

**NATIONAL INSTITUTE OF TECHNOLOGY
KURUKSHETRA-136119**

Agenda : 48th (Special) Meeting of
Board of Governors

Place : NIT Transit House
C-15, Panchsheel Enclave
New Delhi-110017

Day, date and time : Friday, the 1st February, 2019
at 12.30 p.m.

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| BoG 48.1 | To consider the matter of promotion under Career Advancement Scheme (CAS) in respect of the faculty members of the Institute from the due date instead of from the date of decision of the Board of Governors – reg. | 1 - 21 |



BoG 48.1 To consider the matter of promotion under Career Advancement Scheme (CAS) in respect of the faculty members of the Institute from the due date instead of from the date of decision of the Board of Governors – reg.

The Hon'ble High Court of Punjab & Haryana, Chandigarh on 20.12.2018 has directed to the Ministry of Human Resource Development, Government of India to pass appropriate orders on the clarifications as sought by the Board of Governors of NIT, Kurukshetra within one month i.e. upto 19.01.2019 and the Board of Governors shall pass appropriate orders within a period of four weeks thereafter. The MHRD, Govt. of India has sent the clarifications vide letter dated 17.01.2019 for promotions of faculty members of the Institute under CAS. As such the matter is to be decided by the Board on or before 13.02.2019.

In this context, it is submitted that the Career Advancement Scheme (CAS) was implemented in the Institute in terms of the decision of the Board of Governors taken in its 2nd meeting held on 19.04.2003 vide agenda item no. 2.22. As per Career Advancement Scheme (CAS), the interviews were conducted in the Institute for faculty members during the year 2005, 2006, 2007, 2009, 2011, 2012 & 2013 (one time measure).

Some of the faculty staff members of the Institute who have been promoted under Career Advancement Scheme (CAS) through the interviews conducted in the year 2013 had represented that they have been promoted under CAS from the date of decision of the Board of Governors while they should have been promoted from the actual date of eligibility as per past practice and in terms of Clause-4(q) of OM No.F.33-7/2011-TS.III dated 14.03.2012 (**Annexure- 48.1.i from pages 8 to 11**) which is reproduced below:

"All Institutes shall strive to conduct annual selection processes regularly. In case of Institutes that have not conducted CAS interviews for 3 years or more, Selection Committee may, as a onetime measure, examine scholastic contribution of internal candidates made after the last interview and recommend a salary and AGP they would have earned now, had the Selection Committee met at the appropriate time."

To minimize the Court Cases and to look into the pending issues of faculty and non-faculty staff members of the NIT, Kurukshetra, a High Level Committee was constituted. The said matter was placed before the said Committee and after going through the relevant documents, the Committee submitted its report on 11.01.2017 **(Annexure- 48.1.ii from pages 12 to 15)** with the following recommendations:

- I. *Revised Selection Committee should consider the applications received from the different faculty members vide Institute's Letter No.Estt.-I/CAS/6992 dated 25.11.2010 where the promotion processes were withheld during the year 2010.*
- II *All the promotional benefits should be considered w.e.f. the date of eligibility as provided under Para '4q' of said MHRD Letter No.F.33-7/2011-TS.III dated 14.03.2012 for the faculty members promoted in 2013. The Para '4q' is reproduced below:*

"All Institutes shall strive to conduct annual selection processes regularly. In case of Institutes that have not conducted CAS interviews for 3 years or more, Selection Committees may, as a onetime measure, examine scholastic contribution of internal candidates made after the last interview and recommend a salary and AGP they would have earned now, had the Selection Committee met at the appropriate time".
- III *Faculty members, who are eligible for two AGPs i.e. Rs. 8000/- & Rs. 9000/- should also be considered to effect the promotions from date of eligibility and consequent effect of promotions accordingly as the direction of Hon'ble High Court Agartala which has been complied by NIT Agartala."*

Further, the High Level Committee has also stated that Hon'ble High Court of Agartala vide Judgment dated 31.03.2016 has extended the benefit of CAS to all eligible faculty members. The appeal of the Institute in the case was dismissed vide Hon'ble High Court order dated 05.05.2016. The MHRD, Govt. of India letter dated 14.03.2012 (ref. para 4(q)) has also provide that all Institutes shall strive to conduct annual selection processes regularly. In case of Institutes that have not conducted CAS Interviews for three years or more, Selection Committees may, as a onetime measure, examine scholastic contribution of internal



candidates made after the last interview and recommend a salary and AGP they would have earned now, had the Selection Committee met at the appropriate time.

Taking into account the said para 4(q) NIT, Calicut granted the promotional benefit from the date of eligibility.

It may be mentioned here that earlier the Institute had conducted the Selection Committee Meeting for promotion to the post of Professor under Career Advancement Scheme (CAS) during the period from 07.01.2011 to 08.01.2011.

The matter of selections/promotions to the post of Professor under CAS was placed before the Board of Governors in its 25th meeting held on 22.06.2011. The Board decided that the matter of promotion under CAS be deferred and the matter be sent to the MHRD for seeking the Ministry's permission for the said promotion under CAS.

As per the above said decision of the Board of Governors, the Institute vide letter No.Estt.-I/4562 dated 12.08.2011 had referred the matter to the MHRD, Govt. of India to consider and pass necessary orders regarding the above cases of promotion to the post of Professor under CAS.

In response to letter dated 12.08.2011, the MHRD, Govt. of India vide letter F.No.10-16/2011-TS.III dated 22nd November, 2011 **(Annexure-48.1.iii on page 16)** clarified that the faculty members who became eligible for CAS during the 5th Pay Commission regime and were recommended by the Selection Committee may be given the benefit of promotion under CAS as applicable with reference to 5th CPC Scales. In respect of 5th CPC cases, the promotion will be notionally effective w.e.f.30.06.2009/01.07.2009 i.e. the date of eligibility, but the financial benefit will be given from 22.06.2011 i.e. the date of BoG meeting.

Vide Institute letters dated 28.11.2011 ten faculty members of the Institute were promoted to the post of Professor under CAS in the Pay Band-4 of Rs.37400-67000 + AGP of Rs.10000/-. Their promotions were notionally effective from 01.07.2009 i.e. the date of eligibility and

the financial benefits were given to them w.e.f.22.06.2011 i.e. the date of BoG meeting. Thereafter, as per approval of the Board of Governors in its 28th meeting held on 13.08.2012 with reference to MHRD, Govt. of India letter dated 22.11.2011, letter dated 14.03.2012 and letter dated 27.04.2012, 05 other Associate Professors who were eligible for promotion under Career Advancement Scheme after implementation of 6th CPC Scales were promoted to the post of Professor under CAS in the Pay Band-4 of Rs.37400-67000 + AGP of Rs.10000/- w.e.f.01.01.2010 (notional) and financial benefits were given to them w.e.f.22.06.2011 i.e. the date of BoG meeting.

Accordingly, the matter was placed before the Board of Governors in its 44th meeting held on 05.02.2018 vide agenda item No.44.13 to consider the promotion under CAS from the date of eligibility in respect of faculty staff members. The Board decided as under:

“The Board deliberated this item in detail and resolved that the agenda be put with detailed financial implications in the next meeting of Board. The Board also decided that in future the agenda items:

- should conclude with the suggestion/proposal of the Institute for approval; and
- should include comments of Finance Officer indicating financial implications, availability & funds, if provision exists, etc.”

In compliance to the decision of the Board, the detailed financial implication was prepared by the Accounts Section of the Institute and conveyed vide letter No.Acs./AC-III/2018/1080 dated 26.04.2018. As per calculation, the estimated budget of Rs.36.50 Lac (approx.) will be required for promotion of 47 faculty staff members under CAS from the date of eligibility. Further, the Deputy Registrar (Accounts) had informed that in case of sanction to pay the liability, the same may be paid out of the Reserved & Surplus Fund.

Thereafter, the matter was again placed before the Board of Governors in its 45th meeting held on 04.06.2018 vide agenda item No.45.22 and the Board decided as under:

"The Board noted the action taken report and decided that the matter be referred to MHRD for clarification and comments in the matter."

The copy of Minutes of the 45th meeting held on 04.06.2018 are enclosed herewith as **(Annexure- 48.1.iv on page 17)**.

Accordingly, the matter was referred to the MHRD, Govt. of India vide letter No.Estt.-I/4462 dated 28.08.2018 to get the clarification for promotion of faculty members of the Institute from the due date instead of from the date of decision of the Board of Governors.

Meanwhile, the Hon'ble High Court of Punjab & Haryana, Chandigarh has passed the following directions on 20.12.2018 in CM-16440-CWP-2018 in CWP-24632-2013 and CM-16439-CWP-2018 in CWP-24673-2013 titled Sandeep Santosh Vs. National Institute of Technology, Kurukshetra and others:

"Learned Senior counsel for the petitioner points that vide order dated 22.03.2018, it was observed that matter of grant of grade pay to the petitioner has been pending consideration for further action before the competent authority i.e. Board of Governors. He points out that a committee constituted by the respondents had submitted a report dated 11.01.2017 recommending the grant of grade pay to the petitioner with effect from the date of his eligibility. Based on the said recommendation, the matter of grant of grade pay was taken up in 45th Meeting of the Board of Governors held on 04.06.2018 as an agenda item No.44.13. He further points out that instead of accepting the recommendations of the committee, the Board of Governors noted that the matter be referred to Ministry of Human Resource Development for clarifications and comments thereof.

Learned counsel for respondent Nos.1 and 2 does not controvert the statements of learned Senior counsel.

In this view of the matter, respondent No.3 i.e. Government of India, Ministry of Human Resource Development, Department of Higher Education is directed to pass appropriate orders on the clarifications as sought by the Board of Governors within 1 month from today and the Board of Governors shall pass appropriate orders within a period of 4 weeks thereafter.

Adjourned to 06.03.2019.

Photocopy of this order be placed on the file of other connected case."



Copy of the orders dated 20.12.2018 passed by the Hon'ble High Court of Punjab & Haryana, Chandigarh is enclosed as **(Annexure-48.1.v from pages 18 to 19)**.

In compliance to the order of Hon'ble High Court, the said matter was again referred to the MHRD, Govt. of India vide letter No.Estt.-I/168 dated 10.01.2019 with reference to earlier letter No.Estt.-I/4462 dated 28.08.2018 to get the clarification for promotion of faculty members of the Institute from the due date instead of from the date of decision of the Board of Governors.

Further, in response to this Institute letter No.Estt.-I/4462 dated 28.08.2018, the MHRD, Govt. of India vide letter F.No.10-1/2019-TS.III dated 17.01.2019 has forwarded the following observations in the matter under reference with a request to place the said observation before the Board of Governors of NIT, Kurukshetra for decision :

- *Career Advancement Scheme was discontinued w.e.f.30.04.2013.*
- *Career Advancement Scheme (CAS) was an integral part of a rigid staff structure where the number of posts at any given level was limited. Such a scheme provides an avenue through which a qualified employee climbs to the higher rung of the career ladder, even if there is no vacancy. With the adoption of 4-tier Flexible structure, it cannot run concurrently.*
- *Clause 4(f) of letter dated 14.03.2012 provides that all recommendations of the Selection Committee shall take effect only from the date of approval of the recommendations by the Board or any later date as decided by the Board. There shall be no retrospective implementations of recommendations in any case (either financial or notional).*
- *Clause 4(q) of this Ministry letter No.F.33-7/2011-TS.III dated 14.03.2012 provides*
"All Institutes shall strive to conduct annual selection processes regularly. In case of Institutes that have not conducted CAS interviews for 3 years or more, Selection Committees may, as a onetime measure, examine scholastic contribution of internal candidates made after the last interview and recommend a salary and AGP they would have earned now, had the Selection Committee met at the appropriate time."

Therefore, the Institute may place the recommendations of the Selection Committee before the Board for consideration and a decision.

- On adoption of 4-Tier Flexible structure, the Council of NITs had permitted CAS only as on one-time measure. No permission shall be granted for conducting selection under CAS in any Institute



w.e.f.30.04.2013 as the institutes have to adopt implementation of 4-tier faculty cadre structure by this date after having received one time exemption for CAS.

- CAS was in operation as a one-time measure, when RRs of 4-Tier structure were being framed and it was dispensed w.e.f.30.04.2013 when 4-Tier norms were made available and Recruitment Rules finalized were put in place for implementation.

The copy of MHRD, Govt. of India letter F.No.10-1/2019-TS.III dated 17.01.2019 is annexed herewith as **(Annexure- 48.1.vi from pages 20 to 21)**.

In the light of orders passed by Hon'ble High Court of Punjab & Haryana, Chandigarh and MHRD, Govt. of India letter OM F.No.10-1/2019-TS.III dated 17.01.2019, the matter of promotion under Career Advancement Scheme (CAS) in respect of faculty members of the Institute may be considered and decided.

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No.F.33 - 7/2011 - TS.III
 Government of India
 Ministry of Human Resources Development
 Department of Higher Education

Shastri Bhawan, New Delhi,
 dated (the 14th) March, 2012

To

The Directors
 of all the National Institutes of Technology (NITs)

Subject: Promotion of faculty members of NITs under the Career Advancement Scheme (CAS) - Issue of necessary guidelines thereof - regarding.

Sir / Madam,

I am directed to refer to the various communications issued by this Ministry on the rules and regulations for promotion under Career Advancement Scheme (CAS) for faculty members of the National Institutes of Technology (NITs). The Ministry has received a number of representations from the faculty members of the NITs on the implementation of CAS. The issue had also been discussed in meetings of the Board of Governors (BoGs) of NITs, wherein concerns have been expressed.

2. In order to resolve the issue, a Committee (under the Chairmanship of Prof. Sunil Kr. Sarangi, Director, NIT-Rourkela) was constituted for removal of pay anomalies. The report submitted by this Committee was examined in the Ministry. It was felt that the instant issue was intricately linked with the Recruitment Rules for faculty posts.

3. In order to approach the instant issue from a holistic perspective and in the backdrop of a need for Recruitment Rules, it was considered necessary to examine these two issues afresh. Accordingly, a Special Committee was set up under the Chairmanship of Prof. Sarangi, Director, NIT - Rourkela vide this Ministry's order F.No.24-1/2010-TS.III dated 27.07.2011 and 23.08.2011. The Sarangi Committee after detailed examination of the aforesaid issues submitted its report to Standing Committee of the Council of NITs in its meeting held on 16.11.2011 under the Chairmanship of Dr. R.A. Mashelkar. The Council of NITs in its 3rd meeting held on 18.11.2011 resolved to accept the recommendations of the Sarangi Committee for implementation of CAS & Recruitment Rules of faculty in NITs, as modified by the Standing Committee.

4. Subsequent to the resolution of the NIT Council, representations have been received in the Ministry from several NITs regarding the decisions taken for removal of anomalies, faculty promotions, condition of service, etc. These representations have since been examined in the Ministry in consultation with certain Chairpersons of the BoGs and Directors of NITs. After due deliberations, the following general and specific guidelines are prescribed:

(In-1420/111, Per Anomaly & CAS/CAS Committee vide No. 1420/111)

