

## 6:6 - Service condition/Financial &amp; other Benefits-

- (i) Continuance of Senior Scale of pay in respect of Dr. B.D.Chinara, Lecturer in Education ( P.U.C.).

On the above subject, the Council is apprised that Dr. B.D.Chinara was appointed Lecturer in Education(PUC) Aizawl with effect from 15.7.85. Subsequently, on being qualified Dr. Chinara vide this Deptt's order NO.F. 15-45/Estt-II/86-3599, dt.21.9.93(Annexure-A) was placed in the senior scale of pay of Rs.3000-5000/- w.e.f. 15.7.92 in terms of Clause 3(B) of RE -4 under OE - 5 of the Ordinance on Career Advancement Scheme after due completion of normal norms and procedures.

Later on, Dr.Chinara applied for the post of Lecturer in Education in Mizoram Campus, Aizawl. As usual, the said post of Lecturer was advertised with the substantive scale of pay of Rs.2200-4000/- vide advertisement NO.1-2/Estt-II(B)/91/48, dt.10.4.92. However, on the recommendation of the Selection Committee and approval of the Executive Council vide resolution NO:EC:88:95:4:(i) dt. 8.11.95 Dr. Chinara was appointed Lecturer in Education in Mizoram Campus vide appointment order No.F.19-322/Estt.II/96-1327, dated 26.6.96(Annexure-B). From the said appointment order, it is seen that Dr.Chinara has been put in the scale of pay of Rs.2200-4000/- which he drew prior to the grant of the aforesaid Sr.Scale while in Pachhunga University College, and therefore, Dr.Chinara has now represented his case vide his representation dated 3.8.98 (Annexure-C), requesting the University to allow him to continue to draw the senior scale which was granted to him while in P.U.C., even after joining the Education department in Mizoram Campus.

While examining the case on receipt of the aforesaid representation, the following have been observed:-

- (i) that Dr.Chinara was the University's employee(Lecturer in Education, P.U.C. in the scale of Rs.2200-4000/-.
- (ii) that on fulfilling all the relevant eligibility conditions and after routing the case through due procedures and channels, Dr. Chinara was placed in the senior scale of pay of Rs.3000-5000/- by the University as per rules.
- (iii) But, despite the facts as stated at (i) and (ii) above, it is seen that Dr.Chinara on his appointment as Lecturer in Education, Mizoram Campus vide appointment order at annexure- B has been again put in the substantive scale of pay of Rs.2200-4000/- with a probationary period of two years and the senior scale of pay of Rs.3000-5000/- duly granted to him as per rules has been withdrawn from him which does not appear to be justified as well as tenable, for it defies the provisions of Clause 3(B) of RE-4 under OE-5 of the Ordinance on Career Advancement Scheme under which the above incumbent was at one point of time, granted the said senior scale of pay

Contd...2/-

Herein, it may be recalled that there was a similar case of one Dr. P. Nongkynrih of Institute of Self Organising System and Biophysics and later appointed as Lecturer in Physics which was placed before the Council, wherein the Council vide its resolution NO:EC:84:94:6:2:(vii)(Annexure- D) turned down the case by not allowing the incumbent to continue to draw the senior scale of Rs.3000-5000/- which was similarly granted to her within the meaning of the aforesaid provisions of the Ordinance. The agenda <sup>note relating to the case</sup> of Dr. (Miss) P. Nongkynrih is placed at Annexure- E.

In this connection, it may be stated that while placing the case of Dr. Nongkynrih, the office in the agenda note projected the problem that the incumbent was required to be placed on probation and at the same time her pay in the senior scale was required to be protected. In fact, these issues were x irrelevant in the view that with the change of discipline, an incumbent has to be placed on probation and the appointment has to be in the substantive scale (Rs.2200-4000/- in the instant case) but at the same time, the order placing the above incumbent in the senior scale in terms of the aforesaid provisions of the Ordinance cannot be outright ignored or withdrawn. The inference as made in the said earlier agenda note (Annexure-E) that the above incumbent applied on her own volition against an open advertisement for a post(lecturer) which carried the lower scale of pay of Rs.2200-4000/- will not hold good and is not tenable in view of the fact that she was not an outsider instead, she is from within the University and the University itself has granted her the senior scale as per the rules, and therefore, the action of not allowing the above incumbents to continue to draw the aforesaid senior scale at a later stage, without any valid reason is contradictory to the University's earlier order granting the senior scale.

In view of the position explained above, it may be concluded that keeping in view the facts of the case, had the appointment order at Annexure-B read one additional paragraph at the end to the effect that "However, Dr.Chimara will continue to draw the senior scale of pay of Rs.3000-5000/- as granted to him vide order No.F.15-45/Estt.II/86-3599 dt.21.9.93 in terms of the provisions as contained under Clause 3(B) of RE-4 under OE-5 of the NEHU Ordinance", no dispute as above would have arisen.

In light of the above facts and figures, the matter is hereby placed before the Council for favour of perusal and consideration of continuance of the senior scale of Rs.3000-5000/- in respect of the aforesaid incumbents even after their subsequent appointments as Lecturers in Education, in Mizoram Campus and Physics department, Shillong Campus respectively or such orders as deemed fit and proper.

NO.F.19-322/Estt-II/96-1347

No. F.15-45/Estt-II/86-3599

Dated 21.9.93.

APPOINTMENT ORDER

On the recommendation of the Selection Committee and in pursuance of the Executive Council resolution NO:EC:79:93:6:01:(i) dt.20.7.93, the Vice-Chancellor is pleased to place Shri. B.D.Chinara, Lecturer in the Senior Scale in the Department of Education, NEHU/PUCAizawl in the scale of pay of Rs.3000-100-3500-125-5000/- plus usual allowances admissible under the rules to the Central Government employees of the same grade posted at PUC, Aizawl, with effect from 15-7-92.

The pay of Shri.Chinara is fixed at Re.3000/- of the scale with increment anniversary on 1st July annually.

Sd/-

Assistant Registrar  
(Establishment - II)

Copy to:-

1. Finance Officer, NEHU, Shillong.
2. Accounts Section, NEHU, Shillong.
3. The Principal, Pachhunga University College, Aizawl.
4. The Head, Deptt. of Education, NEHU, Shillong.
5. Shri. B.D.Chinara, Lecturer in Education, Pachhunga University College, Aizawl. \*
6. Pro Vice-Chancellor, Mizoram Campus, Aizawl.
7. The P.S. to V.C., NEHU, Shillong.
8. The Planning Officer, NEHU, Shillong.
9. Section Officer, SC/ST Cell, NEHU, Shillong.
10. G.F./P.F.

\* He is required to participate in 2 refresher courses/summer institutes of 4 weeks duration each before Dec.'93 in accordance with the UGC guidelines and letter NO.F. 1-8/91(PS Cell) dated 10.5.92.

Sd/-

Assistant Registrar

(Establishment - II)

NO. F. 19-322/Estt-II/96-1327

Dated 26.6.96

O R D E R

On the recommendation of the Selection Committee, the Executive Council vide resolution NO:EC:88:95:4:(i) taken in its meeting held on Nov.8, 1995 is pleased to appoint Dr. Benudhar Chinara as Lecturer in the Department of Education, NEHU, Aizawl in the scale of pay of Rs.2200-75-2800-100-4000/- plus usual allowances admissible under the rules to the Central Government employees of the same grade posted at NEHU, Mizoram Campus, Aizawl with effect from March 14, 1996(FN).

Dr. Benudhar Chinara will be on probation for a period of two years and the services will be governed by the Act, Statutes, Ordinances, Rules and Regulations of the University as amended from time to time. He/She will have to sign a contract with the University.

The initial pay of Dr. B.D.Chinara is fixed at Rs.3300/- of the scale with increment anniversary on 1st of the month, January, annually.

Sd/-

Deputy Registrar  
Establishment - II

Copy to:-

1. The Finance Officer, NEHU, Shillong.
2. The Fund Section, NEHU, Shillong.
3. The Dean School of
4. The Head, Department of Education, NEHU, Mizoram Campus, Aizawl.
5. Dr. B.D.Chinara, Deptt. of Education, NEHU, Mizoram Campus, Aizawl.
6. The Pro Vice-Chancellor, NEHU, Mizoram Campus, Aizawl.
7. The Deputy Registrar, NEHU, Mizoram Campus, Aizawl.
8. The P.S. to V.C., NEHU, Shillong.
9. The Section Officer SC/ST Cell, NEHU, Shillong.
10. The Personal file.

Sd/-

Deputy Registrar  
Establishment - II

Dr. Benudhar Chinara  
Lecturer  
Department of Education  
NEHU Mizoram Campus.

Date : 3rd August, 1998.

To  
The Deputy Registrar,  
Establishment - II  
NEHU Permanent Campus  
Shillong - 793022

Sub:- Senior Scale.

Dear Madam,

With reference to the subject cited above I would like to draw your kind attention to the following:

That, Madam, while serving in Pachhunga University College as a Lecturer in Education Department, I was placed in the Senior scale of Rs.3000/- 5000/- ( vide your Order No.15-45/Estt.II/86-3599, dated 21.9.93) effective from 15.7.1992.

Subsequently, I applied for the post of Lecturer in Education, Mizoram Campus, Aizawl and on selection I was appointed in the said post in the scale of Rs.2200- 4000/- ( vide your Order NO:19-322/Estt.II/96-1827, dated 26.6.1996) effective from 14.3.1996.

In this connection, I request your kindness to examine the case so as to maintain the continuity of my senior scale as allowed to me while I was at Pachhunga University College even if after my appointment as Lecturer in Education, Mizoram Campus, Aizawl.

Thanking you,

Faithfully yours,

Sd/-

( BENUCHAR CHINARA )

(vii) Appointment of Lecturer in Senior Scale on Probationary period.

NO:EC:84:94:6:2:(vii): The Council discussed the case of Dr(Miss) P.Nongkynrih in depth and RESOLVED that she will remain on probation for the prescribed period of 2 (two) years with effect from the date of joining the Department of Physics. The Council also RESOLVED to protect her basic pay in the scale of Rs.2200-4000/- and not to allow her the senior scale of Rs.3000-5000/-

In response to the recent advertisement for the post of Lecturer in Physics in this University in the pay scale of Rs.2200-4000/-, she applied for the post and was selected. She was offered the post which she accepted and joined on 12.9.84. As per regulations she has to be placed on probation for a period of two years i.e. the date of joining. While this presents no difficulty the fixation of her pay in the proper scale is posing problem to the office in that her scale of pay as probationer in Physics Deptt. is Rs.2200-4000/-, whereas as lecturer in 1905 & 1906 Physics she has already been placed in the Sr. Scale of Rs.3000-5000/-. Moreover, Dr.Nongkynrih has already completed probationary period of the post of lecturer in 1905 & 1906 Physics and therefore, the question arises as to whether she has to again be placed on probation for the same post although in another department within the University.

There is no similar or comparable case in administrative services, since no member of such services holds a senior position and would apply for a junior position. The matter is therefore placed in the Council for a decision on the following:-

1. Whether a lecturer who has already completed probation in one department, has to again be placed under probation when selected for an identical lecturer's post in another Deptt. within the University.
2. Whether a lecturer who is already enjoying a senior scale/selection grade scale in the University, when selected for the post of lecturer in another department within the University, in a similar manner, can be given the protection of pay scales, that he/she is enjoying in that position and last pay drawn.

Appointment of Lecturer in Senior  
Scale as Probationary Lecturer.

DR(Miss) P.Nongkynrih joined NEHU as Lecturer in the scale of Rs.2200-4000/- in ISOS & B. She was placed on probation for a period of two years and after completion of the said period she has been confirmed in the post w.e.f. the date of her joining i.e. July 9, 1986.

Further, after completion of the required period of service and after going through the necessary procedures she has been placed in the Sr.Scale of Rs.3000-5000/- w.e.f. Sept.15,1986.

In response to the recent advertisement the post of Lecturer in Physics in this University in the pay scale of Rs.2200-4000/-. she applied for the post and was selected. She was offered the post which she accepted and joined w.e.f. 15.9.94. As per regulations she has to be placed on probation for a period of two years w.e.f. the date of joining. While this presents no difficulty the fixation of her pay in the proper scale is posing problem to the office in that her scale of pay as probationer in Physics Deptt. is Rs.2200-4000/-, whereas as Lecturer in ISOS & Biophysics she has already been placed in the Sr. Scale of Rs.3000-5000/-. Moreover, Dr.Nongkynrih has already completed probationary period of the post of Lecturer in ISOS & Biophysics and therefore, the question arised as to whether she has to again be placed on probation for the same post although in another department within the University.

There is no similar or comparable case in administrative/V Civil Services, since no member of such services holdings a senior position would apply for a junior position.

The matter is therefore placed in the Council for a decision on the following:-

1. Whether a Lecturer who has already completed probation in one department, has to again be placed under probation when selected for an identical Lecturer's post in another Deptt. within the University.
2. Whether a Lecturer who is already enjoying a senior scale/selection grade scale in the University, when selected for the post of Lecturer in another department within the University, in a similar manner, can be given the protection of pay scales, that he/she is enjoying last, besides the last pay drawn.

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 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

in the scale of Rs.2200-4000/- and that he may be placed in the scale of Rs.3000-5000/- on making a fresh application and qualifying in the Selection.

- (ii) Condonation of late submission of Home Town  
LTC-Case of Dr. Assem Sinha. Lecturer, Deptt. of  
Chemistry, PUC, Aizawl.

EC:99:98:6:6:(ii): The Council considered the late submission of Home Town LTC in respect of Dr. Assem Sinha, Lecturer in Chemistry, Pachhunga University College and RESOLVED to condone the same, being the first time in his service period.

- (iii) Leave encashment for the period of re-employment  
on contract basis in respect of Prof. TSB Narasaraju.

EC:99:98:6:6:(iii): The Council considered the leave encashment during the period of re-employment on contract basis in respect of Prof. TSB Narasaraju and RESOLVED that he may be allowed encashment of a total of 240 days leave including the period he was on regular service.

- (iv) Adoption of the GOI / UGC Scheme of "Grant of  
Temporary status scheme and regularisation in respect  
of Casual labourers in Central Universities"- Condition  
stipulated on number of working hours per week.

EC:99:98:6:6:(iv): Further to its Resolution No.EC:98:98:6:6:(v) adopted in its 98<sup>th</sup> meeting, the Council RESOLVED that the same shall be applicable to such employees for those engaged for normal working time of 40 hours per week of the University effective from 15.9.1998. The Council further RESOLVED to move the University Grants Commission for effecting the said benefit w.e.f 1.9.1993 along with allocation of funds for the purpose.

- (v) Effective date for Regulation of Daily Wage with  
reference to the Revised Scale of Pay Rs.2550-3200/-.

EC:99:98:6:6:(v): Further to its resolution No.EC:98:98:6:6:(v) adopted in its 98<sup>th</sup> meeting read with Notification EC:98-3/Conf/98-1005 dt. 8.10.98, the Council RESOLVED to confirm the effective date of the implementation of revised wages as 15.9.98. The Council, further RESOLVED to move the University Grants Commission for effecting the said benefit w.e.f. 1.1.96 along with allocation of funds for the purpose.

- (vi) Recommendation of the Selection Committee for  
grant of advance increments to the JTAs of the RSIC.

EC:99:98:6:6:(vi): The Council considered the matter and RESOLVED that the same be further examined with reference to CCS Rules and report back to the Executive Council.