

(v) On terms and conditions of Vice-Chancellor.

Ordinance O.E.4 on terms and conditions of service of Vice-Chancellor, was accepted by the University as an amendment to clause(4) of Statute 2 (a) of the NEHU Act 1973 and notified vide No.Conf/13-2/Crd/87(Vol.IV)/1275 dated 26.5.99.(Annexure-1)

Clause 1 of the amended ordinance, O.E.14 besides other terms and conditions reads as follows:-

"If he assumes his charge after attaining the normal age of superannuation and is receiving pension due to his past service, then either his pay and allowances will be reduced by the gross amount of his pension amount prior to commutation or the payment of pension shall be held in abeyance up to the date of his relinquishing the charge of the post of Vice-Chancellor."

On the other hand under clause-4 besides other terms and conditions reads that the period of service rendered by him in the University beyond the normal age of superannuation shall not qualify for the purpose of pensionary benefit. The pension cum Gratuity benefits shall be payable only from the date of his relinquishing the post of Vice-Chancellor.

At clause-1 above, of the ordinance benefit of option is allowed for drawal of pension cum gratuity if he assumes the charge after superannuation, where as under clause-4 above, a Vice-Chancellor, whose superannuation occurs during his tenure and continues to hold the post due to extension, is deprived of the option for drawal of gratuity and pension benefits on the superannuated date, but is payable only after the date he relinquishes the post of Vice-Chancellor. The amended ordinance is therefore discriminatory and found to go against the spirit of CCS pension rule-9 which is as follows:-

Right of President to withhold or withdraw pension (1)
The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and or ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government,

if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement.

In this context, Prof. B. Pakem has submitted a representation (Annexure-II) to re-consider the provision under ordinance O.E.14 so as to avoid financial loss on account of pension being kept in abeyance which would result in reduction on the commuted value of pension in view of commutation factor on his final vacation of the post of Vice-Chancellor.

The matter is therefore placed before the Executive Council for reconsideration and decision.

No.F.17-45/Estt.II/84.

- Copy to:-
1. Mr. K.R. Bhawari, Assistant Educational Adviser, Ministry of Human Resource Development, Department of Education, Govt. of India, Shastri Bhawan, New Delhi-110002.
 2. Pro-Vice-Chancellor, NEHU, Shillong/Aizawl/Tura.
 3. Registrar/Finance Officer/Controller of Examinations, NEHU, Shillong.
 4. All Heads of School, NEHU, Shillong.
 5. All Heads of Departments/Centres, NEHU, Shillong/Aizawl/Tura.
 6. Deans Student Welfare, NEHU, Shillong.
 7. All other Officers, NEHU, Shillong/Aizawl/Tura.
 8. Director, Publication Cell, NEHU, Shillong.
 9. P.S. to the Vice-Chancellor, NEHU, Shillong.

Deputy Registrar

Copy to:-

NORTH-EASTERN HILL UNIVERSITY
SHILLONG

No:Conf/13-2/Ord/87(Vol.-IV)-1275

Dated 26th May'1999

N O T I F I C A T I O N

The Vice-Chancellor, NEHU is pleased to notify the Ordinance on the terms and conditions of service of the Vice-Chancellor as appended herewith.

The above Ordinance has been duly approved by the Executive Council in its 98th meeting held on 15.9.98.

The Ordinance has been notified under provisions of Statute 41 Sub Clause (5) and (6).

The Ordinance may be treated as having been incorporated in the NEHU Ordinances as Ordinance OE-14.

J M S Khongwir
 Deputy Registrar

Copy to:-

1. Dr. D.K. Bhawsar, Assistant Educational Adviser, Ministry of Human Resource Development, Department of Education, Govt. of India, Shastri Bhawan, New-Delhi:-110001.
2. Pro-Vice-Chancellors, NEHU/Shillong/Aizawl/Tura.
3. Registrar/Finance Officer/Controller of Examinations, NEHU, Shillong.
4. All Deans of School, NEHU, Shillong.
5. All Heads of Departments/Centres, NEHU, Shillong/Aizawl/Tura.
6. Deans Student Welfare, NEHU, Shillong.
7. All other Officers, NEHU, Shillong/Aizawl/Tura.
8. Director, Publication Cell, NEHU, Shillong.
9. P.S. to the Vice-Chancellor, NEHU, Shillong.

Deputy Registrar

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ORDINANCE
ON THE TERMS AND CONDITIONS OF THE SERVICE
OF THE VICE-CHANCELLOR

(Statute 2(a)(4) of the Schedule to the NEHU
Act, 1973

ORDINANCE-OE-14

1. The Vice-Chancellor shall receive a salary as fixed by the Govt. of India/UGC from time to time plus other allowance as admissible from time to time. If he assumes his charge after attaining the normal age of superannuation and is receiving pension due to his past services, then either his pay and allowances will be reduced by the gross amount of his pension amount prior to commutation or the payment of pension shall be held in abeyance up to the date of his relinquishing charge of the post of Vice-Chancellor. On the other hand, if he assumes charge after attaining the normal age of superannuation and he was on a non-pensionable post, his gross pension equivalent of retirement benefits will be reduced from the pay and allowances admissible for the post of Vice-Chancellor.
2. During his tenure of Office, the Vice-Chancellor shall be entitled to have a rent free furnished residential accommodation maintained by the University.
3. The Vice-Chancellor shall be entitled to use a University Vehicle for Official purposes. The Vice-Chancellor shall also be eligible to use the University vehicle for private purposes and for such journeys he will be liable to pay such charges as are prescribed by the Government for private use of Government vehicle by Officers on the basis of Kilometres involved in private use.
4. The Vice-Chancellor shall be eligible to opt for the general provident Fund-Pension-Gratuity Scheme of the University if he has not attained the normal age of superannuation prior to commencement of his tenure and provided he has been eligible for pension scheme as an employee of a Central/State Government or a Central/State autonomous body or a Central/State University before joining as Vice-Chancellor. If he opts to join GPF-Cum-Pension-Cum-Gratuity Scheme of the University, the Vice-Chancellor shall be entitled to the benefit of combining his past services with the services as Vice-Chancellor up to the normal age of superannuation for the purpose of pension. For this purpose the University will receive pension/Contributory Provident fund liability from the previous organisations. The period of service rendered by him in the University beyond the normal age of superannuation shall not qualify for the purpose of pensionary benefits. The pension-cum-gratuity benefits shall be payable only from the date of his relinquishi-

ng the post of the Vice-Chancellor. If the Vice-Chancellor assumes his office either after superannuation or superannuates during the tenure, he shall be entitled to join Contributory Provident Fund-Gratuity Scheme from the date of his Joining the post if already superannuated or the date of his superannuation during the tenure as applicable.

5. (a) The Vice-Chancellor shall be entitled to leave of full pay @30 days in a calendar year. The leave shall be credited to his account in advance in two half yearly instalments of 15 days each on the first day of January and first day of July every year; provided that if the Vice-Chancellor assumes/relinquishes charge of the office of Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of 21/2 days for each completed month of service.

(b) The leave at the credit of the Vice-Chancellor at the close of the previous half year shall be carried forward to the new half year, subject to the condition that the leave so carried forward plus the credit for the half year does not exceed the maximum limit as prescribed by Govt. of India from time to time.

(c) The Vice-Chancellor on relinquishing the charge of his Office shall be entitled to receive a sum equivalent to the leave salary admissible for the number of days of leave on full pay due to him at the time of his relinquishment of charge subject to a maximum of the number of days as prescribe by the Govt. of India from time to time.

(d) The Vice-Chancellor shall also be entitled to half pay leave at the rate of 20 days for each completed year of service. This half pay leave may only be availed of as commuted leave on full pay on medical certificate. Whene commuted leave is availed, twice the amount of half pay leave shall be debited against half pay leave due.

(e) The Vice-Chancellor shall also be entitled to avail himself extra ordinary leave without pay for a maximum period of three months during full term of five years on medical ground or otherwise.

6. The Vice-Chancellor shall be reimbursed the actual expenditure incurred while on Official tour in addition to the TA/DA entitled as per rules.

7. Further, if in case accommodation as per entitlement of the staff accompanying the Vice-Chancellor is not available, the Vice-Chancellor may provide them accommodation and other facilities which will be reimbursed to him and the staff shall be entitled to a personal orderly.

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9. The Vice-Chancellor shall be entitled to all other benefits such as medical Attendance and leave Travel Concession as admissible to other University employees.

10. The Vice-Chancellor shall be entitled to Travelling Allowance on Transfer on his appointment as Vice-Chancellor and after relinquishment of his charge.

8. In addition to the other staff allotted to the Official residence of the Vice-Chancellor, the Vice-Chancellor shall be entitled to a personal orderly.

SG/26/5/99)

NORTH-EASTERN HILL UNIVERSITY
SHILLONG

ANNEXURE-II.

Prof. B. Pakem,
 (Retired) Professor of
 Political Science,
 North-Eastern Hill University,
 Shillong.

Dated June 14, 1999.

To

The Chairman,
 Executive Council,
 NEHU, Shillong.

Sir,

I took sometime to represent my pension case mainly because it was difficult on my part to decide whether the Vice-Chancellor can represent his case if he feels to be deprived of legitimate benefits. Now I am convinced that any injustice even to a Vice-Chancellor is an injustice to an employee of the University and hence this representation of mine. However, the representation may kindly be treated as one from (Retired) Prof. B. Pakem of the Department of Political Science of the University.

Ordinance OE 14 on the terms and Conditions of the service of the Vice-Chancellor under Statute 2 (a) (4) of the Schedule of the NEHU Act, 1973 circulated under Notification No: Conf/13-2/Ord/87(Vol.-IV)-1275 dated 26th May, 1999 appears to suffer from contradictions which basically violates the Provisions under CCS Pension Rules 9. The first para of the Ordinance is quite in conformity with the CCS Pension Rules and is guided by the provision of FR in relation to the fixation of pay of a reemployed Government employee retired on superannuation. But para 4 of the said Ordinance provides a line as "The pension cum gratuity benefits shall be payable only from the date of his relinquishing the post of the Vice-Chancellor". This implies that the pension cum-gratuity is held up for the period he holds the charge of the post of the Vice-Chancellor. This is in violation of CCS Rules 9 which authorises the President of India to withhold or withdrawing pension or part thereof, whether permanently or for a specified period if any pecuniary loss has been caused to the Government by the pensioner or the pensioner is found guilty of grave misconduct or negligence during the period of his service etc.

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On the other hand the Ordinance does not allow a Vice-Chancellor who retires on superannuation from his substantive post while holding the office of the Vice-Chancellor to avail the benefit of commutation of pension on the day of his retirement. Commutation of pension depends on commutation factor which goes on reducing as the age on next birthday goes on increasing. In my case had I been permitted to commute my pension on the day of my retirement I would have been given the benefit taking the commutation factor as 9.81 where-as the commutation factor as on today comes to 9.15. This results in reduction on the commuted value of pension. Also I could have earned substantial amount of interest on the commuted value of my pension and on the gratuity. A rough calculation shows that I am incurring a loss of not less than Rs.50,000/- annually.

Further, it may not be out of place to mention here that pension is not only an earned right but also a property right under Article 19(1)(f) and Article 31(1) of the Constitution of India. The withholding of pensionary right by any Executive order is, therefore, not saved by Article 19(5) of the Constitution of India.

Under the circumstances stated above, I would now, therefore, requested you kindly to look into the matter and reconsider the provisions made under Ordinance OE 14 which, to my mind, are against the principle of normal justice granted under the relevant Pension Rules.

Yours faithfully

(B. Fakem)

(Retired) Professor of Political
Science, North-Eastern Hill
University, Shillong Meghalaya.

6:6- Service condition / Financial and other Benefits.

- (i) Principle of fixation of Pay on promotion while drawing a pay in a scale of pay granted under one Upward Movement in the lower post.

EC:103:99:6:6: (i): The Council considered the principle of fixation of pay on promotion while drawing a pay in a scale of pay granted under the 'one Upward Movement' in the lower post and RESOLVED that the pay fixation in the higher post may be made taking into consideration the pay drawn in the higher scale of the lower post subject to executing an Undertaking that the excess salary if any may be refunded back in case of any decision of the UGC stating otherwise.

- (ii) Raising the retirement age from 60 years to 62 years in respect of Officer Group 'A'.

EC:103:99:6:6:(ii): This item was taken along with Item No.3:(xiii).

- (iii) Transport Allowance.

EC:103:99:6:6: (iii): The Council considered the matter and RESOLVED to discontinue with immediate effect the present 'Pass System' for all employees of NEHU.

- (iv) Replacement of Selection-cum-Seniority in lieu of Selection-cum-Merit.

EC:103:99:6:6: (iv): The Council considered the replacement of the Selection cum-Seniority criteria in place of Selection cum-Merit for the purpose of promotion of Group 'B' and 'C' employees and RESOLVED that the matter be referred to a Committee consisting of the following who shall report to the Chairman of the Council for a decision.

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|-------------------|----------|
| 1. Prof. JP Singh | Chairman |
| 2. Prof. SS Khare | Member |
| 3. Dr. A. Patton | -do- |

- (v) On terms and conditions of the services of the Vice -Chancellor.

(For this item Prof. B. Pakem left the Chair and Prof. RL Tluanga

presided over).

EC:103:99:6:6: (v): The Council considered the existing terms and conditions of the services of the Vice-Chancellor under OE-14 and RESOLVED to amend the Ordinance to allow payment of all retirement benefits from the date of retirement.

6::7- Others.

- (i) Change of name of Shri BK Gupta, Lecturer,
Centre for Applied Statistics, NEHU,
Shillong.

EC:103:99:6:7: (i): The Council considered the changing of name of Shri BK Gupta, Lecturer, Applied Statistics to Shri BK Gupta and RESOLVED that he be requested to complete the process.

- (ii) Time barred TA / DA claims of the University
Officials.

EC:103:99:6:7: (ii): The Council considered the time barred TA / DA bills of the following employees and RESOLVED that they may be condoned provided that they are first time defaulters.

1. Mrs. Rama Mishra
Assistant Librarian.
2. Moses M. Naga
Lecturer,
Lib & Information Science.
3. Shri K. Rynthathiang
Peon,
Library & Information Science.
4. Bakika laloo
LDC
Deptt. of Lib & Information Science.

(iii) Retention of Residential Quarter.

EC:103:99:6:7: (iii): The Council considered the request of Mrs. S. Chauhan, W/o (L) Prof. YS Chauhan to allow her to retain the quarter allotted to her late husband for a period of one year and RESOLVED that she may be allowed to do so subject to payment of the required assessed rent beyond the permissible three month period.