

(ii) Payment of Rs. 17,500/- to Shri N. Rynjah -
Inquiry Officer.

Shri N. Rynjah was appointed as Inquiry Officer for conducting enquiry against Shri A.J. Borbhuya, J.E. Store-in-charge vide appointment letters at annexure I and II. The enquiry was conducted and completed within 12 days. As a remuneration for the work done, the University have offered him Rs. 4,851/- as calculated as per the provision of the CCS (CCA) Rules.

While refusing the above payment, Shri N. Rynjah vide his letter dated 8.1.96 (annexure III) has requested the University for payment of Rs. 17,500/- which is the fee charged by him and paid by NEEPCO for a similar case i.e. Rs. 15,000/- per case and Rs. 2,500/- for Secretarial job (Annexure IV).

As the enquiry conducted and report submitted by Shri N. Rynjah has been accepted by the University and since Shri Rynjah has refused the remuneration offered by the University and requested for Rs. 15,000/- + Rs. 2,500/- equivalent to the amount received by him for conducting similar enquiry in NEEPCO. The Council may please consider to grant him Rs. 17,500/- as preferred by him.

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No.F.21-4/Admn./92-3437
Dt.13.11.96

E.J. Mawlong
Registrar(Acting)

D.O.No.F.76-4/Estt.I/90-791

September 7, 1994.

Dear Mr. Rynjah,

Sometimes in December, 1989 there was a joint inspection of Campus Dev. Deptt. Store by the CBI and the University's Vigilance Officer. During the surprise inspection it was detected that there was discrepancy in the stock account of building materials, viz. MS rounds and cement purchased for the project "construction of Science Complex" at the permanent campus. Since then enquiries have been conducted by the University through various departments including the Internal Audit Cell. The enquiries so conducted reveal that the then store-in-charge, Shri A.J. Barbhuiya, JE now on deputation with the Assam University, Silchar has not been able to explain the discrepancies that have come to notice. The JE concerned has been served with the draft charge sheet and since he has denied the charges, the University has decided to institute departmental proceedings against him. As you are aware we hold you in very high esteem and with your vast knowledge and experience we feel that you are the fittest person to conduct the departmental proceedings as the Inquiry Officer. Since you are not all involved in the matter we hope that you will not refuse our offer. You may also be aware that the Inquiry Officer is remunerated according to the rates prescribed in the CCS (CCA) Rules. Please therefore favour us with the information as to whether you are willing to accept to act as Inquiry Officer in the case mentioned above.

An early reply is solicited.

With warm regards,

Yours sincerely,

Sd/-

(E.J. Mawlong)

Mr. N. Rynjah,
Risa Colony,
Shillong.

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ANNEXURE - II

No.F.76-4/Estt.I/90-3210

Dated 29/9/94.

O R D E R

Whereas an inquiry under statute 4(4)(a) of section 25(i) of the NEHU Act, 1973 is being hold against Shri A.J. Barbhuiya Junior Engineer (presently on deputation to Assam University, Silchar)

And whereas the undersigned considers that an Inquiry Officer should be appointed to inquire into the charges framed against the said Shri A.J. Barbhuiya.

Now, therefore, the undersigned in exercise of the power conferred by the statute 4(4)(a) of the said Act, hereby, appoints Shri N. Rynjah, Former Chief Engineer, NEHU, Shillong as the Inquiry Officer to inquire into the charges framed against the said Shri A.J. Barbhuiya.

Sd/-

(E.J. Mawlong)
Registrar.

Copy to :-

1. Shri N. Rynjah, Former Chief Engineer, NEHU, Risa Colony, Shillong - 3.
2. Shri A. Mao, S.I./CBI/Oaklnad, Shillong - I.
3. Shri A.J. Barbhuiya, Junior Engineer, Assam University, Silchar.
4. The superintendent of Police, C.B.I., A.C.B., Oakland, Shillong-1.

ANNEXURE - III

Mr. N. Rynjah, FIE (Ind)

RISA COLONY
SHILLONG - 793003

To

The Vice-Chancellor,
North Eastern Hill University,
Mawkynroh-Umshing University Campus,
Shillong-793 022.

Dated January 8, 1996

Subject :- Remuneration proposed to be given to Mr. N. Rynjah,
Inquiry Officer, (A.J. Borbhuiya's Case)

Reference: Mr. N. Rynjah, Inquiry Officer's representation dated
September 16, 1995 and
Finance Officer, NEHU's No. FA/Cash/Accounts/91-92
dated 3-1-96.

Sir,

I have the honour to draw your attention once again to my
representation dated September 16, 1995 and to state the following
by way of reminding you of the need of paying me a reasonable fee
of Rs. 17,500.00 (Rupees seventeen thousand five hundred) only.

- (1) That notwithstanding my representation, a cheque for Rs. 4,851.00
(Rupees four thousand eight hundred and fiftyone) was sent to
me vide Finance Officer, NEHU's letter dated 3-1-96.
- (2) That I reiterate that my fees should not be less than what I
billed for this particular job, keeping in view that other
organisations, like the NEEPCO Ltd agree to a fee of Rs. 16,000/-
per case and that at least three cases were given at a time.
- (3) That your attention is particularly invited to the provision in
page 641 of Swamy's Manual on disciplinary proceedings for
Central Government Servants. It states "The salaries and allo-
wances payable to, and the other terms and conditions of service
(including Pension, gratuity and other retirement benefits) of,
the Chairman, Vice-Chairman and other members (of the tribunals)
shall be such as may be prescribed by the Central Government:
Provided that neither the Salary and allowances nor the other
terms and conditions of service of the Chairman, Vice-Chairman
or other members (of the Tribunal) shall be varied to his
disadvantage after his appointment".
- (4) That I furnished to you the Xeroxed copy of my appointment as
an Inquiry Officer by the NEEPCO Ltd. The fee is Rs. 15,000.00
plus Secretarial fee of Rs. 1,000.00 = Rs. 16,000/- per case
with a provision that three cases have to be given at a time.
- (5) That the NEHU, while offering me a cheque of Rs 4851.00 said
to be the fee payable to me, did not apply the principle of
fairness as spelt out in page 641 of Swamy's Manual (Edition 1996)
which pertains to CCS(OCA) Rules.
- (6) That I regret to say that I do not agree to the fee of Rs 4851.00
as offered by you .

Under the above circumstances, I return herewith the Cheque
B/845 085176 dated September 18, 1995 which was sent to me on
100 3-1-96. I request you kindly to pay me the full fee of
Rs. 17,500.00 (Rupees seventeen thousand five hundred) only as per
by bill dated June 20, 1995.

Yours faithfully,

Sd/-

(N. Rynjah)

Risa Colony, Shillong - 3.

Encl : 1 Cheque 085176
Dated Septr 18, 1995.

Mr. N. Rynjah, FIE (Ind)

RISA COLONY
SHILLONG - 793003

D.O. Letter Dated June, 4 1996.

Dear Dr. Pakem,

Subj : Remuneration proposed to be given to Mr. N. Rynjah,
Inquiry Officer (A.J. Borbhuiya's case)Ref :- Memo No. F.21-4/ADM/92-623 dated the 14th July,
1996 from the Assistant Registrar (ADM), NEHU to me.

I have the honour to bring to your notice once again the following points at issue -

- (1). That I received the Memo No. F.21-4/ADM/92-623 dated May 14, 1996 from the Asstt. Registrar (ADM), NEHU holding the view that the principles for fixing the remuneration of the members of the Administrative Tribunal does not pertain to the CCS (CCA) Rules and are not applicable to me. This is not correct.
- (2). That the principles of fairness and fair play require that the remuneration of any non-official person engaged in the Government work, Such as Enquiry Commission/Committee should be so fixed as not to vary to his disadvantage. This principle is laid down in the CCS (CCA) Rules page 641 of Swamy's book on the subject. (The proviso reads "Provided that neither the salary and allowances nor the other terms and conditions of service of Chairman, Vice-Chairman or other member should not be varied to his disadvantage after his appointment"). This is a very fair principle free from discrimination when the Government organisation engages non-official person to do their job - a non-official person's pay & allowances should be so remunerated as not to vary to his disadvantage.
- (3). That I am a non-official person engaged by the North Eastern Hill University on an Inquiry job. I deserve the remuneration of such amount as not to be less than what I used to get for the similar job from the other organisation.
- (4). That I am paid by the NEEPCO Ltd as an Inquiry Officer of the cases in their establishment Rs 15,000.00 plus Rs 1,000/- (for Secretarial services) = Rs 16,000.00 (Rupees sixteen thousand) for each case when they give me three cases at a time. The NEHU gave me only one case but the Secretarial services at Rs.2,500/- remain the same, and so I submitted my bill to the NEHU vide my letter dated June 20, 1995 for Rs 17,500.00 (Rupees seventeen thousand five hundred) only which is in consonance with the arduous labour I put into the job.
- (5). That it appears to me that in the CCS (CCA) Rules there is no specific provision for remuneration of an Inquiry Officer. All that the NEHU is trying to do is to fix the remuneration of a non-official persons engaged on Govt. job by comparing with the remuneration of serving employees. But the non-official has nobody to be compared with except his own status and his own income. In my particular case I have furnished you the Xeroxed copy of the letter from the NEEPCO Ltd in which they fix my remuneration for each case of Inquiry. This is the fair and sound basis on which my remuneration can be fixed and paid.

Contd....2/-

ANNEXURE - IV

(6). That the remuneration of Rs. 4851.00 offered to me is fixed arbitrarily by the NEHU not according to the principles of CCS (CCA) Rules. The CCS (CCA) Rules lay down no discrimination in the fixing of the salary and allowances of a non-official person and bar from such an attempt to so fix the remuneration of any non-official as to vary to his disadvantage.

Sir, I hope you will exercise your judicious mind in the perspective of equality and fair play.

Assuring you of my best service,

Yours very cordially,

Sd/-
9/6/96

(N. Rynjah)

To

Dr. B. Pakem,
Vice Chancellor,
North Eastern Hills University,
Mawkynroh-Umshing,
Shillong - 793 022.

(3) That I am a non-official person engaged by the North Eastern Hill University on an Indirect Job. I deserve the remuneration of such amount as not to be less than what I used to get for the similar job from the other organisation.

(4) That I am paid by the NEPCO Ltd as an Indirect Officer of the cases in their establishment Rs. 15,000.00 plus Rs. 1,000/- (for secretarial services) = Rs. 16,000.00 (Rupees sixteen thousand) for each case when they give me three cases at a time. The NEHU gave me only one case but the secretarial services at Rs. 2,500/- remain the same, and so I submitted my bill to the NEHU vide my letter dated June 20, 1995 for Rs. 17,500.00 (Rupees seventeen thousand five hundred) only which is in consonance with the arduous labour I put into the job.

(5) That it appears to me that in the CCS (CCA) Rules there is no specific provision for remuneration of an Indirect Officer. All that the NEHU is trying to do is to fix the remuneration of a non-official person engaged on Govt. job by comparing with the remuneration of serving employees. But the non-official has nobody to be compared with except his own status and his own income. In my particular case I have furnished you the Xeroxed copy of the letter from the NEPCO Ltd in which they fix my remuneration for each case of Indirect. This is the fair and sound basis on which my remuneration can be fixed and paid.

6:4-

DISCIPLINE-

- (i) Imposition of minor penalty on Sri Chandeswar Rai Chowkidar.

No:EC:91:96:6:4:(i): The Council considered the imposition of minor penalty on Sr Chandeswar Rai, Chowkidar and RESOLVED to approve the reduction of one increment for a period not exceeding three years.

6:6 Service Condition/Financial & Other Benefits-

- (i) Implementation of Placement of Shri N.A.Hunthanbou, Dark-Room Camera Operator, in the approved pay-scale of Rs. 1400-40-1800-EB-50-2300/-.

No:EC:91:96:6:6:(i): The Council considered the placement of Shri N.A.Hunthanbou, Dark-Room Camera Operator in the approved pay-scale of Rs.1400-40-1800-EB-50-2300/- and RESOLVED to regret the same as he has already been appointed in the scale of Rs.1200-2040/-.

- (ii) Payment of Rs.17,500/- to Shri N.Rynjah, Inquiry Officer

No:EC:91:96:6:6:(ii): The Council considered the payment of Rs.17,500/- to Shri N.Rynjah for conducting an enquiry in the University and RESOLVED to regret the payment of the amount as demanded by Shri N.Rynjah.

- (iii) Qualifications/experience for the post of Deputy Registrar in Central University.

No:EC:91:96:6:6:(iii): The Council considered the letter from the University Grants Commission regarding the qualifications and Promotion ratio to the post of Deputy Registrar as indicated by the UGC and noted the same.

- (iv) Premature retirement of Mrs.B.J.Nicols, Section Officer, NEHU, Shillong.

No:EC:91:96:6:6:(iv): The Council considered the representation made by Mrs.B.J.Nicols, Section Officer and RESOLVED to regret the same as recommended by the Committee appointed by the Council.

- (v) Up-gradation of pay-scales of Senior Statistical Assistants and others-Report of the Committee.

No:EC:91:96:6:6:(v): The Council considered the recommendation of the Committee appointed by it for up-gradation of pay-scales of Senior Technical Assistants and RESOLVED to approve the same on the same terms and conditions as granted to the other STAs and further RESOLVED that another Committee consisting of the following Members may review all the cases decided by the earlier Committees appointed by the Executive Council.