

Himachal Pradesh University
General Administration Branch
Shimla-171005

The IInd Emergent Meeting of the Executive Council of 2014 was held on 03-05-2014 at 03.00 P.M. in the Committee Room of the University under the Chairmanship of Professor A.D.N. Bajpai, Vice-Chancellor, H.P. University. The following were present:

1. Dr.S.S.Kaushal
2. Prof. D.C. Gautam
3. Sh. S.C. Sharma
4. Prof.S.C.Bhadwal
5. Ch. Waryam Singh Bains
6. Dr. Anurag Sharma
7. Prof. Mohan Jharta

Registrar
Member-Secretary

कुलपति महोदय का वक्तव्य

हिमाचल प्रदेश विश्वविद्यालय कार्यकारिणी परिषद् की वर्ष 2014 की दूसरी आपातकालीन बैठक में मैं आप सभी सम्माननीय सदस्यों का हार्दिक स्वागत एवं अभिनन्दन करता हूँ।

कार्यकारिणी परिषद् के सदस्य रहे आचार्य एस.के.शर्मा व आचार्य के.पी.ठाकुर का विशेष रूप से आभार व्यक्त करता हूँ जिन्होंने निर्णय लेने में अपना बहुमूल्य योगदान दिया। नए सदस्य के रूप में आचार्य एस.सी.भडवाल व डॉ. अनुराग शर्मा का स्वागत करता हूँ।

यह आपातकालीन बैठक इसलिए बुलाई गई है ताकि उच्च न्यायालय द्वारा कृषि-अर्थ शोध संस्थान के सेवानिवृत्त कर्मचारियों को पेन्शन सम्बन्धी दिए गए आदेश पर निर्णय लिया जा सके।

इस अवधि के दौरान विश्वविद्यालय में निम्नलिखित कार्यक्रम, बैठकें, संगोष्ठियां और कार्यशालाएँ आयोजित की गईं:-

- दिनांक 02.03.2014 को महात्मा ज्योतिबाफुल्ले रुहेलखण्ड विश्वविद्यालय, बरेली से सम्बद्ध स्वामी शुकदेवानन्द स्नातकोत्तर महाविद्यालय, शाहजांहपुर,

में आयोजित की गई राष्ट्रीय संगोष्ठी में विश्वविद्यालय की ओर से व्याख्यान दिया।

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- दिनांक 03.03.2014 को विश्वविद्यालय में दृश्य कला विभाग, दृश्य कला क्लब एवं ललित कला अकादमी नई दिल्ली के संयुक्त तत्वावधान में 2 दिवसीय कला व्याख्यान में कार्यक्रम की अध्यक्षता की।
- दिनांक 03.03.2014 को ही अकादमिक स्टाफ कॉलेज में शोध प्रक्रिया पर आरम्भ हुए पुनःश्चर्या पाठ्यक्रम का शुभारम्भ किया।
- दिनांक 05.03.2014 को राजकीय सनातकोत्तर महाविद्यालय नाहन के वार्षिक पारितोषिक वितरण समारोह में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 09.03.2014 को भाभा परमाणु अध्ययन केन्द्र मुम्बई द्वारा परवानु (सोलन) में आयोजित संगोष्ठी में उपस्थित हुआ।
- दिनांक 10.03.2014 को राजकीय महाविद्यालय संजौली के वार्षिक पारितोषिक वितरण समारोह में मुख्य अतिथि के रूप में उपस्थित हुआ।
- दिनांक 10.03.2014 को ही विश्वविद्यालय आन्तरिक गुणवत्ता विश्वसनीयता प्रकोष्ठ की बैठक आयोजित की गई।
- दिनांक 11.3.2014 को राजकीय कन्या महाविद्यालय लक्कड़ बाजार शिमला के वार्षिक पारितोषिक वितरण समारोह में मुख्य अतिथि के रूप में उपस्थित हुआ।
- दिनांक 14.03.2014 को वी.एन.एस. बिजनेस स्कूल, भोपाल में अन्तर्राष्ट्रीय संगोष्ठी के दौरान बैंकिंग क्षेत्र एवं इन्श्योरेन्स क्षेत्र में नई चुनौतियों के विषय में विश्वविद्यालय की ओर से व्याख्यान दिया।

- दिनांक 19.03.2014 को विश्वविद्यालय का 21वां दीक्षांत समारोह आयोजित किया गया, जिसके मुख्य अतिथि तिब्बती धर्मगुरु परम पावन दलाई लामा थे।
- दिनांक 20.03.2014 को दंत महाविद्यालय सुन्दरनगर के वार्षिक पारितोषिक वितरण समारोह में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 21.03.2014 को प्रतिभा सपन्दन शिमला व संगीत विभाग के संयुक्त तत्वावधान में संस्थागत शिक्षण प्रणाली का अवलोकन: वर्तमान परिपेक्ष में दो दिवसीय राष्ट्रीय संगोष्ठी में उपस्थित हुआ।
- दिनांक 22.03.2014 को राजकीय संस्कृत महाविद्यालय, सोलन के वार्षिक पारितोषिक वितरण समारोह में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 24.03.2014 को विश्वविद्यालय के ऑस्ट्रेलिया और न्यूजीलैंड अध्ययन केन्द्र द्वारा आयोजित किए गए परिसंवाद की अध्यक्षता की।

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- दिनांक 24.03.2014 को ही विश्वविद्यालय में सम्पूर्ण सौन्दर्य पाठयक्रम आरम्भ करने के लिए बैठक आयोजित की।
- दिनांक 26.03.2014 को विश्वविद्यालय गणित विभाग द्वारा दो दिवसीय राष्ट्रीय संगोष्ठी के उद्घाटन अवसर पर मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 26.03.2014 को ही पत्रकारिता एवं जन संचार विभाग द्वारा आयोजित की गई दो दिवसीय संगोष्ठी का शुभारम्भ किया।
- दिनांक 27.03.2014 को विश्वविद्यालय सभागार में विश्व थियेटर दिवस के अवसर पर आकाशवाणी शिमला द्वारा आयोजित किए गए कार्यक्रम की अध्यक्षता की।

- दिनांक 28.03.2014 को विश्वविद्यालय के कनाडा अध्ययन केन्द्र द्वारा आयोजित दो दिवसीय संगोष्ठी में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 28.03.2014 को ही विश्वविद्यालय के बिजनेस स्कूल में एम.बी.ए. द्वारा आयोजित संगोष्ठी की अध्यक्षता की।
- दिनांक 29.03.2014 को नई दिल्ली स्थित श्री लाल बहादुर शास्त्री राष्ट्रीय संस्कृत विश्वविद्यालय में ज्योतिष विभाग द्वारा आयोजित संगोष्ठी में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 31.03.2014 को विश्वविद्यालय के ऑस्ट्रेलिया और न्यूजीलैंड अध्ययन केन्द्र द्वारा आयोजित एक दिवसीय संगोष्ठी की अध्यक्षता की।
- दिनांक 01.04.2014 को कुरुक्षेत्र विश्वविद्यालय, कुरुक्षेत्र से सम्बद्ध यमुनानगर के मुकन्द लाल राष्ट्रीय महाविद्यालय में मुख्य अतिथि के रूप में दीक्षांत उद्बोधन दिया।
- दिनांक 04.04.2014 को इन्दिरा गांधी आयुर्विज्ञान महाविद्यालय, शिमला में 31वें शल्य चिकित्सा सम्मेलन में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 05.04.2014 को राजकीय महाविद्यालय, घुमारवीं में भारत वर्ष में भोजन सुरक्षा विषय पर आयोजित राष्ट्रीय संगोष्ठी में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 11.04.2014 को भारतीय रिजर्व बैंक के क्षेत्रीय निदेशक श्री आई.एस. नेगी के साथ विश्वविद्यालय में विचार-विमर्श किया।
- दिनांक 15.04.2014 को अकादमिक स्टाफ कॉलेज में वाणिज्य विभाग द्वारा आयोजित उन्मुखी कार्यक्रम की अध्यक्षता की।

- दिनांक 16.04.2014 को राजकीय महाविद्यालय, संजौली में इन्दिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय, नई दिल्ली के दीक्षांत समारोह में मुख्य अतिथि के रूप में शामिल हुए।
- दिनांक 19.04.2014 को हिमाचल प्रदेश के पहले राष्ट्रीय शिक्षा सम्मान व पुरस्कार वितरित किए गए। इस कार्यक्रम में मुख्य अतिथि के रूप में अध्यक्षता की।
- दिनांक 21.04.2014 को राजकीय शिक्षा महाविद्यालय, धर्मशाला में उच्च शिक्षा के क्षेत्र में सुधार विषय पर आधारित संगोष्ठी में उपस्थित हुआ।
- दिनांक 24.04.2014 को इंग्लैण्ड की बाथस्पा विश्वविद्यालय के साथ शैक्षणिक आदान-प्रदान के लिए विचार विमर्श किया गया।
- दिनांक 26.04.2014 को अकादमिक स्टाफ कॉलेज में सम्पन्न हुए उन्मुखी कार्यक्रम के समापन समारोह की अध्यक्षता की।
- दिनांक 27.04.2014 को ही गयेटी थियेटर में मनोहर सिंह समृति नाट्य समारोह में भाग लिया।
- दिनांक 27.04.2014 को एस.आर.ग्रुप संस्थान, झांसी के पहले दीक्षांत समारोह में सम्माननीय अतिथि के रूप में शामिल हुए।
- दिनांक 28.04.2014 को अकादमिक स्टाफ कॉलेज में आरम्भ हुए पुनश्चर्या कार्यक्रम की अध्यक्षता की।
- दिनांक 28.04.2014 को विश्वविद्यालय में कन्या छात्रावास परिसर में गार्गी कन्या छात्रावास के वार्षिक कार्यक्रम की अध्यक्षता की।
- दिनांक 29.04.2014 को विश्वविद्यालय के सांध्यकालीन अध्ययन केन्द्र द्वारा आयोजित एक दिवसीय संगोष्ठी का शुभारम्भ किया।

- दिनांक 29.04.2014 को विश्वविद्यालय में कन्या छात्रावास परिसर में चन्द्रभागा कन्या छात्रावास के वार्षिक कार्यक्रम की अध्यक्षता की।
- दिनांक 30.04.2014 को विश्वविद्यालय के कन्या छात्रावास परिसर में सरस्वती कन्या छात्रावास के वार्षिक कार्यक्रम की अध्यक्षता की।
- दिनांक 30.04.2014 को विश्वविद्यालय के महिला एवं विकास केन्द्र द्वारा चिकित्सा शिविर के अवसर पर मुख्य अतिथि के रूप में उपस्थित हुआ।

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- दिनांक 03.05.2014 को विश्वविद्यालय के शिक्षा और जीवनवृत्त विद्वता विभाग के संयुक्त तत्वावधान में स्थाई ग्रामीण विकास पर व्याख्यान दिया।

Now I request the Registrar to place the Agenda Item before the Executive Council for its consideration and decision.

Item No.1: To place before the Executive Council the orders passed by the Hon'ble High Court of H.P. at Shimla on 23rd April, 2014 in Execution Petition No.4020/2013 annexed as Annexure-1 for consideration and final decision as it may deem fit.

In pursuance to the orders passed by the Hon'ble High Court of H.P. in Execution Petition No.4020/2013 dated 23-04-2014, titled as '*Sita Ram Sharma Vs H.P. University through its Registrar, Summer Hill, Shimla-171005; & Union of India, Ministry of Agriculture, Through its Secretary, Krishi Bhawan, New Delhi*' the Executive Council took up the Agenda Item for its consideration along with relevant records and facts as mentioned below :

In the year 1998 a Memorandum of Understanding was signed between Government of India, Ministry of Agriculture, Department of Agriculture and Cooperation, New Delhi and the Himachal Pradesh University, Shimla-171005 with regard to merger of staff of Agro Economic Research Centre (AERC) with

Himachal Pradesh University, Shimla-171005 (copy of the Memorandum of Understanding is attached at **Annexure-A**). The main ground of merger of AERC with the H.P. University was the commitment of the Government of India that it will keep on releasing the Grant-in-Aid every year as is obvious from the clause (iii) of the Memorandum of Understanding. Despite the merger of the AERC with the H.P. University, it was enshrined in the clause (iii) of the Memorandum of Understanding that the University will keep a separate 'ACCOUNT' for the Centre and the periodical expenditure statement in the prescribed format will be furnished to the Ministry along with utilization certificate by 30th September every year.

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It is pertinent to mention here that at the time of signing the Memorandum of Understanding there were two schemes operative in the University i.e. General Provident Fund (GPF) and Contributory Provident Fund (CPF) and the employees of the AERC had the option to opt either of the two. At the time of signing this Memorandum of Understanding, the employees of the AERC were enjoying CPF only as no other option was given to them by its Funding Agency (Department of Agriculture & Cooperation, Ministry of Agriculture, Government of India). The clause (ix) of the Memorandum of Understanding spelt out that the staff of the AERC would be considered at par with the regular employees of the University for all the privileges and benefits enjoyed by the regular staff of the University i.e. Pension; Gratuity; and Provident Fund, etc. Thus, at the time merger, the employees of the AERC were in the scheme of 'Contributory Provident Fund' instead of the 'General Provident Fund'.

At the time of retirement, Shri Devi Dutt Sharma, Senior Assistant in the Agro Economic Research Centre was paid the retiral benefits under 'CPF' scheme. Shri Devi Dutt Sharma did not agree to it and approached the Hon'ble High Court by filing the CWP No.1033/2008 titled as '*Devi Dutt Sharma and Others Versus H.P. University through its Registrar; Union of India through*

Ministry of Agriculture, Department of Agriculture & Cooperation, New Delhi and State of Himachal Pradesh through its Secretary of Education to the Govt. of H.P., Shimla-171002 and the Hon'ble High Court of H.P. observed as under :

- i) It is declared that the Agro-Economic Research Centre, Shimla has integrated with the respondent University on the basis of Memorandum of Understanding with effect from 01-04-1995 for all intents and purposes;
- ii) The employees of the Agro Economic Research Centre are to be treated at par with the employees of the respondent-University for the release of all service benefits including pensionary/ retiral benefits, etc.
- iii) Respondent-University is directed to prepare a common seniority list of the employees of the Agro Economic Research Centre with the employees of the University to enable them to get pay scales and to earn promotions etc.
- iv) Respondent No.3 (i.e. the Union of India, through Ministry of Agriculture, Krishi Bhawan, New Delhi through its Secretary) is directed to keep on releasing the grant-in-aid to the Agro Economic Research Centre towards payment of salary, including pensionary/ retiral benefits, etc.

As per the judgment of the Hon'ble High Court, H.P. University was directed to release all service benefits including pensionary/ retiral benefits to the petitioners, but at the same time, the Hon'ble Court also directed the Respondent No.3 the Secretary, Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi to keep on releasing the Grant-in-Aid to the Agro Economic Research Centre towards payment of salary including pensionary/ retiral benefits.

Pursuant to the said judgment, the University requested the Government

of India alongwith the copy of judgment on 25-05-2011 for its implementation. The directions passed in the ibid judgment in so far it relates to merger has been implemented by the University vide notification No.3-35/94-HPU (Genl.) Vol-VI dated 08-08-2011 (copy enclosed at **Annexure-B**).

The Ministry of Agriculture, Department of Agriculture & Cooperation, Government of India communicated to the Himachal Pradesh University vide its letter No.16-2/2010-RSC-ES dated 08th December, 2011 (placed as **Annexure-C**) that it would continue to provide Grants-in-Aid to the University towards the payment of salary, allowances, gratuity and contributory provident fund towards the retiral benefits of the employees of A.E.R.C., H.P. University, Boileauganj, Shimla-171005, but not the pensionary benefits. The H.P. University was accordingly asked to amend the condition no.4 of the notification No.3-35/94-HPU(Genl.)Vol-VI dated 08th August, 2011 (already placed above as **Annexure-B**) which provided for payment of pension to the employees of the A.E.R.C.

Vide D.O. letter No.4-2/2012-RSC-ES dated 30-04-2013 (copy placed at **Annexure-D**) issued by the Principal Adviser (Shri S.Bhawani, IES) Department of Agriculture & Cooperation, Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi-110114 deviated absolutely from its decision as enshrined in the Memorandum of Understanding by stating that the Ministry would continue to

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provide the Grant-in-Aid to Agro Economic Research Centre on the present basis for another four (4) years i.e. till the terminal year of the 12th Plan (2016-17) and thereafter, the result of the evaluation studies would be awarded by that Department (i.e. the Ministry of Agriculture, Deptt. of Agri.& Coop.) on competitive bidding basis in which the AERC can also compete with other Institutions/ Organizations. By the end of 2016-17, the University/ Institute will have to make arrangement for the complete (financial, administrative and functional) absorption/ integration of the staff of AERC within the University setup. According to letter placed at **Annexure-D** above, the Department of

Agriculture and Cooperation will not bear salary, allowances and office expenses on account of the Agro Economic Research Centre from the financial year 2017-18.

Vide letter F.No.1-4/2000-RSC-ES dated 13-11-2013 (copy placed at **Annexure-E**) of the Deputy Economic Advisor (Sh. Nagender Jatav) the following have been communicated to the Registrar, H.P. University:

- [i) Continue to cover the cost of employer's contribution towards CPF or the cost of employer's contribution under NPS.
 - ii) Cover employer's contribution towards gratuity.
 - iii) However, Department of Expenditure has not concurred with the proposal for payment of pension to AERC employees.
2. Before the New Pension Scheme (NPS) in lieu of Contributory Provident Fund (CPF) is implemented in AER Centres/ Units from the date the New Pension Scheme is operational in the respective Universities/ Institutes to which the AERCs/ Us are integrated with for employees who joined the AER Centres/ Units on regular basis on or after 01-01-2004, the financial implication may please be worked out- *“What is the outgo on account of CPF and what it would be on account of the NPS since the NPS is operational in the University/ Institute for employees who joined on or after 01-01-2004”*.

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3. It is further clarified that Department of Agriculture & Cooperation would provide the grants-in-aid, including the cost of employer's contribution towards CPF or NPS if approved, and gratuity, to AER Centres/ Units till 2016-17, i.e. the terminal year of the 12th Five Year Plan. Thereafter,

this Department would not bear any cost on account of the AER Centre/ Units. Within this period AER Centres/ Units have to be completely absorbed/ integrated within the University/ Institute concerned.]

Vide letter No./2000-RSC-ES dated 30-09-2008 (copy placed at **Annexure-F**) of the Additional Economic Adviser (Sh. P.C.Bodh), the Government of India, Ministry of Agriculture had informed the President, Agro Economic Research Employees Association, H.P. University, Summer Hill, Shimla-171005 with a copy to Dr. Ranveer Singh, Officer-in-Charge, Agro Economic Research Centre, H.P. University that the Division Bench of Allahabad High Court vide their order dated 15-07-2008 in Special Appeal No.100/2003 between Union of India & Smt. Pratibha Bose & others, have held that the employees of AERC are not entitled for pension.

Vide letter F.No.16-1/2013-RSC-ES dated 09-12-2013 (copy placed at **Annexure-G**) The Deputy Economic Adviser (Sh. Nagender Jatav), Government of India, Ministry of Agriculture, Department of Agriculture & Cooperation, Directorate of Economics & Statistics (A.E.R. Division), Room No.119, F-Wing, Shastri Bhawan, New Delhi-1 informed that if the University pay pension to the employees of the AERC, it may be done at their own cost and without any liability on the Ministry of Agriculture, GOI and in its subsequent letter F.No.16-1/2013-RSC-ES (Part) dated 10-01-2014 (copy placed as **Annexure-H**) informed that the Department has filed SLP in the Hon'ble Supreme Court of India on the issue of payment of pension to the employees of the AERC.

Vide letter F.No.16-1/2013-RSC-ES dated 06-02-2014 (copy placed at **Annexure-I**) of the Deputy Economic Adviser (Shri Nagender Jatav), Government of India, Ministry of Agriculture, Department of Agriculture & Cooperation, Directorate of Economics & Statistics (A.E.R. Division) the Ministry has re-iterated its earlier decision.

In addition to the position stated above, the budgetary position of the University for the financial year 2014-15 is as under :

Grant in Aid from H.P. State Government	69,00,00,000
University Domestic Receipts	38,00,00,000
Total Receipt	1,07,00,00,000
Expenditure	1,29,42,60,000
Deficit :2014-2015	22,42,60,000

The University had also requested the State Government to provide additional grant amounting to Rs.28.00 Crore to meet out the deficit in the University Budget which has been refused by the State Government (copy placed as **Annexure-J & K**).

The Executive Council after a good deal of deliberation unanimously resolved that in view of the circumstances explained above, the payment of pension and other retiral benefits to the employees of the AERC, Shimla-5 will depend on the funds to be provided by the Government of India, Ministry of Agriculture as committed in the Memorandum of Understanding and as per the directions of the Hon'ble High Court of H.P. The Funding Agency i.e. the Ministry of Agriculture, Government of India or the State Government should come forward to bear the financial liability to be incurred on salary, pension and retiral benefits to its employees as the H.P. University is totally dependent on the Government for the same. A letter was written vide No.3-35/94-HPU(Genl.) Vol-VI-1416 dated 12-06-2009 (**Annexure -L**) to the Principal Secretary, Higher Education to the Government of Himachal Pradesh, Shimla-171002 by the Registrar, H.P. University with regard to the pensionary benefits to the employees of the AERC., Shimla-171005 as per Memorandum of Understanding, but the Government of Himachal Pradesh, Shimla-171002 (Department of Higher Education) vide its letter No. EDN-A-Chha (7)-4/2005 dated 03-08-2009 did not concur to the proposal (**Annexure-M**).

However, as per the latest direction of the Hon'ble High Court of H.P. in the instant case, the H.P. University has again made a request to the Government of Himachal Pradesh vide letter No.3-35/94-HPU (Genl.) Vol-

VIII-1005 dated 02-05-2014 to consider the matter sympathetically and release the Grant-in-Aid to meet out the expenditure to be incurred on payment of pension to retirees of the

Agro Economic Research Centre, Shimla-171005 (**Annexure-N**). Since the H.P. University is not flouting the orders intentionally, the various aspects of the matter be placed before the Hon'ble Court within stipulated period.

Further, the Hon'ble High Court of H.P. may also be requested to stay the operation of its orders dated 23-04-2014 in Execution Petition No.4020/2013 till the disposal of the S.L.P. No. 19-20/2014 in the Hon'ble Supreme Court of India, New Delhi, on the issue of payment of pensionary benefits to the employees of Agro Economic Research Centres (AERCs.).

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

(Prof. Mohan Jharta)
Registrar

Confirmed

(Prof. A.D.N. Bajpai)
Vice-Chancellor