

- (v) Counting of past service in respect of Shri P.K.D. Purkayastha, Assistant Registrar, NEHU.

Shri P.K.D. Purkayastha before joining this University had served as the Divisional Accountant in the Central Water Commission, River Development(JRC), Inv. Circle, Ministry of Agriculture & Irrigation, Government of India, Shillong w.e.f. 1.9.70 to 31.10.79(FN).

He applied for the post of Superintendent in NEHU through proper channel and on being selected, he was released from the Central Water Commission on 31.10.79(FN). He was appointed in NEHU as Superintendent w.e.f. 31.10.79(FN) and now he is holding the post of Assistant Registrar.

After his joining in NEHU, Shri P.K.D. Purkayastha submitted a representation for transfer of his past service from the Central Water Commission towards combined pensionary benefits in NEHU. In this regard, the Pay & Accounts Office of the Central Water Commission had transferred the GPF accumulation of Rs.6477/- and also the pro-rata Service Gratuity of Rs.4292/- to NEHU in connection with the past service of Shri P.K.D. Purkayastha in their Department.

In terms of the O.M. No.28-10/84-Pension Unit dated 29.8.84 at Appendix-12 of Swamy's Pension Compilation (at Annexure-I), the service rendered under the Government shall be allowed to be counted towards pension under autonomous body irrespective whether the employee was temporary or permanent in Government but the pensionary benefit will only be admissible when the temporary service is followed by confirmation. Shri P.K.D. Purkayastha has since been confirmed in the cadre of Section Officer in NEHU w.e.f. 1.1.83.

Considering his eligibility and receipt of pro-rata Service Gratuity and GPF accumulation from the Central Water Commission, New Delhi, the past service rendered by Shri P.K.D. Purkayastha in the Commission w.e.f. 1.9.70 to 31.10.79(FN) may be counted as qualifying service under NEHU.

The matter is placed before the Council for consideration and decision.

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ANNEXURE-I

Transfer of Central Government Servants to Central Autonomous Bodies and vice versa and of Employees of Central Autonomous Body to another Central Autonomous Body.

(Government of India, Deptt. of Personnel & A.R., O.M.No.28-10/84-Pension Unit, dated the 29th August, 1984.)

As per existing orders, service rendered outside ~~Central Government~~ does not count for pension in Central Government except in the case of scientific employees of autonomous bodies financed or controlled by the Government who on permanent absorption under the Central Government are allowed to count their previous service for pension subject to certain conditions. In respect of personnel other than scientific employees, who are permanent in Central Government, in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. No such benefit is allowed to temporary employees going over to autonomous body or undertaking.

2. A number of Central autonomous/statutory bodies have also introduced pension scheme for their employees on the lines of the pension scheme available to the Central Government employees. It has, therefore, been urged by such autonomous/statutory bodies that the service rendered by their employees under the Central Government or other autonomous bodies before joining the autonomous body may be allowed to be counted in combination with service in the autonomous body, for the purpose of pension, subject to certain conditions. Similar provisions for employees of autonomous body going over to Central Government have also been urged. In other words, the suggestion is that the benefit of pension based on combined service should be introduced.

3. This matter has been considered carefully and the President has now been pleased to decide that the cases of Central Government employees going over to a Central autonomous body or vice versa and employees of the Central Autonomous body moving to another Central autonomous body may be regulated as per the following provisions:-

(a) In case of Autonomous bodies where Pension Scheme is, in operation:-

(i) Where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body irrespective of whether the employee was temporary or permanent in Government. The

(b) Autonomous body where the Pension Scheme is not in operation:

(i) A permanent Central Government employee borne on pensionable establishment on absorption under such autonomous body will be eligible for pro rata retirement benefits in accordance with the provisions of the Ministry of Finance, O.M.No. 26 (18) E. V. (B)/75, dated the 8th April, 1976 (Order (1) in Section I), as amended from time to time. In case of quasi-permanent or temporary employees, the terminal gratuity as may be admissible under the rules would be actually payable to the individual on the date when pro rata retirement benefits to permanent employees become payable. However, in the case of absorption of a Government employee with CPF benefits in such an autonomous organisation, the amount of his subscriptions and the Government's contribution, if any, together with interest thereon shall be transferred to his new Provident Fund Account with the consent of that body.

(ii) An employee of an autonomous body on permanent absorption under the Central Government will have the option either to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered in that body as qualifying service for pension in Government by forgoing employer's share of CPF contributions with interest thereon, which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

(c) Absorption of employees of one Central Autonomous Body in another Central Autonomous Body:

The above procedure will be followed mutatis mutandis in respect of employees going from one autonomous body to another.

4. "Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50 per cent of the expenditure of the autonomous body is met through cess or Central Government grants. Autonomous body **includes** a Central statutory body or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/Autonomous body shall be taken into account for this purpose.

5. (1) The employees of a Central autonomous body or Central Government, as the case may be, who have already been sanctioned or have received pro rata retirement benefits or other terminal benefits for their past service will have the option either -

(a) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the Central Government, as the case may be; or

(b) to have the past service counted as qualifying service for pension under the new organisation in which case the pro rata retirement or other terminal benefits, if already received by them, will have to be deposited along with interest thereon from the date of receipt of these benefits till the date of deposit with the autonomous body or the Central Government, as the case may be. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases where pro rata retirement benefits have already been sanctioned but have not yet become payable, the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction. The option shall be exercised within a period of one year from the date of issue of these orders. If no option is exercised by such employees within the prescribed time-limit they will be deemed to have opted for retention of the benefits already received by them. The option once exercised shall be final.

NOTE - It has been decided in consultation with the Ministry of Finance that the rate of interest in such cases would be simple interest of 6% per annum.

Further the entire recovery may be made in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which person concerned exercised option, provided that the entire recovery in instalments does not go beyond the actual date of retirement. The right to count the previous

service as qualifying service shall not revive until the whole amount has been refunded.

The entire amount including interest may be credited to the normal head to which contributions are credited.

(G.I., Dept. of Pension and Pensioners' Welfare
O.M. No.28/10/84-Pension Unit - Volume I,
dated the 12th September,1985.)

5. (2) Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer accepts pension liability for the service in accordance with the principles laid down in this Office Memorandum. In no case pension contribution/liability shall be accepted from the employee concerned.

6. These orders will be applicable only where the transfer of the employee from one organisation to another was/is with the consent of the organisation under which he was serving earlier, including cases where the individual had secured employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

7. These orders will take effect from the date of issue and the revised policy as enunciated above will be applicable to those employees who retire from Government/autonomous body service on or after the issue of these orders.

8. The provision contained in the Ministry of Finance, Office Memorandum No. 26 (18) E.V. (B)/75, dated the 8th April,1976 (Order (1) in Section I) and O.M No. 25(1) E. V./83, dated the 8th September,1983 (Section IV) or any other orders shall, in so far as it provides for any of the matter contained in this Office Memorandum, cease to operate.

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9. The Ministry of Education and Culture, etc. are requested to advise the autonomous/statutory bodies under their administrative control, with specific directions to the Financial Advisers concerned, to ensure to make necessary provisions in their Rules and Regulations/Articles of Association in accordance with the provisions contained in this Office Memorandum. In cases where any practice otherwise than enumerated above is presently being followed the same may be revised in accordance with the provisions of this Office Memorandum so that uniformity is maintained in such matters in all the organisations.

(v) Counting of past service in respect of Shri PKD Purkayastha, Assistant Registrar, NEHU.

EC:100:99:6:6: (v): The Council considered the counting of past service rendered by Shri PKD Purkayastha in the Central Water Commission w.e.f. 1.9.70 to 31.10.79 as qualifying service under NEHU and RESOLVED to approve the same.

(vi) Cut-off-date of the age of superannuation of 62 years in respect of teachers who have retired in between the dates of issue of orders by MHRD/UGC, and formal acceptance by NEHU.

EC:100:99:6:6: (vi): The Council considered the cut -off - date of the age of superannuation of 62 years in respect of teachers and RESOLVED that the same be 62 years, taking the 6.11.98 letter as a continuation of 27.7.98 letter on the subject.

(vii) Revised qualification for Group 'A' Administrative post.

EC:100:99:6:6: (vii): The Council considered the revised qualification for the post of Group 'A' Officers and RESOLVED to approve the same. Further, in case of Finance Officer, the following qualifications may also be added.

(iii) Members of the organised accounts Service either in the same scale of pay or with 5 years service in next below grade.

(iv) A Chartered Accountant having minimum experience of 10 years as Chartered Accountant.

(viii) Improvement on Pension / Family Pension.

EC:100:99:6:6: (viii): The Council considered the revision of Pension and Family Pension as notified by the Government of India vide letter No. F.No.45/10/98/-P&PW(A) of 17th December, 1998 and RESOLVED to accept the same.

6:7: Others.

(i) Constitution of Selection Committee for recruitment of Scientific Officer in RSIC.

EC:100:99:6:7: (i): The Council considered the constitution of the Selection Committee for the post of Scientific Officers in the RSIC and RESOLVED that the practice followed by other Universities / Institutions having RSICs may be obtained