

**MINUTES OF THE NINTH MEETING OF THE SPECIAL CELL
HELD ON 13th APRIL, 2021 AT COMMITTEE ROOM OF
NIT UTTARAKHAND, SRINAGAR (GARHWAL)**

The following members were present:

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| 1. Dr. Hariharan Muthusamy, Dean (FW) | - | Ex-Officio Chairperson |
| 2. Dr. P. M. Kala, Registrar | - | Ex-Officio Member Secretary |
| 3. Mr. H. M. Azad, Dy. Registrar, HNBGU, Srinagar | - | External Member |
| 4. Dr. I. M. Nagpure, Asstt. Prof. (Gr-I) | - | Member |
| 5. Dr. Parveen Kumar, Liaison Officer (SC/ST/PWD/ESM) | - | Ex-Officio Member |
| 6. Dr. Abhimanyu Kumar, Liaison Officer (OBC/EWS) | - | Ex-Officio Member |
| 7. Dr. Vineeta Negi Panwar, Assistant Registrar (Estt.) | - | Ex-Officio Member |

At the outset Member Secretary, Special Cell welcomed the Chairperson and all the members, and requested Chairperson, Special Cell to preside over the meeting.

The Special Cell discussed the following agenda:

SC 09.01: To deliberate upon the complaint received from NCSC, Lucknow regarding Workplace Harassment, Neglect and Humiliation of Mr. Neeraj Kumar, Ex-Trainee Teacher, Department of Civil Engineering.

Institute has received a letter dated 02/03/2021 from Mr. Tarun Khanna, Assistant Director, National Commission for Schedules Castes (NCSC), Lucknow on the subject cited above.

Hence, the complaint letter along with case summary is placed alongside for information.

The Special Cell is requested to deliberate upon the issue.

Resolution: *The Special Cell deliberated upon the agenda item and examined the relevant documents and detailed deliberations regarding the complaint received from NCSC, Lucknow on Workplace Harassment, Neglect and Humiliation to Mr. Neeraj Kumar, Ex-Trainee Teacher, Department of Civil Engineering. The Special Cell unanimously deliberated and the observations are recorded as follows:*

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Particulars	Resolve of 8 th Special Cell	Review Committee Observation	Remarks
<p>1. In the matter of not Forwarding applicant's application for outside employment, letter stated-"The then Director, Late prof. Shyam Lal Soni has not approved his request for forwarding of application for outside employment without assigning any reasons. Moreover, Late prof. Shyam Lal Soni had approved the request of other Trainee Teachers during his tenure. It shows the discriminated and biasness in the attitude of Late Prof. Shyam Lal Soni towards Mr. Neeraj Kumar and try to obstruct his academic Career and betterment of future. Hence, it shows the discrimination to Mr. Neeraj Kumar."</p> <p>In the Matter of Applicant being "Pressurized and threatened with rebuking remarks and false allegations by the then Director, NIT Uttarakhand to withdraw the application without any written apology by the persons involved in the Act" and "Forced/Pressurized by then Director, NIT Uttarakhand to write undertaking Letter on 7th November, 2019 in order to get Relieving and Experience Certificate", Letter Stated- "Since, the matter is directly related with the competent Authority of the Institute and whatever the allegations raised by Mr. Neeraj Kumar must have been known to Prof. Shyam Lal Soni, the then Director, NIT Uttarakhand only. Unfortunately, Prof. Shyam Lal Soni, is no longer as he passed away due to COVID-19 on 27/11/2020 at AIIMS Rishikesh. However, Applicant have clearly</p>	<p>The Special Cell went through the forwarding applications of Mr. Neeraj Kumar and it is observed that Institute administration had timely processed/forwarded his application for outside employment as per the spirit of NIT Statutes. However, the then Director, Late Prof. Shyam Lal Soni has not approved his request for forwarding of application for outside employment without assigning any reasons. Moreover, Late Prof. Shyam Lal Soni had approved the request of other Trainee Teachers during his tenure. It shows the discriminated and biasness in the attitude of Late Prof. Shyam Lal Soni towards Mr. Neeraj Kumar and try to obstruct his academic career and betterment of future. Hence, it shows the discrimination to Mr. Neeraj Kumar.</p>	<p>The Special Cell discussed the matter and found that the decision of the Competent Authority (Late Prof. Shyam Lal Soni, Director NITUK) was as per provisions under Schedule-D of NIT Statutes 24(7) regarding application from temporary employee.</p> <p>The Special Cell has no authority to review or comment upon the decision taken by the then Competent Authority (Late Prof. Shyam Lal Soni, Director NITUK), at this stage.</p>	<p>As per Schedule-D of NIT Statutes 24(7), application from temporary employee who may have good prospects of being made permanent in due course should be dealt with own merits.</p>

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mentioned about being Pressurized and threatened to withdraw the application his Application attached as Annexure-X and Annexure-XIX respectively in his complaint dated 04th March 2020. Further, the fact that then Director, Prof. Shyam Lal Soni had not allowed his application to National Commission for Scheduled Castes (NCSC) and circumstantial Evidences clearly shows the discrimination and atrocity faced by Applicant. To add to this, NIT Uttarakhand authorities also accepted the discriminated and biasness in the attitude of Late Prof. Shyam Lal Soni towards applicant.

2. In the matter of Intentionally (financially) harassed for not sanctioning of LTC, Letter stated- "Delay Occurred due to Operationalization of two campuses". And the amount of delay was more than 170 days (almost 6 months). But this delay was applicable for applicant only. There were many staff who got their LTC Sanctioned during same time. Just for example, Mr. Muskan Mayank who was on same post as applicant i.e. Trainee Teacher, same satellite campus i.e. Jaipur, same department i.e. Department of Civil Engineering, got his LTC application sanctioned within 30 days. Although Article 15, Constitution of India grants equal treatment irrespective of religion, race, caste, sex, place of birth or any of them, but NIT Uttarakhand Authorities doesn't care about the same and discriminated the applicant. Instead of

LTC Application of Mr. Neeraj Kumar was received by Administration on 27 March 2019 after due recommendation of Head of Department, Civil. Administration processed the application well in time but it was delayed due to following administrative constraints.
Student agitation in Srinagar (Garhwal), the Ministry of Education had shifted the students to MNT Jaipur and created the Satellite Campus for NIT Uttarakhand. Since, the Institute headquarter was located at Srinagar (Garhwal) and the sitting of the Hon'ble Director and Registrar were at Satellite Campus, Jaipur, the movement of files were very lengthy from Headquarter to Satellite Campus and vice versa. Moreover, the posting of Mr. Neeraj was at Jaipur and due to this the LTC application of Mr. Neeraj got delayed. The Special Cell went through the complete applications and its sequencing and it is clearly noticed that the delay occurred due to operationalization of two campuses, moreover, not availability of Competent Authority in the Parent Campus, Srinagar. Hence, there was no such ill intention of the Institute for not sanctioning the LTC

Special Cell reviewed the matter and found that the allegation of Mr. Neeraj Kumar can't be sustained as if delay was on the part of NITUK then, Mr. Neeraj Kumar could have given the reminder for processing his matter regarding LTC as a special case. However, reason for delay has already been recorded by Special Cell in its 8th Meeting. Therefore, the Special Cell finds no ground regarding allegation of biasness by the administration or NIT authorities against Mr. Neeraj Kumar.

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<p>presenting the truth, NIT Uttarakhand authorities tried to Manipulate the situation as much as favorable to them.</p>	<p>of Mr. Neeraj Kumar. Moreover, he resigned from the Institute and his application was already infectious.</p>		
<p>3. In the matter of Non encashment of Earned Leave and non updation of Service Book, Letter stated-“ Institute had encased the Balance EL of Mr. Neeraj Kumar and transferred an amount of Rs.23,898/- to him vide Cheque no.206821 dated 20/04/2020.” It is requested to the competent authorities for clarification regarding delay of processing of ELs i.e 150 days.</p>	<p>Institute had encashed the balance EL of Mr. Neeraj Kumar and transferred an amount of Rs.23,898/- to him vide cheque no.206821 dated 20/04/2020.</p>	<p>As per rule for any claim, an individual have to submit a request letter. No request letter was received from Mr. Neeraj Kumar in this regard. However, payment regarding leave encashment has already been released as per cognizance of NCSC letter dated 24/09/2020.</p>	<p>*Additional point raised by Mr. Neeraj Kumar which is not part of his earlier letter.</p>
<p>4. * Further, Service Book is still yet to be updated despite email reminder. What right do NIT Uttarakhand Authorities have to withhold the service Book of Applicant.?</p>	<p style="text-align: center;">-</p>	<p>This is additional point claimed by Mr. Neeraj Kumar. The matter was reviewed by Special Cell and it was observed that as per NIT Regulations, the service book is maintained in two copies. Duplicate copy is issued to the individual and for updation of the record, individual has to submit the duplicate copy in establishment section in person.</p> <p>“As per Rule 288(3) of GFR, 2017, In January each year the Government servant shall handover his copy of the Service Book to his office for updation. The office shall update and return it to the Government Servant within thirty days</p>	

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		<p>of its receipt.”</p> <p>In the instant case, it was informed by administration / establishment section that the duplicate copy of Mr. Neeraj Kumar has not been received in Establishment Section for updation.</p> <p>Besides, this claim regarding withholding of service book can't be sustained because service book is maintained by the Office even in the case of resignation of the employees.</p>	
<p>5. In the matter of Complaint to CVO regarding misuse of Government Money for organizing a recreation trip (pleasure trip) on the name of Industrial Trip to Goa, Letter stated that Special Cell observed that the issue in not related to the discrimination of the complainant. However, Special Cell doesn't deny the unethical persuading on the applicant by the competent Authorities. Further, NIT Uttarakhand Authorities are not keen about disclosure of their investigation on this matter which is quite questionable and unreasonable.</p>	<p>Special Cell gone through the matter and it is observed that the issue not related to the discrimination of the complainant.</p>	<p>The allegation is not clear. If any irregularity was observed by Mr. Neeraj Kumar he could submit his point with supporting documents to the NIT authorities at that stage for further review and necessary action. However, Special Cell can't take any cognizance due to lack of supporting documents from the complainant regarding discrimination or biasness against him.</p>	

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6. In the Matter of Financially harassed by Institute Administration for unauthorized recovery, it's not only about February Salary Deduction stated in Reply Letter, but also unauthorized deduction made as mentioned in my formal complaint NITUK/CE/18/1184 dated 14th Nov 2018. The same is mentioned in complaint to NCSC but it is still unaddressed. The Question is how Institute can go against Judiciary Precedent laws i.e. Supreme Court of India and Rajasthan High Court Judgment which clearly mentions "the recovery is not permissible once benefit is extended by the administration if it not out of fraud or misrepresentation by the employee". Further, applicant is harassed financially by intentionally delaying and eventually not making any reimbursement (original note sheet initiated on 28th Aug 2018) for attending Conference- International Conference on Sustainable Materials and Construction (June 18-22 2018) which was priorly approved by competent authority (mentioned in Complaint). The Institute has not carried out any investigation proceeding in that matter too.

Due to student agitation in Srinagar (Garhwal), the Ministry of Education had shifted the students to MNIT Jaipur and created the Satellite Campus for NIT Uttarakhand. Accordingly, few employees were transferred to Jaipur w.e.f. 15.01.2019 including of Mr. Neeraj Kumar. Since, the HRA rate of Srinagar (10%) and Jaipur (20%) are different and due to haphazard situation in the month of January-2019, Institute had paid extra HRA to three Trainee Teachers including Mr. Neeraj Kumar. Subsequently, Institute had recovered the excess amount paid to all three Trainee Teachers as per following details in the month of February-2019:

1. Rohit Kumar, Trainee Teacher (Electrical) - Amount recovered (Rs.1083)
2. Himesh Kumar, Trainee Teacher (Electrical) - Amount recovered (Rs.1051)
3. Neeraj Kumar, Trainee Teacher (Civil) - Amount recovered (Rs.1051)

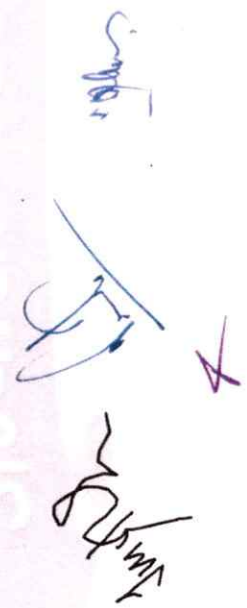
The above information is also shared with Mr. Neeraj Kumar through email on 20/05/2019.

On the basis of available records, it is observed by the Special Cell that the Recovery was applied to three Trainee Teachers also including Mr. Neeraj Kumar due to excess payment of HRA namely:

1. Rohit Kumar, Trainee Teacher (Electrical) - Amount recovered (Rs.1083)
2. Himesh Kumar, Trainee Teacher (Electrical) - Amount recovered (Rs.1051)
3. Neeraj Kumar, Trainee Teacher (Civil) - Amount recovered (Rs.1051)

Hence, no harassment is observed regarding the allegation made by Mr. Neeraj Kumar.

M. P. B. 



7. **In the matter of Ph.D Admission, it is worthy to mention there were no clear guidelines in Trainee Teacher Scheme regarding Switchover from M.Tech to Ph.D Program. Fact is Applicant has himself secured Admission in Ph.D Admission. It was not due to applicant disqualification for Switchover but poor implementation of Trainee Teacher Scheme by NIT Uttarakhand Authorities. Further, no leaves for Course work of 6 months for Ph.D were availed by applicant. Applicant will provide the necessary documents as needed for investigation.

In Matter other than above mentioned, NIT Uttarakhand has handed over investigation Special Cell of Institute itself. It is worthy to mention that Applicant has registered his initial complaints in the Special Cell and Since he was not satisfied with their proceeding, he requested the then Director, Prof. Shyam Lal Soni that his denied. Reason for applicant request regarding was obvious since Special Cell investigation were not satisfactory as they considered "Public Humiliation and bringing Parents in the Matter" by a group of 7 people chiefly conspired and leaded by Dr. Pawan Kumar Rakesh (then Associate Dean, Faculty Welfare) as "Firm consolation".

Again, Special Cell carried out investigation formed with unidirectional reply by Dr. Kranti Jain (then HoD, Department of Civil Engineering) which is questionable and unreasonable. Hence, it is requested to National Commission for

***Additional point raised by Mr. Neeraj Kumar which is not part of his earlier letter.

This point is additional to earlier grievances.

The letter was sent i.r.o. all the Trainee Teachers including of Mr. Neeraj Kumar. Keeping in view the future of Trainee Teachers. The decision was taken by the then Competent Authority for all the Trainee Teachers based on the prevailing circumstances at that time, and not for any single teacher.

The Special Cell has no authority to reviewed or comment upon the decision the decision taken by the then Competent Authority (Late Prof. Shyam Lal Soni, Director NITUK), at this stage.

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Schedules Castes as Constitutional Authority to carry out independent Investigation for the Justice for Applicant who had no other option but to submit his resignation and lost his promising career in jeopardy.
Also, as already accepted by NIT Uttarakhand Authorities and Circumstantial Evidences, the biasness and discriminated attitude of the then Director, Late Prof. Shyam Lal Soni ruined the career of the applicant, It is requested to National Commission for Schedules Castes for earliest justice.


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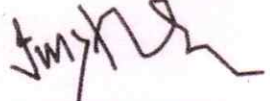

As per above deliberations the Special Cell unanimously resolved that the National Commission for Scheduled Caste, Lucknow, Uttar Pradesh may be communicated with due approval of the Competent Authority of the Institute.

The meeting ended with vote of thanks to the Chair.



(Dr. Vineeta Negi Panwar)
Assistant Registrar (Estt.)
Ex-Officio Member

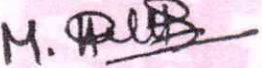

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Liaison Officer (SC/ST/PWD/ESM)
Ex-Officio Member


(Dr. I. M. Nagpure)
Assistant Professor (Gr-I)
Member


(H. M. Azad)
External Member


(Dr. P. M. Kala)
Registrar
Ex-Officio Member Secretary


(Dr. Hariharan Muthusamy)
Dean (Faculty Welfare)
Ex-Officio Chairperson

To,
The Director,
NIT Uttarakhand


18/5/21

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