



Minutes

of the **56th** Meeting (Emergency) of the

Board of Governors

of the National Institute of Technology Calicut

Held at 03.00 pm on 14th June 2021

Through Video Conference hosted at

Administrative Block, NIT Calicut



National Institute of Technology Calicut

MINUTES OF THE 56th MEETING (EMERGENCY) OF THE BOARD OF GOVERNORS OF NATIONAL INSTITUTE OF TECHNOLOGY CALICUT HELD ON 14.06.2021 AT 03.00 P.M. THROUGH VIDEO CONFERENCE HOSTED AT NIT CALICUT

Members Present

- | | |
|--|-----------------|
| 1. Shri.Gajjala Yoganand
Hon. Chairperson, BoG, NIT Calicut
<i>(Through Video conference)</i> | Hon.Chairperson |
| 2. Dr.P.S.Sathidevi
Director (I/c) | Member |
| 3. Shri. Mrutyunjay Behera
Economic Adviser (HE), MoE
<i>(Through Video conference)</i> | Member |
| 4. Ms. Darshana Momaya Dabral
JS & FA, MoE
<i>(Through Video conference)</i> | Member |
| 5. Dr. Anilkumar P.P.
Nominee of the Senate, NIT Calicut | Member |
| 6. Dr. Shijo Thomas
Nominee of the Senate, NIT Calicut
<i>(Through Video conference)</i> | Member |
| 7. Mr. Raveendran Kasturi
Nominee of Government of Kerala
<i>(Through Video conference)</i> | Member |
| 8. Mr. V.K.C. Naushad
Nominee of Government of Kerala
<i>(Through Video conference)</i> | Member |
| 9. Lt. Col. Pankajakshan K
Registrar, NIT Calicut | Secretary |

The Hon'ble Chairperson, Board of Governors, NIT Calicut, called the meeting to order at 03.00 PM. The Registrar, Secretary (BoG) welcomed the members. The members expressed condolences on the sudden demise of Shri. Madan Mohan, ADG (HE) and observed a one minute silence.

The Agenda along with the decisions taken are given below:-

Subject BG56.01	Consideration of judgment of the Hon'ble High Court of Kerala dated 09.04.2021 in WP(C) 3045 of 2018 and other connected cases and future course of actions.
Decision	It was apprised to the BoG that the Non-Teaching employees of NIT Calicut were initially appointed in REC Calicut which was under Calicut University and their pay and other allowances were paid by Kerala Government under the provision of Kerala State Service Rule (KSR)1959. Consequent to conversion into National Institute of Technology Calicut in the year 2002, instructions were received from the Ministry to alter the terms and conditions of service of the employees of the Institute at par with the Central Government employees. Accordingly an instruction was received from the Ministry to rationalize the 7 th Kerala State Pay Scales with the 5 th Central Pay Scales w.e.f. 01.04.2004 to the non-teaching employees. Further all non-teaching employees were extended the benefits of 6 th CPC w.e.f. 01.01.2006. Though the above direction to rationalize the pay scales was complied with w.e.f. 01.04.2004 and the central pay revision benefits (6 th CPC) was extended w.e.f. 01.01.2006, the non-teaching employees made representation that they were entitled for the benefit of 8 th Kerala State Pay Revision, notified in the year 2006 but w.e.f. 01.07.2004. A few writ petitions were also filed by the employees to extend the benefits of 8 th Kerala State Pay Revision. The Institute constituted 'Pay-Anomaly Committee' to study and to look in to the grievances of non-teaching staff on pay rationalization. The report of the Pay-Anomaly Committee was accepted in-principle by the Board of Governors and the report was forwarded to the Ministry for approval. A series of communication were exchanged between the Institute and

	<p>the Ministry regarding the extension of 8th Kerala State Pay Revision benefits.</p> <p>The Board of Governors of the Institute vide Decision No.BG 20.06 dated 16.10.2012, taking cognizance of various factors, decided to adopt the recommendation of 8th Kerala State Pay Commission w.e.f. 01.07.2004 and thereafter to map the scales to the Central Pay Scales, subject to the approval of the Ministry. This decision was made applicable only to the serving employees of the relevant time i.e. 01.10.2012 subject to submission of undertaking to revert the pay scales and recover the excess amount in accordance with the decision of the Ministry. Accordingly the pay of the non-teaching employees, who were in service as on 01.10.2012, was notionally re-fixed w.e.f. 01.07.2004 by extending the benefits of 8th KSPC and the monetary benefits were extended w.e.f. 01.10.2012. The report and proposal of the Institute was examined by the Integrated Finance Division of the Ministry and Ministry of Finance. The proposal of the Institute was rejected by the Ministry of Finance and the Institute was informed by the MHRD about the rejection of the proposal. The Institute made communication to re-consider the proposal. During the consideration of the proposal by the Ministry, there was another writ petition WP(C) 8493 of 2015 filed by the retirees who were kept out of the extension of 8th KSPC, since they retired before 01.10.2012. The Hon'ble High Court disposed of the above writ petition vide judgment dated 15.06.2016 by directing to consider the case of retirees on similar line with the serving employees. When the appeal was preferred by the Institute against the above judgment dated 15.06.2016 in W.A.2454 of 2016, the Hon'ble Court re-affirmed the judgment dated 15.06.2016. The judgment in both writ petition and writ appeal was forwarded to the Ministry and subsequently discussed in the 36th Meeting of the Finance Committee and 34th meeting of the BoG. The MHRD representative intimated that the Ministry of Finance has been consulted multiple times by the Ministry of HRD on the instant issue and Ministry of Finance has categorically rejected the proposal of extension of benefits of 8th Pay Revision Committee of Kerala Government to the Non faculty staff. The Ministry of HRD has also conveyed the same to NIT Calicut in writing, however the same has not been complied with. It is further intimated by the MHRD representative that a detailed reply reiterating the above stand of Ministry of Finance</p>
--	---

	<p>from Ministry will again be provided to NIT Calicut with reference to clarification sought by NIT Calicut and the matter will be placed in the next meeting of the Finance Committee after receipt of letter from the Ministry. Accordingly, MHRD issued letter dated 21.03.2017 reiterating all earlier correspondences on the instant matter. Further it was stated that the benefits of 8th KSPC was wrongly extended to non-teaching employees as it is in complete violation of directions of Ministry of Finance and the Order of Hon'ble High Court in WA 1600/2013 in WP 9971/2007 and the excess amount paid needs to be recovered. Accordingly the same cannot be extended to the retirees. As per letter dated 21.03.2017, the BoG in its 35th meeting held on 30.03.2017 decided to re-fix the pay of the non-teaching employees and to recover the excess amount paid to them. The Institute constituted committee to implement the above decision. The committee submitted the report on re-fixation of pay of the non-teaching employees but the same is not implemented till date due to the stay orders issued by the Hon'ble Court. Challenging the MHRD letter dated 21.03.2017 and BoG Decision to re-fix the pay, a series of writ petitions have been filed viz. WP(C) 10835/2017, WP(C) 34185/2017, WP(C) 3045/2018, WP(C) 1558/2019, WP(C) 4654/2019 and WP(C) 4729/2019. WP(C) 4654/2019 was dismissed as withdrawn and lately all other writ petitions have been dismissed by a common judgment dated 09.04.2021. The Hon'ble High Court rejected the claim of the non-teaching employees and retirees and thereby upheld the MHRD letter dated 21.03.2017 and BoG decision to re-fix the pay. During the pendency of the above writ petitions, MHRD issued Recruitment Rules (RRs) for Non-Teaching Positions 2019 and the recommendation of Oversight Committee to remove anomalies and to provide various one time measures vide letter dated F.35-5/2018-TS.III, dated 20.02.2019 and dated 04.04.2019.</p> <p>It was further apprised the BoG that, the Institute constituted a three-member committee to look into pay re-fixation and recovery, implementation of 7th CPC recommendations, mapping to new cadre structure and future career progression of non-teaching staff of NIT Calicut and placed the committees report for consideration.</p>
--	---

It was also apprised the BoG that, the current meeting of BoG is convened vide letter No.F-40-17/2018.TS.III dated 09/06/2021 from MoE, to conduct a meeting of the Board of Governors on immediate basis and place the matter therein so that a firm decision to be taken on the further steps by the Institute as per rules and regulations.

After detailed deliberations, the BoG has decided to implement the following:

- 1. Refixation of pay of all non-teaching staff after withdrawing the benefits extended as a result of implementation of 8th Kerala State Pay Commission.*
- 2. Implementation of 7th CPC revision of scales with effect from 01.01.2016*
- 3. Completion of all due MACPs as per DoPT, Government of India, OM No.35034/3/2015-Estt.(D) dated 22.10.2019*
- 4. Mapping of employees to the re-structured staff positions as per the Recommendations of the Oversight Committee communicated by MHRD vide letters No. F.35-5/2018–TS.III, dated 20.02.2019 and dated 04.04.2019.*
- 5. Completion of all admissible Upgradations/Promotions as per the MHRD vide letters No. F.35-5/2018 – TS.III, dated 20.02.2019 and dated 04.04.2019 along with Recruitment Rules for Non-teaching Staff (2019).*
- 6. Preparation of an action plan for the staff retired between October 2012 and May 2021 in view of the implementation of the High Court Judgement [WP(C).3045/2018,WP(C).10835/2017,WP(C).34185/2017,WP(C).1558/2019, WP(C).4729/2019] dated 9th April 2021 and presentation of the plan in the next BoG meeting.*

	<p><i>BoG has also approved the proposal by the Institute to form a three member committee consisting of two faculty members and one administrative officer after consulting with the Hon'ble Chairperson - BoG, to scrutinize the processes involved in the above steps 1 to 6, according to the relevant orders from MHRD, DoPT etc. of Govt. of India and make recommendations for the implementation as per the BoG decision.</i></p>
--	---

The meeting concluded at 5.00 P. M. with vote of thanks to the Chair.