

- (vi) : Benefit of past service for the purpose of computing qualifying services in NEHU to determine pension and other retirement benefits.

The University has good number of teachers and a few non-teaching employees, who prior to joining the services under NEHU, rendered reasonable period of service ranging from 5 years to 12 years in other Universities/Colleges/Research Institutions. These teachers/Officers desire that the period of their past service should be taken into account for determining qualifying service for the purpose of pensionary benefits in NEHU.

The University settled all such cases of transfer of past services to NEHU which were covered under Rules/Orders of the Government of India. However, there are good number of cases which are slightly different in nature and are not covered by the G.O.I. Rules/Orders in totality. The matter was taken up with the Government of India/U.G.C. and inspite of chain of correspondences no response has yet been received. It may be construed that the Government of India is not willing to bear the additional liabilities for payment of the pensionary benefits. Reversely, the affected deserving teachers/Officers have been pressing very hard for finalization of their cases of transfer of past services. with this back ground in view, the Vice-Chancellor appointed a 'Task Force Committee' under the Chairmanship of Shri K.M. Deb, Deputy Registrar, Finance with Mrs. B. Bapoh, Deputy Registrar, Establishment-II, Shri N. Purkayastha, Assistant Registrar, Establishment-II, Shri B.K. Sen, Audit Officer, Shri B.S. Mohat, Section Officer, Establishment-II, Dr. Vinod Singh, Reader, Dr. Anis Alam, Reader and Dr. H. Kayang, Lecturer as its members to examine merit of each case and to recommend such cases which justify transfer of past services.

The Committee examined as many as 15 cases of the teachers and found that these teachers received CPF Money (Employers' contribution and Employees' subscription) only from their past employers. However, they did not receive any amount towards pro-rata Gratuity/Leave encashment etc. The Committee also found that all these teachers/Officers have been working in such Institutions under different States which are being financed substantially by the Government and thereby fulfil the prima-facie condition for transfer of past service as stipulated by the Government of India that the Autonomous Organisation from which the past service is to be passed on must be substantially financed by the Government. But the Committee noted that retirement benefit Schemes of these Institutions are not alike and substantially different from that of the pension Scheme applicable to central Govern-

ment Employees/Employees of the Central Universities.

The Committee, therefore, recommended as under :-

1. Past services of those teachers/Officers, who received CPF money, may be added as qualifying service in NEHU, provided the teacher/Officer concerned deposits the amount of employer's contribution in NEHU's account with upto-date interest at the rate prescribed by the Government of India from time to time from the date of relinquishment of the services under the previous employer till the last day of the month in which the amount is deposited. The amount of Employer's contribution stated to have been received by the teacher/Officer concerned should be confirmed by the previous employer. However, such deposit will make the teacher/Officer eligible for added qualifying service exclusively for the purpose of pension.
2. In the event of the receipt of pro-rata gratuity from the previous employer, similar deposit as at (1) above will make the teacher eligible for the added qualifying service for the purpose of Retirement Gratuity ; otherwise, such benefit of added qualifying service for the purpose of gratuity will not be admissible and it will be limited to pensionary benefit as at (1) above.
3. The Committee further recommended that in the cases of those teachers, benefit of counting past services is granted on deposit of Employer's share of CPF contribution/pro-rata gratuity/pro-rata pension in terms of (1) and (2) above, may not be allowed the benefit of added qualifying service for having Ph.D. degree (if they enjoyed the same benefit at the entry grade against the past service) as approved by the Executive Council in its resolution No. EC:99:5:1(iii) and notified vide Conf :13-5/ORD/99-1696 dated 29.6.2000. The Committee recommended that the benefit of additional qualifying service would be allowed only once to the teachers.
4. The Committee felt that as the nature of all cases are identical, it may not be necessary to examine all the individual cases by the Task Force Committee instead all the cases covered under G.O.I. Rules/Orders as well as cases of the nature as referred at (1) to (3) above may be settled administratively.

Minutes of the meeting of the Task Force Committee has already been approved by the Vice-Chancellor. Accordingly, recommendations of the Task Force Committee at Annexure 'A' is placed before the Council for consideration and acceptance.

Minutes of the meeting of the Task Force Committee held on 6.12.2000.

Members present :

1. Dr. Anis Alam
2. Dr. Vinod Singh
3. Dr. H.Kayang
4. Mrs. B.Bareh
5. Mr. B. Sen
6. Mr. N. Purkayastha
7. Mr. K.M. Deb
8. Mr. B.S. Mahot

The Chairman welcomed the members and congratulated them for set him down successfully the anomalies with respect of fixation of pay of the teachers.

The meeting then considered the Notification on benefits of transfer of service from one organisation to other issued on 21.12.95 read with G.I. Order or M number 28-10/84-Pension Unit dated 29.8.84 and O.M. number 228(10)/84 and P and PW/Vol.2 dated 9.2.86, 17.6.86, 30.10.96, 20.3.87 and 18.7.92. The Committee also took note of the various steps taken by the Estt. II to settle the cases. The Govt. of India's order is clear that the order will be applicable to the persons who were in service on the date of issue of the order and hence the clarification sought by the Estt. II with respect to the acceptability of the G.I. Order by different State Govts. is not necessary. The Committee also considered that "The autonomous" body for the purpose of this order is clearly explained as a body having grants more than 50% from the Government. Hence, the Universities created under act of Parliament or any State Legislative Assembly is to be considered as an Autonomous Body for the purpose of the Notification dated 21.12.95. The Committee is also of the opinion that such Universities and Colleges under deficit system have to be treated as autonomous body for this purpose.

The following individual cases were discussed at length and the Committee made the recommendations as noted against each case :

1. Professor H.N. Pandey, Dept. of Botany : Professor Pandey applied for appointment to this University through proper channel. Hence his service from 27.10.69 to 26.3.84 in Udai Pratap College, Banaras, U.P. be counted as service for the purpose of pension benefit but the same will not be considered for the purpose of gratuity and no transfer of leave will be entertained. However, the Committee feels that Dr. Pandey should submit an undertaking to that effect and the CPF money with upto-date interest received by him from his previous employer should be deposited to the

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University within one month from the date of issue of the demand.

2. Prof. P.P. Gokulanathan, Deptt. of Education : The Committee recommends that the service in the Dibrugarh Univ. from 12.3.67 to 21.6.76 in the Dibrugarh Univ. be counted for the purpose of pensionary benefit and not for the purpose of gratuity and transfer of leave. He is required to submit an undertaking to that effect. However, the Committee decided that the benefit of extra years of service as decided by the E.C. vide its resolution No.EC:103:99:5:1(iii) and notified vide No:Conf:13-5/ORD/99-1696 dated 29.6.2000 be referred to E.C. for clarification whether the benefit is also admissible when the past service was permitted to be transferred.
3. Professor R.R. Misra : The Committee considered his case and recommends that his service from 15.7.66 to 23.9.74 in the Gorakhpur University be considered for the purpose of pension and not for the purpose of gratuity and transfer of leave provided he deposits the CPF balance, received along with upto-date interest within one month from the date of issue of the demand.
4. Professor R.K. Rai, Deptt. of Geography : The Committee recommends that his service for the period from 21.6.70 to 16.4.78 in Dr.H.S. Gour Viswa Vidyalaya, Sagar be considered for the purpose of pension and not for the purpose of gratuity and transfer of leave provided he deposits the CPF money received alongwith upto-date interest within one month from the date of issue of the demand and he is required to submit an undertaking to that effect.
5. Dr. Surendra Singh, Deptt. of Geography : The Committee considered the case and recommends that his service in NREC College, Khurja be considered for the purpose of pension only and not for gratuity and transfer of leave subject to the condition that his service and undertaking to that effect and also deposits the CPF money received along with upto-date interest within one month from the date of issue of the demand.

The meeting then ended with a vote of thanks from the Chair.

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(K.M. Deb)
Chairman
Task Force Committee

Minutes of the meeting of the Task Force Committee held on 21.12.2000.

Members present:

1. Dr. Anis Alam.
2. Dr. Vinod Singh.
3. Dr. H. Kayang.
4. Mrs. B. Bareh.
5. Mr. B. Sen.
6. Mr. K.M. Deb.
7. Mr. N. Purkayastha.
8. Mr. B.S. Mohat.

The Chairman welcomed the members and read out the minutes of the meeting held on 6.12.2000. The minutes of the meeting was confirmed. The following cases were then taken up for consideration:-

6. (Late) Prof. B. Pakem, Deptt. of Political Science:-
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Since the member of his family/having family pension and the length of service does not have any relation to the quantum of family pension and also the benefit of past service, as a matter of principle was allowed only for the purpose of pension and not for gratuity or leave encashment, the case of Prof. B. Pakem was considered as closed for this purpose.

7. Prof. R.S. Tripathi, Deptt. of Botany:-

Prof. Tripathi joined the University as Reader on 17.8.76 on purely temporary basis. There was no document to show that his application for the post of Reader was routed through Gorakhpur University, his previous employer. Hence, it was decided that Prof. Tripathi may be requested by the Establishment-II to produce any document to show that his application for the post of Reader was routed through proper channel.

8. Prof. M.N. Karna, Deptt. of Sociology:-

Prof. M.N. Karna joined this University as Reader on 2.6.1980 but his application was not routed through B.N. College, Patna. Hence, the committee decided that his case cannot be considered for transfer of past service.

9. Prof. E.N. Lall, Deptt. of English:-

Prof. E.N. Lall joined NEHU as Reader on 14.5.79 on temporary basis. His application for the post was not routed through St. Columba's College Hazaribh, his previous employer. Hence, the committee decided not to allow him the benefit of past service.

10. Dr (Mrs) Manorama Sharma, Deptt. of History:-

Dr. (Mrs) Manorama Sharma joined as Lecturer on 1.7.89. For her service in Gauhati University from 1978-1989 she was paid provident balance without interest by the Gauhati University. It was therefore, decided that the following clarification may be sought:-

(i) Whether she was a member of Provident Fund-cum-Pension scheme or contributory Provident Scheme.

(ii) Authenticated reason for not allowing interest on her Provident Fund balance.

11. Dr. A.K. Mishra, Deptt. of Botany:-

Prof. A.K. Mishra joined NEHU as Reader on 23.5.88 but his application was not routed through proper channel and hence it was decided not to consider his past service for the purpose of pensionary benefits in this University.

12. Dr. N. Srivastava, Deptt. of Economics:-

Dr. N. Srivastava joined NEHU as Reader on 15.7.85. There was no record showing the pensionary benefits he had received from V.S.S.D. College, Kanpur. Hence, it was decided that Dr. Srivastava be requested to furnish valid documents showing the benefits he was received from his previous employer.

13. Prof. K.K. Upadhyay, Deptt. of Economics, Mizoram Campus.

Dr. Upadhyay died in harness and hence the counting of his past service would have no effect on his family pension. Hence, it was considered that his case does not called for any decision by the Task Force Committee.

14. Dr. P.V.R. Rao, Deptt. of Chemistry, SASRD:-

Dr. P.V.R. Rao joined the post as Reader in NEHU on 17.5.88. His application for the post was forwarded by the Principal Lady Kean College, Shillong. It was decided that Dr. P.V.R. Rao be informed that if he is interested to refund the entire moned of CPF balance received from the College alongwith up to date interest thereon, his ~~service~~ will be considered for the purpose of pension only. It was also decided that it should be categorically pointed out to him that by depositing the CPF balance he will not have any claim that his past service would be considered for the purpose of gratuity and transfer of leave.

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15. Prof. M.S. Sangma, Deptt. of History.

Dr. Milton S. Sangma served the Union Christian College at Barapany from 8.3.61 to 11.11.77 and he joined the University on 26.6.78. Since there was a gap between these two services for about a period of 6 to 7 months. The Committee, therefore, considered that it cannot be taken as continuous service and hence his prayer be regretted.

The meeting then ended with a vote of thanks from the Chair.

sd/-
K.M. Deb,
Chairman,
Task Force Committee.

(ii) Assured Career Progression Scheme – Adoption and Implementation thereof.

EC:109:2001:6:6:(ii): The Council considered the Assured Career Progression Scheme in respect of Group B, C and D staff and RESOLVED to refer the matter to the same Committee under item 4 (i)

(iii) Pay Scale in respect of Work Assistant.

EC:109:2001:6:6:(iii): The Council considered the pay scale in respect of Work Assistant and RESOLVED that the matter may be referred to the same Committee under item 4 (i).

(iv) Appointment to a post carrying lower scale of pay – Pay protection regarding.

EC:109:2001:6:6:(iv): The Council considered the appointment to a post carrying lower scale of pay and RESOLVED that the matter be referred to the Committee under item 4 (i).

(v) Prayer of Shri SR Sen, Legal Adviser, for revising the rates of fees payable to him.

EC:109:2001:6:6:(v): The Council considered the request of Shri SR Sen, Legal Adviser and RESOLVED that the retainer and other fees may be revised as follows:

(a) Retainership fee Rs.3500/- per month.

(b) A lumpsum fee of Rs.5000/- only for each case both in High Court and District Court which will include fees for appearance, drafting, conducting etc., 50% of the fees to be paid at the time of appearance and filing and remaining 50% to be paid after disposal of the case.

(c) For drafting of each opinion, complaint etc., Rs.400/- per case.

(d) For stationery and clerkage as per expenditure.

(vi) Benefit of past service for the purpose of computing qualifying service in NEHU to determine pension and other retirement benefits.

EC:109:2001:6:6:(vi): The Council considered the recommendations of the Task Force Committee appointed to look into the computation of past services for the purpose of retirement benefits and RESOLVED to accept the same and that GPF holders may also be allowed to get the benefit of their past services.