formal request to me to assign another supervisor for her.

In his letter, Dr.Pathak has also not stated about the arrangement he has made as regards two research fellows (Johnsley Well Dkhar and Deimaphiseisa Sun) who have joined a project on the Khasis sponsored by the UGC, and one field investigator (Bechuram Mondal) in another project on Arunachal sponsored by G B Pant Institute, Almora, which was handed over to him by Professor A.K.Ghosh. I have been signing their bills in the interest of the Fellows/investigators but the University should perhaps seek clarification from him as soon as possible.

With regards,

Yours sincerely,

Sd/-T.B.Subba

ANNEXURE-'VI'

No.F.18-212/Estt.II/91-388

Dated 25.8.98

To

Dr.R.K.Pathak,
Professor,
Punjab University,
Chandigarh.

Ref : Your letter dated 25.5.98.

Sir,

With reference to your letter quoted above, I am directed to request you to clarify the following contradictions against your letter under reference.

1. Para 6 of your letter states that you had already taught more than one unit out of 4(four)Units of the course entitled "Human Ecology and Adaptation" of IV Semester. Whereas the departmental records shows that you had taught these paper on 12th,16th,17th March,1998 and only gave a few reading materials to the students of the 4th Semester. Dr.R.Khongsdier who was requested to take over these paper had to start afresh from the beginning. Secondly, in this regard, your claim that you had telephonic talk with the Head of Anthropology department on 25.3.98 has been denied by the Head of the Department. Only on 27.3.98 at 6.55 hrs you had a telephonic talk with the HOD informing him that you had already joined in Punjab University and requested him to forward your application for E.O.L.

2. As regard para-7, you had stated that 4(four) research scholars are working for Ph.D. under your guidance, and during your 12(twelve) days staying in Shillong had also supervised their works. Contrary to above, as per departmental records only two(2) Research Scholars Shri T.Tsoapoe and Shri A.Jamir are actually doing research under your and are in touch with you. The other 2(two) Mrs.N.Mukherjee and Shri M.Kotal who went under you by default following the resignation of Dr.S.Sengupta and retirement of Dr.A.K.Ghosh have actually not met you after you were assigned supervisorship for the above two(2) scholars.

Contd/.../-

Further, the 2(two) research fellows Shri J.W.Dkhar and Shri J.Swer who had been on a project on Khasi's sponsored by U.G.C. and the other on Arunachal, G.B.Pant Institute under Dr.A.K.Ghosh, but following his retirement the project was handed over to you. However, this aspect has not been clarified.

In view of the above, you are requested to explain the above contradictions at the earliest.

Yours faithfully,

Sd/-Smti.B.Bareh
Deputy Registrar (Estt.II)

Copy to:

The Registrar, Punjab University, Chandigarh for information.

To

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

Ref: Your letter no.18-212/Estt.II/91-615 dated 24.9.98.

Dear Madam,

My comments on the letter of Dr.R.K.Pathak dated September, 7, 1998 are as follows:

1. On para 6 of the letter dated May, 29, 1998 he has claimed to have "taught more than one unit out of four units of the course" whereas the letter dated September 7, 1998 says that he taught only the first unit of the course titled "Human Ecology and A daptation". (Thereby he admits that he had not touched the one other paper assigned to him.) Whichever is true, and howsoever short the first unit of the course be, I cannot imagine completing one unit in three lectures. At this rate, one can finish the four units of a course in 12 lectures, in other words, in less than a month's time. It may only be possible for a teacher of Dr.Pathak's capability.

I am compelled to make this remark because he alleges me to have denied that he had a telephonic talk with me. What I have said in my earlier letter is that he telephoned on 27.3.98 and not on 25.3.98 as claimed by him in his letter dated May 29, 1998.

2. I have no more to comment on this point.

3. Shir J.Swer's name may have inadvertently replaced Ms.Deimaphisisa Sun.

I should like to reiterate here that clarification in respect of the two projects mentioned in my previous letter may be called for in view of the fact that one Intel Pentium computer, one colour printer, and one UPS costing a total amount of seventy thousand rupees are entered into our stock Register No.8, page 124 on 27.11.97 when Dr.R.K.Pathak was the head of the Department. But these articles are not available in the Department.

Yours sincerely,

Sd/ T.B.Subba

- (v) Confirmation of service in respect of Miss Bikika Laloo,
Lecturer, Library and Information Science, NEHU, Shillong.

EC:99:98:6:2:(v): The Council considered the confirmation of service in respect of Miss Bikika Laloo as Lecturer in Library & Information Science and RESOLVED to approve the same w.e.f. 31.7.96.

- (vi) Confirmation of service in respect of Smti. FK Marak,
Lecturer in Garo, Tura Campus, Tura.

EC:99:98:6:2:(vi): The Council considered the confirmation of service in respect of Smti. FK Marak as Lecturer in Garo and RESOLVED to approve the same w.e.f. 1.6.96.

- (vii) Confirmation of service of Shri KC Kabra, Lecturer,
Pachhunga University College, Aizawl.

EC:99:98:6:2:(vii): The Council considered the confirmation of service of Shri KC Kabra as Lecturer, Pachhunga University College and RESOLVED to approve the same w.e.f. 18.9.93.

- (viii) Confirmation of service in respect of Miss. JR Marak,
Lecturer, Garo Department, NEHU, Tura.

EC:99:98:6:2: (viii): The Council considered the confirmation of service in respect of Miss JR Marak as Lecturer in Garo, Tura Campus, and RESOLVED to approve the same w.e.f. 1.6.96.

- (ix) Appointment of In-charge of the University Health
Centre, NEHU, Shillong.

EC:99:98:6:2: (ix): The Council considered the appointment of a Medical Officer In-Charge of the University Health Centre and RESOLVED that as decided in its 76th meeting the appointment of Dr. VSV Prasad, SMO, as In-Charge on rotation basis stands as the present circumstances do not warrant a change in the order

6:3- LEAVE / DEPUTATION

- (i) Extra ordinary Leave and absence in respect of
Dr. RK Pathak, Reader in Anthropology.

EC:99:98:6:3: (i): The Council considered the absence of Dr. RK Pathak from duty, Reader in Anthropology and RESOLVED that he may be directed to resume duties on

or before 15.1.1999 failing which the post held by him be treated as vacated and he be required to pay to the University three months' salary in lieu of the required notice period. The Council, further RESOLVED that he should return the Computer and accessories.

- (ii) Cooling off period between two deputation lien terms in respect of Dr. VB Singh, Reader, Deptt. of Horticulture, NEHU.

EC:99:98:6:3: (ii): The Council considered the request of Dr. VB Singh to forward his application to the Central Agricultural University, Imphal, Manipur, while still on deputation to Nagaland University and RESOLVED to regret the same as his lien period will be shortly expiring on 4.7.99. With regards to cooling off period between two leaves the Council further RESOLVED that for leaves other than those specified in Ordinances by separate provisions and statutory appointments, the cooling off period between two leaves be one year for leave beyond one year and for leave below one year be it decided on the merit of each case.

- (iii) Extension of deputation in respect of Shri Atul Dev Sarmah, Assistant Editor, NEHU, Shillong.

EC:99:98:6:3: (iii): The Council considered the extension of deputation in respect of Shri Atul Dev Sarmah and RESOLVED that since the period of deputation has exceeded five years he may be asked to resume duties at NEHU by 15.1.99 failing which the post held by him will be deemed to have been vacated w.e.f. the date he proceeded on deputation.

- (iv) Earned Leave in respect of Dr. Vinod Singh, ISOSB, NEHU, Shillong.

EC:99:98:6:3: (iv): The Council considered the grant of Earned leave to Dr. Vinod Singh and RESOLVED to authorise the Chairman to see if he has been permitted. If he has proceeded on leave without permission the Chairman may take appropriate action.

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

- (i) Continuance of Senior Scale of pay in respect of Dr. BD Chinara, Lecturer in Education(PUC).

EC:99:98:6:6:(i): The Council considered the continuance of senior scale of pay in respect of Dr. BD Chinara, Lecturer and RESOLVED that pay protection be allowed