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AGENDA

**Meeting
of
Departmental Promotion Committee (DPC), 2017**

under the Chairmanship of

**Dr. Sumita Misra, IAS
Principal Secretary to Govt. Haryana,
Technical Education Department**

Date: 09.11.2017

Time: 04:00 PM

Venue:

Room No. 429, 4th Floor,
Mini Secretariat (Haryana)
Sector 17, Chandigarh

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Agenda Item No.	Description	Page No.
1.	ACP cases in the cadre of Lecturer in the pay scale of PB-IV-37400-67000+8700 GP.	

AGENDA ITEM NO. 01

Grant of ACP PB-4 in Rs. 37400-67000+GP-8700 (ACPL- 18) to Teaching Faculty, who have completed 20 years regular satisfactory service (limited to 15% of the total sanctioned post of Lecturer (Group B) / Programmer (Academic)) under category I- Lecturer (Group B) / Programmer (Academic).

The State Govt. has notified Haryana Civil Services (ACP) Rules, 2016 as per scheduled 1 Part 1 Sr. No. 12 the following are the ACP Pay Structure for Lecturer /Programmer (Academic) (Group-B), Sr. Lecturer (Group-A)/Workshop Superintendent (Group-A)/ HOD/Joint Director (Academic)/TPO (Group-A) of the Technical Education Department Haryana (Government/Aided Technical Institutions/Polytechnics)”

Sr. No.	Name of the Post/ Cadre	Existing ACP pay structure			Corresponding level of Pay Matrix w.e.f. 01.01.2016 (Rs.)
		Pay Band	Pay Band	Grade Pay (Rs.)	Level of Pay Matrix and First cell in the applicable level
1	2	3			4
12.	Technical Education Department				
	(i) Lecturer (Group-B)/ Programmer (Academic)	(a) 9300-34800 (Entry Pay Structure for Lecturer (Group-B)/ Programmer (Academic))	PB-2	5400	FPL-9 (53100)
		(b) 15600-39100 (After 6 years of regular satisfactory service as Lecturer/ Programmer (Academic))	PB-3	6000	ACPL-13 (65700)
		(c) 15600-39100 (After 12 years of regular satisfactory service as Lecturer/ Programmer (Academic))	PB-3	7600	ACPL-16 (78800)
		(d) 15600-39100 (After 17 years of regular satisfactory service as Lecturer/ Programmer (Academic))	PB_3	8000	ACPL-17 (88400)
		(e) 37400-67000 (After 20 years of regular satisfactory service as Lecturer/ Programmer (Academic) (limited to 15% of the total sanctioned posts of Lecturer (Group-B)/ Programmer (Academic))	PB-4	8700	ACPL-18 (118500)

The general condition for availing benefit of ACP for the grant of ACP pay structure, the Govt. employee should be fit to be promoted to the next higher post in the functional hierarchy in this cadre, but could not be functionally promoted due to lack of vacancy in the promotional post in the hierarchy to which he is eligible to be promoted.

The order for grant of Assured Career Progression (ACP) grade pay is to be granted by the Competent Authority authorized for the placement of a Govt. employee in the appropriate ACP Pay structure. The authority competent for the purpose of this rule would mean the Authority Competent in case of promotion for the respective category of posts. Previously such cases for grant of PB-IV (4th ACP after the completion of 20 years of regular satisfactory service as Lecturer/ Programmer (Academic) limited to 15% of the total sanctioned posts of Lecturer (Group-B)/ Programmer (Academic)) are put up in Departmental Promotion Committee (DPC). During the DPC meeting held on 30.05.2017 under the chairmanship of the then PSTE and it was decided that such cases of PB-IV should be put up on separate file alongwith DPC notification and ACP rules. As per notification of

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Departmental Promotion Committee (DPC) dated 18.07.2005 (**Annexure- I**) the cases of promotion to Group-A & B posts are to be considered by the DPC. In the instant case the PB-IV is granted to the persons from PB- III i.e. 15600-39100 GP 8000 which is a scale of Group-A. Therefore, the grant of PB-IV in instant case is functionally equivalent promotion case from Group-A to Group-A and such cases of promotion are not considered by the Departmental Promotion Committee, instead these cases are put up on separate file for approval from the competent authority.

The position regarding availability of vacancies for grant of ACP in PB-4 in Rs. 37400-67000+GP-8700 (ACPL- 18) under this category is as under:-

Sr. No.	Total sanctioned posts of Lecturer / Programmer	15% of the total sanctioned posts of Lecturer / Programmer meant for grant of PB-IV	Faculty members already granted PB-IV	Available vacancy for granting PB-IV
1.	697	104	69	35

(i) Further, as per State Government order Endst. No. 51/17/2011-1TE dated 29.08.2014, the services of 16 Lecturers are has been regularized w.e.f. 31.01.1996. The latest instructions issued by the Chief Secretary to Govt. of Haryana vide letter no. 6/26/2015-IGSI dated 16.09.2016 regarding regularization policy issue is as under:

All the regularization policies issued/ reviewed on or after 16.06.2014 where under challenge before the Hon'ble High Court through CWP 17206 of 2014 titled as Yogesh Tyagi and other Vs State of Haryana and other similar situated court Case i.e. CWP No. 8326 of 2015, CWP No. 16863 of 2014 and CWP No. 22592 of 2015. IN the above case the Hon'ble Court has stayed the operation of all above regularization policy. It was further, notified that no further regularization of services of employees be made under the said regularization policies issued/ revived on or after 16.06.2014. It may also be noted that the regularization order, if any issued earlier shall be subject to the final outcome of Civil Writ Petition.

(ii) The Department has also sought a legal opinion from the office of Advocate General Haryana according to which firstly the inter se seniority of the petitioners as well as the employee who were already in service is require to be determined by the department and only thereafter the adjudication of the entitlement to the 1st, 2nd and 3rd ACP is again require to be assessed as per the ACP Rules. Keeping in view of the above facts ACP to these 16 faculty members regularized w.e.f. 31.01.1996 may be kept pending. However, 16 posts of PB- IV of 15% quota may be kept on hold and the PB- IV to the remaining 19 posts may be granted and such cases may be put up on separate file as in case of promotion Group- A to Group-A to the competent authority for approval.

(iii) **Awarding PB- IV to Sh. P.K. Jakhar and Sh. Ravin Ahuja**

Background of the case of Sh. P.K. Jakhar:

1. Sh. P.K. Jakhar joined in this department as Lecturer on regular basis on 07.03.1988.

2. He has completed 20 years of his regular service as lecturer on 06.03.2008 and is eligible for ACP of PB-IV (37400-67000+8700 GP) w.e.f. 01.04.2008.

3. As per FD instruction dated 18.10.2011 regarding grant of ACP, he is notionally eligible for PB-IV w.e.f. 01.04.2010 notionally, however, the actual benefit will be granted w.e.f. 18.10.2011.
4. The integrity of the officer is doubtful from the period 11.10.2010 to 09.08.2011. The personal hearing was given to the officer on 02.07.2013, however, the final decision is still awaited from the State Govt.
5. The officer is charge-sheeted under rule-7 on 20.03.2014. The allegations levelled in the charge-sheet are from the period 28.10.2010 to 13.05.2011. The enquiry in the charge-sheet was conducted by Sh. R.R. Banswal, IAS (Retd.) and the matter is with State Govt. and the allegations in the charge-sheet are from the period 28.10.2010 to 13.05.2011. The same was disposed of by the Government vide order dated 23.02.2017 and Sh. P.K. Jakhar is advised to be careful in the future.
6. Another charge-sheet under rule-7 has been issued to the officer on 30.03.2016 and the allegations in the charge-sheet are from the period 21.05.2012 to 31.08.2015. The enquiry report has been received from the Inquiry Officer and same was sent to Sh. P.K. Jakhar for his reply/ comment on the Inquiry Report. The final decision in the said charge-sheet is still pending.
7. The case of ACP i.e. PB-IV was also put up in the previous DPC meeting held on 23.01.2014 however, the case was rejected with the following recommendations:
“Charge-sheet under rule-7 is under process. Also integrity for the period 2010-11 is doubtful. Hence not eligible for ACP However, instructions of the CS dated 28.12.2012 may also be seen for decision in the matter.”
8. The case of granting PB- IV to Sh. P.K. Jakhar, HOD Applied Science was considered by the DPC in the meeting held on 04.10.2016 where as it was decided to seek opinion of Finance Department in this regard. The Finance Department vide U.O. No. 1/84/2013-1PR (FD) dated 30/06.02.2017 informed that, situation has clearly been explained in FD’s instructions dated 28.12.2012, where two charge-sheets have been issued on different dates and charge-sheet-1 has been dropped after the date of issue of 2nd charge-sheet and in that situation no impact of subsequent charge-sheet will be cause in the matter. However, in the instant case, situation is different and both the charge-sheets are still pending, as such the Officer cannot be considered for ACP. As the FD’s instruction is very much clear. Therefore, AD is advised to decide this case in terms of FD’s letter dated 28.12.2012, which is self-explanatory””.
9. The State Government vide Endst. No. 11/02/2014-ITE dated 27.02.2017 has disposed of one charge-sheet with advise to the officer and it is proposed to consider the case for grant of PB- IV in the DPC meeting
10. As per the FD instruction dated 28.12.2012 is placed at **Annexure-II**, he is eligible for ACP. Moreover, the doubtful Integrity for the period 2010-11 has also been expunged by the State Govt. order Endst. No. 58/09/2013-1TE dated 26.08.2016. The State Government vide Endst. No. 11/02/2014-ITE dated 27.02.2017 has disposed of one charge-sheet with advise to the officer.
11. The case was put up again in the DPC meeting held on 30.05.2017 and it was decided to put up the PB-IV cases after examining the DPC notification, ACP rules and Pay rules on a separate file and the agenda item was deferred.

12. The officer is eligible for ACP on 01.04.2010 notionally. At this date i.e. 01.04.2010 his ACR record is more than 70% 'Good' and during the eligibility period of the ACP, no charge-sheet was issued in the eligibility period to the officer.

Under this category, the following officers have completed required satisfactory service and accordingly to be considered for grant of ACP:

(iv) ACP cases pertaining to PB-IV (Rs. 37400-67000+8700 GP) in the cadre of Lecturer:

As per ACP Rules for making eligible for grant of ACP, same criteria is to be adopted as in case of promotion to higher post, i.e. 70% of ACR preceding 10 years should be good and his / her integrity should not be found as doubtful and there should be no inquiry under Rule 7 (Punishment & Appeal Rules 1987) pending against the concerned officer. The officers, whose last ACR is not available will be entitled for ACP, subject to the condition of good integrity in his / her ACR for this period. It is also mentioned here that the ACR for the preceding years, if any, of the concerned officer, is not written due to any reasons then his / her ACR for that period has to be treated as blank as per instructions issued by Chief Secretary vide their letter No. 61/11/96-S(1) dated 14.05.1996.

The agenda item is submitted for decision.

Sr. No.	Name of incumbent Sh./Smt.	Branch	Date of joining as Lecturer (regular)	Date of completion of 20 years regular satisfactory service including Non Qualifying period	Date on which 4 th ACP is to be granted	Eligibility of Scale	ACRs	Remarks
1	2	3	4	5	6	7	8	9
1	P.K. Jakhar, HoD	Applied Science (Maths)	07.03.1988	01.04.2008	01.04.2010 notionally 18.10.2011 Actually	PB-4 in Rs. 37400-67000+GP-8700/-	Above 70% Good	After completion of 20 years as Lecturer
2	Ravin Ahuja, Senior Lecturer in ECE	Electronics Engineering	19.06.1995	18.06.2015	01.07.2015	PB-4 in Rs. 37400-67000+GP-8700/-	Above 70% Good	After completion of 20 years as Lecturer

The agenda item is submitted for deliberation and decision.

Minutes of the meeting of the Departmental Promotion Committee (DPC) held on 09.11.2017 at 04:00 PM under the Chairmanship of Dr. Sumita Misra, Principal Secretary to Government of Haryana, Technical Education Department.

The following officers attended:

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| i) | Dr. Sumita Misra, IAS,
Principal Secretary to Govt. of Haryana,
Technical Education | Chairman |
| ii) | Dr. R.S. Dhillon, IAS,
Director General-cum- Special Secretary to Govt. Haryana,
Technical Education | Member |
| iii) | Sh. Arun Rishi,
Deputy Secretary,
Technical Education | Member |
| iv) | Sh. K.S. Jamwal,
Joint Director (Admin- I);
Directorate of Technical Education | Member Secretary |

And the following were also present:

1. Dr. Rakesh Kumar, Deputy Director, Directorate of Technical Education.
2. Sh. Narendra Pal, Deputy Director, Directorate of Technical Education.

At the outset of the meeting, the PSTE was briefed regarding the Agenda Item and the following decisions were taken:

Agenda Item No. 1:

Grant of ACP PB-IV-37400-67000+GP-8700 (ACPL-18) to Teaching Faculty, who have completed 20 years regular satisfactory service (limited to 15% of the total sanctioned post of Lecturer (Group B) / Programmer (Academic)) under category I- Lecturer (Group B) / Programmer (Academic).

The Agenda Item No. 1 was considered by the committee and detailed deliberation were held regarding the total no. of available vacancies for grant of PB-IV (limited to 15% of the total sanctioned post of Lecturer (Group B) / Programmer (Academic)), number of cases proposed and the status of the Court Cases vide which the services of 16 employees who were regularised with effect from 31.01.1996, has been challenged and it is decided that:

1. In view of pendency of CWP No. 22592 of 2015 titled Sh. Manish Gupta & others of this department and CWP No. 17206 of 2014 titled Yogesh Tyagi & another versus State of Haryana & others in the Hon'ble High Court regarding regularization of services of 16 adhoc employees w.e.f. 31.01.1996, 16 numbers of vacancies for grant of ACP shall be kept on hold till the final decision in above CWPs.
2. The cases of all eligible faculty members for grant of PB-IV after excluding 16 vacancies shall be put up in the next DPC meeting.

The meeting ended with vote of thanks to chair