

**MINUTES OF THE 16th STANDING COMMITTEE OF THE BOARD ON
ESTABLISHMENT MATTERS HELD ON 28th AUGUST, 2014 (THURSDAY)
AT 11:00 A.M. AT INDIA HABITAT CENTRE, NEW DELHI**

A. The following Members of the Committee were present:

1. Ms. Kiran Dhingra, IAS (Retd.)	Chairperson
2. Ms. Namita R.L Chowdhary	Member
3. Mr. Prem Kumar Gera, DG-NIFT	Member
4. Ms. Neenu Teckchandani, Registrar & Bd. Secy., NIFT	Member Secretary

B. The following members of the Committee were granted leave of absence:

(i) Ms. Sunaina Tomar, JS, MOT	Member
(ii) Sh. Sabyasachi Mukherjee, Fashion Designer	Member

C. The following officials were present to assist the Committee:

Mr. R.K. Pruthi, OSD (Establishment)
Ms. Rajni Shah, Assistant Board Secretary

AGENDA ITEM NO. 1601

To Confirm Minutes of the 15th Meeting of Standing Committee of the Board on Establishment Matters held on 25th June, 2014 at 10:30 A.M. at New Delhi.

The minutes of the meeting had been circulated to all the members of the Committee. Ms. Namita R.L. Chowdhary pointed out that in the minutes of the last meeting of the Committee at sub para 2 of para 4 of agenda item no. 1401, 'Registrar cum Director Establishment' has been mentioned, whereas in NIFT there was no post of Director Establishment, therefore the same may be corrected.

The Registrar informed the Committee that in the last meeting, a proposal regarding creation of additional post of 'Senior Associate Professor' between Associate professor and Professor was proposed; however, same was perhaps overlooked. The Committee decided that in the minutes of agenda item no. 1304, it may be specifically mentioned that "the proposal regarding creation of additional post of Sr. Associate Prof. was deferred". With the above modifications, the minutes of the 15th meeting of the Standing Committee of the Board on Establishment matter were confirmed.

AGENDA ITEM NO. 1602

Recruitment Policy

The Registrar informed the Committee that, as decided in the last Establishment Committee Meeting held on 25th June, 2014, the agenda and minutes of all meetings of BOG and the Standing Committee of the Board on Establishment matters held since 1986 that related to the HR recruitment policy especially concerning the intake of staff and faculty on contract and regular in a 1:1 ratio had been carefully examined and were placed before the Committee along with the recommendations of the DG. In short, they supported as correct and factual, the view explained to the Establishment Committee in its 14th Meeting that NIFT had been following a recruitment policy of 1:1 of contract and regular

employment in all posts, and that the decision of the Standing Establishment Committee Meeting of 2010 was a one time and not a policy decision. It had only affected one selection panel and had also not been circulated as a revised policy.

The Committee was taken through the agenda. It was noted that as early as May 2003, the BOG had endorsed the policy of 1:1 between contract and regular employee; and this decision had been reiterated in 2006 and again in 2007 and 2013. In 2007, the BOG also took the decision to recruit faculty and administrative staff on this 1:1 :: contract : regular basis, with an opportunity to existing contract employees to apply for existing regular posts through direct recruitment with a 10 years age relaxation.

The Committee also noted that, unfortunately, no systems to give effect to this decision had ever been prepared or submitted to the Board. Consequently, the policy was not followed consistently. An Establishment Committee of the Board, constituted in December 2007 with powers to decide on Establishment matters provided important matters were brought before the Board, took decisions that overruled Board decisions.

In June 2008, this Committee approved internal regularization of the existing group C & D staff viz. Machine Mechanic, Junior Assistant, Lab Assistant and Attendants at all NIFT Campuses without open advertisement as a one-time measure, on the grounds that all recruitment till then had been only on contract basis, subject to the condition that only those employees who have rendered more than 5 years of service would be considered for regularization. In October 2008, it approved regularization of Attendants (now MTS) at NIFT HO and Delhi Centre who had been working in NIFT for more than 10 years subject to their satisfactory performance and willingness to work in new NIFT Campuses.

Subsequently, in August, 2010, on an agenda item to make all posts, academic as well as administrative, only on regular basis, this Committee seemed inclined to take a decision to make all posts regular, and sought an agenda item as to why contract posts should not be considered iniquitous. Meantime, on another agenda item asking for regularisation of existing employees wherever the regular to contract employee ratio showed availability of regular posts, it approved regularisation of contract faculty/ Administrative staff against 144 regular posts (viz. Asst. Prof., Asst. Board Secy. & Legal officer, Research Assistant, Steno Grade III, Assistant Warden, Machine Mechanic, Lab Assistant, Library Assistant, Junior Assistant, Electrician, Plumber) lying vacant in their cadre from among those who had completed 03 years contractual service in the same post and fulfilled the approved criteria for regularization.

The Chairperson observed that, in her opinion, the Establishment Committee had exceeded its brief by taking these decisions, unless in seeking ratification the implications of the decisions on the Board policy had been fully explained; not only were they important decisions that should have been taken by the Board, they overruled the decisions of the Board on more than one instance. She also pointed out that the NIFT Act empowered the Board to delegate its powers to any other authority only through Statute or Ordinance, and in the absence of such subordinate legislation, the Committee could only have been a sub-committee; calling it a Standing Committee was misleading and gave it dubious authority.

The Committee noted that the Board itself had not reconsidered its decision to have all posts administrative and academic on a 1:1:: contract : regular basis. This policy therefore

was still in place; therefore, the Agenda note placed before the 14th Establishment Committee meeting was factually correct, and consequently, so were its decisions.

Discussion took place at length on the HR history of NIFT. After detailed deliberations on the Recruitment Policy, the Committee decided the following:

(i) In regard to the fate of the employees regularised in 2008-2010, the Committee desired to know, whether the ratio of regular to contract of 1:1 was still maintained and it was informed that ratio of regular to contract of 1:1 had been maintained in NIFT. Pointing out that it would need to be 1:1 at each level in all cadres, the committee considered that nevertheless, reverting the regularised employees to contract at this stage would be imprudent. Posts where the ratio was put out of balance should be brought to its notice, and in such cases, all future posts would have to be created on contractual basis till the position resumed normalcy. DG pointed out that several employees claimed to have been overlooked by the 2010 process and were claiming regularisation on the 2010 principles. It was considered that such cases should be examined, and possible redress suggested if they had been genuinely overlooked; if however, they claimed regularisation on the grounds that the decision should be made general, they should be explained the facts and disabused of false expectations.

(ii) On the issue of iniquity in maintaining both kinds of posts, it was considered that there was nothing iniquitous about it, so long as remuneration, allowances, pensionary benefits and other conditions were alike for both sets, and no promise or expectation of regularisation had been offered to them at the time of appointment.

With contract employees, the Institution retained the capacity to change courses and structure to match changing industry needs, and avoid the fate that had killed the versatility of vocational colleges of the government. Textiles was a demand driven industry and the ability to change with changing industry needs would be critical to the continuing relevance of NIFT.

(iii) The ratios of 1:1 for regular and contract employees may be maintained at all levels and may not be changed.

(iv) The pay and allowances of both sets of employees including leave and medical facility etc. should be kept at par. This decision had already been taken at the 14th meeting. DG confirmed that the financial implication was being studied and were likely to be within reach at current levels of functioning. The details would be submitted in due course.

(v) Maintaining the ratio would require that two separate recruitment rosters are created and maintained, one for contract posts and one for regular posts. Chairperson BoG advised NIFT that this exercise should begin immediately, and all posts at each level of pay and grade pay divided between these two rosters. In the case of isolated posts, the institute may recommend one or two as essential for work to have continuity of experience and memory; in all others, the isolated post should be on contract basis; their being on contract basis would solve a lot of the pressure for creation of posts to provide promotional channels. In case the number of posts was not even, the principle of first post going to contract and the next to regular should be applied uniformly. The Committee, further, reiterated that the policy of reservation of vacancies for SC, ST and OBC applied to regular and contract posts, both, and desired that Government Rules regarding

reservations should be strictly followed in preparing both rosters and in filling up posts. Chairman suggested that backlog of SC/ST/OBC vacancies may be filled as a drive.

(vi) Separate advertisements may be issued for filling up of contract and regular posts, so as to obviate the possibility of confusion in the mind of candidates. The suggestion for having separate RRs for two categories of posts was considered and not found sound. However, it was agreed that changes to the present set of RRs would be necessary, in order to make a distinction in columns such as age and method of filling up. The need to exercise more care in the drafting of appointment letters was pointed out; as several instances showed them to be a cause of confusion in the mind of the employees as to their terms and conditions of service.

(vii) Regular posts would have seniority lists and promotional channels, and direct recruitment to regular posts would be made only when the number of posts available exceeded the number of eligible promotional candidates. Whenever regular posts were filled thru direct recruitment mode, contractual employees fulfilling eligibility requirements would be eligible to apply for seeking employment to these posts. Similarly regular employees who met essential requirements of posts advertised to be filled on contract, would be eligible to apply for those positions with a lien as in government on their regular post for a period equivalent to the period of first contract and then reverting, or choosing to be absorbed and remaining on the higher grade contractual post in contractual capacity.

(viii) There would need to be age concession for the existing contract employees when applying for regular posts, and this could be equal to the number of years spent with NIFT on contract.

(ix) For posts to be filled on contract, there would be no age limit prescribed as the persons appointed on contract are on a fixed tenure as offered in the contract. However, the retirement age would apply equally to both contractual and regular employees.

(x) All appointments made against regular posts would be initially made on a contract for a tenure of 3 years. On completion of the contract period, appointment would be considered regular if in the course of those three years the decision to terminate services had not been taken.

(xi) The above decision would be placed before the Board for approval as soon as possible

AGENDA ITEM NO. 1603

Amendment in Recruitment Rules for the Post of Private Secretary

The Chairperson desired that this agenda could be taken up after a suitable order for implementing the decision in agenda item 1602 was issued. The item was accordingly deferred.

The meeting concluded with vote of thanks to the Chair.