

RK 9/X/2009

**NATIONAL INSTITUTE OF TECHNOLOGY
KURUKSHETRA-136119**

**AGENDA
OF
BOARD OF GOVERNORS MEETING**



**18TH (Spl.) MEETING
TO BE HELD ON 12.10.2009**

**NATIONAL INSTITUTE OF TECHNOLOGY
KURUKSHETRA-136119**

Agenda : For the 18th (Spl.) meeting of Board of Governors.

Place : Meeting Hall,
NIT Transit House,
A-1/267, Safdarjung Enclave,
New Delhi

Day, date and time : Monday, the 12th October, 2009
At 2.30 PM

Item No.	Subject	Page No.
18.1	To consider extension case of Dr. M.K. Soni, Professor, Electrical Engineering Department for Extraordinary Leave.	1-12
18.2	To consider withdrawal of higher pay scale given to the Registrar which has been kept in abeyance in 17 th meeting of the Board of Governors held on 09.09.2009 due to comments received from Ministry of Human Resource Development.	13-37
18.3	To consider the validity of services of 09 persons who have crossed the maximum limit of 03 years contractual appointments as per the recent NIT Statutes.	38-51

Item 18.1

To reconsider extension case of Dr. M.K. Soni, Professor,
Electrical Engineering Department for Extraordinary Leave.

The matter regarding extension in Extraordinary Leave(without pay) for 2 years w.e.f. 6.9.2009 to 5.9.2011 to Dr. M.K. Soni was placed before the Board of Governors in its 17th meeting held on 9.9.2009 (copy of the agenda item is enclosed as Appendix-I at pages 4 to 6 which is self explanatory). The Board decided as under:-

"The Board notes that Dr. M.K. Soni has already been granted three years Extraordinary Leave (without pay) w.e.f. 6.9.2006 to 5.9.2009. Earlier he was also on deputation with the CRSCE, Murthal for the period 16.6.2004 to 10.8.2005.

The Board does not allow extension in EOL of Dr. M.K. Soni beyond 5.9.2009".

In pursuance of above decision of the Board, Dr. M.K. Soni was asked to join the Institute immediately vide letter No. Estt.I/PF/8144 dated 16.9.2009 (copy enclosed as Appendix – II on page 7). The Under Secretary to Govt. of India, Ministry of Human Resource Development vide his letter No. F.10-32/2009-TS.III dated 18.9.2009 (copy enclosed as Appendix-III from pages 8 to 9) forwarded the request received from Dr. M.K. Soni for taking appropriate action. With reference to above letter of the MHRD, the Institute replied vide letter No. Estt.-I/PF/ 8232 dated 23.9.2009 with a copy to the PS to Hon'ble Minister of Human Resource Development, Shastri Bhawan, New Delhi (copy enclosed as Appendix -IV from pages 10 to 11) with a request to advice the Institute in the matter. Advice of the Ministry is still awaited.

In the meantime Dr. Soni has once more requested vide his letter dated 30.9.2009(copy enclosed as Appendix -V on page 12) for allowing

him 5 years EOL as per Central Govt. rules. In the recent past, the Board of the Institute in their 13th meeting held on 24.1.2008 decided as under :-

"The Board decided that maximum 15% of available faculty in each Department can proceed on EOL/Deputation for a maximum period of two years in future"

Further the BOG in its 14th meeting held on 20.1.2009 decided as under :-

"The frequently allowing Extraordinary Leaves to senior faculty is hampering the studies at the Institute. Hence the EOL may be granted maximum only for two years at a stretch for the purpose of heading any other Institution. The remaining EOL if permissible as per rules can be granted for other purposes."

The Institute was advised by the Board to frame its own rules on Extra Ordinary Leave and deputation".

The matter regarding Extraordinary Leave (without pay) and Deputation for employees of the Institute was also placed before the Board in their 15th meeting held on 18.5.2009 and the Board decided that the decision on the Extraordinary Leave to the faculty members as already taken by the BOG in their 14th meeting held on 20.1.2009 stands for the time being. The Institute was advised by the Board to frame its own rules on Extraordinary Leave and deputation.

In this connection observations of the Institute are as under :

1. At present 8 faculty members are already on Extraordinary Leave. One faculty member is on deputation with the AICTE. Since many senior faculty members are leaving the Institute by taking Extraordinary Leave, there is acute shortage of senior faculty members. That is why, the Board of Governors of the Institute in their 13th meeting held on 24.1.2008 decided that maximum 15% of available faculty in each department can proceed on EOL/deputation for a maximum period of two years in future.

Observations of the Institute are as under :

At present 8 faculty members are already on Extraordinary Leave.

One faculty member is on deputation with the AICTE.

Since many senior faculty members are leaving the Institute by taking

2. Dr. M.K. Soni has already been granted three years Extraordinary Leave (without pay) w.e.f 6.9.2006 to 5.9.2009. Over and above he was on deputation with the CRSCE, Murthal for the period 16.6.2004 to 10.8.2005. The whole position has been explained to the MHRD vide our letter dated 23.9.2009 has already referred to above.
3. If special favour is extended to Dr. M.K. Soni by allowing him 5 years Extraordinary Leave (without pay) in addition to deputation of more than one year already allowed to him, other several faculty members already on Extraordinary Leave (without pay) will claim similar favour. In case the Institute goes on allowing Extraordinary Leave of 5 years like this, there will be disturbance in the Academic system of the Institute.
4. If every faculty member is given 5 years Extraordinary Leave and if the departmental quota of 15% is already over at any time, the remaining faculty members will be deprived of getting benefit of the Extraordinary Leave and they will have to wait for many years for this benefit.

The Board may decide the matter finally in the interest of the Institute.

Item 17.15 To consider extension in Extraordinary Leave (without pay) for two years w.e.f. 6.9.2009 to 5.9.2011 to Dr. M.K. Soni.

Dr. M.K. Soni, Professor in Electrical Engineering Department of this Institute vide his letter dated 6.8.2009(copy requested to extend his Extraordinary Leave for further two years w.e.f. 6.9.2009 to 5.9.2011.

Dr. M.K. Soni was allowed one year Extraordinary Leave (without pay) for a period of one year from 06.09.2006 to 05.09.2007 to join his new assignment as Director in Career Institute of Technology & Management, Faridabad vide this office letter No.GA-I/PF/9000 dated 05.09.2006. The action taken by the Hon'ble Chairman, BOG in granting EOL (without pay) to Dr. M.K. Soni for one year from 06.09.2006 to 05.09.2007 was ratified by the Board in its 12th meeting held on 25.04.2007.

After expiry of the above said period Dr. Soni was to join the duty in the Institute on 06.09.2007. Dr. Soni vide his letter-dated 10.08.2007 requested for extension in EOL (without pay) for two more years upto 05.09.2009. The Vice President, Career Institute of Technology & Management, Faridabad vide letter dated 04.08.2007 informed that the Management had extended the tenure of Dr. M.K. Soni for the post of Director by two years w.e.f. 6.9.2007 to 5.9.2009 and requested the Institute to extend the leave of Dr. M.K. Soni. So he requested that he may be granted extension in EOL (without pay) for two more years w.e.f. 6.9.2007 to 5.9.2009.

Dr. Soni joined this institute on 19.07.1974 and completed about 32 years service in this Institute. Dr. Soni was granted EOL (without pay) for one more year from 06.09.2007 to 05.09.2008 by the Chairman, BOG in anticipation of the approval of the Board and the same was ratified by the Board of Governors in its 13th meeting(item 13.21) held on 24.1.2008.

The Board of Governors in its 91st meeting held on 11.5.1999 had decided as under:-

- (a) "An employee will be allowed one year's Extraordinary Leave for every completed five years service subject to a maximum of three years Extraordinary Leave during the entire service with the College. However, in case an employee is appointed to a prestigious position like Vice-Chancellor, his EOL may be extended to a maximum of five years.
- (b) An employee will be allowed deputation to a maximum period of three years during his entire service with the College. The deputation will only be allowed if it is in the interest of the College, the State Government or Govt. of India.
- (c) The total absence of an employee from the College due to EOL or EOL plus deputation will not be allowed to exceed five years under any circumstances during the entire service of the employees."

The matter with regard to grant of Extraordinary Leave (EOL)/Deputation for the teaching Staff was placed before the Board of Governors of the Institute in their 13th meeting held on 24.1.2008, the Board decided as under :-

"The Board decided that maximum 15% of available faculty in each Department can proceed on EOL/Deputation for a maximum period of two years in future"

Dr. Soni vide his letter dated 10.7.2008 requested for extension in EOL for one more year. Dr. Soni had already been granted Extraordinary Leave (without pay) for a period of 2 years w.e.f. 6.9.2006 to 5.9.2007 and 6.9.2007 to 5.9.2008. In view of above decision of the Board, Dr. M.K. Soni was informed vide this office letter No. Estt.-I/8394 dated 18.8.2008 that his above request for extension of Extraordinary Leave for one year more w.e.f. 6.9.2008 to 5.9.2009 could not be acceded to as the Board of Governors allowed Extraordinary Leave upto 5.9.2008 only.

The Director(NITs), MHRD, New Delhi vide fax No. F.11-13/2008 TS III dated 26.8.2008 enclosed a copy of the letter received from Dr. M.K. Soni,

Professor, Electrical Engineering Department, NIT, Kurukshetra requesting for extension of his Extraordinary Leave by one more year, for consideration as per merit of the case.

After taking approval from the Chairman, BOG, Dr. M.K. Soni was allowed Extraordinary Leave (without pay) vide this office letter No. Estt.-I/PF/8609-14 dated 27.8.2008 for the 3rd year w.e.f. 6.9.2008 to 5.9.2009 in anticipation approval of the Board of Governors. The Board of Governors in its 14th meeting (item 14.36) held on 20.1.2009 ratified the action taken by the Chairman, BOG in granting Extraordinary Leave (without pay) to Dr. M.K. Soni w.e.f. 6.9.2008 to 5.9.2009.

The matter regarding Extraordinary Leave (without pay) and Deputation for employees of the Institute was once more placed before the Board in their 15th meeting held on 18.5.2009 and the Board decided that the decision on the Extraordinary Leave to the faculty members as already taken by the BOG in their 14th meeting held on 20.1.2009 stands for the time being. The said decision is reproduced below:-

"The frequently allowing Extraordinary Leaves to senior faculty is hampering the studies at the Institute. Hence the EOL may be granted maximum only for two years at a stretch for the purpose of heading any other Institution. The remaining EOL if permissible as per rules can be granted for other purposes."

The Institute was advised by the Board to frame its own rules on Extra Ordinary Leave and deputation".

Dr. M.K. Soni has already been granted 3 years Extraordinary Leave (without pay) w.e.f. 6.9.2006 to 5.9.2009 on year to year basis. In view of above decision of the Board the request of Dr. M.K. Soni for the grant of extension for another two years w.e.f. 6.9.2009 to 5.9.2011 can not be considered. The case was referred to the Hon'ble Chairman, Board of Governors. The Hon'ble Chairman has desired that the case of Dr. M.K. Soni may be put up to the Board of Governors in the next meeting for consideration.

Accordingly the matter is placed before the Board for consideration and decision.

NATIONAL INSTITUTE OF TECHNOLOGY
(Institution of National Importance)
KURUKSHETRA - 136 119

No. Estt.-I/PF/8144

Dated: 16-9-09

Dr. M.K. Soni,
Executive Director,
Manav Rachna International University,
Faridabad.

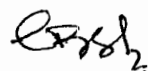
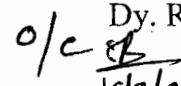
Subject : Extraordinary Leave (without pay)

Sir,

cp-624
This is with reference to the Institute letter No. Estt.-I/PF/8609 dated 27.08.2008 under which you were allowed extension in Extraordinary Leave (without pay) for the period 06.09.2008 to 05.09.2009. Accordingly, you were required to join the Institute on expiry of the said Extraordinary Leave i.e. on 07.09.2009 (5th & 6th September, 2009 being holidays in the Institute). However, you have not reported for duty so far. You are, therefore, requested to join the Institute immediately.

Thanking you,

Yours faithfully,


o/c  Dy. Registrar (Estt.) 16.09.09
for Director
16/9/09

Copy to :-

1. The President, Manav Rachna International University, Faridabad.
2. Chairman, Electrical Engineering Department, NITK.

From: Dr. M. K. SONI
Executive Director
Manav Rachna International University
Faridabad

To,
The Director
NIT, Kurukshetra

Sub: Reconsideration for extension in Extraordinary
Leaves (without pay) for two years (upto 5/9/11)

Sir,
With due respect, I want to state
that my extraordinary leaves was sanctioned
up to 5/9/09. I have applied for further
extension for extraordinary leaves up to 5/9/11
I request you Sir, my case for extension
of leaves for two years may be reconsidered
keeping into consideration my dedicated and
sincerity of work rendered by me at
NIT Kurukshetra since 1974. I will
be very thankful to you Sir.

May kindly get this
forwarded to the NIT
Kurukshetra.

Dr. M. K. Soni
Director

M. K. Soni
11.9.09
(Dr. M. K. Soni)
Professor
Elect Engrs Dept
NIT, Kurukshetra

Copy to:

1. Prof. J. K. Palit
Chairman
BOG, NIT, Kurukshetra
2. Sh. Madan Mohan
Director (NITs)
MHRD, Shastri Bhawan, New Delhi
3. Honourable Minister
Shastri Bhawan, New Delhi

NATIONAL INSTITUTE OF TECHNOLOGY,
KURUKSHETRA-136119

No. Estt.-/PF/ 8232

Dated 23/9/09

Sh. R.K. Bandyopadhyay,
Under Secretary to the Govt. of India,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhawan,
New Delhi.

Subject: Request received from Dr. M.K. Soni, Professor, Electrical Engineering Department, NIT, Kurukshetra – regarding extension in Extra Ordinary Leave (without pay) for two years upto 05.09.2011.

Sir,

Please refer to your letter No. F.10-32/2009-TS.III dated 18th September, 2009 on the subject cited above.

In this connection we are to intimate you that the Board of Governors of the Institute in 91st meeting held on 11.5.1999 decided as under:-

- (a) *"An employee will be allowed one year's Extraordinary Leave for every completed five years service subject to a maximum of three years Extraordinary Leave during the entire service with the College. However, in case an employee is appointed to a prestigious position like Vice-Chancellor, his EOL may be extended to a maximum of five years.*
- (b) *An employee will be allowed deputation to a maximum period of three years during his entire service with the College. The deputation will only be allowed if it is in the interest of the College, the State Government or Govt. of India.*
- (c) *The total absence of an employee from the College due to EOL or EOL plus deputation will not be allowed to exceed five years under any circumstances during the entire service of the employees".*

With the passage of time several faculty members used to proceed on EOL/deputation to outside organizations, as a result studies of the students started suffering to a considerable extent. Accordingly the Board of Governors in its 13th meeting held on 24.1.2008 decided as under:-

"The Board decided that maximum 15% of available faculty in each Department can proceed on EOL/Deputation for a maximum period of two years in future".

Further the Board of Governors of the Institute in its 14th meeting held on 20.1.2009 decided as under:-

"The frequently allowing Extra Ordinary Leaves to senior faculty is hampering the studies at the Institute. Hence the EOL may be granted maximum only for two years at a stretch for the purpose of heading any other Institution. The remaining EOL if permissible as per rules can be granted for other purposes".

The request of Dr. M.K. Soni made by him on 6.8.2009 for two years extension in Extra Ordinary Leave from 6.9.2009 to 5.9.2011 was placed before the Board of Governors in its 17th meeting held on 9.9.2009. A copy of the agenda item is enclosed as Annexure-'A'. The Board decided as under:-

"The Board notes that Dr.M.K. Soni has already been granted three years Extraordinary Leave (without pay) w.e.f. 6.9.2006 to 5.9.2009. Earlier he was also on deputation with the CRSCE, Murthal for the period 16.6.2004 to 10.8.2005.

The Board does not allow extension in EOL of Dr. M.K. Soni beyond 5.9.2009".

The said minutes are enclosed as Annexure-'B'.

Dr. M.K. Soni has already been asked vide our letter No. Estt.-I/PF/8144 dated 16.9.2009 (copy enclosed as Annexure-'C') to join the Institute immediately on expiry of his Extra Ordinary Leave for the period 6.9.2006 to 5.9.2009.

Under the circumstances mentioned above the Ministry is requested to advise us in the matter so that further necessary action in the matter may be taken.

Encl: As above

Yours faithfully,

[Signature]
22/9/09
Deputy Registrar(Estt.)

[Signature]
22/9/09
For Director

Dated: 23/9/09

Endst.No. Estt.-I/PF/ 8233

Copy to the PS to Hon'ble Minister of Human Resource Development, Shastri Bhawan, New Delhi for information please.

[Signature]
22/9/09
Deputy Registrar(Estt.)

May, kindly see before issue.

[Signature]
22/9/09
Registrar

[Signature]
22/9/09
22/9/09

APPENDIX-V**MANAV RACHNA INTERNATIONAL UNIVERSITY**

*Deemed-to-be university, vide notification no. F.9-3/2007-U.3(A) dated 21st October 2008

**MANAV RACHNA**
||vidyanatariksha||

From: Dr. M.K. Soni
Executive Director
Manav Rachna International University
Faridabad

To,

The Director
National Institute of Technology
Kurukshetra- 132119

Subject: Reconsideration for Extension in Extraordinary leaves (without pay)
for 2 years ie. 5/9/2011.

Sir,

With due respect, I have to state that I was granted extraordinary leaves without pay from 5/9/2006 to 5/9/2009 (3 years without pay). In this context I want to pray to you that the central government rule for leaves has been implemented as per the direction of the ministry of human resource development, Govt of India in all NITs. As per this rule any employee may avail 5 years extraordinary leaves without pay. Keeping in view this latest rule of the central government for EOL, my case for the extension of EOL for 2 years without pay may kindly be considered, keeping in view my dedication and sincerity of work rendered by me at NIT kurukshetra since 1974. I will be very thankful to you.

With regards

Yours sincerely

Dr. M.K. Soni
Prof. Electrical Engineering Department
NIT, Kurukshetra

Copy to:

1. Prof. J.K Palit
Chairman, BOG
NIT, Kurukshetra
2. Sh. Madan Mohan
Director (NITs)
MHRD, Shastri Bhawan, New Delhi
3. Honourable Minister of HRD, Govt. Of India
Shastri Bhawan, New Delhi.

N.I.T. KURUKSHETRA

Dy. No. 6068		Date ... 7.1.11	
DPC	DAG	UAD	CVO
Ch	Ma	Ch	Ma
Ch	Ma	Ch	Ma
Ch	Ma	Ch	Ma
Ch	Ma	Ch	Ma
Ch	Ma	Ch	Ma
Ch	Ma	Ch	Ma

Item 18.2 To consider withdrawal of higher pay scale given to the Registrar which has been kept in abeyance in 17th meeting of the Board of Governors held on 09.09.2009 due to comments received from Ministry of Human Resource Development.

Sh. R.P.S. Lohchab, Registrar vide his representations dated 9.1.2009 and 6.3.2009 requested that he may be granted the pay scale of Rs. 16400-22400 w.e.f. 1st July, 2008 in terms of the recruitment rules published by the MHRD in the Gazette of India dated 1st July, 2008 as communicated by the MHRD vide letter No. F.20-6/2008 TS.III(Pt.) dated 8th August, 2008. The matter was placed before the Board of Governors in its 15th meeting held on 18.5.2009. A copy of the agenda item alongwith representations of Sh. R.P.S. Lohchab is enclosed as Appendix-VI from pages 21 to 37. The Board granted the pay scale of Rs. 16400-22400 (pre-revised) to Sh. Lohchab w.e.f. 18.5.2009 i.e. from the date of the BOG meeting. The minutes of the BOG meeting held on 18.5.2009 are as under:-

"Sh. R.P.S. Lohchab left the meeting when the agenda item came up for discussion.

The Director (Finance), Integrated Finance Division, Ministry of Human Resource Development, representative of the Financial Advisor (IFD), MHRD was of the opinion that Sh. R.P.S. Lohchab, present incumbent on the post of Registrar does not fulfill the required educational qualification for the post which requires 55% marks in Master's degree. The Hon'ble Chairperson made it clear that in the Govt. of India Gazette published on 14th July, 2008 it is explicitly mentioned that the said requirement of 55% marks shall not be insisted upon in case of existing incumbents who are already in the NITs system and therefore Sh. R.P.S. Lohchab is fully qualified for the pay scale of Rs. 16400-450-20900-500-22400.

The Director(NITs), Ministry of Human Resource Development, representative of the Joint Secretary(T), Deptt. of Higher Education, MHRD pointed out towards a corrigendum dated 9th March, 2009 issued by the MHRD in this connection. The BOG felt that the said corrigendum also provides the above relaxation. One of the clauses as contained in the corrigendum reads as under:-

"15 years of administrative experience out of which eight years as Deputy Registrar or an equivalent post.

The minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in NIT system".

The Director of the Institute pointed out that Sh. R.P.S.Lohchab, Registrar, NIT, Kurukshetra is fulfilling the above Clause and further due to his commendable performance as Registrar, the Director was pleased to recommend for adoption of Recruitment Rules for the post of Registrar, NITs in the Institute and grant of pay scale of Rs. 16400-450-20900-500-22400 to Sh. R.P.S. Lohchab, Registrar of the Institute.

The Board approved the recommendations of the Director of the Institute which will be effective from date of the BOG meeting i.e. 18.5.2009".

2. The Director(NITs), MHRD communicated the following comments vide his letter No. F.10-19/2009 TS.III dated 16th June, 2009 regarding grant of pay scale of Rs. 16400-22400 to Sh. R.P.S. Lohchab :-

"Regarding agenda item 15.24 which deals with grant of pay scale of Rs. 16400-450-20900 to Shri R.P.S.Lochab, Registrar, also the minutes have not been recorded correctly. It is not only Dir (F), but also the undersigned who pointed out to the fact that the present incumbent does not fulfill the required educational qualifications. Also, the reference made to the undersigned as recorded in para 3, has not been correctly worded. The intention of the undersigned was to bring to the notice the fact that the Institute was not fully aware of the Recruitment Rules and further that the corrigendum should be read along with original Notification issued on 14th July, 2008. As such, the reference, of the undersigned's observation has not been properly recorded, giving an impression that the undersigned has supported certain observations made for grant of pay scale to the Registrar. The minutes should also record that it is on the specific queries from both Director (Fin.) as well as Director (NITs) whether Shri Lochab fulfills the qualifications as per the requirements of the Notification and corrigendum issued subsequently that the Director informed the Board that Shri Lochab fulfills all the requisite qualifications and only thereafter the Board granted its approval of the pay scale to Shri Lohchab".

3. The Director(Finance), MHRD communicated the following comments through the same MHRD letter dated 16.6.2009 regarding the pay scale of Sh. Lohchab:-

"Regarding grant of higher pay scale to existing Registrar, it was further mentioned by Director (Fin.) that even though Recruitment Rules provided for eligibility of a person to the post of Registrar based on his experience in the post of Deputy Registrar, the incumbent Registrar does not possess requisite experience in the DR post in scale of Rs. 12000-18500 and he is not eligible. It was informed that the Director, NIT, Kurukshetra should support his proposal with valid Justification. This was not done by the Director".

4. The comments sent by the Director(NITs), MHRD and the Director (Finance), MHRD were considered by the Board of Governors in their 16th meeting held on 30.7.2009. The Board after detailed discussion reiterated its earlier decision taken in 15th BOG meeting held on 18.5.2009 regarding grant of pay scale of Rs. 16400-22400 to Sh. Lohchab w.e.f. 18.5.2009. The Board in its 16th (Spl.) meeting held on 30.7.2009 decided as under:-

"The minutes on the BOG agenda item 15.24 which relates to grant of pay scale of Rs. 16400-450-20900-500-22400 to Sh. R.P.S. Lohchab, Registrar have also been correctly recorded in spirit of the detailed discussion which took place at the time of the meeting. However, the Board in its meeting held on 30.07.2009 once more discussed the matter at length keeping in view the recruitment rules received from the MHRD. All the members present in the meeting agree with the justification of eligibility of the pay scale of Rs. 16400-450-20900-500-22400 to Sh. R.P.S. Lohchab, Registrar as under on the basis of the recruitment rules notified by the MHRD and official records of the Institute:-

- a. *As per Gazette of India published on 1st July, 2008 as received from the MHRD "the minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in the NIT system" and the incumbent for the post of Registrar should have "15 years of administrative experience out of which eight years as Deputy Registrar or an equivalent post". Although Sh. Lohchab is a Post Graduate but he does not have 55% marks which "shall not be insisted upon" in case of Sh. R.P.S. Lohchab as mentioned in the recruitment rules. Sh. Lohchab has worked as Deputy Registrar(Accounts) in REC, Kurukshetra (now NIT, Kurukshetra) from 1982 to 1993 i.e. about 11 years and as Registrar of the Institute i.e. RECK/NITK from 1993 to date i.e. about 16 years. As such he fulfills qualifications and experience as mentioned in the recruitment rules notified by the MHRD.*
- b. *Although there is a maximum age limit of 55 years for the incumbent and Sh. Lohchab is about 59 ½ years old (retiring on 31st December, 2009 after attaining superannuation age of 60 years), the clause (iv) of the MHRD letter No. F.20-6/2008.TS.III(Pt.) dated 8th August, 2008 issued by the Director(NITs), MHRD reads that "in case where the existing incumbent to the post of Registrar is already recruited as such, they may be given the revised scale of pay of Rs. 16400-22400 subject to their possessing the required qualification and experience".*

The Board agrees with the above justification and reiterates their earlier decision taken in 15th BOG meeting held on 18.5.2009 that Sh. R.P.S. Lohchab be allowed the pay scale of Rs. 16400-450-20900-500-22400 w.e.f. 18.5.2009.

Regarding comments of the Director(Finance), MHRD communicated by the Director(NITs):-

Regarding comments that the incumbent Registrar should possess experience of Deputy Registrar in the scale of Rs. 12000-18500, the BOG observed that there is no condition of the scale in the recruitment rules notified by the MHRD. The relevant clause in the recruitment rules reads that "the incumbent should have 15 years of administrative experience out of which eight years as Deputy Registrar or an equivalent post".

The Board also observed in their meeting of 30.7.2009 that the essential qualification required for the post of Registrar as well as experience as contained in the Gazette of India published on 1st July, 2008 and those notified by the MHRD through corrigendum bearing No. F.20-6/2008-TS.III(pt.) dated 9th March, 2009 are not at all different which is evident from the following table:-

Essential qualification as contained in the Gazette of India published on 1st July, 2008	Essential Qualification as contained in the MHRD corrigendum bearing No. F. 20-6/2008-TS.III(pt.) dated 9th March, 2009
<p>1. Master's degree with at least 55% marks or its equivalent.</p> <p>2. At least 15 years of experience as Lecturer/ Assistant Professor of which eight years should be in Assistant Professor grade, with experience in Educational Administration.</p> <p style="text-align: center;">OR</p> <p>15 years of administrative experience out of which eight years as Deputy Registrar or an equivalent post. The minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in the NIT system.</p> <p style="text-align: center;">OR</p> <p>Comparable experience in</p>	<p>1. Master's degree with at least 55% marks or its equivalent.</p> <p>2. At least 15 years of experience as Lecturer/ Assistant Professor of which eight years should be in Assistant Professor grade, with experience in Educational Administration.</p> <p style="text-align: center;">OR</p> <p>Comparable experience in research establishments, institutions of technical education, or in Government.</p> <p style="text-align: center;">OR</p> <p>15 years of administrative experience out of which eight years as Deputy Registrar or an</p>

research establishments, institutions of technical education, or in Government.	equivalent post. The minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in NIT system.
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5. The Director (Finance), MHRD sent the following comments vide his letter No F.No. 3-3/2008-IFD dated 8th September, 2009 on the above decision of the Board taken in their 16th (spl.) meeting held on 30.7.2009:-

"Under point No. 2.vii of item No. 16.1 i.e. Confirmation of the minutes of the 15th meeting of the Board of Governors held on 18th May, 2009, it has been mentioned that MHRD letter No. F.20-6/2008 TS.III(Pt.) dated 8th August, 2008 reads that "in case where the existing incumbent to the post of Registrar is already recruited as such, they may be given the revised scale of pay of Rs. 16400-22400 subject to their possessing the required qualification and experience". It may be clarified that, in the above referred letter of MHRD dated 8th August, 2008, it was clearly mentioned that the post of Registrar in NITs would require to be operated as per the Recruitment Rules framed for the post. Hence, recruitment to the post of Registrar in NITs after the issue of the above mentioned letter should have been as per the approved Recruitment Rules. As per the approved Recruitment Rules for the post of Registrar NIT, the mode of recruitment is through open advertisement. The only relaxation available in respect of existing incumbents was in regard to qualifications. That only make the existing incumbent eligible for consideration along with other applicants. The existing incumbent does not automatically get the higher scale of pay. Since in this case, no advertisement for the post has been made and others given opportunity to be considered for the post, the entire selection process is void ab initio. Therefore, Shri R.P.S. Lohchab can not be appointed in the higher grade and selection process initiated afresh as per the Recruitment Rules".

6. The Board in its 17th meeting held on 09.09.2009 discussed the matter at length and decided as under:-

"Since the matter related to Sh. R.P.S. Lohchab, Registrar, he (Sh. Lohchab) was asked by the Board to present his case if he so desires so that the Board may consider his view point also before

coming to a conclusion in the matter. Accordingly Sh. R.P.S. Lohchab submitted before the BOG as below:-

- a) As per Gazette of India published on 1.7.2008 received from the MHRD and as per their subsequent corrigendum, a minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in NITs system and the incumbent for the post of Registrar should have 15 years of administrative experience out of which 8 years as Deputy Registrar or an equivalent post. Although he is Post-Graduate but he does not have 55% marks which shall not be insisted upon in his case as mentioned in the Recruitment Rules and further he has been working as Deputy Registrar (Accounts) in REC, Kurukshetra from 1982 to 1993 i.e. about 11 years and as Registrar of the Institute i.e. RECK/NITK from 1993 to date i.e. about 16 years. Hence he fulfills required qualifications and experience as mentioned in the Recruitment Rules notified by the MHRD.
- b) There is no mention of any pay scale attached with the post of Deputy Registrar. Even in the latest qualifications circulated by the Government of India, MHRD, Deptt. of Higher Education, New Delhi vide their letter No. 1-32/2006-U.II/U.I(ii) Dated 31.12.2008 for the Central Universities, the experience required for the post of Registrar is "15 years of administrative experience out of which 8 years shall be as Deputy Registrar or an equivalent post".
- c) Even as per existing guidelines issued by the UGC, the minimum requirement of 55% should not be insisted upon for Professors, Readers, Registrars, Deputy Registrars, Librarians, Deputy Librarians, Director of Physical Education, Deputy Director of Physical Education for the existing incumbents who are in the University system.
- d) The Director(NITs), MHRD vide his letter No. F.20-6/2008-TS.III(Pt.) dated 8.8.2008 communicated guidelines for operating the recruitment rules as under:-
 - i) NITs where the post of Registrar is currently being operated by assigning the duties of Registrar to a faculty member, the same may be got filled up as per these Recruitment Rules;
 - ii) In case where the post of Registrar is being operated by appointment on contract or deputation, the existing contract or deputation, if the same do not comply with

the fresh Recruitment Rules, may be got terminated and fresh appointments made as per the Recruitment Rules as framed now;

- iii) In cases where the post of Registrar is being operated by non faculty on temporary basis, the Institute may initiate the process of appointment of Registrar as per fresh Recruitment Rules;*
- iv) In cases where the existing incumbent to the post of Registrar is already recruited as such, they may be given the revised scale of pay of Rs. 16400-22400 subject to their possessing the required qualification and experience.*
- e) It is clearly mentioned in the said guidelines (para iv above) that where the existing incumbent to the post of Registrar is already recruited as such, he may be given the scale of pay of Rs. 16400-22400 subject to his possessing the required qualification and experience.*
- f) He was selected as Registrar in the Institute in 1993 through open selection/advertisement made on All India basis as per existing qualifications/experience required for the post of Registrar. He was recruited as Registrar by a duly constituted Selection Committee and subsequently confirmed as such on the permanent post of the Registrar as per rules. Hence there is no requirement for the existing Registrar (who fulfills requisite qualifications and experience to get the pay scale of Rs. 16400-22400) to go through any further process of selection. He is already performing the duties of Registrar of the Institute. In none of the NITs the post of the Registrar has been advertised where a Registrar already recruited as such having required qualifications/experience as per the recruitment rules notified by the MHRD is available.*

Then the Registrar-cum-Secretary was asked by the Board to leave the meeting as the matter related to him. Therefore, Sh. R.P.S.Lohchab left the meeting room and the Board discussed the matter in his absence in view of comments received from the Director(Finance), MHRD vide his letter No. F.3-3/2008-IFD dated 8.9.2009.

After detailed discussion the Board feels that the matter of giving higher pay scale to Sh. R.P.S. Lohchab has somehow been misconceived as his appointment in the higher grade which is actually not so. Sh. Lohchab has already been working as Registrar of the Institute on permanent basis since 1993 after having faced duly recruitment process and therefore, as per eligibility criteria laid down in the Gazette of India published on 1st April, 2008 and as per

instructions issued by the Director(NITs), MHRD vide his letter No. F.20-6/2008-TS-III(Pt.) dated 8.8.2008, he has been given the said higher pay scale. However, in view of the comments received from the Director(Finance), MHRD vide his letter No. F.3-3/2008-IFD dated 8.9.2009, the Board decides to act as per direction of the MHRD contained in the above letter dated 8.9.2009.

The Board authorizes the Hon'ble Chairperson to again discuss the whole matter with the Additional Secretary & Financial Advisor, Govt. of India, Department of Higher Education, MHRD, New Delhi to finally decide the issue.

The Board decides that till then the matter regarding grant of higher pay scale to Sh. R.P.S. Lohchab be kept in abeyance".

As mentioned above the pay scale of Rs. 16400-22400 granted to Sh. Lohchab has since been kept in abeyance. However, the matter has not so far been formally discussed with the Additional Secretary & Financial Advisor, Govt. of India, Department of Higher Education, MHRD, New Delhi and the matter is still pending.

The Board may once more consider the matter and take final decision. Such an important matter can not be kept pending for a long time.

Item 15.24 **To consider grant of pay scale of Rs. 16400-450-20900-500-22400 to Sh. R.P.S. Lohchab, Registrar in terms of latest Recruitment Rules for the post of Registrars in National Institutes of Technology.**

The Director (NITs), Ministry of Human Resource Development, Department of Higher Education, Technical Education Bureau, and New Delhi vide his letter No. F.20-6/2008 TS III(Pt.) dated 8.8.2008 (copy enclosed) has intimated Recruitment Rules for the posts of Registrars in the National Institutes of Technology mentioning scale of pay and qualifications etc. As per new Recruitment Rules intimated by the MHRD, the pay scale for the post of Registrar has been laid down as Rs. 16400-450-20900-500-22400. Clause (iv) of the MHRD letter dated 8.8.2008 as referred to above reads that "in cases where the existing incumbent to the post of Registrar is already recruited as such, they may be given the revised scale of pay of Rs. 16400-22400 subject to their possessing the required qualification and experience".

The essential qualification required for the post of Registrar in NITs is as under:-

1. Master's degree with at least 55% marks or its equivalent.
2. At least 15 years of experience as Lecturer/Assistant Professor of which 8 years should be in Assistant Professor grade, with experience in Educational Administration.

OR

15 years of administrative experience out of which eight years as Deputy Registrar or an equivalent post. The minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in the NIT system.

OR

Comparable experience in research establishment, institutions of technical education, or in Government.

Sh. R.P.S. Lohchab was recruited as Deputy Registrar (Accounts) in 1982 through open selection/advertisement made on All India basis against a permanent post. The post of Deputy Registrar (Accounts) is a Senior Administrative post in the Institute as per instructions of the MHRD. Sh. Lohchab was recruited as Registrar of the Institute in 1993 through open selection/advertisement made on All India basis against a permanent post of Registrar as per existing qualification/experience required for the post of Registrar. He was selected as Registrar by a duly constituted Selection Committee. Sh. Lohchab is a confirmed Registrar of the Institute. Thus he is having more than 27 years of administrative experience in the capacity of Deputy Registrar (Accounts) and Registrar of the Institute. However he is having 3rd division against the requirement of 55% marks in postgraduation as per new recruitment rules intimated now by the MHRD. **But the minimum requirement of 55% marks in postgraduation shall not be insisted upon in case of existing incumbents who are already in the NIT system** as per MHRD instructions. Thus being an existing Registrar of the Institute, Sh. Lohchab is possessing the required qualification as per notification issued by the MHRD vide their letter No. F.20-6/2005-TS.III(Pt.) dated 27.6.2008. He has also sufficient experience of working as Deputy Registrar (Accounts) and Registrar in the Institute (11 years as Deputy Registrar and 16 years as Registrar) whereas the requirement is only of 15 years of administrative experience out of which 8 years as Deputy Registrar or an equivalent post. Thus Shri Lohchab is eligible for the post of Registrar of the Institute as per new recruitment rules of the Govt. of India. He is also eligible to the pay scale Rs. 16400-450-20900-500-22400 in terms of Clause (iv) of the MHRD letter No. F.20-6/2008 TS III(Pt.) dated 8.8.2008 and as contained in the new Recruitment Rules. As per Para-1 of MHRD notification bearing No. F.20-6/2005-TS.III(Pt.) dated 27.6.2008, the recruitment rules shall come into force on the date of their publication in the Official Gazette. The said notification of the MHRD has been published in the

Official Gazette on 01.07.2008 itself (copy enclosed)

As per instructions issued by the MHRD the matter as cited above is within the purview of the Board of Governors (Section 24 a of the NITs Act. 2007 may be referred to). But generally the Institute gets the approval of the BOG of the Institute and then the action taken by the Chairman, BOG is got ratified from the Board in its subsequent meeting. Therefore the case was submitted for approval to Er. C.B. Mathur, Ex-Chairman, Board of Governors vide this office letter No. Estt.-I/PF/8486 dated 20.8.2008. Unfortunately Er. C.B. Mathur expired on 29.9.2008. Copies of representations submitted by Sh. Lohchab on 9.1.2009 and 6.3.2009 are also enclosed for perusal.

The matter is placed before the Board for adoption of Recruitment Rules for the post of Registrar, NITs in the Institute and grant of pay scale of Rs. Rs. 16400-450-20900-500-22400 w.e.f. 01.07.2008 to Sh. R.P.S. Lohchab, Registrar of the Institute.

N.I.T. KURUKSHETRA

Sl. No. 5879 Date 19/8/08

DPD	DAC	DAN	CVO	CoE	C
M	EC	Co	Ph	Ch	MB
CW	WS	SW	PG	PS	ED
CCN	PT	PCE	LMO	L	GA
SO	BO	DS	PIS	PIC	MB

No. F 20-6/2008 TS III (Pt)

Government of India

Ministry of Human Resource Development
Department of Higher Education
Technical Education Bureau

New Delhi, dated 8th Aug. ,2008

To

Dr. M N Bandyopadhyay,
Director,
National Institute of Technology,
Kurukshetra - 136 119,
(Haryana)

Sub: Recruitment Rules for the post of Registrar in National Institutes of Technology (NITs).

Sir,

The undersigned is directed to inform that the Ministry of HRD have framed the Recruitment Rules for the post of Registrar in all the National Institutes of Technology. A copy of the notification in this regard sent to the Manager, Government of India Press for publication in the Gazette of India Extraordinary, is enclosed.

2. As the post of Registrar in NITs is now required to be operated as per these Recruitment Rules, following advice is communicated in this regard:

- (i) NITs where the post of Registrar is currently being operated by assigning the duties of Registrar to a faculty member, the same may be got filled up as per these Recruitment Rules;
- (ii) In cases where the post of Registrar is being operated by appointment on contract or deputation, the existing contract or deputation, if the same do not comply with

Manish

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the fresh Recruitment Rules, may be got terminated and fresh appointments made as per the Recruitment Rules as framed now;

- (iii) In cases where the post of Registrar is being operated by non faculty on temporary basis, the Institute may initiate the process of appointment of Registrar as per fresh Recruitment Rules;
- (iv) In cases where the existing incumbent to the post of Registrar is already recruited as such, they may be given the revised scale of pay of Rs. 16400-22400 subject to their possessing the required qualification and experience;

The contents of the Recruitment Rules framed by MHRD for the post of Registrar and the course of action suggested in para as above, may be brought to the notice of the Board of Governors for further action. As the appointment of Registrar as per Section 24 (a) of the National Institutes of Technology Act 2007 is within the purview of the Board of Governors, further action in this matter is required to be taken by the BoG of the concerned NITs.

Yours faithfully,


(Madan Mohan)
Director

Encl: As stated above

[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRA – ORDINARY,
PART – II, SECTION 3, SUB – SECTION (ii)]

GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION

* - * - * - *

New Delhi, the 27th June, 2008

NOTIFICATION

No.F.20 – 6/2005 – TS.III (pt). In exercise of the powers conferred by Section 34 (1) of the National Institutes of Technology Act, 2007, the Recruitment Rules for the post of Registrar in National Institutes of Technology (NITs) are made as follows:-

1. **Short title and commencement:-** (1) These Rules may be called the National Institutes of Technology (NITs), (Registrar) Recruitment Rules, 2008.

(2) These shall come into force on the date of their publication in the Official Gazette.
2. **Definitions:-** In these Rules, unless the context otherwise requires;
 - (a) "Act" means National Institutes of Technology Act, 2007.
 - (b) "Registrar" means the Registrar of a National Institute of Technology (NIT).
3. **Method of Recruitment and other matters:-** The method of recruitment and other matters relating to the post of Registrar shall be as specified in columns 1 to 7 of the Schedule annexed to these Rules.
4. **Disqualification – No person,**
 - (i) who has entered into or contracted a marriage with a person having a spouse living; or
 - (ii) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this Rules.



..contd./-

5. **Power to relax** – Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category or persons.

6. **Saving** – Nothing in these Rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

7. **Other conditions of services** – The other conditions of services of the Registrar for which no specific provisions have been provided in these Rules, shall be regulated in accordance with such Rules, as are from time to time, applicable to Officers of the Central Government Group – "A", drawing the pay and allowances in corresponding scale of pay.



[N.K. SINHA]

Joint Secretary to the Government of India

No.F.20 – 6 / 2005 – TS.III (Pt.)

To

The Manager,
Government of India Press,
Maya Puri, Ring Road,
New Delhi – 110 064.

PROPOSED RECRUITMENT RULES FOR THE POST OF REGISTRAR IN NITs

1	Designation	REGISTRAR
2	Scale of Pay	Rs.16,400-450-20,900-500-22,400
3	Qualification	<p>Essential:</p> <ol style="list-style-type: none">1. Master's degree with at least 55% marks or its equivalent.2. At least 15 years of experience as Lecturer / Assistant Professor of which eight years should be in Assistant Professor grade, with experience in Educational Administration. <p style="text-align: center;">OR</p> <p>15 Years of administrative experience out of which eight years as Deputy Registrar or an equivalent post. The minimum requirement of 55% marks shall not be insisted upon in the case of exiting incumbents who are already in the NIT system.</p> <p style="text-align: center;">OR</p> <p>Comparable experience in research establishments, institutions of technical education, or in Government.</p> <p>Desirable:</p> <ol style="list-style-type: none">1. A postgraduate degree in Engineering with at least 60% marks or its equivalent grade.2. A Degree in Law/Management.3. Considerable experience in educational administration, financial and accounts management and capacity to lead the administration in a residential institution and knowledge of computer and web-based administration.4. Proven experience in excellent human relations and successful personnel management, industrial relations, campus management and other aspects of administration, preferably in a large educational or R&D institution. All-round ability to co-ordinate and lead a team of officers with varied expertise.
4	Mode of recruitment	Through open advertisement.

...contd./-

5	Composition of Selection Committee.	<p>Selection by statutory Selection Committee constituted as follows:</p> <ol style="list-style-type: none">1. Director/ Dy. Director of the Institute.2. One expert from outside the Institute.3. Nominee of MHRD.4. Two Nominees of the Board.
6	Job Description	<p>The Registrar of the Institute is the custodian of records, the common seal and funds of the Institute and such other property of the Institute as the Board shall commit to his charge. He is the Secretary of the Board of Governors, Senate and such committees as may be prescribed by the Statutes. He is required to provide administrative support to the Director and may be called upon to take up any other duties assigned by the Director or the Board of Governors. The Registrar shall also exercise such other powers and perform such other duties as may be assigned to him by the NIT Act or the statutes or by the Director.</p>
7	General Conditions	<ol style="list-style-type: none">1. The applicant should not be more than 55 years of age.2. The appointment will be on Deputation/Contract Basis for five years or till the age of 60 years, which ever is earlier.3. The appointment can be renewed for another term.4. Besides, pay and allowances, leave, medical facilities, etc. are admissible as per Rules.5. The prescribed qualifications are minimum and the mere fact that a candidate possesses the same will not entitle him/her to be called for interview.6. The Institute reserves the right to restrict the number of candidates for interview to a reasonable limit, on the basis of qualifications and experience, higher than those prescribed in this advertisement.7. The Institute also reserves the right of rejecting any or all the applications without assigning any reasons therefore.8. Persons serving in Government Departments, Autonomous Organizations, Corporations, Boards etc, may also apply through proper channel, for appointment on deputation.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 357
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NEW DELHI, TUESDAY, JULY 1, 2008/ASADHA 10, 1930मानव संसाधन विकास मंत्रालय
(उच्चतर शिक्षा विभाग)

अधिसूचना

नई दिल्ली, 27 जून, 2008

सा.का.नि. 488(अ).—राष्ट्रीय प्रौद्योगिकी संस्थान अधिनियम, 2007 की धारा 34(1) द्वारा पदत शक्तियों का प्रयोग करते हुए, राष्ट्रीय प्रौद्योगिकी संस्थानों में रजिस्ट्रार के पद के लिए भर्ती नियम निम्नानुसार बनाए गए हैं :-

1. लघुशीर्ष और प्रारम्भ.—(1) इन नियमों को राष्ट्रीय प्रौद्योगिकी संस्थान, (रजिस्ट्रार) भर्ती नियमावली, 2008 कहा जाए।
(2) ये सरकारी राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषाएं.—इन नियमों में, जब तक कि संदर्भ अन्यथा अपेक्षित न हो :-

(क) 'अधिनियम' का अर्थ राष्ट्रीय प्रौद्योगिकी संस्थान अधिनियम, 2007 है।

(ख) रजिस्ट्रार का अर्थ राष्ट्रीय प्रौद्योगिकी संस्थान का रजिस्ट्रार है।

3. भर्ती का तरीका और अन्य मामले.—रजिस्ट्रार के पद की भर्ती की प्रणाली और अन्य मामले इन नियमों में संलग्न अधिसूची के स्तंभ 1 से 7 में विनिर्दिष्ट नियमों के अनुसार होंगे।

4. ऐसा कोई भी व्यक्ति उक्त पद पर नियुक्ति का पात्र नहीं होगा.—

- जिसने ऐसे व्यक्ति से विवाह किया है जिसकी पत्नी/पति जीवित है, या
- जिसने अपनी पत्नी/पति के होते हुए किसी अन्य व्यक्ति से विवाह किया है।

केन्द्र सरकार किसी व्यक्ति को इन नियमों के प्रचालन से छूट दे सकती है यदि वह इससे संतुष्ट है कि ऐसा विवाह ऐसे व्यक्ति या अन्य पक्ष के लिए लागू व्यक्तिगत कानून के अंतर्गत अनुमत्त है और ऐसा करने के लिए अन्य आधार हैं।

5. छूट देने का अधिकार.—जहाँ केन्द्र सरकार को यह आवश्यक अथवा उचित लगे वह किसी वर्ग या श्रेणी या व्यक्तियों के संबंध में इन नियमों के प्रावधानों में आदेश द्वारा छूट प्रदान कर सकती है तथा इसके कारणों को लिखित रूप में रिकार्ड किया जाए।

6. बचत.—इन नियमों में, अनुसूचित जाति, अनुसूचित जनजाति, अन्य पिछड़ा वर्ग, भूतपूर्व सैनिक और अन्य विशिष्ट वर्ग के व्यक्तियों को इस संबंध में केन्द्र सरकार द्वारा समय-समय पर जारी आदेशानुसार इन्हें प्रदान किए जाने वाले आरक्षण अथवा आयु में छूट या पर इन नियमों का प्रभाव नहीं पड़ेगा।

7. सेवाओं की अन्य शर्तें.—रजिस्ट्रार की सेवाओं की अन्य शर्तें जिनके लिए इन नियमों में कोई प्रावधान नहीं किया गया है, उन्हें उन नियमों के आधार पर अधिनियमित किया जा सकता है जो समय-समय पर केन्द्र सरकार के समूह 'क' के अधिकारियों के समकक्ष वेतनमान में वेतन और भत्तों पर लागू होते हैं।

अनुसूची

राष्ट्रीय प्रौद्योगिकी संस्थानों में रजिस्ट्रार के पद हेतु
प्रस्तावित भर्ती नियम

- | | |
|--------------|------------------------------------|
| 1. पद : | रजिस्ट्रार |
| 2. वेतनमान : | 16,400-450-20,900-500-22,400 रुपये |
| 3. अर्हता : | अनिवार्य : |

- कम से कम 55 प्रतिशत अंकों के साथ स्नातकोत्तर डिग्री अथवा उसके समकक्ष
- लेक्चरर/सहायक प्रोफेसर के रूप

में कम से कम 15 वर्ष का अनुभव जिसमें से आठ वर्ष सहायक प्रोफेसर वर्ग के रूप में हों, और शैक्षिक प्रशासन का अनुभव।

अथवा

15 वर्ष का प्रशासनिक अनुभव जिसमें से 8 वर्ष उप रजिस्ट्रार अथवा उसके समकक्ष पद पर हों। 55 प्रतिशत अंकों की न्यूनतम अर्हता उन पदधारियों पर लागू नहीं होगी जो पहले से ही राष्ट्रीय प्रौद्योगिकी संस्थान प्रणाली में कार्य कर रहे हैं।

अथवा

अनुसंधान संस्थाओं, तकनीकी शिक्षा संस्थाओं अथवा सरकार में समतुल्य अनुभव।

वांछनीय :

1. 60 प्रतिशत अंकों अथवा समकक्ष ग्रेड सहित इंजीनियरी में स्नातकोत्तर डिग्री।
2. विधि/प्रबंधन में डिग्री।
3. शिक्षा प्रशासन, वित्तीय तथा लेखा प्रबंधन में समुचित अनुभव तथा आवासीय संस्था में प्रशासन चलाने की क्षमता और कम्प्यूटर तथा वेब आधारित प्रशासन का ज्ञान।
4. उत्कृष्ट मानव संबंधों तथा सफल कार्मिक प्रबंधन, औद्योगिक संबंधों, परिसर प्रबंधन में अनुभव और किसी बड़ी शैक्षिक अथवा अनुसंधान एवं विकास संस्था में प्रशासन संबंधी अनुभव। भिन्न-भिन्न विशेषज्ञता वाले अधिकारियों के दल का समन्वय एवं नेतृत्व करने की समग्र योग्यता।

4. भर्ती की प्रक्रिया : मुक्त विज्ञापन के जरिए।
5. चयन समिति का गठन : निम्नानुसार गठित सांविधिक चयन समिति द्वारा चयन :
 1. संस्थान के निदेशक/उप निदेशक.
 2. संस्थान से बाहर का एक विशेषज्ञ
 3. मानव संसाधन विकास मंत्रालय के नामित
 4. बोर्ड के दो नामित
6. कार्य का स्वरूप : संस्थान का रजिस्ट्रार संस्थान के रिकार्डों, साझा सील तथा निधियों और संस्थान की

किसी ऐसी संपत्ति जो कि बोर्ड उसके अधिकार में सौंपता है, का परिरक्षक होगा। वह शासी बोर्ड, सीनेट तथा ऐसी समितियों का सचिव होगा जैसा कि सांविधि द्वारा निर्धारित किया जाए। उसे निदेशक को प्रशासनिक सहायता उपलब्ध करानी होगी तथा उसे निदेशक अथवा शासी बोर्ड द्वारा सौंपे गए किसी भी अन्य कर्तव्य को पूरा करना होगा। रजिस्ट्रार को ऐसी शक्तियों का प्रयोग करना चाहिए और ऐसे दायित्वों को पूरा करना चाहिए जो राष्ट्रीय प्रौद्योगिकी संस्थान अधिनियम अथवा सांविधि अथवा निदेशक द्वारा सौंपे जाएं।

7. सामान्य शर्तें :
 1. अभ्यर्थी 55 वर्ष आयु से अधिक नहीं होना चाहिए।
 2. नियुक्ति प्रतिनियुक्ति/अनुबंध आधार पर 5 वर्ष या 60 वर्ष आयु तक, जो भी पहले हो, के लिए होगी।
 3. नियुक्ति का दूसरे समयावधि के लिए नवीनीकरण किया जा सकता है।
 4. वेतन एवं भत्तों के अतिरिक्त, छुट्टियाँ, मेडिकल सुविधाएं इत्यादि नियमों के अनुसार देय होगी।
 5. निर्धारित योग्यताएं न्यूनतम हैं और अभ्यर्थी के पास इन योग्यताओं के होने से वह साक्षात्कार के लिए बुलाने का हकदार नहीं होगा।
 6. संस्था के पास इस विज्ञापन में निर्धारित योग्यताओं एवं अनुभव से अधिक योग्यताओं एवं अनुभव के आधार पर साक्षात्कार के लिए अभ्यर्थियों की संख्या को एक उचित सीमा तक सीमित करने का अधिकार सुरक्षित है।
 7. संस्था के पास किसी भी या सभी आवेदन-पत्रों को उसके लिए बिना कोई कारण बताए निरस्त करने का अधिकार सुरक्षित है।
 8. सरकारी विभागों, स्वायत्तशासी संगठनों, निगमों, बोर्डों इत्यादि में कार्य कर रहे व्यक्ति प्रतिनियुक्ति पर नियुक्ति के लिए उचित माध्यम से आवेदन कर सकते हैं।

[सं. एफ. 20-6/2005-टी एस III (खंड)]

एन. के. सिन्हा, संयुक्त सचिव

To

Dated: 09.01.2009

The Director,
National Institute of Technology,
Kurukshetra

Subject: Grant of Pay scale of Rs. 16400-22400 w.e.f. 1st July, 2008 in terms of the Gazette of India.

Sir,

It is brought to your kind notice that the Ministry of Human Resource Development issued instructions in August, 2008 for grant of pay scale of Rs. 16400-22400 to the Registrars of National Institutes of Technology from the date of issue of the Gazette of India to that effect i.e. 1st July 2008. In this regard a copy of the MHRD letter No. F.20-6/2008 TS.III(Pt.) dated 8th August, 2008 alongwith a copy of the Gazette of India is enclosed. As per instructions of the MHRD the matter is required to be placed before the Board of Governors of the Institute.

As I fulfill all the conditions required for the pay scale of Rs. 16400-22400, the case was submitted by your goodself to the Hon'ble Sh. C.B. Mathur, Ex Chairman, Board of Governors, NIT, Kurukshetra vide letter No. Estt.I/PF/8486 dated 20.8.2008 with specific recommendations that the said scale may be granted to me in anticipation of the ratification of the scale by the Board of Governors because the BOG meeting was not going to be held at that time. In such matters approval of the Chairman, Board of Governors is obtained in anticipation and subsequently the matters are reported to the Board for ratification. Unfortunately Hon'ble Sh. C.B. Mathur expired in September, 2008 and the said matter remained pending.

The essential qualifications required for the post of Registrar in NITs as per the Gazette of India are as under:-

1. Master's degree with at least 55% marks or its equivalent.

- contd -

2. At least 15 years of experience as Lecturer/Assistant Professor of which 8 years should be in Assistant Professor grade, with experience in Educational Administration.

OR

15 years of administrative experience out of which eight years as Deputy Registrar or an equivalent post. The minimum requirement of 55% marks shall not be insisted upon in the case of existing incumbents who are already in the NIT system.

OR

Comparable experience in research establishment, institutions of technical education, or in Government.

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I was recruited as Registrar of the Institute in 1993 through open selection/advertisement made on all India basis as per existing qualification/experience required for the post of Registrar. I was selected as Registrar by a duly constituted selection committee and subsequently confirmed as Registrar of the Institute as per rules. Earlier I worked as Deputy Registrar(Accounts) of the Institute from 1982 to 1993 which is a Senior Administrative Post. Thus I am having more than 26 years of administrative experience in the capacity of Deputy Registrar(Accounts) and Registrar of the Institute. My educational Qualification is M.A., B.Ed. However, I am not having 55% marks in the Post Graduation but the minimum requirement of 55% marks in Post Graduation shall not be insisted upon in case of existing incumbents who are already in the NIT (REC) system. Thus being an existing Registrar of NIT, Kurukshetra, I am possessing the required qualification/experience as per instructions issued by the MHRD. I am eligible to the pay scale of Rs. 16400-22400 in terms of the MHRD letter No. F.20-6/2008 TS.III(Pt.) dated 8th August, 2008 and as contained in the new recruitment rules.

As per para 2(Clause-IV) of the MHRD letter dated 8th August, 2008 under reference, "In cases where the existing incumbent to the post of Registrar is already recruited as such, they may be given the revised scale of pay of Rs. 16400-22400 subject to their possessing the required qualification and experience".

- contd -

It is, therefore, requested that matter regarding pay scale of Rs. 16400-22400 to me may be placed before the BOG in its next meeting schedule to be held on 20.1.2008 so that the said pay scale is available to me without further delay. As already explained I am entitled to get the said pay scale from 1st July, 2008 as per the Government of India instructions. I am fulfilling required conditions/qualifications/experience as per Government of India instructions as referred to herein and undue delay is naturally causing financial hardship, mental tension and depression to me.

Thanking you,

Encl: As above

Dated:- 09.01.2009

Yours faithfully,

R P S Lohchab

(R P S Lohchab)
Registrar

09.01.2009

Discussed
with the DIR
To
Put up
AM 9/3/09
2R(CAB)
DS(CAB)

[Handwritten signature]
9/1/2009

The Director,
National Institute of Technology,
Kurukshetra

Form No. 1583 Date 6.3.09

UPD	W	DAI	CVO	CoE	C
RI	Co	Ph	Ch	Ma	
HJ	CW	WS	SW	EC	PS
PE	CCN	PT	ACE	Dated: 6.3.2009	
A	SC	ED	DS	PIS	PIC
					MBA

Subject: Implementation of instructions of the Government of India regarding grant of Pay scale of Rs. 16400-22400 (pre-revised) w.e.f. 1st July, 2008 to Registrar of National Institute of Technology, Kurukshetra.

Sir,

This refers to my letter dated 9.1.2009 (copy enclosed for ready reference) on the subject cited above.

It is very unfortunate for me that the said pay scale of Rs. 16400-22400 has not so far been granted to me in terms of the Government of India instructions. The matter was submitted to the Hon'ble Sh. C.B. Mathur, Ex Chairman, BOG, NIT, Kurukshetra on 20th August, 2008 but the matter was not decided till 29.9.2008 when Sh. C.B. Mathur unfortunately expired. It is a general practice in the Institute that such matters are got approved from the Chairman of the Board in anticipation of approval of the Board and subsequently these are ratified by the Board. The matter was also not got approved from the Board of Governors in its 14th meeting held on 20th January, 2009. It may kindly be appreciated that I am naturally feeling harassed, depressed, demoralized and tensed, particularly in view of the fact that some of the NITs of the country have already implemented the instructions of the Government of India in this regard.

I may take this opportunity to bring to your kind notice that prior to the year 2002, the Regional Engineering College, Kurukshetra just like other RECs of the country was a joint and cooperative enterprise of the Government of India and State Government of Haryana being funded by both Haryana as well as the Government of India. The Govt. of India on the advice of the University Grants Commission made this Institution as a Deemed University w.e.f. 26.6.2002. The

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new Rules/ Memorandum of Association duly framed by the Government of India applicable to all the NITs with Deemed to be University status were also made applicable to this Institution. The intention of the Govt. of India after upgrading the RECs on national level was to adopt one set of rules by all National Institutes of Technology of the country. Earlier individual Regional Engineering College of the country was an individual society and had its own set of rules/service conditions for its employees duly approved by the individual Board of Governors/State Government in which a particular Regional Engineering College was situated. Since service conditions of employees of one Regional Engineering College were different from service conditions of employees of other Regional Engineering College situated in another State, their qualifications and scales etc. were also different. The Govt. of India in order to remove this disparity and in order to bring a uniform pattern issued certain instructions in the year 2003. Their service conditions as laid down by the Govt. of India on all India basis were also adopted by the Institute w.e.f. 1.1.2004 as per resolution of the Board of Governors of the Institute passed in their 4th meeting held on 8.12.2003. The Govt. of India had also taken over full administrative and financial control of all NITs of the country from the financial year 2003-2004.

Further the National Institutes of Technology of the country were made as Institutions of National Importance through NITs Act, 2007 which came in force from 15th August, 2007 after having been enacted by the Indian Parliament and after receipt of the assent of H.E. the President of India on 15th June, 2007. Several clauses of the NITs Act, 2007 reveal that all NITs of the country are required to act on similar lines to achieve their desired goals in similar way.

As explained in my letter dated 9.1.2009 under reference, the MHRD in August, 2008 issued the Gazette of India granting the pay scale of Rs. 16400-22400 to the Registrars of the NITs of the country. The said Gazette of India contains detailed recruitment rules for the posts of the Registrars who fulfill all the conditions required for the pay scale of Rs. 16400-22400. I am Post Graduate

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with more than 15 years of service rendered in NIT, Kurukshetra itself as a confirmed Registrar holding permanent post of the Registrar. Earlier I worked as Deputy Registrar(Accounts) from May, 1982 to August, 1993. As per instructions of the Govt. of India as mentioned above, "in case where the existing incumbent to the post of Registrar is already recruited as such, he may be given the pay scale of Rs. 16400-22400 subject to his possessing the required qualification and experience".

It is, therefore, once again kindly requested that I may be granted the pay scale of Rs. 16400-22400 w.e.f. 1st July, 2008 by the Director/Chairman, Board of Governors of NIT, Kurukshetra in anticipation of approval of the Board or by placing the matter before the Board of Governors if it is meeting earlier. I am eligible to get the said pay scale as per instructions of the Govt. of India as contained in the Gazette of India under reference. It may kindly be appreciated that undue delay is not only causing financial hardship but also creating lot of mental tension, depression and harassment to me.

Thanking you,

Encl: As above

Yours faithfully,

R P S Lohchab
(R P S Lohchab)
Registrar

06/03/2009

Item 18.3 To consider the validity of services of 09 persons who have crossed the maximum limit of 03 years contractual appointments as per the recent NIT Statutes

The Government of India, Ministry of Human Resource Development, Department of Higher Education, New Delhi imposed ban on the fresh recruitment since 2003 and prior to this it was imposed by the Government of Haryana since 1996. Due to this long period ban and frequent retirements of the employees, the vacancies of the non-teaching staff were increasing day by day and the administration was facing difficulties to run the classes of the students, labs and the administrative work. Keeping in view the above difficulty being faced by the Institute, the Board of Governors in its 6th meeting held on 30.09.2004 allowed the Institute to fill-up 27 non-teaching posts on contract basis which were urgently required for the smooth functioning of the Institute. The Board authorized the Chairman of the Board to decide all issues relating to filling the technical and non-teaching (27 posts) by direct recruitment on contract basis such as their qualifications, salary, period of engagement, age and constitution of Selection Committee etc. and further related issues. It was accordingly decided to fill-up these posts on contract basis for a period of 02 years subject to extension of 01 year.

Further, in this 6th meeting held on 30.09.2004, the BOG also decided that the Board's Chairman with the Director will meet higher authorities of the MHRD to apprise them of the problems being faced by the Institute and stress to solve these problems. The BOG also decided that the delegation may stress upon the higher authorities in the MHRD to approve proposals already submitted by the Institute. Accordingly, a memo bearing No. R/D/GA/607 dated 01.02.2005 was personally handed over by our Hon'ble Chairman of the Board, Professor B.L. Dhoopar to the Joint Secretary (T), MHRD in the first week of February, 2005 indicating serious problems being faced by the Institute including filling up the vacant non-teaching posts because as on 01.01.2005, 31% of the total sanctioned non-teaching strength were vacant and it was increased to 41% during the 2005-06. It was also stressed in the memo that delayed decision will make condition even worse because at a later stage new appointees will not be able to run the show effectively as existing staff will not be available in the Institute to render their rich experience. It is worth mentioning here that the Ministry did not take any decision on issues raised by the Institute vide its aforesaid memo. The BOG was again approached for allowing the Institute to recruit more employees on contract basis to run the work of the Institute smoothly.

2. The Board of Governors in their 7th meeting held on 19.02.2005 decided to fill 06 more non-teaching vacant posts on contract basis for a period of 02 years subject to extension of 01 year. Further the Board of Governors of the Institute in their 9th meeting held on 25.02.2006 decided to fill two more non-teaching posts – One Driver and one Helper in the Institute Guest House on the same terms and conditions on the lines as already decided by the Board for filling up some posts on contract basis (earlier BOG agenda item 6.34 may be referred to).

In view of the above decision of the Board taken in its 6th, 7th & 9th meetings held on 30.09.2004, 19.02.2005 and 25.02.2006 respectively, the following 35

posts were allowed to be filled up on contract basis for a period of 02 years subject to extension of 01 year:-

Sr. No.	Name of the post	No. of posts
BOG allowed following posts in its 6th meeting held on 30.09.2004		
1.	System Analyst	02
2.	Supervisors	03
3.	Tech. Grade 'A'	03
4.	Tech. Grade 'B'	04
5.	Deputy Registrar (Acad.)	01
6.	Deputy Supdt.	02
7.	Sr. Library Asstt.	01
8.	Counter Asstt.	01
9.	Assistants	03
10.	Jr. Stenographer	01
11.	Jr. Storekeeper	01
12.	Finance Officer	01
13.	Asstt. Registrar	02
14.	Programmers	02
BOG allowed following posts in its 7th meeting held on 19.02.2005		
1.	Estate Officer	01
2.	Security Officer	01
3.	Junior Engineer (Mech.)	01
4.	Deputy Superintendents to the Director	02
5.	Caretaken-cum-Auditorium Operator on contract basis for a period of three years with the pay scale of Rs. 5000-8000	01
BOG allowed following posts in its 9th meeting held on 25.02.2006		
1.	Driver	01
2.	Institute Guest House Helper	01
Total		35

- As per the above decisions of the Board, the terms and conditions for filling up the above posts were got approved from the Hon'ble Chairman, BOG on 25.12.2004 & 18.08.2005. On approval, the advertisement Nos 1/2005, 16/2005 were issued on 4.2.2005, 22.11.2005 respectively on **All-India basis in the leading newspapers – The Tribune, The Hindustan Times and The Employment News** for inviting the applications for the above said 35 posts.
- In the meantime, the Government of India, Ministry of Human Resource Development, Department of Secondary and Higher Education Department vide letter No. F.21-4/2005-TS.III dated 01.06.2006 issued instructions to the Institute to launch special recruitment drive to fill up identified backlog vacancies of SCs/ STs on priority. Hence, out of 35 posts, 11 posts were shifted for special recruitment of SC / ST category and 04 posts for appointing the persons on short contract by way of walk-in-interview as the response for these posts was very poor.

5. The interviews for the remaining 20 posts (35-15) were conducted on 18.12.2005, 09.02.2006, 26.05.2006 & 27.05.2006 by the duly constituted Selection Committees under the Memorandum of Association (MOA) and rules of the Institute approved by the MHRD and BOG.
6. It is worth mentioning here that as per the following decision taken in the 7th meeting held on 19.2.2005, the Class-III internal deserving and eligible candidates of the Institute were given due weightage in Selections :
 - (i) **The class-III internal deserving & eligible candidates of the Institute who possess the prescribed qualification / experience already advertised be given due weightage in selection and in case any internal candidate is selected for the contractual appointment he will retain lien on his substantive post.**
 - (ii) **The consequential vacancies arising out of the aforesaid class-III posts be filled up on contract basis by way of direct recruitment.**

The Board authorized the Chairman of the Board to decide other related issues, if arise.”

7. The recommendations of the Selection Committees were got approved from the Hon'ble Chairman BOG and 20 appointments were made including 10 from the internal candidates/employees. They all joined the Institute on December 2005, 29.05.2006 and in the 1st week of June, 2006. These appointments were got approved by the Board of Governors in its 11th meeting held on 10.07.2006. However, it is also mentioned here that out of 10 internal employees, 04 employees were later on promoted / shifted to another posts and out of remaining 10 (20-10) external candidates, 07 persons left the Institute due to one reason or other and being on short contract engagement. **Now at present only 9 persons are working on long contract basis which include 06 internal regular employees and 03 external persons.**
8. The Karamchari Sangh of the Institute vide letter No. KSNITK/7/2008 dated 4.3.2008 requested for the regularization the services of these contractual employees as they completed almost two years satisfactory service in the Institute. Considering the request of the Karamchari Sangh, a legal opinion from our legal counsel Sh. A.S.Virk, Advocate, Punjab & Haryana High Court, Chandigarh was taken on the issue.
9. In view of the legal opinion, a detailed proposal was submitted to the Hon'ble Chairman, BOG on 23.06.2008 for allowing the 09 persons to continue temporarily on their posts till further orders with their existing approved terms and conditions. The Hon'ble Chairman, BOG vide orders 25.06.2008 approved the proposal of the Institute in anticipation of the approval of the Board.
10. The matter was placed before the BOG in their 14th meeting held on 20.01.2009 for ratifying the decision taken by the Hon'ble Chairman, BOG. The BOG decided as under:-

“The Board ratified the decision taken by the Hon’ble Chairman, BOG regarding continuing the services of the contractual persons temporarily till the new rules / statutes of NITs are notified by the Government of India and the Institute can act according to the provisions contained in the new rules / statutes.”

11. Now the 1st Statutes of the NIT Act, 2007 have been notified by the Govt. of India, MHRD in the Gazette of India on 23.04.2009. The Director (NITs), MHRD has issued a copy of the said notification to the Institute for compliance. The said 1st Statutes were placed before the BOG in its 15th meeting held on 18.05.2009. The Board noted the 1st Statutes issued by the Govt. of India, MHRD. Hence, the 1st Statutes have been implemented in the Institute w.e.f 18.05.2009.

The Clause 28 with regard to Appointments on Contract of the 1st Statutes is reproduced below:-

- “(1) Notwithstanding anything contained in these Statutes, the Board with the prior approval of the Visitor may in special circumstances appoint an eminent person on contract for a period not exceeding 5 years.**
- (2) Subject to the provisions of the Act, the Board may appoint any person on contract in the prescribed scales of pay and on terms and conditions applicable to the relevant post for a period not exceeding 3 years.**
- (3) For making such appointments, the Chairperson, Board of Governors shall constitute such adhoc Selection Committee, as the circumstances of each case may require.**

Provided that such constitution of committee shall be reported to be Board for confirmation.”

Further, the Director (NITs), Govt. of India, MHRD vide letter No. F-10-31/2009-TS.III dated 08.09.2009 conveyed the comments on the Agenda for the meeting of the BOG, NIT Kurukshetra held on 09.09.2009. The comments offered on item 17.6 are as under:-

“Statutes do not provide contract employment beyond 3 years. It is also known that Board in one of its earlier meetings, has granted extension only till such time the statutes come in to force. Therefore, Institute should immediately terminate all contract employees especially those in higher pay scales of Rs. 8,000-13,500/- and above, re-advertise these posts and get the permanent persons against these posts. No deviation on this account will be allowed by the Ministry. Since the appointing authority for higher posts is BOG, it is for the BOG to take the decision. Independent decision taken by the Chairman will not hold any ground in such matters.”

12. Now these 09 persons have represented for regularization of their services on their respective posts on the grounds mentioned therein. A legal opinion has been sought from our legal counsel at Chandigarh, Sh. Amarjit Singh Virk, Advocate. A copy of the representation from these persons is enclosed as Appendix VII on page 43 to 48. A copy of the legal opinion is enclosed as Appendix VIII on page 49 to 51. The concluding para of the legal opinion given by Sh. Virk reads as under:-

“The NIT Statute clearly provide that the same will be applicable from the date of its publication in the Official Gazette, which clearly indicate the intention of the Central Government to have its operation prospective in nature and it cannot in any manner be said to have retrospective effect. The new rules, which are detrimental in nature, cannot be implemented retrospectively to the detriment of the employees already working.”

These 09 persons were appointed on long contract by the BOG after abiding by all rules and regulations of the Institute through open interviews more than 3 years ago. In case the said contractual appointments are immediately cancelled, there may be chance of unrest in the Institute because 06 persons out of these 09 persons are Institute's regular employees. Over and above, there is every possibility of court cases from all these 09 persons. However, new recruitments will take atleast 01 month on account of formalities required for the direct selection and in that situation the work of the Institute will suffer a lot because these 09 persons are already working for more than 03 years in their respective jobs. There are already several non-teaching and teaching-supporting posts lying vacant due to ban imposed on filling non-teaching posts earlier by the State Govt. since 1996 and then by the Govt. of India since 2003. It is worth mentioning here that the Institute has already achieved the ratio of faculty & non-faculty i.e. 1:1.1 as prescribed by the Govt. of India, MHRD New Delhi. At present as on 01.10.2009, there are 60 non-teaching posts vacant which fall under the prescribed ratio.

The Board may consider and decide.

6966 Date: 07/09/09

DDO	DA	COE	C
TO	Ch	Ma	
Ch	MS	PG	The Director,
CO	PT	LACNIT Kankulshetra,	
CO	CO	36119	

Discussed with the
Dir. Legal
opinion in the
matter may be
taken from the
Institute Advocate
AMG/K/imp

Appendix - VII.

Subject: Request for regularization of services of the contractual employees

Respected Sir,

In continuation to our earlier representation dated 08.09.2009 (copy enclosed), it is brought to your kind notice that we were appointed by the Institute after undergoing the due process required for direct recruitment selections. Hence, the request made by the Karamchari Sangh vide letter KS/09/39 dated 04.09.2009 for terminating our services is false, frivolous and baseless and most of the signatures made on the said request are vague. The claim made in the request is not on the actual facts because this request has been made by the Karamchari Sangh keeping in view its own interest for some other employees. It is also worth mentioning here that the seniority of the employees has not been affected as we have been appointed under direct recruitment quota and not under the promotional quota. The Board of Governors in its 7th meeting allowed the internal employees to compete in the selections made against the advertisement No. 1/2005 and 16/2005.

Further, it is also bring to your kind notice that some other employees of the Institute had also taken part in the said selections and they were not selected. Hence, they are approaching the Karamchari Sangh to make such type of request due to their own personal interest.

In view of the above, we request to your goodself for the consideration of our contractual appointments as regular on the following grounds:-

1. We have been appointed against the posts allowed by the BOG under direct recruitment quota and have been selected by the duly constituted Selection Committees as per rules.
2. We possess prescribed qualifications and experience required for these posts.
3. The posts duly approved/sanctioned by the BOG were advertised on All India Basis in leading newspapers of the country.
4. We are drawing salary against vacant non-teaching posts in regular pay scales and we are also getting annual increments.
5. We have completed more than 3 years of satisfactory service against the vacant posts and are working honestly in dedicated manner upto entire satisfaction of the Institute Authority/Respective Chairmen of Departments/Heads of Sections.
6. There will be no additional financial liability as we are already getting our pay and allowances on respective posts being held by us at present.
7. We have been allowed to continue on the contractual services temporarily by the Board of Governors.
8. The 1st Statutes issued by of the Government of India, MHRD under the NIT Act, 2007 is in the prospective nature as has been mentioned in the preamble of the 1st Statutes that these rules shall be applicable from the date of its

notification in the Gazette. These rules have been notified in the Gazette on 23.04.2009. Hence, these rules are not applicable on us.

9. The Hon'ble Supreme Court of India while hearing the Civil Appeal No. 2294-2329 of 2008 on 21.02.2008 in the case of *Union Public Service Commission Vs. Dr. Jamuna Kurup* and others has decided that the services of the contractual persons should not be replaced by anyone save and except those appointed on regular basis after under going the selection process.
10. As we have been appointed against the vacant non-teaching posts meant for direct recruitments, hence the employees already working in the Institute will not be affected if our services are regularized by the Board / Authorities.
11. Recently in the Tribune of 02nd and 03rd October, 2009, there is a news 'item' with regard to IIT Delhi where the MHRD has given full autonomy of administration to IIT Delhi and IIT Boards has the freedom to absorb an Assistant Professor, first to be recruited on contract, into regular service depending on his performance. Further the HRD Ministry asked IIT boards to evolve their own system of appointments and promotions. A copy of the news is enclosed for your kind perusal.
12. It is worth mentioning here that the Board of Governors of the Institute in its earlier decisions in the year 1987 & 1993 had regularized the services of the work charged persons employed in the Institute.

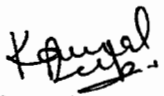
Keeping in view the above facts and circumstances, it is evident that we have been appointed by the Institute after undergoing the due process meant for direct recruitment quota and there is no malpractice in the selections. A copy of the Institute notification No. Gen. I/5858 dated 27.06.2008 is also enclosed for your kind perusal. Hence, you are requested to kindly consider our contractual services for regularization against the vacant non-teaching posts meant for direct recruitment quota.


Thanking you in anticipation.

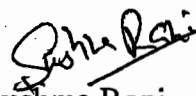
Yours faithfully,

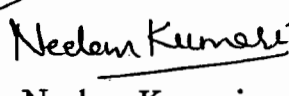
DA: As above

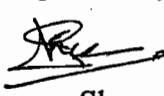

Prithi Singh
(System Analyst)



Kamal Deep
(Programmer)



Pardeep Kumar
(Programmer)



Sushma Rani
(DS to Director)


Neelam Kumari
(DS to Director)


Gaurav Sharma
(Tech. Gr. A)


Sumer Chand
(Sr. Lib. Asstt.)


Raj Kumar
(Assistant)


Davender Singh
(Jr. Steno)

Dated: 05.10.2009

Copy to:

The Hon'ble Chairman, BOG,
National Institute of Technology, Kurukshetra.

To,

The Director,
NIT Kurukshetra,
Haryana - 136119

Subject: Request for regularization of services of the contractual employees

Respected Sir,

With due respect, we request to your goodself for the consideration of our contractual appointments as regular on the following grounds:-

1. We have been appointed against the posts allowed by the BOG under direct recruitment quota and have been selected by the duly constituted Selection Committees as per rules.
2. We possess prescribed qualifications and experience required for these posts.
3. The posts duly approved/sanctioned by the BOG were advertised on All India Basis in leading newspapers of the country.
4. We are drawing salary against vacant non-teaching posts in regular pay scales and they are also getting annual increments.
5. We have completed more than 3 years of satisfactory service against the vacant posts and are working honestly in dedicated manner upto entire satisfaction of the Institute Authority/Respective Chairmen of Departments/Heads of Sections.
6. There will be no additional financial liability as we are already getting our pay and allowances on respective posts being held by us at present.

Thanking you in anticipation.

Yours faithfully,

sd/-
Prithi Singh

sd/-
Kamal Deep

sd/-
Pardeep Kumar

sd/-
Sushma Rani

sd/-
Neelam Kumari

sd/-
Gaurav Sharma

sd/-
Sumer Chand

sd/-
Raj Kumar

Dated: 08.09.2009

sd/-
Davender Singh

Sibal's lesson to IITs: Promote meritocracy

Aditi Tandon

Tribune News Service

New Delhi, October 1

Union HRD Minister Kapil Sibal today agreed to meet the protesting IIT federation members after they shot off a telegram to him, seeking an early appointment. Some advice to this effect is learnt to have come from the Prime Minister's Office (PMO) as well.

But an agreement to meet the agitators does not seem to indicate ministry's readiness to climb down from its earlier position on IIT teachers' pay revision, though it today said the IIT boards, chairmen of boards of governors and directors had enough freedom under the IIT Act to address the issues being raised by protesters.

The ministry, for instance, today said the IIT boards had the freedom to absorb an assistant professor, first to be recruited on contract, into regular service depending on his performance. The IIT federation has been seeking such appointment on regular basis, but the ministry, putting the ball in the IITs' court, said the boards could extend or shorten an entrant's contract, depending on his performance.

The ministry also said the 40 per cent cap on promotion among professors must stay to ensure competitiveness in the system. The IIT federation is objecting to this provision, but the ministry said the real issue was of IITs establishing a criterion whereby excellence was rewarded. "This criterion must be approved by the boards. The restriction of 40 per cent can be reviewed when the implementation has progressed to that level," states an internal ministry note prepared on the eve of the meeting with protesters. The note advises IITs to "promote meritocracy and not gerontocracy", adding, "none can say that 100 pc of eligible professors who apply for higher academic grade pay of Rs 12,000 from usual Rs 10,500 are excellent. But if the situation requires change in 40 pc cap, IIT boards can request the IIT council and the council can openly review it."

The note, while defending the Centre for always according special treatment to IITs and facing flak for the same, refers to the IITs as "islands of elitism". It accuses the IITs of being male-dominated, not alive to the needs of the marginalised section and refers to how the Centre has been castigated for disproportionately patronising them.

In 2003, the budgetary allocation to seven IITs was Rs 564 crore, whereas the allocation for primary education for the entire country was just Rs 3,577 crore. "The opportunity cost for IITs, when seen in the wake of brain drain, becomes very heavy. Another reservation is that the IITs generate only graduates of excellent quality. These graduates often migrate to the USA and other western countries for masters and show little inclination to continue in IITs," the note states. It, however, assures protesters of "no change in government approach to existing autonomy provisions or the need to enhance brand competitiveness of IITs".

Govt's flexibility assurance mollifies IITs

Salaries unchanged, institute boards to frame recruitment, promotion policies

Institutes to evolve own norms

New Delhi, October 2

The two-month-old stir of the IIT Faculty Federation for better pay and promotion policies at the premiere institutes ended today, with the government yielding to the protesters, but not quite.



HRD Minister Kapil Sibal meets representatives of the IIT faculty regarding their demands in New Delhi on Friday. — PTI

Institutes to evolve own norms

New Delhi: The HRD Ministry on Friday asked IIT boards to evolve their own system of appointments and promotions.

To begin with, the ministry has agreed to IITs' demand of dropping the term "lecturer" from the faculty cadre as is the case with Central universities.

On the demand of recruiting a fresh appointee on regular basis as against contractual, the ministry holds that contracts would give IITs an opportunity to watch the performance of an appointee before a formal appointment. "A stage of probation is applicable to all jobs. We feel a faculty member selected as assistant professor should be assured that he will eventually be taken in as regular faculty. The IIT boards will have the freedom to absorb such a person in regular service, delay or shorten the time of such regularisation," the MHRD says.

With the IITs opposing the ministry's stand that only 10 per cent of the total faculty strength would be fresh appointees, Sibal said that the norm is of an advisory nature.

Another debate is this - when an assistant professor applies for promotion as associate professor, the experience required under the Fifth Pay Commission was eight years. The ministry reduced this to six, but IITs want flexibility here.

Further, IITs are against associate professors being asked to put in four years of teaching before seeking professorship.

While the MHRD today allowed IITs flexibility on this norm too, it feels an associate professor must have reasonable experience at an institute of national or international excellence to become a professor. "The background of applying candidates can be verified by selection committees," says MHRD.

The ministry has also asked the IITs to evolve an innovative performance-related incentive scheme, recently approved by the cabinet. On the norm of three years experience needed at entry level for faculty, it has said the guideline could be ignored if there is dearth of faculty. — TNS

**NATIONAL INSTITUTE OF TECHNOLOGY
KURUKSHETRA-136119**

No.Gen.-I/5858

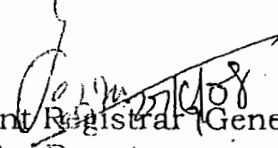
Dated: 27.6.08

OFFICE ORDER

The following persons possessing the prescribed qualifications as per rules of the Institute, who were appointed on contract basis for two years with a provision of 1 year's extension in the prescribed pay scales of the post (s) after having been selected by duly constituted Selection Committees against the posts advertised on all India Basis, will continue temporarily on their existing positions till further orders as per their other existing terms and conditions of appointments already made. These persons have already completed two years of service satisfactorily and their services are further required by the Institute:

Sr. No.	Name of the person	Designation	Pay Scale (Rs.)
1.	Sh.Prithi Singh.	System Analyst	8000-13500
2.	Sh.Kamal Deep	Programmer	8000-13500
3.	Sh.Pardeep Kumar	Programmer	8000-13500
4.	Mrs.Sushma Rani	DS to Director	5500-9000
5.	Mrs.Neelam Kumari	DS to Director	5500-9000
6.	Sh.Gaurav Sharma	Tech. Grade A	5000-8000
7.	Sh.Sumer Chand	Sr. Library Asstt.	5000-8000
8.	Sh. Raj Kumar	Assistant	5000-8000
9.	Sh. Davender Singh	Jr. Stenographer	4000-6000

The implementation of this order will not involve any additional financial liability on the Institute. They will draw their salary against the respective vacant non-teaching posts under Non-Plan budget.


Assistant Registrar (General)
For Director

All concerned.

Copy to:

1. Chairmen of the respective departments.
2. Heads of the respective Sections.
3. Deputy Registrar (GA & Legal).
4. Assistant Registrar (Accounts).
5. PS to Director for kind information of the Director.
6. PA to Registrar for kind information of the Registrar.
7. Personal files of the concerned persons.

Phone :

Chamber (HC) 2748648

Resi cum Off. 2674136

4630136

Cell 9216630136

e-mail : asvirk@india.com

Amarjit Singh Virk

B.A., LL.B. (Gold Medalist)

Advocate

Punjab & Haryana High Court

CHAMBER

66, Lawyers' Chambers

High Court, Chandigarh

RESI CUM OFFICE

#256, Sector 49-A,

Advocates Society,

Chandigarh 160047

Dated: 06.10.2009

LEGAL OPINION

I have gone through the representation made by the various employees working in the Institute on contractual basis requesting for the regularization of their services. I had already given detailed legal opinions dated 25.03.2008 and 18.09.2009 to this effect. The present legal opinion may be read in continuation of my above said earlier legal opinions concerning the same issue.

At the time of giving legal opinion dated 25.03.2008 on the representation of the Karamchari Sangh for regularization of the services of these very employees appointed on Contract Basis, the office notings/proposals were also noticed to the following effect:-

1. The above persons are working against the vacant non-teaching posts which were filled up by way of direct recruitment by a duly constituted selection Committee as per terms and conditions as approved by the Board as well as Hon'ble Chairman, BOG and also as well as per the rules and regulations entailed in the MOA of the Institute.
2. All the above 13 persons have completed two years of satisfactory services against the above vacant posts (to be completed in some cases in May 2008).

3. It is worth mentioning here that these posts are essentially required for the smooth functioning of the labs/offices and may be covered under the teaching, non-teaching ratio of 1 : 1.5 as suggested by the MHRD/Expenditure Reforms Committee.
4. There will be no additional financial liability on the Central Government as these persons are already drawing the pay scales for the last two years from the regular budget heads meant for these non-teaching posts as per the BOG decision.
5. It will be appreciated that these 13 persons are shouldering the responsibilities with the utmost satisfaction of the authorities and working with hardworking, honesty and dedication to the works allotted to them by their respective Heads/Chairmen.

However, to the question as to their regularization, it was opined that in view of the judgment of Hon'ble Supreme Court of India in Secy., State of Karnataka Vs. Uma Devi (3) reported as 2006 (4) SCC 1, it is not proper to regularize their services, however, in view of the settled law to not to replace the contract employees with another contract employees, they may be allowed to continue temporarily till the new rules are notified by the Govt. of India, Ministry of Human Resource Development.

Further in my legal opinion dated 18.09.2009, it was opined that in view of the judgment of Hon'ble Supreme Court of India in Union Public Service Commission Vs. Dr. Jamuna Kurup and Ors. reported as 2008 (11) SCC 10, the persons appointed on contract basis should not be replaced by anyone except those appointed on regular basis and it was also further opined that the Institute must take steps to fill up such sanctioned posts on regular basis by moving the MHRD, Govt. of India for relaxing/lifting the ban imposed on fresh recruitment since at the time of coming into effect of NIT Statute on 23.04.2009, some of the persons may be continuously holding the posts on contract basis against the sanctioned non-faculty staff for more than three years or may have completed three

years by then as Section 28 of NIT Statute provides that the appointment on the contract basis should not exceed period of three years.

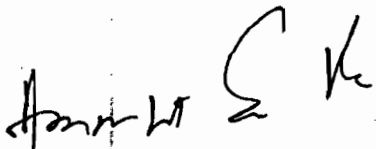
The First Statutes of the National Institutes of Technology applicable to all National Institutes of Technology came into force on the date of its publications in the Official Gazette i.e. 23.04.2009 in view of Section 1 of the Statute, which is being reproduced hereunder:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) These Statutes may be called The First Statutes of the National Institutes of Technology.
- (2) They shall apply to all National Institutes of Technology.
- (3) They shall come into force on the date of their publication in the Official Gazette.

The NIT Statute clearly provide that the same will be applicable from the date of its publication in the Official Gazette, which clearly indicate the intention of the Central Government to have its operation prospective in nature and it cannot in any manner be said to have retrospective effect. The new rules, which are detrimental in nature, cannot be implemented retrospectively to the detriment of the employees already working.

CHANDIGARH


(AMARJIT SINGH VIRK)
ADVOCATE