

**Minutes of 9th Central Executive Body (CEB) meeting of AINOA
held on 31st August 2015.**

The 9th Central Executive Body meeting of AINOA was held on 31st August 2015 at 1.00 PM in the Office of the President, AINOA. The status of attendance is indicated below:

Participants:

1. Dr. B. N. Shetty, President, AINOA	Present
2. Dr. V.S. Rana, Vice-President	Present
3. Ms. Rachna Srivastava, General Secretary	Present
4. Dr. S. P. Kulshrestha, Joint Secretary (VC)	Present
5. Mr. U K Jena, National Treasurer,	Present
6. Ms. Rama Nangpal, Executive member	Absent
7. Dr. Jagannath Dass, Executive Member	Present
8. Mr. Iqbal Hasan, Executive Member	Absent
9. Mr. N.S. Arneja, Executive Member (Phone)	Present
10. Ms. Alka Mishra, Executive Member	Present
11. Mr. Ashok Kumar, Executive member	Present
12. Mr. Prashant Kumar Mittal, Executive Member	Absent
13. Mr. Neeraj Goel, Executive Member (VC)	Present
14. Dr. B. V. N. S. PrakasaRao, Executive Member (VC)	Present
15. Mr. R. Rajendra Kumar, Executive Member (VC)	Present
16. Dr. Jagannath Mishra, Executive Member	Present
17. Mr Achintya Kumar De, Executive Member (VC)	Absent
18. Mr. NK Prasad, Executive Member	Present
19. Mr. D. P. Misra, Executive Member	Present
20. Mr. Krishna Mohan, Executive Member	Absent
21. Mr. Anil Kumar Gupta, Executive Member	Absent
22. Mr. Vikas Dixit, Executive Member	Absent

The meeting started with the welcome address by President, AINOA and subsequently following agenda points were discussed:

(1) Briefing on status of different issues of NIC

It was apprised that two meetings were held on 6th July 2015 and 20th July 2015 with DG (NIC) in the presence of DDG (Admn & Pers), President, AINOA and other members where various issues concerning NIC S&T Officers were discussed in detail. In the sequence, the 3rd Review meeting with DG(NIC) which was due on 3rd August 2015 could not be held due to unavoidable reasons. In these meetings, issues related to commencement of Review/ Promotions of Group 'A' S&T Officers, Antedating of in-situ promotions of similarly situated persons, Inclusion of qualifications/ subjects in the MFCS, MACP to deserving officers, Anomaly in Grade pay of STA 'B' and SO/Engineer 'SB' were raised and ways and means for the solutions were also discussed. DG(NIC) instructed all concerned for the prompt actions and set a timeline to solve the aforesaid issues. In view of above meetings and set timelines, AINOA had maintained strict vigilance on various developments but AINOA felt that nothing concrete has come as yet on any front.

B. N. Shetty
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S. P. Rana

(2) Next Course of action to expedite Promotion and Antedating Issues

(a) Antedating of in-situ promotions

As per the CAT order, the antedating of in-situ promotions for all similarly situated S&T Officers expected compliance by NIC on or before **18th June 2015**. But, it couldn't be executed till date. Hence, non-compliance of CAT order opens a strong base to file a contempt case against the respondent. Towards this, AINOA has already talked to concerned lawyer for filing the case of contempt. AINOA strongly felt that such inordinate delay in compliance of CAT order adversely affecting the career prospects of S&T Officers and also their long pending promotions as well. Hence, unanimously it was decided to file case of Contempt against person(s) responsible for executing the order. It was also decided that Rs.200/- (Two Hundred only) will be collected from each of the 2576 beneficiaries to meet the expenses of Lawyer fees and other court expenses for the original Antedating CAT Case dated 25th May 2015 as well as the proposed Contempt Case. The fees will be collected by State Secretary/ Treasurer and the consolidated amount will be transferred to AINOA Central A/C along with list of members paid. Retired members who are beneficiaries of Antedating case can directly transfer to AINOA A/c or give cheque in favour of "ALL INDIA NIC S&T OFFICER'S ASSOCIATION". Members of Delhi/(NICHq) can pay Rs200/- either by cash or Cheque or transfer online. Members must mention their Name, Emp Code, Mobile No. in transaction. It is also decided that those who have already paid Rs. 1000/- earlier for antedating, they need not pay any amount further. The aforesaid amount of Rs. 200/- will be adjusted.

Further, it was decided in the meeting that a letter from AINOA should immediately be sent to DG(NIC), Secretary(Deity) and Secretary(DOPT) regarding granting antedated consequential subsequent in-situ promotion from the date reaching date of eligibility, based on only screening of respective minimum residency period of ACRs/ APARs as per the latest promotion guidelines of FCS in subsequence to decisions of Orissa High Court in favour of Dr.(Mrs.) Manjurani Routray, to the NIC applicants of CAT Case of O.A. No.1809/2013 and O.A. 1936/2015. Based on this letter issued, AINOA will file the case in CAT in a later date for implementation of antedated promotion issues.

(b) Promotions of S&T Officers pending w.e.f from 01.01.2011

It is a matter of deep concern that in-situ promotion of Group 'A' S&T Officers are pending from 01.01.2011 without any reason. FCS/ MFCS mandate timely assessment of eligible S&T Officers i.e. before the crucial dates of 1st January and 1st July of each year affecting their in-situ promotions.

In this regard DoPT Office Memorandum No. AB-14017/36/2011-Estt(RR) dated 21.09.2012 on Flexible Complementing Scheme for Scientists in Scientific and Technological Departments - date of effect of promotions is

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available where it is clearly mentioned: "Giving the benefit of promotions from a retrospective date or from the date of completion of residency period without timely assessment as prescribed in our guidelines would dilute the spirit of FCS instructions on rigorous assessment and would be akin to granting of financial upgradation as in other such schemes."

In this context, it is very clear that the pending in-situ promotions of Group 'A' S&T Officers due from 01.01.2011 upto 01.07.2015 will fall under the category of Antedating in-situ promotions only as the eligible S&T Officers were not assessed as per the FCS/ MFCS guideline of timely assessment. It was also pointed out that in case of antedating; CAT/Court order dated 27/05/2015 has a clear direction as "The situation would be akin to granting of a selection scale to a person and the date of eligibility would be the date wherefrom the benefits are to be accorded" i.e. to antedate the date of in-situ promotions to the due date of eligibility with consequential financial benefits due to delayed assessment. Hence the order has to be implemented uniformly to all above eligible cases upto 01.07.2015 after examining the ACR/ APAR grading of individuals concerned on the due date of eligibility without interview, as interview has no relevance when it didn't take place in time.

With above contentions based on the available FCS/ MFCS Guidelines, CAT Order on Antedating and DoPT OM, it was decided to file a case on behalf of AINOA. **Shri Ashok Kumar**, EB member volunteered himself to take the lead role in this regard. Since, it concerns to all members of the Association, the expenses for the Court/ CAT case will be borne by the Association.

(c) Intervention to the Dr. (Mrs) Manjurani Routray case Vs. Union of India and others

It was also decided in 8th CEB, AINOA meeting held on 28th July 2015 that AINOA will intervene to uphold the Judgment of High Court of Orissa in Dr. (Mrs.) Manjurani Routray Vs. Union of India and Others which is pending before the Apex Court in SLP. Orissa High Court in the landmark judgment justified that FCS promotions should not be purely on the basis of 100% marks in interview, rather it should be proportionally sum total of the ACR Grading as well as marks of interview. Dismissal of SLP pending at the Apex Court will certainly benefit one and all being dropped in the Interview. The expenses for the Court Case pertaining to Dr. (Mrs.) Manjurani Routray case will also be borne by AINOA. In principle, it was agreed upon that AINOA will contribute 3 lacs towards the court expenses.

(3) Resignation of Joint Secretary, CEB, AINOA and other EB member

The matter related to resignation of Joint Secretary, CEB, AINOA and other EB member was discussed. The reasons mentioned in the resignation letter of Joint Secretary, AINOA and other EB member do not suffice for acceptance of their resignation. Hence, it was unanimously decided that Joint Secretary (CEB), AINOA and other EB members, who tendered resignation will continue

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to execute their responsibilities. It was further suggested that Joint Secretary, AINOA has to play vital and prominent role in coordinating the CEB meetings. Further, it was decided that henceforth Joint Secretary (CEB), AINOA will convene regular CEB meetings, draft the Agenda points for the meetings, circulate the meeting notice to all CEB members and subsequently draft the Minutes of Meeting (MoM) for its approval.

(4) General Body Meeting of AINOA

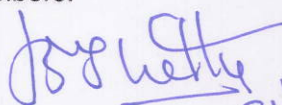
General Body Meeting (GBM), AINOA is pending for quite some time. The commencement of GBM, AINOA was discussed. It was suggested that initially meetings of respective State Executive Body (SEB), AINOA should be encouraged. It is also suggested that CEB meeting should be held regularly on monthly basis. Respective SEBs should convene meetings at-least once in two months, thus there should be at least 6 SEB meetings per year. It is also suggested that CEB's meetings will also invite all the State Secretaries in the meetings once in two months. Minutes of Meeting (MoM) from all SEBs should reach to CEB members. The Joint Secretary (CEB), AINOA will extract the vital points from the respective SEBs' MoM to draft the agenda points for the forthcoming CEB meetings. This practice of conducting SEBs and CEB meetings on regular basis should continue @ CEB Meeting once in every month and SEB Meeting once in two months; we may take up the conduct of GBM, AINOA and decide the pertinent modalities to conduct GBM on regional or central basis.

It was also decided that SEB's may suggest mode/method of conducting the General Body Meeting (GBM), AINOA, after consulting their members.

(5) Status of "Financial Rules" and "Review of Bye-Laws"

It was reported that "Financial Rules" are at the final stage of consolidation and it will be circulated shortly to all AINOA members. Similarly, "Review of Bye-Laws" is also completed barring few small exercises which will be finished in a day or two and will be circulated to all.

The meeting ended with Vote of thanks to the Chair and to all the Executive Members.


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(Dr. BNShetty)
DDG & President, AINOA



(Dr. S. P. Kulshrestha)
Joint Secretary, AINOA

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