

- (xi) Grant of benefits in the form of addition to qualifying service for pension.

The Executive Council in its 90th meeting considered the question of granting benefits in the form of addition to qualifying service in special circumstances and resolved that the relevant provisions in this regard as per CCS (Pension) Rule 30 and the GOI orders issued thereunder from time to time should be followed. The said Executive Council further resolved that a three member Committee under the Chairmanship of Professor R.R. Mishra might be formed "to examine and go through the guidelines suggested vis-a-vis Government of India's Rules".

The Mishra Committee in their report recommended the following guidelines for implementation of the provisions of CCS (Pension) Rule 30 vide Annexure-'A' enclosed.

Guidelines :

The categories of employees for whom the additional benefit of service is admissible, the definition of date of entry for this purpose and method to calculate additional QUALIFYING SERVICE.

All the employees of NEHU covered under CURB or CCS Rules who are in the post to which the condition "namely Ph.D. or equivalent published research work" in accordance with the CCS Rule 30 is attached as an essential condition will be eligible for the benefit of additional qualifying service.

Definition of the date of entry

(1) Those who joined NEHU as Professor/Reader as their first job/not as their first job but do not opt for transfer of their earlier services. For them the date of joining NEHU will be the date of entry.

(2) Those who joined NEHU as Professor/Reader not as their first job and opt for transfer of their earlier transferable service-rendered elsewhere provided the employee was Professor/Reader on the starting-date of the service transferred or the employee was Lecturer on the starting date of the service-transferred and the condition *was essential for the Lecturer on the starting date of service transferred. For him/her the starting date of the service transferred will be the date of entry in such service.

(3) Those who joined NEHU as lecturer as their first job/ not as their first job but do not opt for transfer of their earlier services, provided the condition * was essential for the post of lecturer at the time of their joining NEHU. In such case, the date of joining NEHU will be the date of entry.

(4) Those who joined NEHU as lecturer not as their first job and opt for transfer of their transferable service rendered elsewhere; if the condition * was essential for the post of Lecturer on the starting date of the service transferred and in that case the starting date of the service transferred will be the date of entry into such service.

(5) If the condition * is attached to the post at a date later to the date of joining the post by the employee (i.e. the date of joining NEHU if it is his/her first job or he/she does not opt for his transfer of earlier service; the starting date of the transferred, in case he/she opts for transfer) and if the employee fulfills the conditions * on the date of attachment of such condition to the post, the date of entry be taken as the date of attachment of such condition provided the employee opts to forgo the service prior to that date.

Method for calculation of additional qualifying service and total qualifying service:

- (a) = Date of entry as defined above
- (b) = Date of retirement
- (c) = the period not to be qualified towards actual qualifying service as per rule.
- (d) = actual qualifying service = (period(b-a) - c years
- (e) = age at the date of entry - 25 years, if it is greater than zero, and zero otherwise.
- (f) = the additional qualifying service = minimum of 5, e and d/4, provided d is at least 10 years
- (g) = Total qualifying service necessary to calculate pension etc. = will be f + d years or maximum no. of years for full pension, whichever is less.

Note: (1) The Committee recommend that the additional benefit of qualifying service be deemed to have been included in the recruitment rules of NEHU from the inception of the University. This additional benefit will be effective for all the employee retiring after 22.8.1990, the date of notification regarding this by the University. However, for future appointments this clause may be added in the advertisement for the post where this is applicable.

(2) The phrase "starting date of the service transferred" used above is illustrated through an example given below:

If NEHU accepts the transfer of service of an employee from December 15, 1969 to January 20, 1978, then December 15, 1969 will be the starting date of the service transferred.

The guidelines suggested by the Mishra Committee were examined by the Office and it was found that the said guidelines do not conform with the Orders of the Govt. of India on the subject which are enumerated below for the appraisal of the members -

Weightage of service to overaged recruits in selected services- On the recommendations of the second Central Pay Commission, a concession was introduced for some selected services for which special qualifications are essential and to which candidates of more than 25 years of age are normally recruited. Under this concession, the Government may allow a Government servant who retires from a service or post after the 31st March, 1960, to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-five years, or a period of five years, whichever is less. The following are the conditions for the grant of concession :-

- (i) The service or post should be one for which post graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and
- (ii) To which candidates of more than twenty-five years of age are normally recruited;
- (iii) The concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule;
- (iv) The concession shall not be admissible to any Officer unless his actual qualifying service at the time he quits Government service is not less than 10 years

Contd....4.....

(v) The concession shall not be admissible to those who are eligible for counting their past service for superannuation pension unless they opt before the date of retirement to forgo the counting of past service.

The matter is brought to the notice of the members for information. Since we have been following the CCS (Pension) Rules in toto, it may not be wise to violate or disregard the Orders of the Govt. of India on the subject. It may invite audit objections from the A.G. (Audit).

ADDITIONAL BENEFIT OF QUALIFYING SERVICE

The 68th E.C. in its meeting held on 30.3.90 by resolution No.EC.68:90:50:01: (vii) dated 30.3.90 resolved as "the additional benefit of qualifying services will be admissible to the employees of the University as per the Govt. rules".

The Contents of the said resolution was also notified by the University.

Provision for addition to qualifying service in special circumstances was made under CCS leave rule 30 which reads as under:

30. Addition to qualifying service in special circumstances

"(1) A Government servant who retires from a service or post after the 31st March, 1960, shall be eligible to add to his service qualifying for superannuation pension (but not for any other class or pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twentyfive years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is one-

(a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b) to which candidates of more than twenty-five years of age are normally recruited."

Consequent upon circumstances the Govt. of India made provisions to this rule from time to time. Some important provision as they are felt relevant are referred below:-

Vide O.M.No.F.2 (11-E.V(A)/73 dt. 16th April 1975 and No.3 (1)-E-V (A)/77 dt.21.2.1977 the govt. decided as under:

"Once a provision in the recruitment rules has been made after following the procedure mentioned above, the benefit of rule 30 ibid, will automatically be admissible and the need to decide individual cases will not arise. however, in the advertisement issued by the recruiting authority for recruitment to such a service or post it would be specially mentioned that the service or post is one which carries the benefit of rule 30 ibid."

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Vide OM No.8/15/pension Unit/84 dt.27th August 1984 the govt. also prescribed the procedures for framing recruitment rules for the purpose of CCS pension rule 30.

Vide O.M.No.28/51/86- P & PW dt.20th October 1987, the govt. decided, considering the removal of incongruity, that the benefit will be admissible to all those who retire after 31.3.1960 who are otherwise eligible under rule 30.

Vide notification No.28/40/88- P & PW (B) dt.9.1.1992, the govt. of India made another provision to this rule and it reads as under "Provided also that this concession shall not be admissible to those who are eligible for counting their past service for superannuation pension unless they opt before the date of their retirement, which option once exercised shall be final, for the weightage of service under this sub-rule forgoing the counting of the past service."

In the background of the position stated above, the committee is of the opinion that regarding the application of CCS rule 30 in our University there is no iota of doubt but it appears that for the purpose of execution of the said rule the E.C. may adopt certain guide lines. Accordingly the committee recommends that the following guidelines may be accepted to accommodate the university employees within the provisions of rule 30.

Guidelines:

The categories of employees for whom the additional benefit of service is admissible, the definition of date of entry for this purpose and method to calculate additional QUALIFYING SERVICE.

All the employees of NEHU covered under curb or CCS rules who are in the post to which the condition namely "Ph.D. or equivalent published research work" in accordance with the C.C.S. rule 30 is attached as an essential condition will be eligible for the benefit of additional qualifying service.

Definition of the date of entry

(1) Those who joined NEHU as Professor/reader as their first job/ not as their first job but do not opt for transfer of their earlier services. For them the date of joining NEHU will be the date of entry

Contd.....3/-

(2) Those who joined NEHU as Professor/reader not as their first job and opt for transfer of their earlier transferable service rendered elsewhere provided the employee was Professor/reader on the starting date of the service transferred or the employee was lecturer on the starting date of the service transferred and the condition * was essential for the lecturer on the starting date of service transferred.

For him/her the starting date of the service transferred will be the date of entry in such service.

(3) Those who joined NEHU as Lecturer as their first job/not as their first job but do not opt for transfer of their earlier services, provided the condition * was essential for the post of lecturer at the time of their joining NEHU. In such case, the date of joining NEHU will be the date of entry.

(4) Those who joined NEHU as lecturer not as their first job and opt for transfer of their transferable service rendered elsewhere, if the condition * was essential for the post of Lecturer on the starting date of the service transferred and in that case the starting date of the service transferred will be the date of entry into such service.

(5) If the condition * is attached to the post at a date later to the date of joining the post by the employee (i.e. the date joining NEHU if it is his/her first job or he/she does not opt for his transfer of earlier service; the starting date of the service transferred, in case he/she opts for transfer) and if the employee fulfills the conditions * on the date of attachment of such condition to the post, the date of entry be taken as the date of attachment of such condition provided the employee opts to forgo the service prior to that date.

Method for calculation of additional qualifying service and total qualifying service.

- (a) = Date of entry as defined above
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- (d) = actual qualifying service = (period (b-a) - c years
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- (f) = the additional qualifying service = minimum of 5, e and d/4, provided d is at least 10 years.
- (g) = Total qualifying service necessary to calculate pension etc.= will be f + d years or maximum no. of years for full pension, whichever ever is less.

Note:

(1) The Committee recommend that the additional benefit of qualifying service be deemed to have been included in the recruitment rules of NEHU from the inception of the University. This additional benefit will be effective for all the employee retiring after 22.8.1990, the date of notification regarding this by the University. However, for future appointments this clause may be added in the advertisement for the post where this is applicable.

(2) The phrase "starting date of the service transferred" used above is illustrated through an example given below:

If NEHU accepts the transfer of service of an employee from December 15, 1969 to January 20, 1978, then December 15, 1969 will be the starting date of the service transferred.

Sd/-
(Prof.K.K.Mishra)

Sd/-
(Prof.A.C.Sinha)

Sd/-
(Prof.S.N.Bhatt)

(ix) Stepping up of pay of the Senior at par with the Junior.

No:EC:91:96:6:6:(ix): The Council considered the stepping up of pay of Smt.G.Kapoor at par with her Junior and RESOLVED to sanction the same as decided earlier.

(x) Merit Promotion Scheme-Report of the Committee

No:EC:91:96:6:6:(x): The Council considered the introduction of Merit Promotion Scheme of the University and while deferring to take any decision on the same RESOLVED that the University may write to the other Central Universities to find out the modus operandi of the scheme in such universities.

(xi) Grant of benefits in the form of addition to qualifying service for pension.

No:EC:91:96:6:6:(xi): The Council considered the recommendation of the Committee constituted by the Executive Council to grant benefit of qualifying service for pension to NEHU Employees covered by ~~CND~~ Rule/C.C.S.Rules and RESOLVED to accept the recommendation with immediate effect to those retiring after 7.12.96. Legal advice, however, may be sought for retrospective application of Rule 30 of the C.C.S.^{Rule} with effect from 30.3.1990.

(xii) Accreditation of State Level Eligibility Tests

No:EC:91:96:6:6:(xii): The Council considered the accreditation of the State Level Eligibility Tests as conveyed by the University Grants Commission vide letter No.F.4-2/90(NET) of May,23,1996 and RESOLVED to approve the same.

6:7 - Others-

(i) Mode of reckoning seniority for the purpose of House-allotment-Report of the Committee.

No:EC:91:96:6:6:(i): The Council considered the mode of reckoning seniority for the purpose of house-allotment and while accepting the recommendations of the Committee appointed by it RESOLVED that the same Committee ^{need} make necessary amendments for House-Allotment Rules.

(ii) Provisions for redressal of Non-Teaching Staff Grievances.

No:EC:91:96:6:7:(ii): The Council considered the provisions for redressal of grievances of the Non-Teaching Staff and RESOLVED to appoint a Committee consisting of the following to frame the Statute as per Section 24(h)&(i) of the NEHU Act,1973.

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| 1. Pro-Vice-Chancellor,
NEHU, Mizoram Campus, Aizawl. | - | Chairman |
| 2. Prof.S.N.Bhat | - | Member |
| 3. Prof.A.C.Mohapatra | - | Member |
| 4. Prof.S.K.Mishra | - | Member |