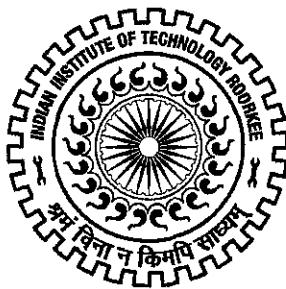


अभिशासक परिषद् की 42^{वीं} बैठक का कार्यवृत्त
**MINUTES OF THE 42nd MEETING OF THE
BOARD OF GOVERNORS**

05 मार्च 2014
5th MARCH 2014



भारतीय प्रौद्योगिकी संस्थान रुड़की
रुड़की – 247667 (भारत)
**INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
ROORKEE - 247667 (INDIA)**


31 MAR 2014

भारतीय प्रौद्योगिकी संस्थान रुड़की
INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
रुड़की-247 667 / **ROORKEE - 247 667**



अभिशासक परिषद् की 42^{वीं} बैठक
42nd MEETING OF THE BOARD OF GOVERNORS
DAY & DATE: WEDNESDAY, THE 5TH MARCH 2014

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भारतीय प्रौद्योगिकी संस्थान रुड़की
रुड़की – 247667
INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
ROORKEE – 247667



भारतीय प्रौद्योगिकी संस्थान रुड़की की अभिशासक परिषद् की दिनांक 5 मार्च 2014 को भारतीय प्रौद्योगिकी रुड़की के अभिशासक कक्ष में अपरान्ह 02.00 बजे आहूत 42^{वीं} बैठक का कार्यवृत्त।

**MINUTES OF THE 42nd MEETING OF THE BOARD OF GOVERNORS OF
INDIAN INSTITUTE OF TECHNOLOGY ROORKEE HELD ON 5th MARCH
2014 AT 02.00 P.M. IN THE BOARD ROOM OF IIT ROORKEE.**

उपस्थित / **PRESENT:**

1. Mr. Analjit Singh	Chairman
2. Prof. Pradipta Banerji, Director, IIT Roorkee	Member
3. Mr. R.S.T. Sai, THDC, Rishikesh	Member
4. Prof. S.S. Jain, IIT Roorkee	Member
5. Prof. (Mrs.) Rama Bhargava, IIT Roorkee	Member
6. Prof. S.P. Gupta, Dy. Director, IIT Roorkee	Permanent Invitee
7. Prof. Vinod Kumar, IIT Roorkee	Special Invitee
8. Dr. M. Ramachandran, IAS (Retd.)	Permanent Invitee
9. Lt. Col. (Retd) A.K. Srivastava	Registrar & Secretary

Communication regarding inability to attend the meeting was received from the Principal Secretary, Technical Education, Haryana, Mr. Pawan Munjal, MD & CEO, Hero MotoCorp Ltd, New Delhi and Prof. B.N. Jain, Vice Chancellor, BITS Pilani.

At the outset, the Chairman welcomed the members to the 42nd meeting of the Board of Governors.

The Board of Governors thanked the under mentioned outgoing members and recorded its appreciation for their valuable contribution in the meetings of the Board of Governors: -

1. Prof. Vinod Kumar
Department of Electrical Engineering
Indian Institute of Technology Roorkee, Roorkee
2. Prof. Ravi Bhushan
Department of Chemistry
Indian Institute of Technology Roorkee, Roorkee


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The Board of Governors also welcomed the under mentioned members and solicited their valuable contribution and active participation in its functioning:

1. Prof. S.S. Jain
Department of Civil Engineering
Indian Institute of Technology Roorkee
2. Prof. (Mrs.) Rama Bhargava
Department of Mathematics
Indian Institute of Technology Roorkee

The agenda was then taken up.

Item No.42.1.1: To confirm the minutes of 41st meeting of the Board of Governors held on 30.11.2013.

1.1.1 The Board **noted** that the minutes of the 41st meeting of the Board of Governors held on 30.11.2013 were circulated to all the members of the Board of Governors on 13.01.2014, for their comments, and that no comments were received.

Item No.42.1.2: To receive a report of actions taken on the minutes of the 40th and 41st Meetings of the Board of Governors held on 21.09.2013 and 30.11.2013, respectively.

1.2.1 The Board **considered** the actions taken on the Minutes of the 40th and 41st meetings of the Board of Governors held on 21.09.2013 and 30.11.2013, respectively.

1.2.2 The Board **noted** the actions taken as reported.

Item No.42.1.3: Reporting matters for the information of the Board of Governors.

RESOLUTION No.BG/01/2014: THE BOARD RESOLVED THAT the matters, as listed below, were noted and recorded.

(i) Minutes of the 52nd and 53rd meeting of the Senate of the Institute held on 12.11.2013 and 02.12.2013, respectively.

(ii) Minutes of the 32nd Meeting of the Finance Committee of the Institute held on 30.11.2013.


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- (iii) New appointments of the Faculty as listed in **Appendix 'A'**.
- (iv) The list of Faculty Members and other staff who have superannuated/resigned, as listed in **Appendix 'B'**.
- (v) The list of faculty members and other staff who have been brought on the regular cadre as listed in **Appendix 'C'**.

Item No.42.1.4: To report the actions/decisions taken by the Chairman, Board of Governors on behalf of the Board of Governors:-

1.4.1 The Board **ratified** the approvals accorded by the Chairman, Board of Governors on behalf of the Board:

RESOLUTION No. BG/02/2014: THE BOARD RESOLVED THAT the approvals accorded by the Chairman, Board of Governors on behalf of the Board are ratified as under:

- (i) Proposal to purchase the Polyaxial Test Apparagraphtus with its accessories, costing Rs. 3,06,96,903/- under the Plan Grant of current financial year 2013-14
- (ii) **Nomination of the six other members of the academic staff to the Senate by the Chairman BOG for a period of two years w.e.f. 1.1.2014 to 31.12.2015.**
 - (i) Dr. (Mrs.) Smita Jha, Associate Professor, Department of Humanities & Social Sciences
 - (ii) Dr. M. Shrikhande, Associate Professor, Department of Earthquake Engineering
 - (iii) Dr. Pravindra Kumar, Associate Professor, Department of Biotechnology
 - (iv) Dr. Anil K. Gourishetty, Assistant Professor, Department of Physics
 - (v) Dr. Rajat Rastogi, Associate Professor, Department of Civil Engineering
 - (vi) Dr. Inderdeep Singh, Associate Professor, Department of Mechanical & Industrial Engineering

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(iii) Nomination of two Senators (Professors) on the Board of Governors by the Director (Chairman of the Senate) on behalf of the Senate.

1. Prof. S.S. Jain, Department of Civil Engineering
2. Prof. (Mrs.) Rama Bhargava, Department of Mathematics.

(iv) Extension of contractual appointment of Prof. Gopal Chauhan for a period of approximate one year w.e.f. 26.12.2013 to 04.12.2014.

(v) Recommendations of the Selection Committees to select the candidates for the following posts:

1. Assistant Professor in the Department of Metallurgical & Materials Engineering.
2. Assistant Professor in the Department of Mechanical & Industrial Engineering.
3. Assistant Professor in the Department of Humanities & Social Sciences.
4. Assistant Professor in the Department of Computer Science & Engineering.
5. Assistant Professor in the Department of Civil Engineering.
6. Assistant Professor in the Department of Electronics & Communication.
7. Assistant Professor in the Department of Electrical Engineering.
8. Assistant Professor in the Department of Chemistry.
9. Assistant Professor in the Department of Chemical Engineering.
10. Assistant Professor in the Department of Physics.
11. Assistant Professor in the Department of Mathematics.
12. Assistant Professor in the Saharanpur Campus.
13. Assistant Professor in the Department of Earthquake Engineering.
14. Assistant Professor in the Department of Architecture & Planning.
15. Assistant Professor in the Department of Earth Sciences.
16. Chief Medical Officer, Medical Officer (Regular) and Medical Officer (On Contract) in the Institute Hospital.

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Item No. 42.1.5: To consider the preliminary estimate of Rs. 6417.00 lacs submitted by the NBCC for Lecture Hall Complex-II in the I.I.T. Roorkee Campus as recommended by the Building & Works Committee.

The item was withdrawn.

Item No. 42.1.6: To consider the preliminary estimate of Rs. 7316.00 lacs submitted by the NBCC for Boys' Hostel including cost of furniture in the I.I.T. Roorkee Campus as recommended by the Building & Works Committee.

The item was withdrawn.

Item No. 42.1.7 : To consider the preliminary estimate of Rs. 2875.00 lacs submitted by the NBCC for Students' Activity Centre in IIT Roorkee Campus as recommended by the Building & Works Committee.

The item was withdrawn.

Item No. 42.1.8 : To consider the preliminary estimate of Rs. 6541.00 lacs submitted by the NBCC for Transit Accommodation/Married Hostel including cost of room furniture in IIT Roorkee Campus as recommended by the Building & Works Committee.

The item was withdrawn.

Item No. 42.1.9: To consider the preliminary estimate of Rs. 7.91 crores submitted by NBCC towards site development at Greater Noida Extension Centre as recommended by the Building & Works Committee.

1.9.1 The Finance Committee had considered the issue vide item No.33.7. The recommendations of the Finance Committee were placed before the Board of Governors. After discussion, the Board of Governors approved the recommendations of the Finance Committee.

RESOLUTION No. BG/03/2014: THE BOARD RESOLVED THAT the work towards site development at Greater Noida Extension Centre as per details given below be awarded to the National Building Construction Corporation Ltd. (NBCC) at a cost of Rs.7.91 crores as per the estimate submitted by them.


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(a) Site Development & Landscaping at a cost of Rs. 3.99 crores:

- (a) Levelling
- (b) Internal Roads and paths
- (c) Sewer
- (d) Filter Water Supply
- (e) Distribution lines 100 mm dia and below
- (f) Unfiltered water supply distribution lines
- (g) Storm Water Drains
- (h) Horticulture operations
- (i) Street lighting:
 - (aa) With HPSV (energy efficient) Lamps
 - (bb) With sign board including electric signage
- (j) Automatic Sprinkler System

(b) Other Works at a cost of Rs. 1.92 crores

- (a) Earth Filling
- (b) Rain Water Harvesting
- (c) Boundary Wall
- (d) Tube-well

(c) Additional Facility for Existing Academic Building and Faculty Hostel at a cost of Rs. 1.07 crores

- (a) Civil, Electrical and Plumbing Works
- (b) Laundry Equipment
- (c) Ventilation System for Faculty Hostel (Toilet and Kitchen)
- (d) Development and Horticulture Work on the outside road and parking (Bus and Car)
- (e) Campus Security System (2-CCTVs, 50 Cameras)
- (f) Wi-Fi System

(d) Contingencies @ 3% Rs. 0.21 crores

(e) NBCC agency charges @ 10% Rs. 0.72 crores

Item No. 42.1.10: Removal of an anomaly in the fixation of revised pension of pre 1.1.2006 pensioners of IIT Roorkee, in light of the recommendations of the 6th Central


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Pay Commission, which have been accepted by the Government of India.

1.10.1 The Board **considered** the **proposal** for removal of an anomaly in the fixation of revised pension of pre 1.1.2006 pensioners of IIT Roorkee, in light of the recommendations of the 6th Central Pay Commission, which have been accepted by the Government of India.

RESOLUTION No. BG/04/2014: THE BOARD RESOLVED THAT the fixation of minimum pension and family pension as per Table-I below, in respect of those teachers who had retired after completing the required qualifying service as per the pension rules be approved. The arrears on account of revision of pension and family pension shall be paid w.e.f. 01.01.2006 in accordance with the Order of the Principal Bench of the Central Administrative Tribunal New Delhi in Original Application Nos. 0655/2010, 3079/2009, 0306/2010 and 0507/2010, which has been upheld by the Delhi High Court vide Order dated 29th April 2013 in Writ Petition (Civil) 153/2012, clubbed with Writ Petition (Civil) 2348/2012, Writ Petition (Civil) 2349/2012 and Writ Petition (Civil) 2350/2012 and the Supreme Court vide Order dated 29.7.2013 in Civil Case No. 13280/2013 and Special Leave Petition (Civil) No. 23055 of 2013 Order dated 12.11.2013 in Review Petition (Civil) No. 2492 of 2013 in Special Leave Petition (Civil) 23055/2013, referred to above **(Appendix 'D') .**

Table

Sr. No	Name of the Post	Pre-revised Pay scale	Approved Revised Pay Band and minimum pay to be ensured, shown in parenthesis	Corresponding Grade Pay	Sum of minimum pay in the pay band and grade pay minimum pay in the pay scale as per fitment table	Pension= 50% of sum of minimum pay in the pay band and grade pay/minimum pay in the pay scale as per fitment table	Family Pension = 30% of sum of minimum pay in the pay band and grade pay/minimum pay in the pay scale as per fitment table
1.	Professor	18400-22400	37400-67000 (48000)	10500	58500	29250	17550
2.	Associate Professor	16400-20000	37400-67000 (42800)	9500	52300	26150	15690
3.	Assistant Professor (with 3 or more years of service)	12000-18300	37400-67000 (37400)	9000	46400	23200	13920
4.	Assistant Professor (Direct Recruits)	12000-18300	15600-39100 (30000)	8000	38000	19000	11400


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Note: In those cases, where service rendered was less than the required qualifying service, the pension and family pension shall be reduced on pro-rata basis.

Item No. 42.1.11: To consider the report of the Enquiry Committee regarding plagiarism in research publications by certain faculty members.

1.11.1 The Board **considered** the report of the Enquiry Committee regarding plagiarism in research publications by certain faculty members

1.11.2 RESOLUTION No. BG/05/2014: THE BOARD RESOLVED THAT a warning be issued in writing to Dr. Z. Rahman, Associate Professor, Department of Management Studies, Dr. A.K.Sharma, Associate Professor, Department of Management Studies and Dr. S. Rangnekar, Associate Professor, Department of Management Studies, with the proviso that the appropriate disciplinary action would be initiated against them if such an act (plagiarism) is repeated by them in the future. An entry regarding the warnings issued to them be made in their respective Services Books.

Item No. 42.1.12: To consider the proposal to re-designate the position of 'Dean Alumni Affairs' as 'Dean Alumni Affairs and International Relations'.

1.12.1 The Board **considered** the proposal to re-designate the position of 'Dean Alumni Affairs' as 'Dean Alumni Affairs and International Relations'.

RESOLUTION No. BG/06/2014: THE BOARD RESOLVED THAT the proposal to re-designate the position of 'Dean Alumni Affairs' as 'Dean Alumni Affairs and International Relations' be approved.

Item No. 42.1.13: To consider the Budget proposals of the Institute for the Financial Year 2014-15.

1.13.1 The Finance Committee had considered the issue vide item No.33.8. The recommendations of the Finance Committee were placed before the Board of Governors. After discussion, the Board of Governors approved the recommendations of the Finance Committee.

RESOLUTION No. BG/07/2014: THE BOARD RESOLVED THAT the under mentioned Budget proposals of the Institute for the Financial Year 2014-15, as given at



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Appendix 'E' be approved for specific approval of the MHRD:

- (a) Budget proposals for expenditure under the Plan Grant.
- (b) Budget proposals for expenditure under the Non-Plan Grant.

Item No. 42.1.14: To consider the Audit Certificate for the Financial Year 2012-13.

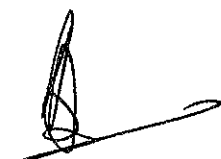
1.14.1 The Finance Committee had considered the issue vide item No.33.9. The recommendations of the Finance Committee were placed before the Board of Governors. After discussion, the Board of Governors approved the recommendations of the Finance Committee.

RESOLUTION No. BG/08/2014: THE BOARD RESOLVED THAT the Audit Certificate for the Financial Year 2012-13, as given at **Appendix 'F'** be approved for onward submission to the MHRD.

Item No. 42.1.15: To consider the report of the Enquiry Committee constituted by the Director under Rule 14 of CCS (CCA) Rules 2008 vide O.M.No. Estt.(A)/15453/E-4927 dated 26.11.2013 in respect of Dr. Prabuddha Sanyal.

1.15.1 A complaint dated 9th September 2013 in respect of Dr. Prabuddha Sanyal, Assistant Professor, Department of Physics, regarding his absence from duty with effect from 1st September 2013 and not taking a class on 9th September 2013, was received from the Head, Department of Physics. A Fact Finding Committee was constituted by the Director to investigate the reported matter of indiscipline and violation of the Conduct Rules by Dr. Prabuddha Sanyal. The Fact Finding Committee submitted its report with the conclusion that the Committee had found robust evidences of the callous attitude of Dr. Prabuddha Sanyal towards work and his efforts to conceal information about his unauthorized ex-India absence. The Committee recommended the formation of an Enquiry Committee, as there was a strong prima facie case for further investigation into the conduct of Dr. Prabuddha Sanyal.

1.15.2 On the basis of the recommendations of the Fact Finding Committee, a Committee was constituted by the



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Director to enquire into the alleged incidents of callous attitude of Dr. Prabuddha Sanyal, Assistant Professor, Department of Physics, towards work and concealment of information about his unauthorised absence from India.

The Committee submitted its report in two parts, i.e. on 1st January 2014 and 19th February 2014, respectively.

1.15.3 The Board perused the Charge Sheet Memorandum No. Estt(A)/1463/E-4927 dated 25th November 2013 issued to Dr. Prabuddha Sanyal, Assistant Professor in the Department of Physics, issued under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, for violating Rules 3(1) (7) and 18(1) of the Conduct Rules of the Institute and noted that the under-mentioned charge had been levelled against Dr. Prabuddha Sanyal, which was established by the Enquiry Committee:-

Article 1: Violation of Conduct Rules 3(1) (7) and 18(1) for the callous attitude of Dr. Prabuddha Sanyal towards work and his efforts to conceal information about unauthorized Ex-India leave.

1.15.4 The Board noted that Dr. Prabuddha Sanyal had been given sufficient opportunity to defend himself, wherein he had sent an e-mail dated 10th December 2013, addressed to Director, IIT Roorkee, in his defence. The Enquiry Committee had duly considered Dr. Prabuddha Sanyal's reply and submitted its report in two parts, in which the Committee concluded that the aforesaid charge levelled against Dr. Prabuddha Sanyal stood established.

1.15.5 The Board considered the report of the Enquiry Committee in conjunction with the reply of Dr. Prabuddha Sanyal dated 10th December 2013 sent by him through e-mail, in response to the charges levelled against him. The Board observed as under:

- (a) Dr. Prabuddha Sanyal had applied for five days Ex-India leave to visit Technische Universitat Wien, Vienna, Austria to attend an International Workshop from 1st to 4th September, 2013.
- (b) His leave for attending the said Workshop was not sanctioned.



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- (c) However, Dr. Prabuddha Sanyal still went ahead to attend the said Workshop travelled to the Vienna and delivered a talk at the Technische Universitat (TU), Austria, although Ex-India leave had not been granted to him by the Institute, prior to his leaving the station (Roorkee).
- (d) On his return, he tried to hide this fact by requesting medical leave from 2nd to 6th September 2013. However, it was established with out any doubt that Dr. Prabuddha Sanyal was absent with out leave from duty, and had attended the said Workshop in Austria without sanctioned leave or permission of the Director, who is the competent authority for sanctioning ex-India leave, as per the Notification No. IITR/Gen./DC-158/2007/2496 dated 12th September 2007, issued by the Institute. An e-mail dated 10th September 2013 addressed to Professor Ashok Jain, Head, Department of Physics, IIT Roorkee, confirming Dr. Prabuddha Sanyal's attendance at the said Workshop, was received from Prof. Karsten Held of the Institute for Solid State Physics, TU Wien, Austria, stating:
"Dear Prof. Jain,
Yes, Dr. Sanyal attended the Workshop and delivered a talk.
Best regards
Karsten Held"
- (e) It was further established that he tried to conceal this act of misconduct, by applying for medical leave, covering the same time period (1st September to 4th September 2013) when, in fact, he was attending the said Workshop in Austria.
- (f) The Enquiry Committee further reported that based on the various documents, letters, reports, response forms, the charge of callous handling of lecture, tutorial and practical classes, examination and evaluation related work etc., appear to be correct. The Committee perused 67 student response forms. Based on the responses, it was established that Dr. Prabuddha Sayal has a habit of using abusive language in the class and he goes late to the class. Overall, students had criticised him severely and rated him very poorly. The Committee further opined that the charge of callous attitude of Dr. Sanyal towards teaching appears true.
- (g) The Committee also observed that Dr. Prabuddha Sanyal does not seem to be interested in teaching.


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Rather he is more interested in pursuing his research interest at the cost of teaching. While discussing with the Enquiry Committee he was not even aware about the branch/discipline of students whom he was teaching in the current semester. His relations with faculty and staff of the department were also not cordial. He did not cooperate with the other faculty members in examination/invigilation/evaluation.

1.15.6 The report concluded that Dr. Prabuddha Sanyal had violated the under mentioned provisions of the Conduct Rules of the Institute:

3(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty and also be strictly honest and impartial in his official and administrative dealings.

3(7) No employee shall leave station, except with the previous permission of the competent authority, even during holidays, Saturdays, Sundays, leave or vacation.

18(1) It shall be the duty of all the employees of the Institute to faithfully perform the "Fundamental Duties" as enshrined in Article 51 A of the Constitution of India.

In addition, Dr. Prabuddha Sanyal has violated the provisions contained in Notification No. IITR/Gen/DC-158/2007/2496 dated 12th September 2007 by proceeding to Austria without being sanctioned leave to do so.

1.15.7 After due deliberation, on all the facts of the case, the Board resolved as under:-

RESOLUTION No. BG/09/2014: On the basis of the various complaints received and the Enquiry Committee's report, the Board concluded that Dr. Prabuddha Sanyal's probation has not been satisfactorily completed. **THE BOARD THEN RESOLVED THAT** Dr. Prabuddha Sanyal's services be terminated in accordance with Statute 14(6) of Indian Institute of Technology Roorkee, which states that "The Appointing authority shall have the power to terminate the services of any member of the staff without notice and without any cause assigned thereto during the period of probation". The same be communicated to Dr. Prabuddha Sanyal, through a speaking order, in light of the fact that a formal enquiry for alleged misconduct had been held against him, under


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Rule 14 of the Central Civil Services, Civil Services (Classification Control and Appeal) Rules 1965, and the charges levelled against him had been established by the Enquiry Committee.

Item No. 42.1.16: To consider the proposal of the Head, Centre of Excellence in Disaster Mitigation & Management for purchasing the experimental set up of Rs. 6,98,72,166.00 out of the Plan Grant.

1.16.1 The Finance Committee had considered the issue vide item No.33.12. The recommendations of the Finance Committee were placed before the Board of Governors. After discussion, the Board of Governors approved the recommendations of the Finance Committee.

RESOLUTION No. BG/10/2014: THE BOARD RESOLVED THAT the proposal for purchasing the experimental set up for Rs. 6,98,72,166.00 for the Centre of Excellence in Disaster Mitigation & Management out of the Plan Grant in the current financial year i.e. 2013-14 be approved. The supply order for the same be placed forthwith.

Note: 100% advance payment shall only be made against a bank guarantee amounting to 110% of the amount being advanced.

OR

100% payment against delivery and satisfactory installation.

Item No. 42.1.17: To consider the Annual Report for the year 2012-13 of Indian Institute of Technology Roorkee.

1.17.1 The Board **considered** the Annual Report for the year 2012-13 of Indian Institute of Technology Roorkee.

RESOLUTION No. BG/11/2014: THE BOARD RESOLVED THAT the Annual Report for the year 2012-13 of Indian Institute of Technology Roorkee be approved.

Item No. 42.1.18: To consider the Installation of a "Fire Fighting System" at IIT Roorkee.

1.18.1 The Finance Committee had considered the issue vide item No.33.10. The recommendations of the Finance


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Committee were placed before the Board of Governors. After discussion, the Board of Governors approved the recommendations of the Finance Committee.

RESOLUTION No. BG/12/2014: THE BOARD RESOLVED THAT the proposal for the procurement of a fire fighting system for the Institute at a cost of Rs. 4.35 crores debitable to the Plan Grant, be approved. The items required for the Fire Fighting Systems shall be procured through the open tender process, as per the purchase procedure specified in para 3(7) of the Revised Purchase and Stores Rules of the Institute dated January 2013.(Refer Appendix 'G' for details of the equipment).

Item No. 42.1.19: To consider the creation of a full time post of Institute Architect, at I.I.T. Roorkee.

1.19.1 The Finance Committee had considered the issue vide item No.33.11. The recommendations of the Finance Committee were placed before the Board of Governors. After discussion, the Board of Governors approved the recommendations of the Finance Committee.

RESOLUTION No. BG/13/2014: THE BOARD RESOLVED THAT a permanent post of Institute Architect be created as per the details given below:

- (a) Designation: Institute Architect
- (b) Group: 'A'
- (c) Pay Scale: Pay Band-3 (Rs. 15600-39100) with a Grade Pay of Rs. 6600/-
- (d) Minimum Qualifications: A Bachelor's degree in Architecture and a Master's degree, with practical hands on knowledge of the relevant software that are used in architectural practice (AUTOCAD 2D and 3D, Corel Draw, Chief Architect Professional Home Design Software, Auto-desk quantity take off and estimation, etc.)
- (e) Experience: At least 10 years, preferably related to a green campus.

Item No.42.2.1: To receive a report of the Director on the significant developments/issues since the last meeting of the Board held on 30.11.2013.

2.1.1 The Board **considered the** Report of the Director and **noted** the various events and initiatives being


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implemented since the last meeting of the Board as contained in his Report.

2.1.2 The Board appreciated the achievements of the Institute since the last meeting of the Board. The same is annexed at **Appendix 'H'**.

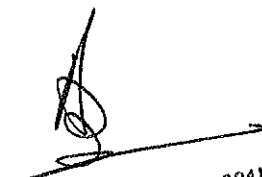
Item No. 42.2.2: To consider the proposed distribution of the total non-teaching posts among Groups A, B & C.

2.2.1 The Board **considered** the proposal for distribution of the total non-teaching posts among Groups A, B & C.

RESOLUTION No. BG/14/2014: THE BOARD RESOLVED THAT the proposed structure to corresponding distribution of the posts in groups A, B, & C under three classified cadres of Academic, Technical, Administrative and other staff of posts be approved as under.

Category wise number of posts	Group of posts		Current working position (as on 01. 11.2013)	Proposed distribution of posts Group-wise
1	2		3	4
Academic (45)	(A)		17	45
Technical (406)	(A)		03	61 (20%)
	(B)		111	121 (30%)
	(C)	Entry Level	125	183 (40%)
		MTS	168	41(10%)
Administration & Other Non-technical (451)	(A)		24	68 (15%)
	(B)		28	135 (30%)
	(C)	Entry Level	148	203 (45%)
		MTS	306	45 (10%)
Total			900	902

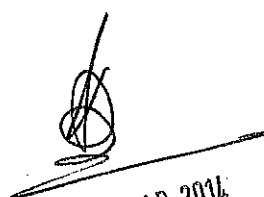
The meeting ended with a vote of thanks to the Chair.



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List of the Faculty Members Appointed

Sl. No.	Name	Designation	Department	Date of Joining
1.	Dr. Prabhat Kumar Mandal	Assistant Professor (On Contract)	Biotechnology	11.11.2013
2.	Dr. Tripti Negi Mahara	Assistant Professor (On Contract)	Saharanpur Campus	21.11.2013
3.	Dr. Ankit Bansal	Assistant Professor (On Contract)	Mechanical & Industrial Engineering	26.11.2013
4.	Dr. Shri Ram Yadav	Assistant Professor (On Contract)	Biotechnology	30.12.2013
5.	Dr. Kiran Ambatipudi	Assistant Professor (On Contract)	Biotechnology	17.01.2014
6.	Dr. Abhijit Maiti	Assistant Professor (On Contract)	Biotechnology	29.01.2014
7.	Dr. Ankit Bansal	Assistant Professor	Mechanical & Industrial Engineering	11.02.2014
8.	Dr. Abinash Kumar Swain	Assistant Professor (On Contract)	Mechanical & Industrial Engineering	11.02.2014
9.	Dr. Sanjay Chikermane	Assistant Professor	Civil Engineering	12.02.2014
10.	Dr. Prasenjit Kar	Assistant Professor	Chemistry	12.02.2014
11.	Dr. Rachita Gulati	Assistant Professor (On Contract)	Hum. & Soc. Science	13.02.2014


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Appendix 'B'
Item No. BOG/42.1.3(iv)

**List of the Faculty Members and other staff who have superannuated/
resigned:**

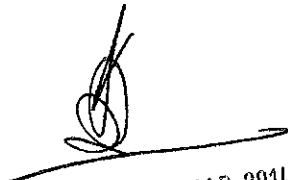
Sl. No.	Name	Designation	Department	Date of Superannuated/ Voluntary Retirement Resigned/Expired
1.	Shri Salek Chand	Superintending Engineer	Estate & Works	06.12.2013 (Relieved)
2.	Dr. I.D. Mall	Professor	Chemical Engineering	31.12.2013
3.	Dr. R.P. Gupta	Professor	Earth Sciences	31.12.2013
4.	Dr. R.M. Charandas	Assistant Professor	Saharanpur Campus	15.01.2014 (Resigned)
5.	Dr. Ashwani Kumar	Professor	Earthquake Engineering	31.01.2014
6.	Dr. T.R. Gulati	Professor	Mathematics	31.01.2014
7.	Dr. (Mrs.) Renu Bhargava	Professor	Civil Engineering	31.01.2014


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Appendix 'C'
Item No. BOG/42.1.3(v)

List of Faculty members and other staff who have been brought on regular cadre:

Sl. No.	Name	Designation	Department	Date of Regularization
1.	Dr. Ramasare Prasad	Professor	Biotechnology	23.10.2013
2.	Dr. Z. Ahmad	Professor	Civil Engineering	23.10.2013
3.	Dr. Surendra Pal Singh	Professor	Saharnpur Campus	23.10.2013
4.	Dr. Dhurm Dutt	Professor	-do-	23.10.2013
5.	Dr. Yogendra Singh	Professor	Earthquake Engineering	23.10.2013
6.	Dr. Kirat Pal	Professor	Earthquake Engineering	23.10.2013
7.	Dr. Pradeep Kumar Sahoo	Professor	Mechanical & Industrial Engineering	23.10.2013
8.	Dr. R.P. Gakkhar	Professor	-do-	23.10.2013
9.	Dr. Ashwani Kr. Sharma	Associate Professor	Biotechnology	23.10.2013
10.	Dr. Pravindera Kumar	Associate Professor	-do-	23.10.2013
11.	Dr. Bijan Chaudhary	Associate Professor	-do-	23.10.2013
12.	Dr. Sanjoy Ghosh	Assoc. Prof.	-do-	23.10.2013
13.	Dr. R. Bhargava	Associate Professor	Chemical	23.10.2013
14.	Dr. K.R. Justin Thomas	Associate Professor	Chemistry	23.10.2013
15.	Dr. Jeevanandam P.	Associate Professor	-do-	23.10.2013
16.	Dr. Kaushik Ghosh	Associate Professor	-do-	23.10.2013
17.	Dr. Rajkumar Dutta	Associate Professor	-do-	23.10.2013
18.	Dr. P.P. Thankachan	Associate Professor	-do-	23.10.2013
19.	Dr. R.K. Peddinti	Associate Professor	-do-	23.10.2013
20.	Dr. Sujoy Chattopadhyay	Associate Professor	Saharanpur Campus	23.10.2013
21.	Dr. Uttam Kumar Ghosh	Associate Professor	-do-	23.10.2013
22.	Dr. Vivek Kumar	Associate Professor	-do-	23.10.2013
23.	Dr. (Ms.) Chhaya Sharma	Associate Professor	-do-	23.10.2013
24.	Dr. Ajay	Associate Professor	-do-	23.10.2013
25.	Dr. Mille Pant	Associate Professor	-do-	23.10.2013
26.	Dr. Barjeev Tyagi	Assoc. Prof.	Electrical Engineering	23.10.2013
27.	Dr. M.K.Pathak	Assoc. Prof.	-do-	23.10.2013
28.	Dr. C.P. Gupta	Assoc. Prof.	-do-	23.10.2013
29.	Dr. Smita Jha	Associate Professor	Humanities & Social Science	23.10.2013
30.	Dr. Manoj Kumar Jain	Associate Professor	Hydrology	23.10.2013
31.	Dr. G.P.Chaudhari	Associate Professor	Metallurgical & Material Engineering	23.10.2013
32.	Dr.R. Balasubramanian	Associate Professor	Mathematics	23.10.2013
33.	Dr.Sugata Gangopadhyay	Associate Professor	-do-	23.10.2013


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34.	Dr. Apurabba Kumar Sharma	Associate Professor	Mechanical & Industrial Engineering	23.10.2013
35.	Dr. Manish Mishra	Associate Professor	-do-	23.10.2013
36.	Dr. Krishnan Murugesan	Associate Professor	-do-	23.10.2013
37.	Dr. Inderdeep Singh	Associate Professor	-do-	23.10.2013
38.	Dr. P.M. Pathak	Associate Professor	-do-	23.10.2013
39.	Dr. Krishna Mohan Singh	Associate Professor	-do-	23.10.2013
40.	Dr. Suraj Prakash Harsha	Associate Professor	-do-	23.10.2013
41.	Dr. V.H. Saran	Associate Professor	-do-	23.10.2013
42.	Dr. Indra Vir Singh	Associate Professor	-do-	23.10.2013
43.	Dr. Alok Mishra	Associate Professor	Physics	23.10.2013
44.	Dr. Vipul Rastogi	Associate Professor	-do-	23.10.2013
45.	Dr. B.K. Patra	Associate Professor	-do-	23.10.2013
46.	Dr. Ganesh Balu Kumbhar	Assistant Professor	Electrical Engineering	02.06.2013
47.	Dr. Gopinath Packirismay	Assistant Professor	Biotechnology	20.10.2012
48.	Dr. Anil Kumar	Assistant Professor	Mechanical & Industrial Engineering	31.01.2014
49.	Dr. R.M. Charandas	Assistant Professor	Sahranpur Campus	23.10.2013
50.	Dr. Jaydev	Assistant Professor	-do-	23.10.2013
51.	Dr. B.V. Manoj Kumar	Assistant Professor	Metallurgical & Material Engineering	06.09.2013
52.	Dr. H.C. Kandpal	Assistant Professor	Chemistry	15.10.2013
53.	Dr. (Ms.) Lalita Sharma	Assistant Professor	Physics	23.10.2013
54.	Dr. P.C. Srivastava	Assistant Professor	Physics	7.11.2013
55.	Dr. Dhish Kumar Saxena	Assistant Professor	Mechanical & Industrial Engineering	09.11.2013
56.	Dr. Indihar Misra	Assistant Professor	Humanities & Social Science	21.11.2013
57.	Dr. Ajay Yashwant Deo	Assistant Professor	Physics	26.11.2013
58.	Dr. Ramachandran C.N.	Assistant Professor	Chemistry	29.11.2013
59.	Dr. Mounita Maiti	Assistant Professor	Physics	10.12.2013
60.	Dr. Suhrit Mula	Assistant Professor	Metallurgical & Material Engineering	10.12.2013
61.	Dr. M.R. Sampatrao	Assistant Professor	-do-	13.12.2013
62.	Dr. Indranil Lahiri	Assistant Professor	-do-	20.12.2013
63.	Dr. (Mrs.) Debrupa Lahiri	Assistant Professor	-do-	20.12.2013
64.	Dr. Amiya Kr. Nayak	Assistant Professor	Mathematics	20.12.2013
65.	Dr. Shiv Kumar Gupta	Assistant Professor	-do-	20.12.2013
66.	Dr. H.S. Nataraj	Assistant Professor	Physics	24.12.2013
67.	Dr. Pitambar Pati	Assistant Professor	Earth Sciences	31.12.2013
68.	Dr. Biplab Bhattacharya	Assistant Professor	Earth Sciences	23.01.2014
69.	Dr. (Ms.) Lopamudra Saha	Assistant Professor	Earth Sciences	23.01.2014


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Full Text of the order

Central Administrative Tribunal
Principal Bench

1. OA No.0655/2010

With

2. OA No.3079/2009

3. OA No.0306/2010

4. OA No.0507/2010

New Delhi this the 1st day of November, 2011.

Honble Mr. Justice V.K. Bali, Chaitman

Honble Mr. M.L. Chauhan, Member (J)

Honble Dr. (Mrs.) Veena Chhotray, Member (A)

OA No.655/2010

1. Central Government SAG (S-29) Pensioners

Association through its Secretary

Shri Sant Bhushan Lal,

R/o C5/21, Grant Vasant, Vasant Kunj,

New Delhi-110 070.

2. Shri Satish Verma,

Retd. Chief Engineer,

Central Water Commission,

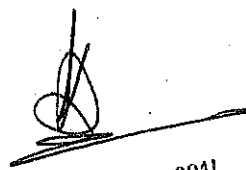
Ministry of Water Resources,

Govt. of India,

R/o B-6/8, Vasant Vihar,

New Delhi-110 057. -Applicants

-Versus-



31 MAR 2014

1. Union of India through the
Secretary to the Govt. of India,
Department of Pension and Pensioners Welfare,
Ministry of Personnel,
Public Grievances and Pensions,
LokNayak Bhawan,
Khan Market,
New Delhi-110 003.

2. Secretary to the Government of India,
Department of Expenditure,
Ministry of Finance,
North Block,
New Delhi. -Respondents
OA No.3079/2009

1. Central Govt. Pensioners Association
of Additional/Joint Secretary &
Equivalent Officers,
D-603, Anandlok CGHS Ltd.,
Mayur Vihar-Phase I,
Delhi-110091.

2. Shri S.P. Biswas,
S/o late Shri Panchanan Biswas,
R/o C-607, Anandlok CGHS Ltd,
Mayur Vihar-Phase-I,
Delhi-110091.

3. Shri G.S. Lobana,
S/o late Shri Inder Singh,
R/o C-207, Anandlok CGHS Ltd,
Mayur Vihar-Phase-I,
Delhi-110091. -Applicants

-Versus-

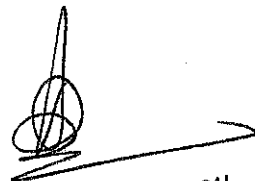
1. Union of India through the
Secretary to the Govt. of India,
Department of Pension and Pensioners Welfare,
Ministry of Personnel, Public Grievances and Pensions,
LokNayak Bhawan, Khan Market,
New Delhi-110 003.

2. Secretary to the Government of India,
Department of Expenditure,
Ministry of Finance,
North Block,
New Delhi. -Respondents

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OA No.306/2010

1. D.L. Vhora,
Chief Surveyor of Works MES (Retd.)
R/o 1020, Pocket D-1, VasantKunj,
New Delhi-110070.
2. Om Prakash Chopra,
Chief Surveyor of Works MES (Retd.)
R/o B-111, Chander Nagar,
Janakpuri, New Delhi-110057.
3. R.D. Mirza,
Chief Surveyor of Works MES (Retd.),
R/o 7178, Pocket D-7,
VasantKunj,
New Delhi-110070.
4. S.S. Agarwal,
Chief Surveyor of Works MES (Retd.),
R/o 263, Rajouri Apartments,
Rajouri Garden, New Delhi-110064.
5. G.S. Mehta,
Chief Surveyor of Works MES (Retd.),
R/o B1A, 42 C, DDA Flats,
Janakpuri, New Delhi-110058.
6. H.R. Rajani,
Chief Engineer, MES (Retd.),
R/o 1005, Sector-A, Pocket-B,
VasantKunj, New Delhi-110070.
7. L.C. Chawla, Chief Engineer, MES (Retd.),
R/o 75, KiranVihar, New Delhi-110092.
8. Pooran Mal, Chief Engineer, MES (Retd.),
R/o 63, Amaltas Lane, Green Park,
K-5, Scheme Queens Road,
Jaipur-302021.
9. S.K. Shangari,
Chief Engineer, MES (Retd.),
R/o 318, SFS DDA Flats,
Ashok Vihar, Phase-IV,
New Delhi-110052.
10. B.K. Sharma,
Chief Engineer, MES (Retd.),
R/o B-401, Munirka Apartments,
Plot No.11, Sector-9, Dwarka,
New Delhi-110075.
11. RamchanderTripathi,
Chief Engineer, MES (Retd.),
R/o X-03, Suraksha Enclave,



S. No.161, New DP Road, Aundh,
Pune-411007.

12. Banwari Lal Singhal,
Chief Engineer, MES (Retd.),
R/o X-05, Suraksha Enclave,
S.No. 161, New D.P. Road,
Aundh Pune-411007.

13. M.D. Khera,
Chief Architect, MES (Retd.),
R/o A-2/123, Janakpuri,
New Delhi-110058.

14. K.K. Mitra,
Chief Architect MES (Retd.),
R/o 40/197, C.R. Park,
New Delhi.

15. V.K. Razdan,
Chief Architect MES (Retd.),
R/o 2/262, Kudi Bhagtasni Housing Board,
Jodhpur-342005.

-Applicants

-Versus-

Union of India through:

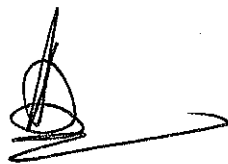
1. Secretary, Ministry of Personnel,
Public Grievances and Pensions,
Dept. of Pension and Pensioners Welfare,
Lok Nayak Bhawan,
New Delhi-110003.

2. Secretary, Dept of Expenditure,
Ministry of Finance, North Block,
Central Secretariat,
New Delhi-110001.

3. Secretary,
Ministry of Defence,
South Block,
Central Secretariat,
New Delhi-110011. -Respondents

OA No.507/2010

1. PPS Gumber,
Chief Engineer, MES (Retd.),
R/o C-23-B, Gangotri Enclave,
Alaknanda, New Delhi-110019.
2. Namo Narayan,
Chief Surveyor of Works MES (Retd.),
R/o 21, Part-3, Suresh Sharma Nagar,
Bareilly UP.



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3. Rajendra Prasad,
Chief Surveyor of Works MES (Retd.),
R/o 29, Anupam Apartments,
Vasundhara Enclave,
Delhi-110096.

4. Jasbir Singh Khanna,
Chief Surveyor of Works MES (Retd.),
R/o E-5/H, DDA Flats,
Munirka, New Delhi-110067.

5. Devendra Gupta,
Chief Surveyor of Works MES (Retd.),
R/o B1/1, River Bank Colony,
Lucknow.

6. Surya Mohan Bajpai,
Chief Surveyor of Works MES (Retd.),
R/o F-110, Indralok,
Krishna Nagar,
Lucknow-226023

Uttar Pradesh. -Applicants

-Versus-

Union of India through:

1. Secretary, Ministry of Personnel,
Public Grievances and Pensions,
Dept. of Pension and Pensioners Welfare,
LokNayakBhawan,
New Delhi-110003.

2. Secretary, Dept of Expenditure,
Ministry of Finance, North Block,
Central Secretariat,
New Delhi-110001.

3. Secretary,
Ministry of Defence,
South Block,
Central Secretariat,
New Delhi-110011. -Respondents

Memo of Appearances:

For the Applicants:

Mr. Nidhesh Gupta, Senior Advocate with Mr. Tarun Gupta, Counsel for applicants in OA Nos.655/2010.

Shri L.R. Khatana, Counsel for applicants in OA No.3079/2009.

Shri S.K. Malik, Counsel for applicants in OA No.306/2010 and 507/2010.

For the Respondents:

Shri Ritesh Kumar, Shri Piyush Sanghi, Shri Simranjeet Singh, Shri Sumit Goel, Shri Krishan Kumar, Shri Rajesh Katyal, counsel for the officials respondents.

Shri R.K. Sharma, counsel for respondents in OA No.306/2010 and 507/2010.


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ORDER

Honble Mr. M.L. Chauhan, Member (J):

By this common order we propose to dispose of four connected Original Applications, as the issues involved in all are same, as is also suggested by the learned counsel representing the parties. Pleadings to the extent the same may be required to be mentioned are, however, extracted from OA No.655/2010 in the matter of Central Government SAG (S-29) Pensioners Association and another v. Union of India & Others.

2. Applicants, who are pre-2006 retirees, are claiming pension at par with post-2006 retirees based on the recommendations of the VI Central Pay Commission, which became effective from 1.1.2006. Considering that the issues involved have great ramifications and in the meanwhile Bombay Bench and Patna Bench of the Tribunal rendered judgment(s) against their cause, the matter was referred to the Full Bench vide order dated 29.04.2011. The grievance projected by the applicants in these OAs are that the employees, who retired prior to 1.1.2006 (specified date) and those who retired thereafter form one class of pensioners. The attempt to classify them into separate classes/groups for the purpose of pensionary benefits was not found on intelligible differentia, which has a rationale nexus with the object sought to be achieved. To substantiate this argument reliance has been placed on the judgment of the Apex Court in the case of D.S. Nakara and others v. Union of India, (1983) 1 SCC 305 and Union of India v. S.P.S. Vains, (2008) 9 SCC 125. The further grievance raised by the applicants is that their notional pay fixation and consequent pension should not be lower than 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to scale of pay from which they had retired, as accepted by the Government vide resolution dated 29.08.2008 and the clarification issued by the respondents vide impugned OM dated 3.10.2008 and 14.10.2008 contrary to the Resolution dated 29.08.2008 and OM dated 1.9.2008 in regard para 4.2, are illegal, arbitrary, discriminatory, unreasonable and unjust, as according to the applicants in the clarification/modification order dated 3.10.2008 respondents had added and deleted certain words, which completely changed its meaning as per the recommendations of the Commission as accepted by the Government. In other words, the grievances raised by the applicants are that the respondents have not revised pension of the pre-2006 retirees even as per the modified parity/formula recommended by the Pay Commission and adopted by the Government vide resolution dated 29.08.2008. It may be stated that challenge has been made only to the aforesaid issues though the additional points raised by the applicants in OA-2087/2009 and 2101/2011 have not been pressed by the learned counsel for the applicants.

3. In order to decide the aforesaid issue, few relevant facts may be noticed. The Government of India constituted VI Central Pay Commission (VI CPC) on 05.10.2006, inter alia, to examine the principles which should govern the structure of pension, death-cum-retirement gratuity, family pension and other terminal or recurring benefits having financial implications to the present and former Central Government employees appointed before 1.1.2004. The report was submitted by the Commission on 24.03.2008. The Pay Commission made separate recommendations for revision of pension of the past pensioners and for determination of pension of those retiring after implementation of its recommendations. In regard to determination of pension of those retiring after implementation of its recommendations, the Commission recommended linkage of full pension with 33 years of qualifying service should be dispensed with. Once an employee renders the minimum pensionable service of 20 years, pension should be paid at 50% of the average emoluments received during the past 10 months or the pay last drawn, whichever is more beneficial to the retiring employee. Simultaneously, the extant benefit of adding years of



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qualifying service for purposes of computing pension/related benefits should be withdrawn as it would no longer be relevant. However, regarding revision of pension of past pensioners the Commission made recommendations as per para 5.1.47 of the report which recommendation of the Commissioner was accepted by the Government with certain modifications to which we will advert at a later stage. Thus, this modified formula formed basis for revision of the pension of the pre-2006 retirees, as adopted by resolution dated 29.08.2008, which according to applicants has not even been followed by the respondents in its true letter and spirit. Since the VI CPC has made separate recommendations for pre-2006 retirees and post-2006 retirees as such the Government issued two different OMs based upon the recommendations of the Central Pay Commission, i.e., one regarding revision of pension of past pensioners and second regarding post-2006 retirees. It is in the light of the aforesaid factual aspects the matter is required to be examined.

4. We may first examine the challenge of the applicants made on the basis of the judgment of the Apex Court in the case of D.S. Nakara (supra). It is not disputed that the Central Government employees on retirement from service are entitled to receive pension under the Central Civil Services (Pension) Rules, 1972. In D.S. Nakaras case (supra) there was no dispute regarding implementation of the liberalized scheme from a cut off date. Rather the Apex Court in the said case in para-47 has categorically held that undoubtedly when an upward revision is introduced a date from which it becomes effective has to be provided. The challenge was made only to that part of the scheme by which the benefit of Liberalized Pension Formula was made applicable to government servants who were in service on March 31, 1979 and retired from service on or after that date. What was the Liberalized Pension Formula has been mentioned in para-37 of the judgment. As can be seen from this para, under the earlier pension scheme the pension was related to average emoluments during 36 months just preceding retirement. On May, 25, 1979 the Government of India, Ministry of Finance issued OM No.F.19(3)EB-79 whereby the formula for commutation of pension was liberalized but it was made applicable to government servants who were in service on 31.03.1979 and retired from service on or after the specified date. The liberalized scheme introduced a slab system for commutation of pension, raised pension ceiling and provided for average emoluments with reference to the last 10 months service. Consequently, the pensioners who retired prior to the specified date had to earn pension on the average 36 months salary just preceding the date of retirement. Thus, they suffered triple jeopardy viz. lower average emoluments, absence of slab system and lower ceiling. It was in this context that the Apex Court held that pensioners form a class as a whole and cannot be micro-classified by arbitrary, manipulated and unreasonable eligibility criteria for the purpose of grant of revised pension. The Apex Court held that the words who were in service on or after are words of limitation introducing the mischief and are vulnerable as denying equality and this part of the sentence was declared as unconstitutional and struck down. It was held that liberalized pension scheme will become operative to all pensioners governed by 1979 rules, irrespective of date of retirement. At this stage it will be useful to quote relevant portions of paras 47 to 49 of the judgment in D.S. Nakaras case (supra), which thus read:

Undoubtedly when an upward revision is introduced, a date from which it becomes effective has to be provided. It is the event of retirement subsequent to the specified date which introduces discrimination in one otherwise homogeneous class of pensioners. This arbitrary selection of the happening of event subsequent to specified date denies equality of treatment of persons belonging to the same class, some preferred and some omitted. Is this eligibility qualification severable?


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48. It was very seriously contended, remove the event correlated to date and examine whether the scheme is workable. We find no difficulty in implementing the scheme omitting the event happening after the specified date retaining the more humane formula for computation by applying the rule of average emoluments as set out in Rule 34 and introducing the slab system and the amount worked out within the floor and the ceiling.

49. But we make it abundantly clear that arrears are not required to be made because to that extent the scheme is prospective. All pensioners wherever they retired would be covered by the liberalised pension scheme, because the scheme is a scheme for payment of pension to a pensioner governed by 1972 Rules. The date of retirement is irrelevant. But the revised scheme would be operative from the date mentioned in the scheme and would bring under its umbrella all existing pensioners and those who retired subsequent to that date. In case of pensioners, who retired prior to the specified date, their pension would be computed afresh and would be payable in future commencing from the specified date. No arrears would be payable. And that would take care of the grievance of retrospectivity. In our opinion, it would make a marginal difference in the case of past pensioners because the emoluments are not revised (Emphasis added)

5. Thus the Apex Court in the case of D.S. Nakara (supra) has not held that the cut off date when an upward revision is introduced cannot be prescribed and is arbitrary. At this stage it may also be useful to notice the decision of the Constitution Bench of the Apex Court in the case of Indian Ex-Servicemen League and others v. Union of India, (1991) 2 SCC 104, whereby the Apex Court explained the ratio laid down in the case of D.S. Nakara (supra) and has also relied upon its earlier constitution Bench decision in the case of Krishena Kumar v. Union of India, (1990) 4 SCC 207 and held that the Courts decision in D.S. Nakara (supra) has to be read as one of limited application and its ambit cannot be enlarged to cover all claims made by the pension retirees or a demand for an identical amount of pension to every retiree from the same rank irrespective of the date of retirement, even though the reckonable emoluments for the purpose of computation of their pension be different.

6. Further the Apex Court in the case of Govt. of Andhra Pradesh and others v. N. Subbarayudu and others, (2008) 14 SCC 702 has held that even if no reason is forth-coming for fixation of particular date it should not be interfered with by the Court unless the cut off date leads to some blatantly capricious or outrageous result. At this stage, it will be useful to quote paras 5-9 of the judgment,

which read thus:
5. In a catena of decisions of this Court it has been held that the cut off date is fixed by the executive authority keeping in view the economic conditions, financial constraints and many other administrative and other attending circumstances. This Court is also of the view that fixing cut off dates is within the domain of the executive authority and the Court should not normally interfere with the fixation of cut off date by the executive authority unless such order appears to be on the face of it blatantly discriminatory and arbitrary. (See State of Punjab & Ors. Vs. Amar Nath Goyal (2005) 6 SCC 754).

6. No doubt in D.S. Nakara & Ors. vs. Union of India 1983(1) SCC 305 this Court had struck down the cut off date in connection with the demand of pension. However, in subsequent decisions this Court has considerably watered down the rigid view taken in Nakara's Case (supra), as observed in para 29 of the decision of this Court in State of Punjab & Ors. vs. Amar Nath Goyal.

7. There may be various considerations in the mind of the executive authorities due to which a particular cut off date has been fixed. These considerations can be financial, administrative or other considerations. The Court must exercise judicial restraint and must ordinarily leave it to the

executive authorities to fix the cut off date. The Government must be left with some leeway and free play at the joints in this connection.

8. In fact several decisions of this Court have gone to the extent of saying that the choice of a cut off date cannot be dubbed as arbitrary even if no particular reason is given for the same in the counter affidavit filed by the Government, (unless it is shown to be totally capricious or whimsical) vide *State of Bihar vs. Ramjee Prasad* 1990(3) SCC 368, *Union of India & Anr. vs. Sudhir Kumar Jaiswal* 1994(4) SCC 212 (vide para 5), *Ramrao & Ors. vs. All India Backward Class Bank Employees Welfare Association & Ors.* 2004 (2) SCC 76 vide para 31), *University Grants Commission vs. Sadhana Chaudhary & Ors.* 1996(10) SCC 536, etc. It follows, therefore, that even if no reason has been given in the counter affidavit of the Government or the executive authority as to why a particular cut off date has been chosen, the Court must still not declare that date to be arbitrary and violative of Article 14 unless the said cut off date leads to some blatantly capricious or outrageous result.

9. As has been held by this Court in *Divisional Manager, Aravali Golf Club & Anr. vs. Chander Hass & Anr.* 2008(3) 3 JT 221 and in *Government of Andhra Pradesh & Ors. vs. Smt. P. Laxmi Devi* 2008(2) 8 JT 639 the Court must maintain judicial restraint in matters relating to the legislative or executive domain.

7. Yet in another decision in the case of *Union of India v. S.R. Dhingra and others*, (2008) 2 SCC 229 the Apex Court relying upon its earlier decision in para-25 has made the following observations:

25 It is well settled that when two sets of employees of the same rank retire at different points of time, one set cannot claim the benefit extended to the other set on the ground that they are similarly situated. Though they retired with the same rank, they are not of the same class or homogeneous group. Hence Article 14 has no application. The employer can validly fix a cut-off date for introducing any new pension/retirement scheme or for discontinuance of any existing scheme. What is discriminatory is introduction of a benefit retrospectively (or prospectively) fixing a cut-off date arbitrarily thereby dividing a single homogenous class of pensioners into two groups and subjecting them to different treatment (vide *Col B.J. Akkara (Retd) vs. Govt of India*, (2006) 11 SCC 709, *D.S. Nakara vs. Union of India* (1983) 1 SCC 305, *Krishna Kumar vs. Union of India* (1990) 4 SCC 207, *Indian Ex-Services League vs. Union of India* (1991) 2 SCC 104, *V. Kasturi vs. Managing Director, State Bank of India* (1998) 8 SCC 30 and *Union of India vs. Dr. Vijayapurapu Subbayamma* (2000) 7 SCC 662).

8. If the matter is seen in the light of the law laid down by the Apex Court, as noticed above, it cannot be said that fixation of cut off date of 1.1.2006 for the purpose of extending retiral benefits is arbitrary and it is permissible for the Government to fix a cut off date for introducing any new pension/retirement scheme or for discontinuing of any existing scheme. Thus, the challenge made by the applicants based upon the judgment in *D.S. Nakara (supra)* that pre-2006 retirees should be extended the same pensionary benefits as that of post-2006 retirees cannot be accepted.

9. Yet for another reason, pre-1.1.2006 and post-2006 retirees cannot be extended the same pensionary benefits inasmuch as the respondents on the basis of the recommendations of the VI CPC have issued two different Schemes for pre-2006 and post-2006 retirees. As regards, post-2006 retirees respondents have issued OM dated 2.9.2008 (Annexure R-1) as to how the pension has to be computed. As can be seen from this scheme, emoluments have to be computed on the basis of the revised pay structure and further as can be seen from paras 5.2 and 5.3 of the said OM qualifying service for the purpose of pension has been reckoned as 20 years as against 33


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years, which was prevalent in respect of the employees who retired before 1.1.2006 and also that emoluments for the purpose of pensionary benefits have to be determined on the basis of 10 months average emoluments or emoluments last drawn by the employee before his retirement, whichever is more beneficial. Applicants have not challenged the validity of the OM dated 2.9.2008. As such, on these grounds pre-2006 retirees cannot claim benefit at par with post-2006 retirees, who are governed by the separate set of Scheme.

10. We may now consider the claim made by the applicants based upon the decision of the Apex Court in the case of S.P.S. Vains (supra). As already stated above, the Government of India has issued OM dated 01.09.2008 (Annexure A-1) in respect of pre-2006 pensioners/family pensioners pursuant to acceptance of recommendations made by the VI CPC. Para 2.1 of this OM stipulates that these orders shall apply to all pensioners/family pensioners who were drawing pension/family pension on 1.1.2006 under the Central Civil Services (Pension) Rules, 1972. CCS (Extraordinary Pension) Rules and the corresponding rules applicable to Railway pensioners and pensioners of All India Services, including officers of the Indian Civil Service retired from service on or after 1.1.1973. Para 2.2 stipulates that separate orders will be issued by the Ministry of Defence in regard to Armed Forces pensioners/family pensioners. Thus, reading of this OM clearly stipulates that the OM dated 1.9.2008 has been made applicable to the employees of the Central Government who are granted pension under CCS (Pension) Rules, 1972. Admittedly, the Armed Forces pensioners are not governed by the family pension Rules, 1972 but they are governed by different set of Rules. It may be stated here that in terms of the Pension Rules, 1972 the pension in the case of existing pensioners and future pensioners have to be computed by applying the rule of average emoluments as set out in Rule 34, whereas in the case of the defence pensioners, they are regulated in terms of the Special Army instructions issued in that regard based on the concept of one rank one pension, which is not applicable in respect of the employees serving in the Central Government. That apart the Government of India has also issued instructions dated 18.11.2009 based upon the judgment of the Apex Court in the case of S.P.S. Vains (supra) thereby clarifying that the judgment of the Apex Court in the case of S.P.S. Vains (supra) will not apply in the case of petitioners who retired from the civil departments and who, before their retirement, were governed by the CCS (Pension) Rules, 1972. That apart, in the case of S.P.S. Vains (supra) the Court was dealing with entirely a different issue. The issue involved in the said case was whether there could be a disparity in payment of pension to officer of the same rank, who had retired prior to the introduction of the revised pay scale, with those who retired thereafter. It was further noticed that an anomaly has arisen with the acceptance of the recommendations of the V CPC, which has created a situation whereby Brigadiers began drawing more pay than Major Generals and were, therefore, receiving higher pension and family pension than Major Generals. It was in this context that the judgment was rendered. In order to remove that anomaly Government stepped up pension of Major Generals who had retired prior to 1.1.1996, giving them pension as was given to the Brigadiers. Before the High Court it was urged on behalf of the writ petitioners that while the writ petitioners and the other similarly placed officers who had retired while holding the rank of Major Generals prior to 1.1.1996 were given the same pension as that of Brigadier. However, in the case of Major Generals who retired after 1.1.1996 their pay was initially fixed according to clause 12 (c) of Special Army instructions 2/S/1998 which enabled them to draw higher pension than those retired before 1.1.1996 despite holding the same rank. It was in this context that the Writ Petition was allowed by the High Court, directing the Government to fix minimum pay scale of the Major General above that of the Brigadier and grant pay above that of a Brigadier as has been done in the case

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of post 1.1.1996 retirees and consequently fix pension and family pension accordingly. Thus, according to us applicants cannot take any assistance from this judgment, which was rendered in the different facts and circumstances of the case and relates to the Army personnel and based on the premise of one rank one pension.

11. Thus, we agree with the reasoning given by the Bombay and Patna Benches of the Tribunal as regards fixation of pension of pre-2006 retirees at par with post-2006 retirees, based on the decisions of the Apex Court in D.S. Nakara and S.P.S. Vains (supra).


12. Now let us advert to last grievance raised by the applicants viz. that even if the modified parity, as recommended by the Pay Commission and accepted by the resolution dated 29.08.2008 is to be taken as criteria for determining pension of pre-2006 retirees, still on account of subsequent clarification issued to para 4.2 of the OM dated 1.9.2008 by the officers of the respondents vide OM dated 3.10.2008 and 14.10.2008 criteria and principles for determining the pension has been given a complete go-bye. Thus, these clarificatory OMs are illegal, arbitrary, discriminatory, unreasonable, unjust and are required to be quashed and set aside. At this stage, we wish to mention that this issue was not raised and considered by the Patna and Bombay Benches of the Tribunal, as such no finding on this aspect was given. However, in paras 66 and 67 of the judgment Patna Bench has given a direction that the Government should examine this aspect of S-29 pay scales retirees being able to retire at the maximum of the pay band 4 pay scale with the grade pay of Rs.10,000/- which would bring their pension to Rs.38,500/-. Suffice it to say that the observation made by the Patna Bench was given without taking into consideration the modified parity as recommended by the Pay Commission and accepted by the Central Government vide its resolution dated 29.08.2008, which formed the basis to grant pension to pre-2006 retirees.

13. In order to determine the issue, at this stage, it will be useful to quote item No.12 of the Resolution No.38/37/08-P&PW (A) dated 29.08.2008 whereby recommendations of the VI CPC, as contained in para 5.1.47, was accepted with certain modifications and thus reads:

S.	No.	Recommendation	Decision	of	Government
12	All past pensioners should be allowed fitment benefit equal to 40% of the pension excluding the effect of merger of 50% dearness allowance/dearness relief as pension (in respect of pensioners retiring on or after 1/4/2004) and dearness pension (for other pensioners) respectively. The increase will be allowed by subsuming the effect of conversion of 50% of dearness relief/ dearness allowance as dearness pension/ dearness pay. Consequently, dearness relief at the rate of 74% on pension (excluding the effect of merger) has been taken for the purposes of computing revised pension as on 1/1/2006. This is consistent with the fitment benefit being allowed in case of the existing employees. The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. (5.1.47)	Accepted with the modification that fixation of pension shall be based on a multiplication factor of 1.86, i.e, basic pension + Dearness Pension (wherever applicable) + dearness relief of 24% as on 1.1.2006, instead of 1.74.			

Based on this resolution, respondents issued OM of even number dated 1.9.2008. Para-4.2 whereof, which is relevant for the purpose, reads as follows:

The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay


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corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG+ and above scales, this will be fifty percent of the minimum of the revised pay scale.

14. On the basis of the recommendations made by VI CPC, which stood validly accepted by the Cabinet, it has been argued that principle for determining the pension has been completely altered under the garb of clarification. According to the learned counsel for the applicants on the basis of the aforesaid resolution/modified parity revised pension of the pre-2006 pensioners shall not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which the pensioner had retired.

15. Applicants in para-11 of the Additional-Affidavit have explained how the Note prepared by a junior functionary (at the level of an Under Secretary) in the Department of Pension & Pensioners Welfare in regard to para-4.2 of the OM dated 1.9.2008 has been given a go-by to the resolution dated 29.08.2008. The Note so prepared has been extracted in this para, which thus reads:

Whether the pension calculated at 50% of the minimum pay in the pay band would be calculated (i) at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale, or (ii) at the minimum of pay pay in the pay band which an employee in the pre-revised scale of pay will be getting as per the fitment tables at Annex I of the CCS (Revised Pay) Rules, 2008 plus the grade pay corresponding to the pre-revised pay scales.

16. It is pleaded that first the need for such a doubt being raised is not clear as both the formulation of the CPC in para 5.1.47 as well as in Government Resolution dated 29.8.2008 (Annexure A-7 of the OA) is clear that the fixation of pension will be subject to the provision that the revised pension in no case, shall be lower than fifty percent of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. (emphasis added). The use of words sum of, andandthereon leaves no doubt that both the minimum of the pay in the pay band and the grade pay have to correspond to the pre-revised pay scale. Second, without bringing out merits or demerits of either formulation, the lower functionary in DOP & PW incorporates in the clarification against item 4.2 in the OM dated 1.9.2008, the first option about minimum of pay in the pay band (irrespective of the pre-revised scale of pay). What is worse is that there is no application of mind even at the level of Director and Secretary who merely sign the note and the clarification is issued after obtaining finance concurrence and approval of MOS (PP), without going back to the Cabinet for such a modification.

17. The learned counsel has further argued that the resultant injustice done to the pre-1-1-2006 pensioners had even been recognized by MOS (F) and MOS (PP) in their letters to the PM and MOS (F) respectively, copies of which are at Annexures A-11 (page 169) and A-12 (page 170) of the OA. A formal proposal was also sent by DOP & PW to Department of Expenditure seeking rectification but was not accepted by the latter. It was also incorrectly mentioned that the earlier provision in para 4.2 of OM dated 1.9.2008 has been issued in pursuance of the approval of the Cabinet granted to the Report of the Sixth CPC and any change would entail substantial financial implications and this was done only with the approval of the Secretary (Expenditure) without putting up the note to MOS (F) who had himself supported the change. A copy of this Note dated 2.1.2009 is enclosed as Annexure 5.

18. As regards the grievance to OM dated 14.10.2008 based on the OM dated 1.9.2008 (as clarified by OM dated 3.10.2008) whereby a revised table (Annexure A-1) of the pre-2006 pensioners pay scale/pay was finalized to facilitate payment of the revised pension/family



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pension, applicants have prepared a chart in respect of minimum of the pre-revised scales (modified parity) of S-29 along with 5 scales included in PB-4 works out as under and thus reads: Min of Pre revised scale. Pay in the Pay Band Grade Pay Revised Basic Pay (2+3) (Rs. Pension 50% of (2+3) (Rs.)

1	2	3	4	5
S-24 (14300)	37400	8700	46100	23050
S-25 (15100)	39690	8700	48390	24195
S-26 (16400)	39690	8900	48590	24295
S-27 (16400)	39690	8900	48590	24295
S-28 (Rs.14300)	37400	10000	47400	23700
S-29 (18400)	44700	10000	54700	27350

The first 4 columns of the above table have been extracted from the pay fixation annexed with MOF OM of 30th August 2008 (referred to in para 4.5 (iii) above). Revised pension of S-29 works out to Rs.27350 which has been reduced to Rs.23700 as per DOP OM of 3-10-2008 (para 4.8 (B) below).

It was explained during arguments that pay in the Pay Band indicated in column No.2 above table relates to the pay in the revised pay scale corresponding to the minimum pay in the pre-revised pay scale.

19. On the basis of this chart it has been pleaded that as per the impugned OM dated 14.10.2008 in the case of S-24 officers the corresponding pay in the Pay Band against 14300/- is shown as 37400. In addition, Grade Pay of Rs.8700/- was given totaling Rs.46,100/-. Similarly, revisions concerning all the other pay scales were accepted by the aforementioned OM dated 14th October, 2008. The illegality which has been perpetrated in the present matter is apparent from the fact that whereas an officer who was in the pre-revised scale S-24 and receiving a pay of Rs.14,300/- would now receive Rs.37,400/- plus grade pay of Rs.8700 and his full pension would accordingly be fixed at Rs.23050 (i.e. 50% of 37400 pay plus grade pay Rs.8700) pursuant to the implementation of VI CPC recommendations after 1.1.2006, whereas a person belonging to the Applicant Association, who was drawing a pay of Rs.18,400/- or even Rs.22,400/- (maximum of scale) in the pre-revised S-29 scale will now be getting pension as only 23700/- (i.e. 50% of pay of Rs.37,400/- plus grade pay of Rs.10000). However, the misinterpreted revised basic pay of Rs.37400 has caused a grave miscarriage of justice since those officers who belong to a much higher grade have now been equated with those who were working under them in a lower rank/grade. It is further relevant to note that those officers belonging to S-29 who would retired after 1.1.2006 would, however, be placed in the revised pay scale differently. For instance, a person who was in the pre-revised pay scale of 18000-22400 (S29) at Rs.18,400/- would now get Rs.44,700/- in addition to Grade Pay of Rs.10,000/- i.e. the revised basic pay of Rs.61,850/-. However, a person who retired only one day prior i.e. on 31st December 2005, even if he had received pre-revised pay of Rs.22400/- would now be placed in the revised pay of Rs.37400/- only in addition to the Grade Pay of Rs.10,000. Thus the illegality which has been committed in the present matter also relates to equating the pre-revised pay scale of Rs.18,400-22,400/- with the pre-revised pay scale of Rs.14,300-18,300/-.


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20. In order to buttress the aforesaid submission applicants have given specific instance of an officer in para-6 of the Additional Affidavit who retired at a higher pay on 31.12.2005 getting a much higher pension at that time than another officer who retired only 5 days later, i.e., on 5.1.2006 at a lower pay. After implementing the VI CPC recommendations, as illegally modified by the Department of Personnel, the result is that the concerned person who retired on 31.12.2005 is getting far lower pension than the person who retired 5 days later. A copy of the said chart amplifying the above position has also been reproduced, which is to the following effect:

Name	Ashok	K.	Ghosh	R.K.	Goel
Department	Railways		Heavy	Water	Board
Scale of Pay			18400-500-22400		18400-500-22400
Date of Retirement	31.12.2005		05.01.2006	i.e. only 5 days	
Last Pay Drawn	Rs.22900	(incl. one Stagnation increment)			Rs.21400
Average 10 months Emoluments incl. Dearness Pay	Rs.34350		Rs.31737.50	or 31738	
Original Pension		fixed	Rs.17175		Rs.15869
Revised Pension Fixed after 6th CPC implementation	Rs.2587(i.e. Rs.22900×2.26)				
	2 Rs.29435				

21. Applicants have also explained as to how the disparity has resulted on account of implementation/acceptance of VI CPC recommendations by the Government vide resolution dated 29.08.2008. As can be seen from the clarificatory order dated 30.08.2008 (Annexure A-6 at pages 139-147) regarding pay scale of S-24 to S-29, the pay scales of the V CPC of Rs.14300-18300 in respect of S-24 employees, the VI CPC has placed them in Pay Band-3 and recommended the Pay Band of Rs.15,600-39,100/- plus Grade Pay of Rs.7600 per month. However, the Government has upgraded the said S-24 category to Pay Band 4 and placed them in the pay Band of Rs.37,400-67,000/- plus Grade Pay of Rs.8700/- per month. It is, therefore, absolutely clear that the Government authorities have increased the pay of S-24 employees by far more than double. Further, it is very relevant to note that the said impact would be not only on the retired S-24 officers but also on the large base of serving employees. Similarly, the same is the position with regard to S-25, S-26 and S-27 all of whom were recommended by the Sixth Pay Commission to be in the pay band of Rs.15,600-39,100/- but were placed by the Government in the pay band of Rs.37,400-67,000/-. Similarly in the case of employees who were placed in S-29 pay scale they were recommended Pay Band of Rs.39,200-67,000/- plus Grade Pay of Rs.9,000/- per month by the VI CPC, whereas the Government has revised pay structure to Rs.37,400-67,000/- plus Grade Pay of Rs.10,000/- per month. This has resulted in the anomaly which is essentially to be rectified.

22. It is submitted that the applicants are in the category of retired employees and are a diminishing category. In contrast, the serving employees of S-29 category are being given the benefits of the recommendations of the VI CPC. Further, as explained earlier, the benefits available in S-24 to S-27 grade are available not only to retired employees but also to the large base of serving employees. The financial effect of the same is many-many times that of the small additional expenditure which will be incurred on account of the benefits sought by the Applicants. Therefore, the argument sought to be raised by the Union of India during the course of hearing regarding the so-called financial impact has no factual basis at all.

23. Thus, according to the applicants the aforesaid disparity, which has been caused on account of granting enhanced scales in S-24 to S-27 grade contrary to the recommendations of the VI CPC and further reducing the scales recommended by the Pay Commission in respect of S-29

grade to be at par with the employees who were placed in S-24 to S-27 grade is required to be set right. According to the learned counsel of applicants even if the cut off date of 1.1.2006 for revision of the pay scale and grant of pensionary benefits on the basis of VI CPC is to be upheld, even then the applicants are entitled to relief based upon the Resolution dated 29.08.2008 whereby the recommendations of the Pay Commission was accepted and on account of disparity, which has resulted in granting different pay scales, as recommended by the VI CPC, which has caused prejudice to the applicants and thus has to be set right.

24. The stand taken by the respondents is that the recommendations of the VI CPC, as accepted by the Government vide Resolution dated 29.08.2008 and further clarification issued by the respondents is in consonance with the recommendations so accepted. It is stated that there may be a slight change in the word used in the clarification issued by the Government subsequently but has the same meaning as in the latter part of para 5.1.47 of the report of the VI CPC as accepted by Government. The phrase minimum of the pay in the Pay Band has been used and this phrase carries the same meaning i.e., the pay from which a pay band starts. It is stated that the clarification on OM dated 3.10.2008 was issued after due exercise in Department of Pension and Pensioners Welfare and Ministry of Finance and with the approval of the Honble Minister of State. It is further stated that VI CPC has not made any recommendation for complete parity between the pre-1996 and post-1-1-1996 pensioners. Therefore, question of allowing complete parity between pre-1996 and post 1.1.1996 pensioners would not arise. It is stated that the OM dated 1.9.2008 has been further clarified on 3.10.2008 that pension calculated at 50% of the minimum of the pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale.

25. In order to decide the matter in controversy, at this stage, it will be useful to extract the relevant portions of para 5.1.47 of the VI CPC recommendation, as accepted by the Resolution dated 29.08.2008, para 4.2 of the OM dated 1.9.2008 and subsequent changes made in the garb of clarification dated 3.10.2008, which thus read:


Resolution No.38/37/8-P&PW(A) dated 29.08.2008-Para 5.1.47 (page 154-155) Para 4.2 of OM DOP&PW OM No. No.38/37/8-P&PW(A) dated 1.09.2008 (page 38 of OA) OM DOP&PW OM No. No.38/37/8-P&PW(A) dated 3.10.2008

The fixation as per above will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the prerevised pay scale form which the pensioner had retired.

The fixation as per above will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the (sum of the) minimum of the pay in the pay band plus (and) the grade pay (thereon) corresponding to the prerevised pay scale from which the pensioner had retired.

The Pension Calculated at 50% of the [sum of the] minimum of the pay in the pay band [and the grade pay thereon corresponding to the pre-revised pay scale] plus grade pay would be calculated (i) at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay plus) the grade pay corresponding to the pre-revised pay scale. For example, if a pensioner had retired in the pre-revised scale of pay of Rs.18400-22400, the corresponding pay band being Rs.37400-67000 and the corresponding grade pay being Rs.10000 p.m., his minimum guaranteed pension would be 50% of Rs.37400+Rs.10000 (i.e. Rs.23700)

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26. As can be seen from the relevant portion of the resolution dated 29.8.2008 based upon the recommendations made by the VI CPC in paragraph 5.1.47, it is clear that the revised pension of the pre-2006 retirees should not be less than 50% of the sum of the minimum of the pay in the Pay Band and the grade pay thereon corresponding to the pre-revised pay scale held by the pensioner at the time of retirement. However, as per the OM dated 3.10.2008 revised pension at 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon, corresponding to pre-revised scale from which the pensioner had retired has been given a go-by by deleting the words sum of the and grade pay thereon corresponding to the pre-revised pay scale and adding irrespective of the pre-revised scale of pay plus implying that the revised pension is to be fixed at 50% of the minimum of the pay, which has substantially changed the modified parity/formula adopted by the Central Government pursuant to the recommendations made by the VI CPC and has thus caused great prejudice to the applicants. According to us, such a course was not available to the functionary of the Government in the garb of clarification thereby altering the recommendations given by the VI CPC, as accepted by the Central Government. According to us, deletion of the words sum of the and grade pay thereon corresponding to the pre-revised scale and addition of the words irrespective of the pre-revised scale of pay plus, as introduced by the respondents in the garb of clarification vide OM dated 3.10.2008 amounts to carrying out amendment to the resolution dated 29.08.2008 based upon para 4.1.47 of the recommendations of the VI CPC as also the OM dated 1.9.2008 issued by the Central Government pursuant to the aforesaid resolution, which has been accepted by the Cabinet. Thus, such a course was not permissible for the functionary of the Government in the garb of clarification, that too, at their own level without referring the matter to the Cabinet.

27. We also wish to add that the Pay Commissions are concerned with the revision of the pre-revised pay scales and also that in terms of Rule 34 of the CCS (Pension) Rules, 1972 the pension of retirees has to be fixed on the basis of the average emoluments drawn by them at the time of retirement. Thus, the pre-revised scale from which a person has retired and the emoluments which he was drawing at the time immediately preceding his retirement are a relevant consideration for the purpose of computing revised pension and cannot be ignored. As such, it was not permissible for the respondents to ignore the pre-revised scale of pay for the purpose of computing revised pension as per the modified parity in the garb of issuing the clarifications, thereby altering the modified parity/formula, which was accepted by the Central Government vide its resolution dated 29.08.2008.

28. The above view is also fortified by paras 137.15, 137.20 and 137.21 of the V CPC recommendations, as reproduced below, leading to modified parity, which were also accepted by the VI CPC and accepted by the Central Government and thus read:
Immediate relief to pensioners

137.15 While the work relating to revision of pension of pre 1.1.1986 retirees by notional fixation of their pay shall have to be undertaken by the pension sanctioning authorities to be completed in a time-bound manner, we suggest that the pensioners should be provided some relief immediately on implementation of our recommendations. The pension disbursing authorities may be authorized to consolidate the pension by adding (a) basic pension; (b) personal pension, wherever admissible; (c) dearness relief as on 1.1.1996 on basic pension only; (d) Interim Relief (I and II) and (e) 20% of basic pension. The consolidated pension shall be not less than 50% of the minimum pay, as revised by the Fifth CPC, of the post held by the pensioner at the time of retirement. This may be stepped up by the pension disbursing authorities, wherever feasible, to



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the level of 50% of the minimum pay of the post held by the pensioner at the time of retirement. (emphasis supplied)

XXXXXXXXXXXXXXXXXX

Modified parity conceded

137.20 We have given our careful consideration to the suggestions. While we do not find any merit in the suggestion to revise the pension of past retirees with reference to maximum pay of the post held at the time of retirement, as revised by the Fifth CPC, there is force in the argument that the revised pension should be not less than that admissible on the minimum pay of the post held by the retiree at the time of retirement, as revised by the Fifth CPC. We have no hesitation in conceding the argument advanced by pensioners that they should receive a pension at least based on the minimum pay of the post as revised by Fifth Pay Commission in the same way as an employee normally gets the minimum revised pay of the post he holds. We recommend acceptance of this principle, which is based on reasonable considerations. (emphasis supplied).

Principle enunciated

137.21 The Commission has decided to enunciate a principle for the future revision of pensions to the effect that complete parity should normally be conceded up to the date of last pay revision and modified parity (with pension equated at least to the minimum of the revised pay scale) be accepted at the time of each fresh pay revision. This guiding principle which we have accepted would assure that past pensioners will obtain complete parity between the pre-86 and post-86 pensioners but there will be only a modified parity between the pre-96 and post-96 pensioners. The enunciation of the principle would imply that at the time of the next pay revision say, in the year 2006, complete parity should be given to past pensioners as between pre-1996 and post-1996 and modified parity be given between the pre-2006 and post-2006 pensioners. (emphasis supplied)

29. From the above extracted portion it is clear that the principle of modified parity, as recommended by the V CPC and accepted by the VI CPC and accepted by the Central Government provides that revised pension in no case shall be lower than 50% of the sum of the minimum of the pay in the pay band and grade pay corresponding to revised pay scale from which the pensioner had retired. According to us, as already stated above, in the garb of clarification, respondents interpreted minimum of pay in the pay band as minimum of the pay band. This interpretation is apparently erroneous, for the reasons:

- a) if the interpretation of the Government is accepted it would mean that pre-2006 retirees in S-29 grade retired in December, 2005 will get his pension fixed at Rs.23700/- and another officer who retired in January 2006 at the minimum of the pay will get his pension fixed at Rs.27350/-. This hits the very principle of the modified parity, which was never intended by the Pay Commission or by the Central Government;
- b) The Central Government improved upon many pay scales recommended by the VI CPC. The pay scale in S-29 category was improved from Rs.39200-67000/- plus Grade Pay of Rs.9,000/- with minimum pay of Rs.43280/- to Rs.37,400-67000/- with grade pay of Rs.10,000/- with minimum pay of Rs.44,700/- (page 142 of the paper-book). If the interpretation of the Department of Pension is accepted, this will result in reduction of pension by Rs.4,00/- per month. The Central Government did not intend to reduce the pension of pre-2006 retirees while improving the pay scale of S-29 grade;
- c) If the erroneous interpretation of the Department of Pension is accepted, it would mean that a Director level officer retiring after putting in merely 2 years of service in their pay band (S-24) would draw more pension than a S-29 grade officer retiring before 1.1.2006 and that no S-29

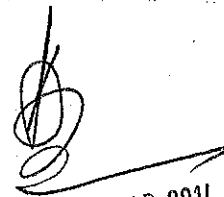
grade officer, whether existing or holding post in future will be fixed at minimum of the pay band, i.e., Rs.37,400/-. Therefore, fixation of pay at Rs.37,400/- by terming it as minimum of the pay in the pay band is erroneous and ill conceived; and

d) That even the Minister of State for Finance and Minister of State (PP) taking note of the resultant injustice done to the pre-11.2006 pensioners (pages 169-170) had sent formal proposal to the Department of Expenditure seeking rectification but the said proposal was turned down by the officer of the Department of Expenditure on the ground of financial implications. Once the Central Government has accepted the principle of modified parity, the benefit cannot be denied on the ground of financial constraints and cannot be said to be a valid reason.

30. In view of what has been stated above, we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs.


(Dr. Veena Chhotray) (M.L. Chauhan) (V.K. Bali)

Member (A) Member (J) Chairman


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INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
Budget - Estimate for Plan Grant
for the Financial Year 2014-15

A. PLAN		(Rs. in lacs)
S. No.	Programme	Plan Grant BE 2014-15
1	Development of Laboratory Infrastructure & Central Facilities	10600.00
2	Library (Books & Journals), Computing, Networking and Multimedia facilities	3490.00
3	Ph. D and M. Tech Assistantship (Recurring Liabilities)	3500.00
4	Building and Works	13371.00
TOTAL		30961.00


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INDIAN INSTITUTE OF TECHNOLOGY ROORKEE

Budget - Estimate for Plan Grant for the Financial Year 2014-15

(Rs. in lacs)

S. No.	Programme	BE 2014-15
1.	Development of Laboratory and Central Infrastructure	
	(i) Laboratory Equipments in departments	8700.00
	(ii) Analytical instruments and facilities for Centres	800.00
	(iii) Strengthening of Infrastructure for Academics, Educational Technology cell, Training Placement and Industrial Liaison	50.00
	(iv) Hospital & Administrative Establishment, Campus Security, EPABX, Transportation Section	600.00
	(v) Students Amenities, Hostel Infrastructure and Sports facilities	450.00
	Sub Total	10600.00
2.	Library Computing, Networking & Multimedia Facilities	
	a. Library : Subscription of Books, Print and e-journals in Science & Technology	1430.00
	b. Computing, and Multimedia Facilities	1200.00
	c. Office Automation & ERP Solution	860.00
	Sub Total	3490.00
3.	Recurring Liabilities	
	a. Ph. D and M. Tech Assistantship	3300.00
	b. Uttarakhand Disaster Management Fund	100.00
	c. Future of Cities Workshop Fund	100.00
	Sub Total	3500.00
4(a)	Building & Works- On going Activates	
	a. Widening and relaying of roads Roorkee/Saharanpur Campus	440.00
	b. Central AC Plant for Bio-Tech Department	190.00
	c. Construction of Multi-activity Centre in IIT Roorkee Campus	270.00
	d. Construction of Lab of the CEDMM (Disaster Mitigation Centre)	35.00
	e. Sports Activities Saharanpur Campus (Estimated cost Rs. 800 Lacs)	185.00
	f. Four DG sets at IIT Roorkee Campus	190.00
	Sub Total	1310.00
4(b)	New Proposed Works	
	a. Renovation /Alteration of Academic & administrative buildings	150.00
	b. Renovation /Alteration of hostels	150.00
	c. Renovation /Alteration of residences	150.00
	d. Renovation / Alteration of Department/ Labs	150.00
	e. Rewiring in Deptts./Residences/hostels and energy saving fittings	100.00
	f. Furniture (for hostels, deptts., admn. Offices etc.)	50.00
	g. Tubewell and pipe line in Roorkee/Saharanpur Campus	100.00
	h. A.C. for Faculties in Roorkee and Saharanpur Campus	50.00
	i. Replacement of Lifts	20.00
	j. Air-Conditioning of Convocation Hall, Lecture Hall Complex, ICC & ISC	500.00
	k. Upgradation/Modernization and Extension of Electric Sub-Station	200.00
	l. HT/LT and UG Cabling	200.00
	m. Conversion from normal electric fitting to energy efficient fitting	100.00
	n. Sub-Station equipment for monitoring and energy management system	100.00
	o. Const. of Boys Hostel of 800 seats (Estimated Cost Rs. 7316 Lacs)	2920.00
	p. Const. of Transit Accommodation-cum-Married Students hostel 250 Apartments (Estimated Cost Rs. 6541 Lacs)	2610.00
	q. Const. of Lecture Hall Complex (Estimated cost Rs. 6417 Lacs)	2570.00
	r. Const. of Students Activity Centre (Estimated cost Rs. 2875 Lacs)	1150.00
	s. Site Development at Greater Noida Extension Centre (Estimated cost Rs. 791 Lacs)	791.00
	Sub Total	12061.00
	Total 4[(a)+(b)]	13371.00
	-39- GRAND TOTAL (1+2+3+4)	30961.00

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INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
BUDGET ESTIMATES
Non Plan Grant 2014-15

B. NON-PLAN

Sl. No.	Particulars	2013-14		2014-15		Justification
		Budget Estimates	Actual up to January 2014	Estimated Expenditure up to 31.03.2014	Budget Estimates	
1	2	3	4	5	6	7
	A. SALARY					Salary & Pension Components increased by 23% due to provision of 2DAs i.e. appx. 20% and one increment of 3%. Rs. 6.00 crore is added for additional faculty recruitment (Aprox. 60 No.)
	Faculty	6800.00	5442.92	6200.00	8040.00	
	Non-Faculty	4400.00	3451.06	4100.00	4920.00	
	Total Faculty & Non-Faculty	11200.00	8893.98	10300.00	12960.00	
	B. PENSION					Appx. 1 crore is kept under pension for pension arrears to faculty
	Faculty & Non-Faculty	3000.00	2707.39	3000.00	3800.00	
	C. Other Component (These item should not be included in Salary & Pension indicated above)					Other Component increased by appx. 20% except contribution to New Pension Scheme which is increased by 30% keeping in view the 2 DAs increment and new appointments.
	(i) Leave Encashment	630.00	305.99	550.00	650.00	
	(ii) LTC	350.00	385.03	550.00	600.00	
	(iii) Retirement Benefit	1100.00	530.83	900.00	1100.00	
	(iv) Children Education Allowance	150.00	99.82	150.00	175.00	
	(v) Contribution to Pension fund	50.00	23.51	50.00	60.00	
	(vi) Contribution to New Pension Scheme	165.00	188.37	210.00	270.00	
	(vii) Professional Development Allowance (PDA) {only for Technical Institute}	434.36	211.54	430.00	430.00	
	(viii) Reimbursement (Telephone & Internet)	60.00	22.24	60.00	72.00	
	(ix) Medical	430.00	270.03	430.00	450.00	
	Total (i to vii)	3369.36	2037.36	3330.00	3807.00	
	D. TOTAL (Salary + Pension + Other Component) i.e. {A+B+C}	17569.36	13638.73	16630.00	20567.00	
	E. NON SALARY COMPONENT (Item wise details is to be annexed)					Non Salary Component increased by 10% approx and some components retained same according to Actual expenditure
	Annexure-X	3437.30	2824.73	3647.40	4093.00	
	Total (D+E)	21006.66	16463.46	20277.40	24660.00	

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INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
Details of Head wise Non-Salary Component

Sl. No.	Particulars	2013-14			(Rs. in lacs)
		Budget Estimates	Actual up to January 2014	Estimated Expenses	Budget Estimates
1	2	3	4	5	6
E	Part -E Non Salary Component				
1	Traveling Allowance	110.00	86.56	110.00	125.00
2	Security & Other Agencies				
	Roorkee Campus	240.00	246.26	275.00	300.00
	Saharanpur Campus (hostel)	8.00	10.73	12.00	14.00
3	HRD	2.00	0.19	2.00	2.00
4	Training & Placement	9.00	5.70	9.00	10.00
5	Publication	7.00	0.65	7.00	7.00
6	Membership Fee	1.50	0.61	1.50	1.80
7	Convocation & Other Functions	24.00	27.74	30.00	33.00
8	Advertisement	15.00	2.64	15.00	15.00
9	Transport /Vehicle Maintenance & Opt	15.00	18.84	20.00	22.00
10	Legal Expenses	10.00	3.86	10.00	10.00
11	Postage & Telegram	2.80	2.23	2.80	3.00
12	Guest House	6.00	7.28	7.60	10.00
13	Audit Expenses	20.00	22.79	25.00	28.00
14	Telephones	35.00	24.89	35.00	35.00
15	Printing & Stationery	18.00	16.20	18.00	20.00
16	Contingencies	90.00	133.65	150.00	160.00
17	HINDI CELL	2.30	1.66	2.30	2.30
18	Library	31.00	13.06	31.00	31.00
19	Study Tour	35.00	19.46	35.00	35.00
20	Student Amenities (Including NCC)	25.00	49.85	55.00	60.00
21	SC/ST Student Mess Fee (Free Messing)	46.00	27.85	60.00	66.00
22	PG Examinations	95.00	73.07	95.00	95.00
23	UG Examinations	32.00	39.83	40.00	44.00
24	Department Operating Cost				
	Roorkee Campus	330.00	218.75	330.00	500.00
	Saharanpur Campus	15.00	9.26	15.00	20.00

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	Greater Noida Campus	64.00	55.70	60.00	70.00
25	FIG	7.00	2.29	7.00	7.00
26	Assistantship/Fellowship/Merit-cum-Means				
	Roorkee Campus	200.00	161.64	200.00	220.00
	Saharanpur Campus	72.00	43.68	72.00	75.00
27	Computerization & Computer Support	8.00	5.53	8.00	10.00
28	Estate Maintenance				
	Roorkee Campus	670.00	570.87	670.00	700.00
	Saharanpur Campus	31.00	40.26	45.00	50.00
29	Electric Maintenance	150.00	133.24	150.00	165.00
30	Power & Fuel				
	Roorkee Campus	928.00	646.59	928.00	1020.00
	Saharanpur Campus	65.00	80.18	90.00	100.00
31	Property Tax	4.20	3.80	4.20	4.50
32	Repair & Maintenance of Equipment	2.50	3.50	4.00	4.40
33	Repair & Maintenance of Furniture	11.00	13.84	16.00	18.00
	Total of C	3437.30	2824.73	3647.40	4093.00

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Speed Post

कार्यालय प्रधान निदेशक लेखापरीक्षा (केन्द्रीय) लखनऊ, शाखा कार्यालय इलाहाबाद

सत्यनिष्ठा भवन 15 -ए दयानन्द मार्ग इलाहाबाद

पत्र संख्या: स्वा/नि०(केन्द्रीय)/पू.ले.प.-30/2013-14/159

दिनांक: 5.02.2014

सेवा में,

K
5.2.14

सचिव, भारत सरकार,
मानव संसाधन विकास मंत्रालय,
माध्यमिक उच्च शिक्षा विभाग,
शास्त्री भवन, नई दिल्ली - 110001

विषय: भारतीय प्रौद्योगिकी संस्थान रुड़की के वर्ष 2012-13 के लेखों पर आधारित पृथक लेखा परीक्षा प्रतिवेदन।

महोदय,

- मैं, भारतीय प्रौद्योगिकी संस्थान रुड़की के वर्ष 2012-13 के लेखों पर आधारित पृथक लेखापरीक्षा प्रतिवेदन (अंग्रेजी) तथा वार्षिक लेख की प्रति अग्रसारित कर रहा हूँ।
2. कृपया सुनिश्चित करें कि पृथक लेखापरीक्षा प्रतिवेदन एवं सम्बन्धित लेख संसद के दोनों सदनों के सम्मुख प्रस्तुत हुए।
 3. कृपया पृथक लेखापरीक्षा प्रतिवेदन एवं लेखों को संसद के दोनों सदनों के समक्ष अन्तिम रूप से प्रस्तुत करने की तिथि भारत के नियंत्रक एवं महालेखापरीक्षक के साथ-साथ इस कार्यालय को भी सूचित करने का कष्ट करें।

संलग्नक: उपरोक्तानुसार।

भवदीय,

प्रधान निदेशक लेखापरीक्षा (केन्द्रीय)
पत्र संख्या स्वा.नि.(के)/पू.ले.प.-30/2013-14/159 दिनांक: 5.02.2014

वर्ष 2012-13 के लेखों पर पृथक लेखापरीक्षा प्रतिवेदन (अंग्रेजी) की प्रति निदेशक, भारतीय प्रौद्योगिकी संस्थान रुड़की 247 667 को आवश्यक कार्यवाही हेतु प्रेषित है। संस्थान यदि आवश्यकता अनुभव करे तो इस प्रतिवेदन का हिन्दी अनुवाद करवा सकता है परन्तु इस प्रतिवेदन के हिन्दी अनुवाद में निम्नलिखित अस्वीकरण (disclaimer) अंकित होना चाहिए: "प्रस्तुत प्रतिवेदन मूलरूप से अंग्रेजी में लिखित पृथक लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद है। यदि इसमें कोई विसंगति परिलक्षित होती है तो अंग्रेजी में लिखित प्रतिवेदन मान्य होगा।"

हिन्दी अनुवाद की एक प्रति इस कार्यालय को भी प्रेषित करने का कष्ट करें।

संलग्न: उपरोक्तानुसार।

उप निदेशक लेखापरीक्षा (केन्द्रीय)

Separate Audit Report of the Comptroller & Auditor General of India on the accounts of Indian Institute of Technology, Roorkee for the year ended 31st March 2013.

We have audited the attached Balance Sheet of Indian Institute of Technology, Roorkee (Institute) as on 31st March 2013, the Income & Expenditure Account and Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 23 (2) of the Institute of Technology Act, 1961. These financial statements are the responsibility of the Institute's Management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms, etc. Audit observation on financial transaction with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Report/CAG's Audit Reports separately.

3. We have conducted our audit in accordance with auditing standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on test basis, evidences supporting the amounts and disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating overall presentation of financial statements. We believe that our audit provides a reasonable basis for our opinion.

4. Based on our audit, we report that:

i. We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.

ii. The Balance Sheet, Income and Expenditure Account and Receipts & Payments Account dealt with by this report have been drawn up in the format approved by the Ministry of Finance, Government of India.

iii. In our opinion, proper books of accounts and other relevant records have been maintained by IITR as required under section 23 (1) of the Institute of Technology Act 1961 in so far as it appears from our examination of such books.

iv. We further report that:

A. Balance Sheet.

(A.1) Additions during the year in building under schedule 4 A of the Balance Sheet has been shown for ₹ 207.054 lakh and depreciation against the same has been charged for ₹ 14.16 lakh @ 5 per cent. However, depreciation @ 5 per cent comes to ₹ 10.35 lakh. As such excess depreciation of ₹ 3.81 lakh has been charged. This resulted into understatement of Fixed Assets by ₹ 3.81 lakh and overstatement of depreciation by the same amount.

B. Grants-in-aid

The Institute received grants-in-aid of ₹ 313.98 crore (₹146.20 crore under plan and ₹167.78 crore under non-plan) during the year 2012-13. After taking the opening balance of ₹ 20.29 crore (₹ 10.27 crore under plan and ₹ 10.02 crore under non-plan) the Institute could utilize a sum of ₹ 300.48 crore (₹ 126.88 crore under plan and ₹ 173.60 crore under non-plan) leaving a balance of ₹ 33.79 crore (₹ 29.59 crore under plan and ₹ 4.20 crore under non-plan) as unutilized Grant as on 31st March 2013.

C. Management letter: Deficiencies which have^{not} been included in the Audit Report have been brought to the notice of the through a management letter issued separately for remedial/corrective action.


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v. Subject to our observation in the preceding paragraphs, we report that the Balance Sheet, Income & Expenditure Account and Receipts & Payments Account dealt with by this report are in agreement with the books of accounts.

vi. In our opinion and to the best of our information and according to the explanations given to us, the said financial statements read together with the Accounting Policies and Notes on Accounts, and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a true and fair view in conformity with accounting principles generally accepted in India.

a) In so far as it relates to the Balance Sheet, of the state of affairs of the Indian Institute of Technology, Roorkee as at 31st March 2013; and

b) In so far as it relates to Income & Expenditure Account of the deficit for the year ended on that date.

For and on behalf of the C&AG of India

Place: Lucknow

Date: 04/02/2014

Principal Director of Audit (Central)

O/c Sayan 13/2/14

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Annexure

1. Adequacy of Internal Audit System

Although the Institute has established its Internal Audit Wing, no internal audit was conducted. Besides, no Internal Audit Manual has been prepared.

2. Adequacy of Internal Control System

Internal Control Mechanism is put in place by the management in order to achieve organizations, objectives compliance with prescribed rules and regulations, efficiency and effectiveness of operation and sound financial reporting.

The Internal Control Mechanism of the Institute reflected deficiencies such as non-adjustment of advances and non-provision of labour cess in their work estimates.

3. System of physical verification of Fixed Assets

The Institute had not conducted physical verification of fixed assets during the year 2012-13.

4. System of physical verification of inventories

The physical verification of Inventory had not been conducted by the Institute during the year 2012-13.

5. Regularity in payment of statutory dues

The statutory dues are being paid regularly by the Institute.

S. Sankar
21/2/14
Dy. Director of Audit (Central)

0/L *Sankar*
3.2.14

[Signature]

31 MAR 2014

त्वरित डाक द्वारा

कार्यालय प्रधान निदेशक लेखापरीक्षा (केन्द्रीय) लखनऊ, शाखा कार्यालय इलाहाबाद

सत्यनिष्ठा भवन 15 -ए दयानन्द मार्ग इलाहाबाद

पत्रांक- स्वा.नि.(के.)/पू.ले.प.-30/2013-14/151

दिनांक- 5.02.2014

K-
5-2-14

सेवा में,

निदेशक,
भारतीय प्रौद्योगिकी संस्थान,
रूडकी 247667

विषय:- प्रबन्धन पत्र-लेखाकरण अभिलेखों/प्रणालियों/आन्तरिक नियन्त्रण/आदि में देखी गयी कमियों ।

महोदय,

वर्ष 2012-13 के लिए भारतीय प्रौद्योगिकी संस्थान, रूडकी के वार्षिक लेखाओं की लेखा परीक्षा के आधार पर पृथक लेखा परीक्षा प्रतिवेदन जारी किया जा रहा है । लेखा परीक्षा के दौरान कुछ कमियाँ देखी गई थी जिन्हें पृथक लेखा परीक्षा प्रतिवेदन में शामिल नहीं किया गया है । इन्हें सुधारात्मक और उपचारी कार्यवाही हेतु आप के सूचना में लाया जा रहा है ।

संलग्नक : प्रबन्धन पत्र

भवदीय,

S. Sandan
उपनिदेशक लेखापरीक्षा (केन्द्रीय)

सा
S. Sandan
3.2.14

Management Letter

A. Balance Sheet.

(A.1) ₹ 3.46 lakh has been taken in Common Facility head instead of Library Fees received from the students. Hence, Common Facility has been overstated by ₹ 3.46 lakh and Library Fee is understated by ₹ 3.46 lakh.

B. General

(B.1) The bifurcation of building as residential and non-residential was not shown in the Balance Sheet.

(B.2) Assets added during the year 2012-13 were not bifurcated on the basis of their use for less than or more than six months.

S. Sankar
Dy. Director of Audit (Central)

D/C *Sanyal*
3/2/14

d
31 MAR 2014

**ACTION TAKEN ON THE FINAL AUDIT REPORT
FOR THE F.Y. 2012-2013**



**INDIAN INSTITUTE OF TECHNOLOGY, ROORKEE
ROORKEE - 247 667**



31 MAR 2014




INDIAN INSTITUTE OF TECHNOLOGY, ROORKEE

ACTION TAKEN ON THE FINAL SEPARATE AUDIT REPORT ON THE ACCOUNTS OF THE INDIAN INSTITUTE OF TECHNOLOGY, ROORKEE FOR THE F. Y. 2012-2013

	Audit Observation	Action Taken
	Introductory	
1.	We have audited the attached Balance Sheet of Indian Institute of Technology, Roorkee (Institute) as on 31 st March 2013, the Income & Expenditure Account and Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 23 (2) of the Institute of Technology Act, 1961. These financial statements are the responsibility of the IITR's Management. Our responsibility is to express an opinion on these financial statements based on our audit.	This is only confirmation by Audit and no action is required
2.	This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms, etc. Audit observation on financial transaction with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Report/CAG's Audit Reports separately.	This is only confirmation by Audit and no action is required
3.	We have conducted our audit in accordance with auditing standards generally accepted in India. These standards require that we	This is only confirmation by Audit and no action is required


31 MAR 2014

	<p>plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on test basis, evidences supporting the amounts and disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating overall presentation of financial statements. We believe that our audit provides, a reasonable basis for our opinion.</p>	
4.	<p>Based on our audit, we report that:</p> <ol style="list-style-type: none"> We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit. The Balance Sheet, Income and Expenditure Account and Receipts & Payments Account dealt with by this report have been drawn up in the format approved by the Ministry of Finance, Government of India. In our opinion, proper books of accounts and other relevant records have been maintained by IITR as required under section 23 (1) of the Institute of Technology Act 1961 in so far as it appears from our examination of such books. We further report that: 	This is only confirmation by Audit and no action is required
A	<u>Balance Sheet</u>	
(A.1)	<p>Additions during the year in building under schedule 4 A of the Balance Sheet has shown for Rs. 207.054 lakh and depreciation against the same has been</p>	<p>Observation has been noted for future compliance and it will be shown separately in next financial year 2013-14.</p>


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	<p>charged for Rs. 14.16 lakh @ 5 percent. However, depreciation @ 5 percent comes to Rs. 10.35 lakh. As such excess depreciation of Rs. 3.81 lakh has been charged. This resulted into understatement of Fixed Assets by Rs. 3.81 lakh and overstatement of depreciation by the same amount.</p>	
B	<u>Grant in Aid</u>	
	<p>The Institute received grants-in-aid of 313.98 crore (Rs. 146.20 crore under plan and Rs. 167.78 crore under non-plan) during the year 2012-13. After taking the opening balance of Rs. 20.29 crore (Rs. 10.27 crore under plan and Rs. 10.02 crore under non-plan) the Institute could utilize a sum of Rs. 300.48 crore (Rs.126.88 crore under plan and Rs. 173.60 crore under non-plan) leaving a balance of Rs. 33.79 crore (Rs. 29.59 crore under plan and Rs. 4.20 crore under non-plan) as unutilized Grant as on 31st March 2013.</p>	<p>This is only confirmation by Audit and no action is required</p>
C	<u>Management letter</u>	
	<p>Deficiencies which have not been included in the Audit Report have been brought to the notice of the through a management letter issued separately for remedial/ corrective action.</p>	
	<p>v. Subject to our observation in the preceding paragraphs, we report that the Balance Sheet, Income & Expenditure Account and Receipts & Payments Accounts dealt with by this report are in agreement with the books of accounts.</p>	<p>This is only confirmation by Audit and no action is required</p>
	<p>vi. In our opinion and to the best of our information and according to the explanations given to us, the said</p>	

	<p>financial statements read together with the Accounting Policies and Notes on Accounts, and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a true and fair view in conformity with accounting principles generally accepted in India.</p> <p>a) In so far as it relates to the Balance Sheet, of the state of affairs of the Indian Institute of Technology, Roorkee as at 31st March 2013; and</p> <p>b) In so far as it relates to Income & Expenditure Account of the deficit for the year ended on that date.</p>	
	Annexure	
1	<p>Adequacy of Internal Audit System</p> <p>Although the Institute has established its Internal Audit Wing, no Internal Audit was conducted. Besides, no Internal Audit Manual has been prepared.</p>	<p>Regarding the observation pointed out for internal audit, it is submitted that all the points have been noted for future compliance.</p> <p>In this regard it is ensured that Internal Audit wing has been reconstituted and shall be led by an Internal Audit Officer equal to DR/AR with a team of Audit executives having rich experience.</p>
2	<p>Adequacy of Internal Control System</p> <p>Internal Control Mechanism is put in place by the management in order to achieve organizations, objectives compliance with prescribed rules and regulations, efficiency and effectiveness of operation and sound financial reporting.</p> <p>The Internal Control Mechanism of the Institute reflected deficiencies such as non-adjustment of advances and non-</p>	<p>Institute is having its proper Internal Control system keeping in view its transaction monetary and non monetary. Effort will be made to clear the pending advances.</p> <p>The labour cess has been paid by the construction company like NBCC/CPWD etc. Hence there is no requirement of provision in the</p>

	provision of labour cess in their work estimates.	balance sheet of the institute.
3	System of physical verification of Fixed Assets The Institute had not conducted physical verification of fixed assets during the year 2012-13.	Most of the department has conducted the physical verification on its own level and some in process.
4	System of physical verification of inventories The physical verification of Inventory had not been conducted by the Institute during the year 2012-13.	The institute does not have the inventory, Hence there is no requirement of physical verification.
5	Regularity in payment of statutory dues The statutory dues are being paid regularly by the Institute.	The statutory dues are being paid regularly and timely.
	Management Letter	
A.	Balance Sheet	
	(A.1) Rs. 3.46 lakh has been taken in Common Facility head instead of Library Fees received from the students. Hence, Common Facility has been overstated by Rs. 3.46 lakh and Library Fee is understated by Rs. 3.46 lakh.	Noted for future compliance.
B.	General	
	(B.1) The bifurcation of building as residential and non-residential was not shown in the Balance Sheet (B.2) Assets added during the year 2012-13 were not bifurcated on the basis of their use for less than or more than six months.	Noted for future compliance. Noted for future compliance.



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Appendix 'G'
Item No. BOG/42.1.18

सन्दर्भ
Reference

भा.प्रौ.सं./IITR/संख्या/No..... No. IITR/Security/FF/56 Dated: 07.02.2014

टिप्पणियाँ एवं आदेश
Notes and Order

SUB: BUDGET PROPOSAL-PLAN GRANT: F.Y. 2014-2015

Based on the fire survey report carried out by Ceasefire Industries Ltd. 2229 nos. of various types of fire extinguishers and 809 nos. of smoke detectors including GSM Dialer were recommended in various department of IIT Roorkee campus.

The budget proposed for the purchase of these fire-appliances is given below:-

Sl No.	Description	MRP/Unit	Qty	Amount
1.	Ceasefire Clean Agent FE 36-2kg	17010	421	7161210
2.	Ceasefire Clean Agent FE 36-4kg	29940	154	4610760
3.	Ceasefire CO2 Aluminium-2kg	10710	97	1038870
4.	Ceasefire CO2 Aluminium-4.5kg	15510	115	1783650
5.	Ceasefire Ceiling Mounted FE 36 Clean Agent-5kg	39810	10	398100
6.	Ceasefire Monnex Powder 4kg	15300	20	306000
7.	Metal Fire Extinguisher-Lite Metal (SPM Tec) - 4kg	11670	7	81690
8.	Ceasefire Hydro Pyroquell System (CHPS)-2ltr	16200	78	1263600
9.	Ceasefire Hydro Pyroquell System (CHPS)-3ltr	19410	30	582300
10.	CQRS - (FE-36 DLP) - 6kg	153300	7	1073100
11.	Ceasefire ABC Powder MAP90-6kg	7830	1280	10022400
12.	Ceiling Mounted (SP-Powder MAP90)-5kg	7830	7	54810
13.	Wireless Smoke Detection Panel	54000	35	1890000
14.	Wireless Smoke Detector	9330	682	6363060
15.	Wireless Repeater	12420	57	707940
16.	External GSM Dialer	28620	35	1001700
17.	Ceasefire Clean Agent HCFC 123-1kg	6270	1	6270
18.	Ceasefire Clean Agent HCFC 123-500gm	3300	2	6600
	Sub Total		3038	3,83,52060
	Add: Vat@13.5%			51,77528
	Total			4,35,29,588

A technical cum purchase committee has been formed for processing the purchase of above items vide No.DFP/DFA/284 dated 29.11.13

Submitted for your consideration and approval please.

Dean, Finance

Sandeep Singh
(Sandeep Singh)^{7th Feb 20}
Prof. in-charge Security

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31 MAR 2014

Approved for finance