

6:4: Disciplines.

(1) DEPARTMENTAL PROCEEDINGS AGAINST SHRI J.V. LYNRAH, LDC, EXAMINATION DEPARTMENT

The Council, in its 139th meeting held on 11.12.2009, resolved vide Resolution No.EC:139:2009:6:4(i) that all the official procedures related to the case of Shri J.V. Lynrah be processed and completed and the matter be referred back to the next meeting of the Council.

In this connection, it may be apprised that the case of Shri Lynrah relates to his misconduct of unauthorized absence from duty for the period from 5.9.2006 to 8.9.2006 and from 3.10.2006 onwards without any information/leave application or any leave granted to him by the competent authority. Various Memos/Show-Cause Notices were issued to him for explaining the reasons for his said unauthorized absence to which he never responded, and finally, it was decided to hold a Departmental Inquiry against him.

Shri Lynrah did not respond to the notices issued to him for 3(three) times to appear before the Inquiry Committee and as a result, an *ex-parte* inquiry was conducted by the Inquiry Officer. The findings of the Inquiry Committee as received from the Inquiry Officer, reads that "Shri J.V. Lynrah, LDC, failed to comply, that is, to deny the charges framed against him by choosing not to appear for any of the notices issued for his defence. Therefore, *ipso facto*, the said charge-sheeted employee accepts the charges against him. Therefore, the authority may take action against him for misconduct as per the CCS Rules", and thus, in view of the above, all official procedures related to this case are understood to have been duly processed and completed (Inquiry Report placed as Annexure-A).

In the above background and taking into account the long absence of Shri Lynrah from duty and not appearing before the Inquiry Committee, it is obvious that Shri Lynrah is no longer interested in the services of the University which calls for dispensing with his service under the provision of Statute 28(1)(d) for being guilty of the misconduct mentioned above. However, the action proposed to be taken needs to be first decided by the Council so as to provide an opportunity to the charged official enabling him to show-cause against the proposed action as may be decided by the Council.

. On the above context, in order to facilitate a decision on the proposed action in the case, it may be pointed out that dismissal/removal from service amounts to severest penalty as the employee forfeits all his past service and does not get any pension or gratuity, etc. whereas, if it is decided to send him on compulsory retirement, the employee does not forfeit his past service and remains entitled to receive retirement benefits for the same as per relevant rules.

The matter is placed before the Council for consideration.



North-Eastern Hill University Permanent Campus:Shillong-22

Ph. 272-1025

F.No. Asstt.Regr-Finance/I.O./L/2007-

Dated ^{3rd} 1st Dec'2008

To

The Registrar
NEHU, Shillong.

Sub: Enquiry Ex-parte Report.

Sir,

I was appointed as an Inquiry Officer against Shri. J.V. Lyngrah, LDC, NEHU, Shillong vide Order No. 5-169/Estt-I/Per/98-5897 dated 14.12.07 to inquire into the charges as per the office memorandum issued by the Registrar. Due to the over-pressure of the work, the report got delayed for submission for which I would like to apologize. Kindly find enclosed the Ex-parte Report containing from page 1-4 duly signed by the Inquiry Officer and Presenting Officer.

(Signature)
(Punya Devi) 3/12/08
Asstt. Registrar (Finance)

For [Signature]
3.12.2008
Dr. [Signature]

Off: Registrar I/O
R. No. 5924
Date 2/12/08

So. E-I (P.S.)

FHO
4/12/08

Pl. put up

(Signature)
24/12/08

(Signature)
8/12/08

Report of the Enquiry held against Shri. J.v. Lyngrah, LDC

A. Background:

Inquiry held against Shri. J.V. Lyngrah, LDC, NEHU, vide office memorandum No.F.5-169/Estt-I/Per/98/3060 dt.17/1/07 against misconduct under Statute 4 (4)(a) Section 25.23(s) of the NEHU Act 1973-

Under Statute 4 (4) (a) of the NEHU Act 1973, Smti. Punya Devi, Asstt. Registrar, Finance been appointed as an Inquiry Officer of the case vide Order No 5-169/Estt-I/Per/98-5897 dt 14.12.07 and Shri. I. S. Syiemlieh, Section Officer, Transport been appointed as Presenting Officer vide Order No. 5-169/Estt-I/Per/98/5597 dt 14.12.07 and forwarded the charges of misconduct, supported with official documents.

B. Facts of the Case

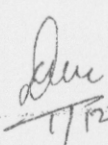
- (i) Un-authorized absence from duty w.e.f. 5.9.06 to 8.9.06 and from 3.10.06 to 11.07. *onwards*

Charges

- (ii) Issued Show Cause Notice about (a) un-authorized absence and non-clarification of his leave application (b) submitted to the Establishment without routed through 'proper channel' and (c) non-compliance with written Explanation -thereof, called for by the competent authority in the instant case.

C. Enquiry Proceeding of Charges

- (i) The 1st Notice of the Inquiry Committee was issued to Shri.J.V. Lyngrah vide issue No. 54 dt 31.3.08 for 10.4.08 .The Notice was sent by Registered Post and also by Despatch Rider (of the NEHU) to


 17/12/08
 सहायक कुलपति (Asstt. Registrar)
 वित्त अथवा Finance Section

his residence . But Shri. Lyngrah failed to present himself on the date and time for personal appearance or no further appearance or communication whatsoever were received by the Inquiry Officer.

- (ii) The Second Notice was issued to him to appear before the Inquiry Officer alongwith the Presenting Officer vide Letter No. A.R.(Fin)/I.O./L/2007 -56 dt 28th April 2008 on 9th June 2008 at 11.00.A.M.This time also the letter was sent by Registered Post to his address and was further sent to his residence by Despatch Rider through Peon Book.The said functionary did not appear or communicate in any manner to the Inquiry Officer.
- (iii) A Third Date was fixed for 14th July 2008 at 11:00 A.M. This time the Notice was received by him personally and was sent to him by Registered Post to his residence.

This time too Shri. Lyngrah chose not to present his case or communicate to the Inquiry Officer in any manner.

D. Ex-parte Report

On 4.8.08 Shri. I.S. Syiemlieh the Presenting Officer and Smti. Punya Devi, Asstt.Registrar, the Inquiry Officer met in the office chamber of the latter and decided to submit the report as Ex-parte as Shri. J.V. Lyngrah did not appear before the committee to accept or deny the charges framed against him after three notices of appearance and defence were issued as above.

Finding of the charges

The following facts were found to be correct by Inquiry Officer and Presenting Officer on the said date.

[Signature]
 सहायक कुलपति, Assl. Registrar
 वित्त विभाग Finance Section
 नेहरू विश्वविद्यालय NEHU, Shillong

[Signature]
 सहायक कुलपति, Assl. Registrar
 वित्त विभाग Finance Section
 नेहरू विश्वविद्यालय NEHU, Shillong

Shri. J.V. Lyngrah absent from duty w.e.f.5.9.06 to 8.9.06 and 3.10.06 to 6.10.06, without proper application, intimation and permission from Controlling authority, either written or otherwise.

1st Action:

The Presenting Officer presented the Note issued by the Controlling Officer vide No. F.20-4/Ex/Per/(St)2005-2061 dated 6.10.06 to Shri. Lyngrah directing him to be punctual and to apply for leave and Inquiry Officer found absolutely correct the action taken by the Asstt.Registrar (Exam), the Controlling Officer in the instant case.

2nd Action:

- (i) The Presenting Officer presented the note written by the A.R. (Exam), the Controlling Officer and the Dy. Registrar (Exam) forwarded the note regarding the irregularities of Shri. Lyngrah to Dy. Registrar, Establishment -I.

On the basis of the written note forwarded by the D.R. (Exam), a Show Cause Notice was issued by the Establishment - I to Shri. Lyngrah vide No.F.50-169/Estt-I/Per/98-2186 dated 9.11.06. which has duly been acknowledged by him.

- (ii) The Inquiry Officer found the action taken by the Establishment absolutely correct.

3rd Action:

Shri. J.V. Lyngrah,LDC, on the basis of the Show Cause Notice failed to comply with requirement sought through the Show Cause Notice and Memorandum issued against the charges framed by the Registrar,

[Handwritten Signature]
 सहायक दु. ... Asst. Registrar
 कित्त ... Sec. In-
 भेदु, कि. ... SHU, Shillong

NEHU, under Article of Charges 1 & 2 presented by the Presenting Officer and for constituting an inquiry to inquire against the charges of Shri. J.V. Lyngrah .

Decision and

Recommendations:

Shri. J.V. Lyngrah, LDC failed to comply i.e. to deny the charges framed against him, by choosing not to appear for any of the notices issued for his defence .Therefore, ipso-facto the said charge sheeted employee accepts charges against him. Therefore, the authority may take action against him for misconduct as per the C.C.S. rules.

1/12/08
 (Prunya Devi)
 Incharge Officer
 Assoc. Reg. (Finance)
 NEHU
 चहायक वृत्तियुक्त असि. रेजि. वित्त प्रशासक (फाइनेस) ने. यु. वि.

1/12/08
 (Prunya Devi)
 Incharge Officer
 Assoc. Reg. (Finance)
 NEHU

1/12/08
 (Prunya Devi)
 Incharge Officer
 Assoc. Reg. (Finance)
 NEHU

Wuerrttenmberg Fellowship under the Indo-German Cultural Exchange Programme and **RESOLVED** to grant duty leave with full pay and other allowances to Prof. Subba for a period of three months w.e.f. 15th October, 2010 to 15th January, 2011.

6:4: Discipline

- (i) **Departmental proceeding against Shri J.V. Lynrah, LDC, Examination Department.**

NO:EC:141:2010:6:4:(i): The Council **RESOLVED** to defer this item.

- (ii) **Inquiry Report of Women's Cell regarding the case of Prof. V.K. Srivastava, Hindi Department.**

NO:EC:141:2010:6:4:(ii): The Council considered the final Inquiry Report of the Women's Cell, NEHU, regarding the case of alleged sexual harassment meted out to certain girl students of Hindi Department by Prof. V.K. Srivastava, Hindi Department as required by the Executive Council and the Hon'ble High Court. The Council deliberated at length on the Report as submitted by the Women's Cell, NEHU, and after a thorough discussion on the Report on the eight charges levelled against the delinquent **RESOLVED** to accept the report as it felt that his presence on the University Campus could lead to other matters of subjugation of the female students of the University given that he is in a position to dominate and harass them and therefore the Council **RESOLVED** to accept the recommendation of the Women's Cell 'for compulsory retirement' of Prof. V.K. Srivastava of Hindi Department, NEHU.

Prof. R.P. Bajpai, member of the Executive Council did not agree with the decision of the Council and submitted a note of **dissent** that is placed below:

Note of Dissent on 6:4:2: (1-38)

The punishment is too harsh even if we ignore a serious infirmity of the influence of one member of the sub committee. It is suggested that the following punishment be given:

1. Stoppage of five increments
2. Debar from holding any administrative position.