F. No. 7-4/2019-TS.IV
Government of India
भारत सरकार
Ministry of Human Resource Development
मानव संसाधन विकास मंत्रालय
(Department of Higher Education)
उच्चतर शिक्षा विभाग

Shastri Bhawan, New Delhi - 110115
Dated 13th June, 2019

To

The Director, NITTTR- Chandigarh

Subject: Minutes of the 45th (Special) Board of Governors Meeting of NITTTR – Chandigarh held on 17.05.2019 - reg.

Sir,

I am directed to refer to above mentioned subject and to say that the minutes of 45th (special) BoG of Institute. W.r.t. disciplinary action does not give a detailed reasoned argument about the conclusion. The perusal of the case in details brings out that this minutes needs to be re-drafted.

2. In this connection, re-drafted minutes are confirmed and enclosed for taking further necessary action.

18/6/19

Yours faithfully,

Achint Kumar

(Achint Kumar)
Under Secretary to the Govt. of India

FIA
for needful pl to circulate among all members
17.6.2019

SO Board for n/a pl.
18/6/19.

ITEM NO.B.45.1: ITEMS FOR CONSIDERATION AND APPROVAL

ITEM NO. B.45.1.1 FRAMING OF CHARGES BASED ON THE INQUIRY REPORT SUBMITTED BY THE INQUIRY COMMITTEE IN CONNECTION WITH THE COMPLAINT AGAINST MS. KANIKA SHARMA, ASSISTANT PROFESSOR, NITTTR, CHANDIGARH - CENTRAL VIGILANCE COMMISSION INQUIRY

1. The complaint against Smt. Kanika Sharma was about her allegedly inappropriate selection against the advertisement issued in 2010 against which selection was made in 2011.

Smt. Kanika Sharma who was a faculty member since 2004 had earlier moved the court for quashing the advertisement of the post in 2008 which she was occupying. However, she made an application in 2010 when the vacancy was re-advertised. There were two committees involved in scrutiny thereafter–

i. **Initial scrutiny of applications** - Members were - Shri V K Sawhney (the then SO retired in 31.05.2011), Shri Surnider Singh (the then Assistant, now SO), Dr. R K Wats (Faculty Incharge Administration – now faculty) – The omissions here were –

   a. The applications was not routed through proper channel
   b. The applications money of Rs. 100/- was not submitted.

ii. **Academic scrutiny of applications** – Members were - Shri O S Khanna (the then Faculty now retired) & Dr. S Chatterji (the then Faculty now retired) – The omissions done by them were –

   a. The marks submitted in her application for B.E. and M.E. were higher by 1% and 2%. However, this did not affect her candidature

b. Of her five papers, two papers were accepted for presentation but not yet presented. However, the academic scrutiny committee allowed assessment of points for these two papers as well. If the points were not considered then she would not have been shortlisted.

It is further noted that pursuant to above, after getting an appointment letter she pleaded before the court that her seniority should be counted w.e.f. 2004 as she was working on that post since 2004. Court asked the BoG to take a decision on the request of Smt. Kanika Sharma. It was noted that Hon'ble Court's decision dated 13.9.2011 warranted the Board to take a decision on whether she should be considered for appointment with effect from 2004 and also her resultant benefit of seniority from 2004. Subsequent to notice of the Hon'ble Court dated 17.1.2012 and the contempt hearing issued on 24.4.2012, the Board decided vide its proceedings dated 8.5.2012 that Ms. Kanika Sharma be granted seniority from 2004. In the subsequent hearing on the contempt on 14.5.2012, the Counsel of NITTTR, Chandigarh informed that the delay in implementation of court decision dated 13.9.2011 was not intentional/deliberate and the delay was regretted.

Hence, her continuation as a faculty with seniority from 2004 is a product of judicial intervention and not the decision of group of faculties/functionaries of NITTTR, Chandigarh.

2. It can however be argued that had the initial scrutiny committee and the academic scrutiny committee done its scrutiny with due diligence, she would not have been shortlisted and hence the aspect of giving her seniority etc., would not have arisen. Hence, the roles of the two committees are now assessed:

The initial scrutiny committee - For an applicant who is working faculty member the aspect of not submission of Rs. 100/- application fee ought not to go against her because it is always possible to deduct Rs. 100/- from the salary of applicant rather than ab-initio rejecting the application. The aspect of not submission of application through proper channel is a non-sequester because the aspect of submission through proper channel is essentially to ensure that in the event of selection, the employer does not hold back the candidate. In this case she was already working and she was also allowed to take the interview. Hence, this point does not pass the muster of taking any punitive action for any alleged omission.

The academic scrutiny committee- Independent of whatever might have been the stipulation of the provisions of NIT, Raipur (which was adopted), if a paper has been accepted, the academic merit of the same has been acknowledged and therefore should be considered in the transition period till the presentation/publication is done. There are conferences/journals which take long time for the actual presentation/publication to take place. Hence, consideration of an academic output which has already been acknowledged ought not be held against a post where it is the academic acumen which is being assessed.

Independent of above both Shri Chatterji and Shri Khanna have retired in 2014 and 2015 respectively. Hence, as per CCS Pension Rules, for an event which happened in 2011 no disciplinary action can be taken against them.

3. The Board further noted that para 27(4) of the inquiry report also says that the Assistant, S.O. and the Senior Administrative Officer issued appointment letter to Ms. Kanika Sharma on 15.3.2005 not based upon the advertisement. These two persons, Shri KL Singla, the then Senior Admn. Officer and Shri S C Sharma, the then Assistant (and also officiating SO, Establishment Section) have

already retired in 2011 and 2009 respectively. Hence, for an event which took place in 2005 no disciplinary action can be taken.

The Board also deliberated on the aspect of whether Ms. Kanika Sharma's application should be investigated as the Inquiry Officer has concluded that it cannot to be said to be bonafide. It is brought out that the change in the number of candidates to be called for interview was increased from seven to fifteen. This was the decision of the then BoG. The enquiry has given a presumptive conclusion that this was done perhaps in order to favour Smt. Kanika Sharma. However, this revised parameter was applicable to all subsequent shortlisting & Smt. Kanika Sharma was one such shortlisted candidate. Hence, since the enquiry committee has not brought out any specific basis for this presumptive conclusion, this aspect need not be dealt further.

ITEM NO. B.45.1.2 APPROVAL OF SCREENING COMMITTEE FOR GROUP 'A' POSTS ADVERTISED THROUGH ADVERTISEMENT NO. 159/2019

The Board deliberated on the issue and advised the institute not to conduct interview for those posts where the written test is the criteria for selection. For such posts, merit list is to be prepared based on the performance in the written test. For Group-A posts, the Board advised the institute to avoid written test.