

**HEMVATI NANDAN BAHUGUNA GARHWAL UNIVERSITY,
SRINAGAR (GARHWAL)**

**Minutes of the 16th Meeting of Finance Committee
(Emergent Meeting) held on September 08, 2021**

The 16th Meeting of Finance Committee (Emergent Meeting) held on September 08, 2021 through digital platform.

Following members were present-

1. Prof. Annpurna Nautiyal, Vice Chancellor – Chairperson
2. Prof. Dinesh Kumar Nauriyal, Former VC, Kumaon University, Dept. of Humanities and Social Sciences, IIT, Roorkee, (EC Nominee)
3. Dr. J.K. Tripathi, Joint Secretary, UGC, New Delhi, (Visitor's Nominee)
4. Sh. Subash Chand Sharu, Director MoE, New Delhi (Representative of MOE- Visitor's Nominee)
5. Prof. S.K.Gupta, Dean School of Management, HNBSGU, (EC Nominee)
6. Shri Praveer Kumar Saxena, Under Secretary, Central University Bureau, MoE
7. Dr. A.K.Mohanty, Finance Officer (officiating)- Secretary.

Dr. A.K. Khanduri, Registrar, HNBSGU also attended the meeting as a Special Invitee. Representative of JS&FA, IFD, MoE could not attend the meeting. University legal counsel also attended the meeting on request of the Chairperson.

The Chairperson welcomed all the distinguished members of the Finance Committee and expressed special gratitude to the members for attending and participating in the emergent meeting through digital platform. The comments of UGC, and IFD (MoE) on the agenda point received before the meeting were also taken on records.

Thereafter, the agenda item was taken up and after having extensive discussions and deliberations and also taking cognizance of the observations from IFD and UGC, the following decisions were taken:



Agenda No. 16.1. Request for advice on Judgment dated 03 September 2021 of Hon'ble Supreme Court of India in civil appellate/Inherent Jurisdiction Civil Appeal No(S).3922-3925 of 2017 in the matter of Somesh Thapliyal & Anr. etc versus Vice Chancellor, HNB Garhwal University & Anr. with contempt petition (S) Nos. 291-294 of 2021 in Civil Appeal No(s). 3922-3925 of 2017.


The Hon'ble while hearing contempt petition of Faculty Members of the self financing department of Pharmaceutical Sciences of the University ordered that: " Thus , it can safely be held that he appellants became entitled to claim their appointment to be in substantive capacity against the permanent sanctioned post and became a member of the teaching faculty of the Central University under the Act 2009. Consequently, the appeals succeed and are accordingly allowed. The judgment of the Division Bench of the High Court dated 19th August, 2013 is hereby quashed and set aside. The appellants shall be treated to be subsequently appointed teachers(Associate professor/ Assistant Professor) and members of service of the Central University, namely HNB Garhwal University for all practical purposes, entitled for a pay scale and notional consequential benefits admissible to a regularly appointed teacher in the service of the Central University under the Act 2009. No costs. In view of the disposal of the appeals, the contempt petitions stand closed. Pending application(s), if any , stand disposed of. " (A copy of Judgment dated 3.9.2021 Annexed)

Submitted for consideration and further advice to the University.

Resolution

The committee giving full respect to the Judgment passed by the Hon'ble Supreme Court resolved that as the judgement has wide implications and it is essential to deliberate upon the effects of the same. Thus, it is resolved that the University shall proceed to obtain the opinion of the Law Ministry of Govt of India through the Ministry of Education, immediately. Also it is further resolved that University may seek legal opinion from a Designated-Senior Advocate in this matter. The committee expects that opinion(s) shall be submitted as soon as possible. The committee upon receipt of such opinion(s) would decide the course of action.

The Meeting of the Committee ended with thanks to the chair.


Vice-Chancellor *9.9.2021*
Chairperson


Finance Officer
Secretary