

**Central Administrative Tribunal
Principal Bench, New Delhi**



**O.A. No. 134/2021
M.A. No. 147/2021**

This the 02nd day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

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Justice L. Narasimha Reddy, Chairman:

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 through authorized representatives and applicants 2 to
 127 are said to be its members. The Human Resource



Department of Government of India introduced the Faculty Research Programme (FRP) under which a centralized mechanism is evolved for selection of Lecturers of various subjects and for allotting them the State run Universities, spread across the country. The initial term of engagement is five years and it is extendable further, depending upon the performance of the candidates and the work load in the University. After selection, the appointment is made under a tripartite agreement/MoU with the participation of the UGC, the concerned University and the candidate.

2. On behalf of the applicants, a notice was got issued to the UGC through an Advocate on 20.08.2020 by raising quite large number of issues. The same was responded to by the UGC vide letter dated 17.09.2020. Not satisfied with the reply, the applicants filed this OA with quite large number of prayers. They range from the payment of salary on time, to providing of promotional avenues; from framing of a scheme for lawful entitlement for benefits such as NPS, CGHS, LTC, to granting of pension; and the like.

3. The applicants contend that though the Scheme was evolved with a laudable objective of providing quality



services in the Universities by selecting meritorious candidates, it is not being implemented properly over the period. There is also a complaint that on account of the lapses at the Universities as well as the UGC, the salaries are not being paid promptly every month and that the promotions are also not being effected.

4. The OA was heard on earlier occasions. At one stage, the Tribunal expressed its inability to undertake comprehensive adjudication in the absence of the concerned Universities being arrayed as respondents. At another stage, the filing of utilization certificates and other related documents was insisted upon.

5. Today, we heard Mrs. Geeta Luthra, learned senior counsel, assisted by Shri Nitin Saluja, learned counsel for the applicants and Shri G. S. Virk and Shri Apoorv Kurup, learned counsel for the respondents.

6. As observed earlier, the OA is filed with multifarious reliefs. We find it difficult to address all of them at one stretch. When the same is pointed out, learned senior counsel for the applicant, in all fairness, confined the prayers in the OA to the one of prompt payment of salaries, and the issues related to promotion.



7. Once the applicants are appointed as Lecturers/faculty members, the concerned universities as well the UGC are under obligation to pay the salary in time, depending upon the attendance and certifications. There cannot be any justification to delay or deny the payment. On its part, the UGC has stated in the impugned reply that they have released the relevant funds and grants in advance, without even waiting for the utilisation certificates from the Universities.

8. Once the funds are released by the UGC, the Universities cannot delay or deny the payment. We direct the UGC to take this aspect into account and address the concerned universities to ensure that the salaries are paid to the concerned Lecturers/Faculty Members, and to submit the relevant statements every month so that the funds released by it are not diverted to other purposes.

9. Coming to the question of promotions, the record is not clear and certain as to the method or pattern. The rules are also not available. The Scheme, just provides for extension of the service beyond five years depending upon the performance; and promotion on the basis of the recommendations of the Peer Committee. Here again, a



uniform policy needs to be evolved and the uncertainty needs to be removed. In case, the applicants have performed their duties up to a particular length of time, without any complaint against them, there is no reason why, they can be denied promotion and other benefits as provided under the Scheme.

10. We, therefore, dispose of the OA directing that the UGC shall monitor

- (a) the payments of salaries to the applicants by the respective Universities, every month and insist upon the submission of relevant statements by the Universities as a condition precedent for releasing of the grants for subsequent years, and
- (b) Implementation of the Scheme of FRP, and ensure that the issue in this behalf is free from any doubt or uncertainty.

The exercise in this behalf shall be completed within a period of two months from the date of receipt of a copy of this order. It is left open to the applicants to pursue

their remedies in other aspects through separate proceedings.



There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/vinita/pj/ns/ankit/akshaya/