

HEMWATI NANDAN BAHUGUNA GARHWAL UNIVERSITY
SRINAGAR, GARHWAL (Uttarakhand)
(A Central University)

Minutes of the 5th Meeting of the Executive Council of the University

The 5th Meeting of the University was held on **17th October 2013**, in which the following were present:

1. Prof. S.K.Singh
Vice-Chancellor, Chairman
2. Lt. Gen.(Retd.) Mahesh Chander Badhani, Member
3. Shri M. Veeraiah Chowdary, Member
4. Prof. S.K.Joshi, Member
5. Prof. R.K.Shivpuri, Member
6. Dr. A.K.Gupta, Member
7. Prof. V.K.Jain, Member
8. Ms. V. Hariharan, Member
9. Prof. M.S.M.Rawat, Member
10. Prof. S.S.Dev, Member
11. Prof. L.J.Singh, Member
12. Prof. S.C.Tewari, Member
13. Dr. V.A.Baurai, Member
14. Dr. Prabha Pant, Member
15. Shri Deepak Kumar, Member
16. Prof. P.S.Rana
Registrar, Ex-Officio Secretary

At the outset, Prof S.K. Singh, Chairman welcomed the Honøble members of the second Executive council reconstituted after amendment of the Statutes of the University and expressed special gratitude to the outside members who in spite of their busy schedule have kindly agreed to attend the meeting. On the request of the Chairman all the members offered homage to people who have lost their lives in the recent natural disaster in the Uttarakhand State by observing two minutes silence. The Chairman also appraised the efforts being taken by the University for reconstruction of Uttarakhand and specially to the students of the affected areas by providing for (i) Second entrance test who could not appear the University Entrance Examinations, (ii) Increased seats in various subjects to accommodate the most, (iii) Exemption of admission and hostel fees. The Chairman also informed that the one of the campus and its approaching roads had been completely damaged due to the natural disaster. The University has been

approaching various state and central agencies for financial grants for rebuilding the campus and its approach roads.

The Chairman gave a brief introduction of the members and sincerely hoped that considering the outstanding academic and administrative career and contributions of the members, they would provide their vision and guidance to the University. The Chairman also thanked all the outgoing members of the EC for their vision, guidance and contribution to the University.

He also addressed the various developmental, academic and research activities that are going on and also addressed the various problems that are being faced by the University.

Thereafter, the agenda items were taken up for discussion and approval.

Agenda Item No. 1: Confirmation of Minutes of the 4th Meeting of the Executive Council held on 18th March 2012 and Special Meeting of Executive Council held on 18th May 2012.

Minutes of the 4th Meeting of the Executive Council held on 18-03-2012 and Minutes of Special Meeting of Executive Council held on 18-5-2012 circulated among the Honøble members of the Executive Council with the request to submit comments and suggestions, if any, on the recording of the minutes. The minutes of the meetings of Executive Council is placed at **Annexure- 'A'**.

In the minutes of the 4th EC under agenda item No. 10 (1), in page 20, Group-A was not recorded, however the proposal was for all the employees of the University and the Council had also decided for Group-A, B,C and MTS of the University. The above may be recorded.

The agenda item is submitted for confirmation.

RESOLUTION:

It was resolved to confirm the minutes of the 4th Meeting of EC and Special Meeting of EC. The proposal of recording of Group-A in agenda item No. 10 (i) was withdrawn and it was decided to take it up along with item No. 12 (ii) of this meeting.

Agenda Item No. 2: Action Taken Reports on the Minutes of the 4th Meeting of the Executive Council held on 18-03-2012 and Special Meeting of Executive Council held on 18th May 2012.

Action Taken Reports on the Minutes of 4th and Special Meeting of the Executive Council is placed at **Annexure -‘B’** for kind consideration and approval.

RESOLUTION:

The EC has taken a note of it. The Chairman has informed the council about some recent developments on weightage /reservation for admissions and the prolonged agitation/strike for the issue. Members are of the opinion that since at present above 95% students are admitted from the State, the demand for 50% reservations does not help the students of the Uttarakhand at this stage. However the EC decided to forward to MHRD the request of the students along with the latest developments on this issue for further action in the matter.

Agenda Item No. 3: To consider and award D.Phil/D.Lit/D.Sc degrees to those candidates who have successfully completed their viva-voce.

The details of 337 research scholars whose viva-voce have been successfully conducted during 18-3-2012 to 6-9-2013 for the award of D.Phil/D.Lit/D.Sc degree are placed at **Annexure ‘C’** for kind consideration and approval.

RESOLUTION:

It was resolved to approve the award of D.Phil/D.Lit/D.Sc. degrees to those 337 candidates as per annexure whose viva-voce has been successfully completed upto 6.9.2013. The EC further resolved that quality of research need to be improved as without quality it would not contribute to national or personal growth. The University should take special measures for enhancing the excellence and quality of Ph.D. work.

Agenda Item No. 4 : Ratifications of the decisions taken by the Vice-Chancellor under Section 11(3) of the University Act.

Agenda Item No. 4 (1)- To consider and approve the Annual Report of the University for the year 2011-12.

The Annual Report of the University for the year 2011-12 has been prepared and placed at **Annexure- ‘D’** for kind perusal. As the Annual Report of the University for the year 2011-12 was required to be placed before both the Houses of

Parliament as per provision under 30(I) of the University Act and the same was also insisted by the Ministry of Human Resource Development, New Delhi, the Vice-Chancellor has approved the same on behalf of the EC. The Annual Report for the year 2011-12 has been sent to the MHRD with the approval of the Vice-Chancellor.

The matter is submitted for ratification and approval of the Council.

RESOLUTION:

It was resolved to ratify the decision taken by the Vice-Chancellor and approve the Annual Report of the University for the year 2011-12. The EC has also decided that an oversight committee be constituted by the Vice-Chancellor to assess the quality of publications, research undertaken by the faculty members and suggests steps to enhance quality research publications and Ph.D. theses produced by the University.

Agenda Item No. 4 (2)- To consider and approve the Annual Account of the University for the year 2011-12.

As per the provision of 31(1) of the Central University Act, the Annual Account of the University is to be prepared and audited by the Comptroller and Auditor General of India or by such persons as he may authorised in this behalf for placing before both the Houses of the Parliament for approval.

In view of urgency, the Honøble Vice-Chancellor by exercising his power conferred on him under clause 11(3) of the Act, has approved the Annual Account for auditing by CAG/AG Office. A copy of Annual Account is placed at **Annexure- 'E'**.

The matter is submitted for ratification and approval of the Council.

RESOLUTION:

It was resolved to ratify the decision taken by the Vice-Chancellor and approve the Annual Account of the University for the year 2012-13 and audited account for the year 2011-12. It was also resolved that henceforth the major audit objections if any are also to be reported before EC.

Agenda Item No. 4 (3)- To consider and approve the draft for making amendments in the Statutes on the direction of MHRD for the constitution of Academic and Executive Council.

The proposal of amendments in the Statute for the constitution of Academic Council and Executive Council was placed before 4th Meeting of the Executive Council held on 18.3.2012. As per approval and resolution of the Executive Council, the proposed amendment was sent to MHRD for approval of the Visitor. The MHRD vide its letter has suggested few amendments so that the same will be considered for approval.

As the tenure of the first Executive Council was expired and the second EC has to be constituted after amendments, the Vice-Chancellor under Section 11(3) has accepted the suggestions of MHRD and incorporated few clauses. The Amendments were again sent to MHRD for approval. The MHRD vide its letter No. F.53-5/2012-Desk(U) dated 25.10.2012 has approved the amendments in constitution of AC and EC. The amendments has also notified in the Gazette of India. A copy of Gazette notification is placed at **Annexure - F**.

The matter is submitted for ratification and approval of the Council.

RESOLUTION:

It was resolved to ratify the decision taken by the Vice-Chancellor and approve the constitution of Academic Council and Executive Council of the University.

Agenda Item No. 4 (4)- To consider and approve the recommendations made by the Selection committee(s) for various faculty positions in different departments of the University.

The recommendations of the selection committee for various faculty positions in different departments of the University were placed before 4th meeting of Executive Council in agenda item No.7. The EC had approved the recommendations of the selection committee and further resolved to authorize Vice-Chancellor to open and publish the list of selectees as and when the stay order is vacated and in some cases after obtaining legal opinion.

As per the Legal advise and after vacation of stay the University has notified and publish the list of selectees and issued appointment order. The details of the post and selected candidates is placed at **Annexure- G**.

Submitted for information of the Council.

RESOLUTION:

The EC has taken a note of it.

Agenda Item No. 4 (5)- To consider and approve the approval and submission of 12th Plan proposal to UGC.

The matter was placed before 4th EC of the University under Agenda S-2. The EC has authorized to Vice-Chancellor to approve the 12th Plan Proposal and submit the same to UGC and report to the EC.

On the recommendations of a committee the Vice-Chancellor has approved the 12th Plan Proposal and submitted to UGC for further course of action. Summary of the 12th Plan proposal is annexed at **Annexure- H**.

Submitted for information of the Council.

RESOLUTION:

The EC has taken a note of it.

Agenda Item No. 4 (6)- To consider and approve the deputation/Extraordinary leave sanctioned to the faculty members of the University.

The Executive Council in its 4th meeting has approved and adopted provision of Deputation as per Govt of India rules to the faculty members of the University. As per provision and considering the request of following faculty members, the Vice-Chancellor has sanctioned EOL/Deputation to the following employees of the University.

Prof. S.C.Bagri (on EOL)	Himgiri Zee University, Dehradun	Vice Chancellor	16.8.2012 to 14.8.2014.
Prof. Manjula Rana (On Deputation)	Public Service Commission Uttarakhand	Commission Member	8-2-2013 to 7-2-2016
Dr. P. Badoni (on EOL)	Sparsh Ganga Board, Uttarakhand	OSD	1.7.2013 to 16.2.2014
Dr. JMS Rana (on Deputation)	State Biotechnology Programme	Director	11.1.2013 to 10.6.2013

Submitted for approval and ratification of the council.

RESOLUTION:

It was resolved to ratify the decision taken by the Vice-Chancellor and approve the Deputation/EOL as sanctioned to the above faculty members.

Agenda Item No. 5 : To consider and approve the Minutes of the 5th Meeting of the Finance Committee held on 10th December, 2012

The 5th Meeting of the Finance Committee of the University was held on 10th December, 2012 . The Minutes of Finance Committee is placed at **Annexure- 'I'** for consideration and approval.

RESOLUTION:

It was resolved to approve the Minutes of the Finance Committee held on 10th December, 2012. A discussion on item S-2 from the supplementary agenda was also held along with the approval of minutes of Finance Committee. The resolution in supplementary agenda item S-2 is placed at S-2 in this minutes.

Agenda Item No. 6: To consider and approve the Minutes of 5th Academic Council held on 7th September 2013.

The 5th Meeting of the Academic Council of the University was held on 7th September 2013. The Minutes of the Academic Council is placed at **Annexure-J** for consideration and approval.

RESOLUTION:

It was resolved to approve the Minutes of the Academic Council held on 07th September, 2013.

Agenda Item No. 7: To consider for nomination of Members to the search committee.

The MHRD vide its letter No.19-16/2013-Desk (U) dated 8th May 2013 has directed to the University to provide three nominees of the Executive Council for constituting search committee.

Submitted for consideration of nomination of three members for the search committee.

RESOLUTION:

The members were of the opinion that the considering the potentialities of excellence and overall growth of the University, members may be nominated from the areas of Science and Technology, Agriculture and Humanities and Social Sciences. As proposed by few members and after extensive discussion the EC has resolved to nominate following three experts as members for the search committee.

- 1. Dr. V.S.Ramammurthy, Director, National Institute of Advanced Studies, Bangalore and Former Secretary DST and former Member EC of HNBGU.**
- 2. Prof. Panjab Singh, Former Director General ICAR and Ex-VC, BHU.**
- 3. Prof. S. Parasuraman, Director, Tata Institute of Social Sciences, Mumbai.**

Agenda Item No. 8: To consider for nomination of members under Statute 17(1) (iv) to the Finance Committee of the University.

As per the Statute 17(1) (iv) there is provision of nomination of three members by the Executive Council of the University to the Finance Committee of the University Out of three members at least one shall be a member of the Executive Council.

Submitted for nomination of members to the Finance Committee of the University.

RESOLUTION:

After extensive discussion, the EC resolved to nominate following three experts as members under Statute 17(1) (iv) to the Finance Committee of the University.

- 1. Dr. A.K.Gupta, Member EC and Director Wadia Institute of Himalayan Geology, Dehradun.**
- 2. Shri R.D.Sahay, Former Director, Deptt. of Higher Education (CU), MHRD, New Delhi**
- 3. Shri A.K.Dogra, Ex- Financial Advisor to UGC and Joint Secretary.**

Agenda Item No. 9: To consider for nomination of members under Statute 15 (2) to the first School Board of the University.

As per the Statute 15(2) there is provision that "Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council for a period of three years. At present the University has notified 14 School of Studies i.e. School of Agriculture and Allied Sciences, Arts, Communication and languages, Commerce, Earth Sciences, Education, Engineering and Technology, Management, Humanities and Social Sciences, Law, Life Sciences, Sciences, Medicine, and Dental.

The University has approved Ordinances for School board. As per ordinances the School Board of Different Schools shall consist of the following members-

- 2(i) the Dean of the School (Chairperson);
- (ii) the Heads of the Departments in the School;
- (iii) the Heads of such Departments in other Schools as offer instruction in subjects assigned to the School.
- (iv) one Professor (other than the Head of the Department and the Dean of the School) of each Department in the School, by rotation in the order of seniority;
- (v) Three Associate Professors (not being Head of Departments) and Two Assistant Professors of the School, by rotation in the order of seniority in their respective cadres:
Provided that there shall be not more than one such Associate Professors and not more than one such Assistant Professors from the same Department, and any Associate Professors or Assistant Professors who is passed over under this Provision shall have his/her turn in rotation the next time, except if he/she has moved to a higher cadre in the mean time;
- (vi) The Vice-Chancellor is also authorized to nominate two experts who are not in the University service (HNBGU) on the School Board of different Schools.
- (vii) Senior most faculty member of each department comprising the School from amongst the affiliated colleges (in case there are affiliated colleges running courses in that department) be also included on the School Board of respective School.

As per provision under clause 2(vi) of the School Board constitution the Vice-Chancellor has nominated two experts to the School Board. The detail of nominations is placed at **Annexure- K**.

Submitted for consideration and nomination of School Board as per the Statute 15(2) of the University.

RESOLUTION:

The EC has resolved to approve the composition of constitution of School Board as per the Ordinance of the University as nomination of EC for a period of three years as per Statute 15(2). As suggested, the name of Prof. Deepak Srivastava of IIT Roorkee in place of Dr. YVN Krishnamurthy and Prof. V.B.Dimri, Emeritus Scientist and Ex-Director NGRI, Hyderabad in place of Prof. S. Raju has been incorporated as experts in School of Earth Sciences.

Agenda Item No. 10: To consider the recommendations of the selection committee for the post of Assistant Professors in Center for Mountain Tourism and Hospital Studies (CMTHS) of the University.

For the Nine (UR-3;OBC-3;SC-1;ST-2) vacant posts of Assistant Professor in CMTHS the University had issued advertisement and constituted a scrutiny committee for screening of application received in reference to University advertisements. Accordingly the University had conducted selection committee and the recommendations of the selection committee was not notified due to stay order issued by the Honøble High Court. Now the Honøble High Court has vacated the stay order issued earlier.

Subsequently the University has received written complaints from two contractual teachers of the CMTHS regarding irregularities made in screening and some of the candidates who have appeared the interview do not fulfil the basic qualification as per norms.

Considering the matter of seriousness the Vice-Chancellor has constituted a committee to verify the complain. The committee has submitted its report. A copy of the report is placed at **Annexure- L**.

Submitted for consideration of the council.

RESOLUTION:

The EC has gone through the detail report and observed that the screening committee has not applied its mind properly. The University has to review the screening process and involve Internal Quality Assurance Cell (IQAC) in all future recruitment. The EC observed that since some of the candidates called for interviews in CMTHS have not fulfilled even the minimum essential

qualifications and there are certain flaws in screening process itself, the EC resolved to cancel the recruitment including selection committee minutes for Assistant Professor in CMTHS (Tourism and Hotel Management).

Agenda Item No. 11: To consider the representation of faculty members who are not recommended for promotion to Professor under CAS.

On the basis of recommendations of the selection committee for CAS where the nominee of Visitor and nominee of UGC were present 10 faculty members of three Departments of the University were not promoted to Professor. The matter was placed before 4th EC held on 18.3.2012 and the EC has approved the recommendations of the selection committee.

Subsequent to notification of results, an agitation was started for 24 days in the month of March-April 2012 before the commencement of Annual Examinations, paralysing the University system. Considering the future of nearly 1.60 lac students the University administration had negotiated with the agitators with the intervention of State. As a part of negotiation it was agreed that the representations of the above categories of teachers are to be placed before next EC for re consideration. List of faculty members who are not recommended are placed at **Annexure-A (page-18)**

As per UGC vide its letter dt. 21.2.2002 which stipulates that repeat process of promotion/interview of the rejected candidates can be conducted only after a minimum period of one year from the date of promotion process/interview in which the candidate was rejected.

Submitted for consideration of the representations of the faculty members.

RESOLUTION:

The committee considered the representations of faculty members who are not recommended for promotion to Professor under CAS and resolved that for the faculty members who were considered under old scheme are to reapply as per UGC regulations. For the faculty members under new scheme, the Vice-Chancellor is authorized to constitute a committee to deliberate on the representation of such persons and make recommendation to the EC.

Agenda Item No. 12: To Consider the recommendations of a committee constituted by the Vice-Chancellor for enhancement of upper age limit of Daily wagers/contractual employees

and employees working in self-finance departments of the University to various posts under direct recruitment.

(i) On receiving representations from the employees of the University the Vice- Chancellor has constituted a committee for relaxation of upper age limit to the Daily wagers/contractual employees working in the University, for applying against direct recruitment post, since many of the employees were engaged for last several years and now they have crossed the upper age limit as prescribed in the Recruitment Rules. The committee constituted by the University has submitted its report.

Report of the committee is placed at **Annexure – M** for kind consideration.

(ii) Further the University has also been receiving representations from its regular employees to relax upper age limit for applying against direct recruitment posts of the University. The relaxation being sought in upper age limit is on and above the age limit prescribed in the Recruitment and Promotion Rules of the University. Submitted for consideration of the council.

RESOLUTION:

The EC considered the proposal for enhancement of upper age limit of regular employees and daily wagers working in the University. During the discussion the Chairman has appraised that the employees are demanding relaxation till fifty years of age for applying against direct recruitment posts of the university. The EC is of the opinion that the fourth meeting of the EC held on 18.3.2012 had also considered the proposal of enhancement of age limit upto 50 years and resolved to relax upper age limit by 5 years for the employees of the University.

Members are of the opinion that as per Govt of India rules there is provision of five years relaxation for inservice candidates and the EC has already given five years relaxation in its 4th meeting. Moreover any relaxation is also applicable to SC/ST/OBC/PWD categories. The EC agreed to extend this benefit also to applicants for group-A positions.

Furthermore considering the above discussion the EC had resolved that details of posts, upper age limit as prescribed in the R & P rules, relaxation of age sought for the particular post, number of employees already working in the University and seeking relaxation for a particular post are to be placed before next EC for consideration.

Agenda Item No. 13: Direction of the Hon'ble High Court of Uttarakhand in WP No. 95 of 2013 in the R& P rules of the University for the post of Executive Engineer (civil).

The Honøble High Court of Uttarakhand while hearing the WP No. 95 of 2013 has directed to University to issue corrigendum after deleting note that *õ The departmental AEs who fulfil the above educational qualifications and experience are allowed to compete with external candidates and in case of their selection, the post is deemed to have been filled on promotion basisö*. However the power vested with the EC for any amendment in R & P Rules of the University, affidavit was submitted before Honøble Court to delete the *õnoteö* after approval of EC. Consequent to this the Honøble Court has vide its order dated 27.5.2013 has struck down the same.

Submitted for deleting the note in the R & P rules of the University for the post of Executive Engineer (Civil).

RESOLUTION:

The EC had resolved to delete the above note as directed by the Hon'ble Court in the R & P rules of the University for the post of Executive Engineer (civil).

Agenda Item No. 14: To Consider the recommendations of a committee constituted by the Vice-Chancellor for participation of University employees in Elections.

Before the conversion to Central University, the employees of the University taking parts in politics and elections. Some of them have also contested Assembly election, elected and represented in cabinet. After conversion the University has adopted the CCS Conduct rules for its employees and the same has been approved by the EC of the University. After the approval of EC the University has issued notification debarring University employees in taking part in politics and elections.

As per provision contained in the Rule 5 of the Central Civil Services Conduct Rules

5.(1) No Government servant shall be a member of , or be otherwise associated with, any political party or any organization which takes part in politics nor shall e

take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or Local Authority

(5) Government servant proposing/seconding the nomination of a candidate at an election or acting as polling agent, not permissible.

Further the Election Commission of India considers it important that the Government servants' attention should be specially drawn to the provision which has been made in the Representation of the People Act, 1951 which says "*134-A. Penalty for Government servant for acting as election agent, polling or counting agent.- If any person in the service of the Govt acts as an election agent or a polling agent of a candidate at an election, he shall be punishable with imprisonment for term which may extend to three months or with fine, or with both*".

We have received representations from employees Unions for considering University employees participation in politics and elections. The representation was based on the claim that University is an autonomous body and CCS conduct rules not directly applicable to the University. On the basis of representations received, the Vice-Chancellor has constituted a committee. The committee has submitted its report.

Report of the committee is placed at **Annexure – N**.

Submitted for consideration of the Council.

RESOLUTION:

The matter was discussed extensively. It was informed that University has been receiving 100% grants from Central Govt and it is mandatory to implement CCS Conduct Rules where applicable. Autonomy of the University is only limited to academic and research area. Central grants may be stopped if the University does not follow the CCS Conduct rules. The members are of the opinion that the committee constituted by the Vice-Chancellor has not applied its mind properly. Now all the employees of the University are governed under Central Universities Act 2009. Since there is no provision in Central Universities Act 2009 unlike the State Universities Act the proposal for participation of election by University employee is not accepted. Further it was also resolved that in future any committees constituted by the University be directed not to recommend any proposal

which is contrary to the provision of Central Universities Act 2009 and established rules of Govt. of India.

Agenda Item No. 15: To consider the recommendations of a committee constituted by the University for rationalization of posts.

The UGC vide its letter No. F.7-3/2009(CU) dated 22.2.2012 has constituted a committee for rationalization of cadre structure, designations, pay and allowances of non-teaching employees of central universities which have been converted from State Universities, including HNB Garhwal University. The committee has been constituted on the request of the University keeping in view the different cadre structure/posts, pay structures(s) between the Central government and State government, in case of Universities converted into Central University as per the Central University Act, 2009, The Committee is to consider the matter relating to the rationalization of cadre structure and designations, pay and allowances of non-teaching employees of these Central Universities as per Central Government norms/other Central Universities and to suggest guidelines/modalities to calculate the pay of the non-teaching employees as per Central Government norms.

The UGC had sought information from the University about the existing sanctioned post and proposed rationalization of pay scale and designation. In response to it, the University has submitted proposal to as per recommendations of a committee. The recommendations of the committee submitted to UGC is placed at **Annexure- O**.

In this regard it is to submit that :

(i) Considering the MHRD notification No. 1-32/2006-U.II/U.I(ii) dated 31.12.2008 the EC in its meeting held on 24.10.2009 has approved the scheme of revision of pay scales of for the posts of Registrar, Finance Officer, Controller of Examinations, Deputy Registrar, Assistant Registrar, Deputy Controller of Examinations, Assistant Controller of Examinations, Deputy Finance Officer and Assistant Finance Officer. Accordingly the University had advertised the vacant post sanctioned by the State as per the pay structure of MHRD. It is to further submit that the above posts are available both in State and UGC structure, though salary structure and qualifications are different. The University had issued appointment as per UGC qualification and pay scales. In no case the incumbents have been rationalized nor the incumbent's pay scales have been revised as the qualifications and other criteria varied from UGC/MHRD.

- (ii) Further the EC in its meeting held on 16.6.2011 has considered the proposal of change of designation for functional purposes without hampering the pay scale, qualification, recruitment and promotional avenues of the post of Librarian to Professional Assistant, Internal Auditor to Assistant Accountant and Accountant, Routine Grade Clark to LDC and Junior Assistant to UDC and approved the same as there had no financial implications.

Now the representations have been made by the employees to consider for rationalization of posts along with incumbents as per recommendations of the committee submitted to UGC.

Submitted for consideration of the Council.

RESOLUTION:

The matter was discussed extensively. After discussion as suggested by members it was resolved that since the proposal of rationalization as submitted to UGC involves rationalization of posts along with incumbents, financial implications with retrospective effect and varied qualification and experiences involved with the post, for which the UGC has already initiated this process of rationalization by appointing a committee for all the three upgraded Universities, the University should expedite the process at UGC and report to next meeting of EC. The VC may appoint a committee for the purpose to pursue the matter with UGC.

Agenda Item No. 16: To consider the proposal for regularization of Daily wagers who have completed 10 years of their continuous engagement in the University as a onetime measure.

A detail proposal for regularization of Daily wagers will be placed on the table.

A Committee was constituted by Hon'ble VC for the purpose of consideration of adjustment of the daily wage workers of the University and a team was sent to the Allahabad university to study and collect the relevant information regarding the process of Adjustment of such daily wage employees who have been serving the university for more than 10 years.

A list of 70 daily wage/ Casual workers including 28 Sweepers and 42 daily wage workers who have completed more than 10 years of service at this university

has been prepared for consideration of their adjustment against vacant posts at the university on the basis of seniority & educational qualification.

The seniority list of all daily wage/casual workers working for more than 10 years was prepared giving details about their education qualification/date of birth/date of appointment in the university on casual/daily wages basis and the vacant posts against which these employees could be considered for adjustment. The individual files for all such 70 daily wage/casual employees have been prepared and their cases are submitted before the EC for consideration for adjustment against the vacant posts in the university as per the proposed list.

RESOLUTION:

The matter was discussed extensively. The EC is of the opinion that regularization of daily wagers can only be made as per guidelines of apex court given in Uma Devi Vs. State of Karnataka. Considering the nature of engagement made by the University in engaging daily wagers i.e. contractual, self finance, projects and daily wages, and other criterion of apex court guidelines the EC resolved that it will be appropriate to accommodate the daily wagers working in the University as per rules for regular appointment in concern posts by inviting open advertisement against all vacant posts.

Supplementary Agenda:

Supplementary Agenda Item No. S.1: Consideration of contractual appointments against non teaching sanctioned posts.

The University had recently advertised various posts like Deputy Registrar Finance, Internal Auditor and Executive Engineer. For the post of Internal Auditor and Deputy Registrar Finance the University has already advertised three times. It has been observed that in spite of repeated advertisements suitable candidates are not applying for the posts and many of the posts remain vacant for a long period, resulting in hampering of smooth functioning of the administration. In view of above it is proposed that University may consider for appointment on contractual basis, in case suitable candidates are not applying to any advertised post or any post remain vacant for long duration as a result of non availability of suitable candidate in the feeder cadre or due to court cases.

Submitted for consideration of the council.

RESOLUTION:

The EC resolved that as the contractual appointments may lead to future legal implications, the University should invite application for engagement of various consultants on contractual basis from among superannuated persons on year to year basis. Further for Group-A posts for which suitable candidates are not coming up in direct recruitment, the appointment may be made on deputation and this provision of Deputation shall be incorporated in R & P rules.

Supplementary Agenda Item No. S.2: Direction of the Hon'ble High Court of Uttarakhand in WP(s/s) No. 486 of 2013 dated 25.9.2013 for taking decision on the enhancement of wages of 48 daily wagers of the University.

At present the University has 171 daily wagers/contractual employees. All have been engaged before conversion to Central University. All the daily wagers are being paid wages as per Minimum Wages Act of GOI, notified and revised by the Labour commissioner of Govt of India from time to time. However, in pursuance of the Writ Petition No. 1445 of 2002 Shri Mahipal vs. HNBGU, filed by 11 Sweepers of the University working on Daily wage/ contractual basis before High Court of Uttarakhand, the Hon'ble Court has directed to the University that the petitioners shall be paid salary equal to that of minimum of pay scale of Class-IV". The University has not contended the order of Hon'ble Court and is paying the salary to the petitioners equal to the minimum of pay scale as per the direction of the Hon'ble High Court.

For other daily wagers, those who have completed 10 years of their engagement, the University has sought legal opinion from Legal Advisor for making similar payment to other Daily wagers who have completed 10 years of their engagement. The legal Advisor has opined that " in view of the judgment of the Hon'ble Supreme Court of India and High Court of Uttarakhand in the case of Mahipal and others in WP No. 1445 of 2002 and considering the fact that no special appeal against the aforesaid judgment dated 13.5.2008 was preferred by the University consequently the same is binding on the University. In view of the matter, the persons whose name in figure from 1 to 20 in the list supplied to the undersigned, showing that these persons have completed 10 years service on daily wages basis, can be given minimum pay scale as is being given to other employees having rendered more than 10 years service on daily wagers basis.

The University had constituted a local committee for considering the matter in view of opinion of legal advisor. On the recommendations of the above

committee, the University has released minimum of pay scale (Pay+ Grade Pay+DA) to 48 daily wagers/ contractual employees working in self finance and projects who have completed 10 years of their engagement. The minimum pay scale was released subject to approval of the Finance Committee of the University and every beneficiaries have given undertaking for refund of wages in case finance committee refused the enhancement.

The matter was placed before 5th Finance Committee of the University held on 10.12.2012. The FC has resolved " after having an extensive deliberation on the matter and taking into consideration the judgment of Supreme Court of India and High Court of Uttarakhand, Nainital the Committee was of the opinion that the matter having wider ramifications and legal implications, the recommendations of the committee constituted for the purpose can not be accepted. The committee did not ratify the order issued by the University pertaining to the Basic Scale, Grade Pay and DA to the Daily wages, completing 10 years service in the University.

In compliance to the decision of the Finance Committee the University has withdraw the order of making payment of minimum pay scale (Basic Scale, Grade Pay and DA) to the 48 daily wagers vide its order dated 2.2.2013 and continued to pay wages as per minimum wages act, as notified by the Labour Commissioner, GOI. Subsequently the above daily wagers filed writ petition before High Court of Uttarakhand for quashing the order of the University dated 2.2.2013. The high Court vide its order dated 25.9.2013 referred the case to the EC since the Executive Council is the highest authority in the University.

The matter is placed for consideration of EC.

RESOLUTION:

The council took up this agenda item in detail along with the minutes of Finance Committee under item No. 5 as it relates to the decision of Finance Committee under item No. 6 in its meeting held on 10th December 2012. After a detailed discussion, the Executive Council approved the decision of Finance Committee and decided that the decision may be conveyed to the Hon'ble High Court of Uttarakhnad.

Supplementary Agenda Item No. S.3: To consider to elect University representative under Section 3 (d) of the Dentists Act 1948.

As per the Section 3 (d) of the Dentists Act 1948 there is a provision that " One member from each University established by law in the States which grants as recognized dental qualification, to be elected by the members of the senate of the University, or in case the University has no senate, by the members of the court, from amongst the members of the Dental Faculty of the University or in case the

University has no Dental Faculty, from amongst the members of the medical faculty thereof;.

The University considering the request of DCI has nominated Dr. Himanshu Aeran, Professor and Head of Seema Dental College, Rishikesh an affiliated institution of the University to the DCI. However the DCI vide its letter dated 25.6.2013 has informed that since the University has not followed clause 3(d) of Act-1948 in nominating Dr. Aeran, he can't be considered as member to represent University.

It is to submit that there is no provision of Senate in the Central Universities Act and The COURT has not yet constituted. In view of above it is proposed the EC being the highest statutory body may consider to elect a member to DCI under Section 3(d) of Dentists Act 1948.

Submitted for consideration.

RESOLUTION:

The EC resolved to nominate Dr. Himanshu Aeran, Professor and Director of Seema Dental College, Rishikesh as University representative under Section 3 (d) of the Dentists Act 1948.

Supplementary Agenda Item No. S.4: To consider for medical facilities to the Pensioners/ Family Pensioners of the University.

There is a provision of under Central Govt. Health Scheme(CGHS) that all central Govt pensioners/ family pensioners including those who retired with CPF benefits, who were eligible for availing CGHS facilities while in service are eligible for availing CGHS facilities after retirement irrespective of whether they were or not availing CGHS facilities while in service. It is not necessary that these pensioners/ family pensioners should be living in the areas covered under the CGHS.

For registration the pensioners/ family pensioners have the option to get their names registered with any of the dispensaries in the above mentioned cities. They should make an application in the prescribed pro forma to the Addnl. Director concerned stationed in the above cities who will issue CGHS Identity card.

In this regard it is to submit that as the University is situated in non- CGHS town and also being an autonomous body the employees of the University are not entitled for CGHS card. The University had earlier constituted a committee for introduction of medical facilities to the University employees. On the basis of the

recommendations of the committee and after the approval of FC and EC has implemented the scheme after adopting MA Rules in line with CGHS pattern.

In this regard it is to submit that there is provision under MA rules of fixed medical allowances to the pensioners/ family pensioners who are residing in an area not covered by CGHS.

Submitted for consideration of medical facilities to the pensioners/family pensioners of the University i.e. those who have retired after 15.1.2009 as per with the regular employees of the University.

RESOLUTION:

The EC resolved that as the Central Service Medical Attendance Rules are not applicable to the pensioners, the matter has to be referred to the UGC. Further the University has to seek information from other central Universities along with DU and JNU about the scheme available for the pensioners. Clarification from UGC and scheme available with other Central Universities are to be examined and put up before next meeting of EC.

Supplementary Agenda Item No. S.5: To consider the Report of the various Inquiry committee conducted by the University/ State.

5.1: To consider the Inquiry report of a Committee constituted to verify the representation received from Dr. D.S. Chauhan, Assistant Professor of the University regarding appointment of Associate Professor in Forestry

Report of the committee will be placed on the table for consideration.

RESOLUTION:

The EC has resolved that as the appointment has already been approved by the EC, no further action at this stage is required.

5.2. To consider the Inquiry report of Justice(Retd.) A.K.Roopanwal related to alleged irregularities in the written examinations of Assistant Registrar and Public Relation Officer for which written examination was held on 28.3.2012.

Report of the committee will be placed on the table for consideration.

RESOLUTION:

The EC has resolved that the Vice-Chancellor is authorized to take appropriate action in view of the Inquiry report.

5.3. To consider the letter dated 27.5.2013 of MHRD regarding illegal appointments in Group-C and Group-D posts.

Letter dated 27.5.2013 of MHRD will be placed on the table for consideration.

RESOLUTION:

The letter of MHRD dated 27.5.2013 was placed for consideration of the Council and members were briefed about the events leading to this letter and need for appropriate action. It was resolved to appoint Shri B.S. Baswan retd. IAS and former Secretary, Deptt. of Higher Education, MHRD as Inquiry Authority to examine the report dated 21.4.2008. The Vice-Chancellor is authorized to take appropriate action on the basis of report of the Inquiry Authority.

Before offering vote of thanks the Executive Council was of the opinion that University should emphasize on developing some centre of excellence which will give identity to the University at national and international level and unnecessary expansions of courses should be stopped. Some of the members were of the opinion that quality of research need to be improved and the quality and number of Ph.D. awarded in a year should be monitored to be reduced, as without quality it would not contribute in national or personal growth. The issues like teacher absenteeism, external supervision for enforcement, two stage recruitment process through Internal Quality Assurance Cell(IQAC), profile of faculty members and their publications with their annual appraisal report were to be uploaded and updated at a regular interval. The chairman agreed that the above suggestions were well taken for implementation. The Honøble members also appreciated the efforts made by the University Administration in the development of the University.

The meeting ended with a vote of thanks to the Chair.

Prof. S.K.Singh
Chairman

Prof. P.S.Rana
Ex-Officio Secretary
