

01/10/00

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 169/2003

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....04.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 27.2.2004.....Pg. 1.....to no. deposit order 211
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....OA 169/2003.....Pg. 1.....to 22.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply not to the show cause.....Pg. 1.....to 44.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Kalita
17.11.17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 169 / 2003

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants:- Sri Rohini Sarma

Respondants:- U.O.I. & OPS.

Advocate for the Applicants:- Mr. A. Ahmed

Advocate for the Respondants:- Mr. C.G.S.C. Mr. S.K. Medhi, Mr. N. Medhi
for Respondent No. 2.

Notes of the Registry	Date	Order of the Tribunal
<p>79.60708 9.6.2003 7/8/03 Steps taken with envelopes Notice prepared & sent to D/S for mis the respondent No. 1 to 3 to Regd. A.D. DINo 1648 W 1650 Std 1/8/03 26/7</p>	25.7.2003	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. N.D. Bhargava, Member (A).</p> <p>Heard Mr. A. Ahmed, learned counsel the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>Issue notice to show cause as to why interim order as prayed for shall not be granted. Returnable by 26.8.2003.</p> <p>List on 26.8.2003 for order.</p> <p>In the meantime, the respondents are directed to allow the applicant to continue in service till the returnable date.</p>

Member

Vice-Chairman

mb

26.8.2003 Present : The Hon'ble Mr. Justice
D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. K.V. Prahaladan
Administrative Member.

None appears for the applicant.
Mrs. N. Medhi, learned counsel appear-
ing on behalf of the respondent No.2
prays for time for filing written
statement. Prayer is allowed. List
again on 26.9.2003 for orders.

11/9/03

Notice is returned from
Respondent NO 1 (one)
with incomplete Address.

NS
11/9/03


Member


Vice-Chairman

mb

No. W/Ls has been
billed.

25.6.03


26.9.2003

Heard Mr.A.Ahmed, learned counsel
for the applicant and also Mr.S.K.Medhi,
learned counsel appearing on behalf of
respondent no.2.

Mr.S.K.Medhi prays for time to file
written statement.

Prayer allowed. List the case on
28.10.2003 for order.

Interim order dated 25.7.2003 shall
continue.


Member


Vice-Chairman

Order dated 26/9/03

bb

Communicated to both 28.10.2003
the parties.


15/10/03

Heard Mr.A.Ahmed, learned counsel
for the applicant and also Mr.S.K.Medhi
learned counsel for the respondents.

Mr.Medhi has stated that he is fili-
ng written statement in course of the
day. List the case for hearing on 2.12
2003. The applicant may file rejoinder,
if any, within two weeks from the recei-
pt of the written statement.

Interim order shall continue.

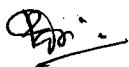

Member


Vice-Chairman

bb

28.10.03

Rephs on behalf of
Respondent No. 2 and 3, has
been submitted




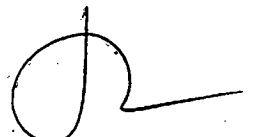
23.01.2004 Present : The Hon'ble Shri Bharat Bhusan, Judicial Member.

The Hon'ble Shri K.V. Prahladan, Member (A).

Mr. A. Ahmed, learned counsel for the applicant and Mr. S.K. Medhi, learned counsel for the respondents were present.

Mr. A. Ahmed, learned counsel for the applicant seeks time to file rejoinder. So, the case is adjourned to 17.02.2004 for hearing.


Member (A)


Member (J)


bb


27.2.2004 Present: Hon'ble Shri Shanker Raju, Judicial Member

Hon'ble K.V. Prahladan, Administrative Member.

Learned counsel for the applicant seeks withdrawal of the case with liberty to pursue the matter in the appropriate forum as the National Open School does not fall under the jurisdiction of the Central Administrative Tribunal for want of notification under Section 140 (2) of the Administrative Tribunals Act, 1985. Mr S.K. Medhi, learned counsel for respondent 2 is present.

The application is dismissed on withdrawal with liberty to approach the appropriate forum.

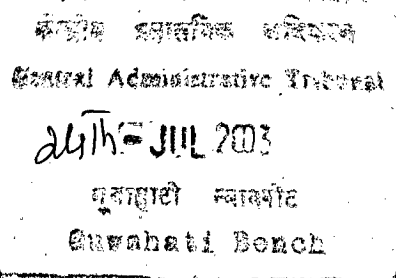

Member (A)


Member (J)

nk m

8.2.89

Copy of the order has been sent to the Office for issuing the order to the applicant as well as to the respondent No 3 by post.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 169 OF 2003.

B E T W E E N

Sri Rohini Sarma

-Applicant

-Versus-

The Union of India &

Others

-Respondents

I N D E X

LIST OF DATES AND SYNOPSIS

Application 3415

Verification 16

Annexure-A is the photocopy of Office
Order Ref. No. NOS/NER/RC
dated 16-10-1995. - 17

Annexure-B is the photocopy joining
report dated 16-10-1995 of
the applicant. - 18

Annexure-C is the photocopy of letter No.REF No.NOS/NER/RC dated 23-05-1996. 19

Annexure-D is the photocopy of Office Memorandum Ref. NOS/Pers/99/151 dated 12-05-1999. 20 & 21

Annexure-E is the photocopy of Office Order F No. NOS/Pers/99 dated 22-09-1999. 22

This Original application is made for regularization of the service of the applicant in the post of Clerk-cum-Typist with effect from 01-05-1996 as per recommendation of Respondent No. 3 and in the post of Junior Assistant from 01-06-1999 and also for direction to the Respondents to release the regular pay scale of the applicant in the post of Clerk-cum-Typist with effect from 01-05-1996, and also to release the regular pay scale of the applicant in the post of Junior Assistant at the pay scale of Rs.3050-75-3950-4590/- with retrospective effect, i.e., from 01-06-1999 with all consequential service benefits including seniority etc.

D. K. Sarmah

represented by the Secretary to the Government of India, Ministry of Human Resource and Development, New Delhi.

2) The Secretary, National Institute of Open Schooling, (Formerly National Open School-NOS), Ministry of Human Resource and Development, Government of India, B-31B, Kailash Colony, New Delhi-110048.

3) The Regional Director, National Open School, Department of Education, Ministry of Human Resource Development, Government of India, Regional Centre, N.E. Region, Nirmal Bhawan, 1st Floor, Christian Basti, Nilmani Phukan Road, Guwahati-781005.

- Respondents.

DETAILS OF THE APPLICATION:

Rohini Serna

1) PARTICULARS OF THE ORDER AGAINST
WHICH THE APPLICATION IS MADE:

This application is not made against any particular order but the applicant seeks a direction from this Hon'ble Tribunal to the Respondents for regularization of applicant's post as Clerk-cum-Typist with effect from 01-05-1996 as per recommendation of Respondent No. 3 and in the post of Junior Assistant from 01-06-1999 and also prayer before this Hon'ble Tribunal to direct the Respondents to release the regular pay scale of the applicant in the post of Clerk-cum-Typist with effect from 01-05-1996, and also to release the regular pay scale pf the applicant in the post of Junior Assistant at the pay scale of Rs.3050-75-3950-4590/- with retrospective effect, i.e., from 01-06-1999.

2) JURISDICTION OF THE TRIBUNAL

The applicant declares that the Subject matter of the instant application is within the jurisdiction of this Hon'ble.

Rohini Saran

3) LIMITATION

The applicant further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE:

4.1 That the applicant is a citizen of India and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2] That your applicant begs to state that the applicant was appointed by the Respondents as Clerk-cum-typist on fixed monthly remuneration of rupees 1500/- on daily wage basis on 16-10-1995. Accordingly, he joined under the Respondent No. 3 on 16-10-1995.

Annexure-A is the photocopy of Office Order Ref. No. NOS/NER/RC dated 16-10-1995.

Annexure-B is the joining report dated 16-10-1995 of the applicant.

R. Lini Sarma

4.3] That your applicant begs to state that he continued his service as Clerk-cum-typist without any break from 16-10-1995. In the mean time Respondent No. 3 after having full satisfaction with the works of the applicant he recommended the regularization of the applicant's service as clerk cum typist with effect from 01-05-1996 before the Respondent No. 2 vide his letter No. REF No. NOS/ NER/ RC dated 23-05-1996.

Annexure-C is the photocopy of letter No. REF No. NOS/ NER/ RC dated 23-05-1996.

4.4] That the applicant begs to state that he continued in his post as Clerk-Cum-Typist till 31-05-1999. Your applicant appeared for an interview for the post of Junior Assistant on 12-04-1999. He was selected and appointed as Junior Assistant by the Respondent no. 2 vide Office Memorandum Ref. NOS/Pers/99/151 dated 12-05-1999. He was appointed and posted under the Respondent No. 3 on the consolidated salary of Rs. 3500/- p.m. with effect from 01-06-1999.

Dr. H. S. S. S.

Annexure-D is the photocopy of Office Memorandum Ref. NOS/Pers/99/151 dated 12-05-1999.

Annexure-E is the photocopy of Office Order F No. NOS/Pers/99 dated 22-09-1999.

4.5] That your applicant begs to state that he is working under the Respondents since 1995 till today without any break in the post of Clerk-cum-Typist and also in the post of Junior Assistant. But he has been deprived from regular pay scale and also regularization of his above said posts. He has been deprived from regular service benefit, pay scale, dearness allowance, house rent, medical allowances and even minimum pay scale was also not granted to the applicant

4.6] That your applicant begs to state that he had already served for a considerable long period under the Respondents and he is now going to be over aged for other Government jobs. He has acquired a legal right for regularization and regular pay scale of his above said posts. He was selected and appointed

Dohini Samu

by the Respondents through regular interview and selection. But the Respondents have not yet regularized his post. He made several requests to the authority concerned but the Respondents have not taken any interest in this matter. Hence, finding no other alternative your applicant has compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.7] That your applicant begs to state that if the Hon'ble Tribunal does not interfere immediately then irreparable loss will be caused to the applicant.

4.8] That your applicant begs to state that he is entitled for same privilege which the regular employees are enjoying. In the instant case the applicant is subjected to hostile discrimination. India is a socialist republic, it implies the existence of certain important obligations which the state has to discharge. The right to work, the right of every one to just and favourable remuneration assuring a decent living for himself and his family, the right of every one without discrimination of any kind to equal pay for equal work, the right

Rohini Sarma

of rest, leisure, reasonable limitation of working hours and periodic holidays with pay, the right to security of works are some of the rights which have to be ensured by appropriate Legislative And Executive measure.

4.9] That your applicant begs to state that he being a poor person and he is working under the Respondents very sincerely without any blemish in his service. He is entitled for regularization of his service and regular pay. Hence, the Hon'ble Tribunal may be pleased to protect the interest of the applicant by giving a direction to the Respondents for regularization of his service and release his regular pay scale with retrospective effect.

4.10] That your applicant begs to state that the action of the Respondents is illegal, mala fide with a motive behind.

4.11] That your applicant begs to state that the Respondents have violated the fundamental rights of the applicant.

4.12] That your applicant begs to state that the Respondents have acted in an arbitrary

D. K. Suman

manner by depriving the applicant not giving him regular pay scale and also not regularizing his service.

4.13 That this application is filed bona fide for the ends of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1) For that on the reason and facts which are narrated above the action of the Respondents are prima facie illegal and without jurisdiction.

5.2) For that the action of the Respondents are mala fide and illegal and with a motive behind.

5.3) For that the applicants having worked for a considerable long period, i.e., from 1995 to till date, he is entitled to be regularised in his post with regular pay scale with retrospective effect.

5.4) For that the applicants have become over aged for other employment.

D. A. S. S. S.

- 5.5] For that he gathered experiences of different works in the establishment.
- 5.6] For that the nature of work entrusted to the applicant is of permanent nature and therefore he is entitled to be regularised.
- 5.7] For that the applicant has got no alternative means of livelihood.
- 5.8] For that the Central Government being a model employer cannot be allowed to adopt a differential treatment as regard payment of wages to the applicant.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

6] DETAIL OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the

Rowan Sum

applicant except invoking the jurisdiction of this Hon'ble Tribunal.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8) RELIEF PRAYED FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordships may be pleased to admit this petition and call for records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

R. L. a. S. m.

8.1 That the Respondents may be directed by the Hon'ble Tribunal to regularize the service of the applicant in the post of Clerk-cum-Typist with effect from 01-05-1996 as per recommendation of Respondent No. 3 and in the post of Junior Assistant from 01-06-1999 and also this Hon'ble Tribunal may be pleased to direct the Respondents to release the regular pay scale of the applicant in the post of Clerk-cum-Typist with effect from 01-05-1996, and also to release the regular pay scale of the applicant in the post of Junior Assistant at the pay scale of Rs.3050-75-3950-4590/- with retrospective effect, i.e., from 01-06-1999 with all consequential service benefits including seniority etc.

8.2 Cost of the application.

9) INTERIM ORDER PRAYED FOR:

Robin Sarm

Pending final decision of this application the applicant seeks issue of the interim order from this Hon'ble Tribunal:

9.1 That the Respondents may be directed by this Hon'ble Tribunal not to terminate the service of the applicant till final disposal of this Original Application.

10] THIS APPLICATION IS FILED THROUGH ADVOCATE.

11] PARTICULARS OF I.P.O.

I.P.O. No. : 76607938
 Date of Issue : 9-6-2003
 Issued from : Guwahati, G.P.O.
 Payable at : Guwahati G.P.O.

12] LIST OF ENCLOSURES:
 As stated above.

-Verification.

Rohin Sam

Verification

I, Sri Rohini Sarma, aged about 34 years,
S/o Sri Site Kanta Sarma, Junior Assistant,
Office of the Regional Director, National Open School,
Department of Education, Ministry of Human Resource
Development, Government of India, Regional Centre,
N.E. Region, Nirmal Bhawan, 1st Floor, Christian
Basti, Nilmani Phukan Road, Guwahati-781005 do hereby
sign this verification and verify the statements made
in accompanying application and in paragraphs 4.1, 4.5 to

4.12 — are true to my knowledge and those
made in paragraphs 4.2, 4.3, 4.4 —

— are true to my information being matter
of records and which I believe to be true and those
made in paragraph 5 are true to my legal advise and I
have not suppressed any material facts.

I signed this verification on this day 24th
of July 2003 at Guwahati.

Rohini Sarma

Declarant.

SHRI C. M. SHARMA
Regional Co-ordinator
Ph No. : 565718 (Resi)



NATIONAL OPEN SCHOOL

राष्ट्रीय ओपन स्कूल (राष्ट्रीय मुक्त विद्यालय)
(An Autonomous Organisation of the Department
of education, Ministry of H. R. D.) Govt. of India.
Regional Centre (Office) N. E. Region,
G. S. ROAD
GUWAHATI-781005

Ref. No. NOS/NER/RC/

Date.....16-10-95

Order:

Shri Rohini Sarma, a Higher Secondary passed candidate with experience for more than 3 years in accounts work is hereby temporarily appointed to act as Clerk-cum-typist on fixed monthly remuneration of Rs 1500/- on daily wage basis for a period of two months or until further orders whichever is earlier. This arrangement has been made for the interest of official works.

Sd- C.M. Sharma
Regional Co-ordinator
National Open School
N.E. Region,
G.S. Road, Guwahati-5

Memo No NOS/NER/RC/ESH/95/3-A dt. 16-10-95

Copy for information and necessary action forwarded to :

- (1) Shri Rohini Sarma, Guwahati-6
- (2) The Secretary NOS. B-31 B Kailash Colony, New Delhi-110048

Culane
16/10/95

(C.M. SHARMA)
Regional Co-ordinator
National Open School
N.E. Region
G.S. Road, Guwahati-5

Attested
Shri
Advocate

ANNEXURE - B

26

Dt. 16/10/95

16/10/95
18

To
The Regional Co-ordinator,
National Open School,
Gauhati-5

Sir

Sub:- Joining Report

With reference to my appointment
as a Account's Clerk, I have been
reporting for my duty, the 16th Oct. (F/N)
1995. This is for your information
and favour of necessary action.

Yours faithfully,
Rohini Sarma
Account's Clerk

Attested
4.2
Awake

SHRI C. M. SHARMA
Regional Co-ordinator
Phone No. : 565718 (Resi)



ANNEXURE - C_m
-19-
NATIONAL OPEN SCHOOL

राष्ट्रीय ओपन स्कूल (राष्ट्रीय मुक्त विद्यालय
(An Autonomous Organisation of the Depa
of education, Ministry of H. R. D.) Govt. of
Regional Centre (Office) N. E. Region,
G. S. ROAD
GUWAHATI-781005

Ref. No. NOS/NER/RC/

23.5.96
Date.....

To
The Chairman, Secy.,
National Open School
B-35 B Kailash Colony,
New Delhi-110048.

Sir,

Sub.: Regularisation of service of
the post Clerk-Cum-Typist held
by Rohini Sarma of NOS Regional
Centre Guwahati.

Ref.: This office letter No. NOS/NER/RC
dt. 9-5-96.

In inviting a reference to this office letter on the subject indicated above, I have the honour to forward herewith an application submitted by Sri Rohini Sarma, Clerk-Cum-Typist for regularisation of his service. I recommend that the prayer of Shri ~~Sx~~ Sarma deserve consideration and his service may kindly be regularised w.e.f. 1-5-96. His performance has been found to be satisfactory. With regards,

Yours faithfully,

Attest
J.B. Advocate

Signature
23/5/96
(C.M. SHARMA)
Regional Co-ordinator
National Open School
N.E. Region, G.S. Road,
Guwahati-5

दूरभाष : 6211457, 6211458, 6211459
ग्राम : मुक्तशाला • फैक्स : 011-6211453

राष्ट्रीय ओपन स्कूल

(भारत सरकार के शिक्षा विभाग के अधीन एक स्वायत्त संगठन)
बी-31बी, कैलाश कॉलोनी, नई दिल्ली - 110 048



ANNEXURE-D
Phone : 6211457, 6211458, 62
Gram : MUKTASHALA • Fax : 011-62
NATIONAL OPEN SCHC
(An Autonomous Organisation of the
Ministry of Education, M.H.R.D., Government of
India, B-31B, Kallash Colony, New Delhi-110

Ref : NOS/Pers./99/157
Dated : 12.05.99

MEMORANDUM

Subject: Appointment to the post of Junior Assistant

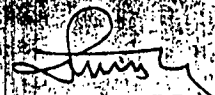
With reference to his Bio-Data and subsequent interview held on 20.04.99, Sh. Rohini Sarma is intimated that he has been selected for the post of Junior Assistant NOS Regional Centre, Guwahati on a consolidated salary of Rs. 3500/- per month on the following terms and conditions:

1. He will be paid consolidated salary of Rs. 3500/- per month.
2. The appointment is purely on temporary and adhoc basis for the period of Six months only.
3. During the appointment he will submit herself to the order of the NOS and whenever required, will proceed to any part of India and will perform such duties as may be assigned to him in connection with the office work.
4. The appointment shall also be liable to be terminated on one month's notice in writing given at any time during the appointment by either side. However, NOS reserves the right to pay one month's consolidated salary in lieu of such notice.
5. He will have no right or claim against any post, on account of his appointment for the said period nor he would be entitled for regularisation against a regular post nor claim for the employment to the regular post of any type on account of work done by him during the employment period.

.....2

AA
92
A-1

In case aforesaid terms and conditions are acceptable to him, he is requested to send his consent on the duplicate copy of this memorandum duly signed to the Secretary, National Open School, B-31B, Kailash Colony, New Delhi-110048 and join duty immediately at Guwahati.


(S.S. GILL)
Secretary

✓ Sh. Rohini Sarma,

Copy:
A.C. Bhuyan,
Regional Director
NOS Regional Centre
G.S. Road,
Guwahati-781 005.

FILED
Jil
Ahor to

Recd on 01/10/99
22 - ANNEXURE - E
NATIONAL OPEN SCHOOL
B-31B, KAILASH COLONY,
NEW DELHI - 110 048

F.No. NOS/Pers./99/

Dated: 22.9.99


OFFICE ORDER

Consequent upon his selection and subsequent to his acceptance of offer issued, Sh. Rohini Sarma has been appointed as Jr. Assistant w.e.f. the date noted against his name in the National Open School on a consolidated salary of Rs. 3500/- per month.

S.NO.	NAME	DESIGNATION	DATE OF APPOINTMENT	Place of Posting
1.	Sh. Rohini Sarma	Jr. Assistant	01.6.99 (I/N)	Personal File (Annexure) Guwahati


The above appointment is purely temporary & adhoc basis for a period of six months from the date of his joining.

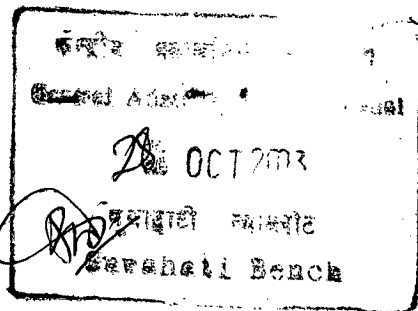
This issues with the approval of Secretary.


Section Officer (Pers.)

Distribution:

1. Concerned Official
2. All HODs
3. Accounts Officer
4. All HODs to be notified to the concerned officials
5. Office Order File
6. Personal File
7. Regional Directors, Cochi, Calcutta, Pune, Guwahati
Hyderabad, Chandigarh, Delhi, Agra


Section Officer



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI

ORIGINAL APPLICATION NO. 169 OF 2003

Sri Rohini Sarma,

...APPLICANT

VERSUS

The Union of India,
& ors

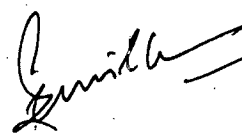
RESPONDENTS

INDEX

NO.	PARTICULARS	PAGE NO.	C. FEES
1.	Reply to show cause notice on behalf of the Respondents no. 2 & 3	01-19	
2.	Annexure R2-1 Copy of resolution dated 21.11.1989	20-23	
3.	Annexure R2-2 Copy of Memorandum of Association of National Open School Society	24-38	
4.	Annexure R2-3 Copy of Memorandum dated 12.05.1999	39-40	
5.	Annexure R2-4 Copy of office order Dated 22 nd September, 1999	41	

Respondents no. 2 & 3.

14.10.2003 Through
Sanjay Kumar Mehta Counsel


SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
B-31B, Kirti Nagar Colony, New Delhi-110015

eg
 Filed by
 The Secretary,
 National Institute of Open Schooling
 ... Respondent No. 2
 through
 Sanjay Kumar
 Uedini
 Advocate
 28.10.2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GAUHATI BENCH AT GAUHATI

ORIGINAL APPLICATION NO. 169 OF 2003

BETWEEN

Sri Rohini Sarma,
 S/o Sri Sita Kanta Sarma,
 Junior Assistant,
 Office of the Regional Director,
 National Open School,
 Department of Education,
 Ministry of Human Resource Development,
 Government of India, Regional Centre,
 N.E. Region, Nirmal Bhawan,
 1st Floor, Christian Basti,
 Nilmani Phukan Road,
 Guwahati-781005.

...APPLICANT

VERSUS

1. The Union of India,
 represented by the Secretary
 to the Government of India,
 Ministry of Human Resource
 and Development, New Delhi.
2. The Secretary, National
 Institute of Open Schooling,
 (Formerly National Open School-NOS),
 Ministry of Human Resource and
 Development, Government of India,
 B-31B, Kailash Colony,
 New Delhi-110 048.
3. The Regional Director,
 National Open School,
 Department of Education,
 Ministry of Human Resource Development,
 Government of India, Regional Centre,
 N.E. Region, Nirmal Bhawan,
 1st Floor, Christian Basti,
 Nilmani Phukan Road,
 Guwahati-781005.

...Respondents

REPLY ON BEHALF OF RESPONDENTS NO. 2 AND 3.

Sunil Kaura

SUNIL KAURA
 Secretary
 National Institute of Open Schooling
 (Govt. of India)
 B-31B, KAILASH COLONY, NEW DELHI-48.

The respondents no.2 & 3 most respectfully showeth

Preliminary objections/submissions

1. That the Hon'ble Administrative Tribunal has no jurisdiction against the Respondent no.2 & 3 under Section 14 of the Administrative Tribunals Act, 1985. There is no notification as contemplated under Section 14 of the Administrative Tribunals Act, 1985 in respect to the National Institute of Open Schooling. The National Institute of Open Schooling is run by National Open School Society. The National Open School Society was established in the year 1989 as an autonomous organization by the Education Department, Human Resources Development, Government of India and registered under the Societies Registration Act, 1860. The said registration was published in Government of India Gazette Part-I, Section 1 on 14th September, 1990 through the Resolution of Government of India vide No. FS-24/90/School-3. The National Open School is run by said National Open School Society which was created pursuant to the Notifications by the Central Government. A copy of the resolution dated 21st November, 1989 is annexed here as **Annexure R2-1**. The National Open School is now known as 'National Institute of Open Schooling' also known as NIOS. A copy of memorandum of Association of National Open School Society is annexed as **Annexure R2-2**. The NIOS is authorized to conduct examination and impart education for open learning. It can



SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
B-20, Sector 15, Delhi-48.

prescribe rules and conditions for the registration of students, for eligibility for appearing at the examination, for its conduct, and for all other rules consonant with and necessary for proper fulfillment of teaching candidate and as certifying authority and for purposes enumerated in the rules and regulations of the NIOS.

The NIOS is authorised to conduct examination and impart education by open learning. The National Open School is discharging functions to advise to the Government of India and the States regarding the proper development of distance and open learning system at the school level; to develop and prescribe or offer a wide spectrum of course of study for purposes of general and continuing education either leading to certification at the school stage (secondary or senior secondary) or for life and job enrichment without certification; to develop study material, using print, audio and video aids; to publish or cause to be published and to print learning and other material developed by the National Open School; to prescribe rules and conditions for the registration of students, for eligibility for appearing at the examination, for its conduct, and for all other rules consonant with and necessary for proper

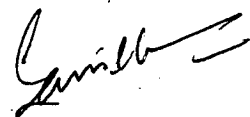


SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
#1B, Kailash Colony, N.Delhi-48.

fulfillment of the teaching examinees and as certifying authority and for purposes enumerated in the rules and regulations of the National Open School. NIOS has its own aims and objectives and it can obtain or accept grants, subscription, fees, donations, gifts, bequests and properties, both moveable and immovable, from the Governments or from any persons, for the purposes of Society and it is free to use its income and property towards the promotion of its objectives and implementation of the programs. NIOS conducts examinations and issued marks sheets and certificate in discharge of its public functions.

The application is not maintainable in the Hon'ble Tribunal in the facts and circumstances and is liable to be rejected.

2. That under the rules and regulations of the National Institute of Open Schooling which is run by National Open School Society which is a society registered under the Societies Registration Act, it can sue and can be sued through its Secretary. The National Institute of Open Schooling can not be sued through its Regional Director. The application in the facts




SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt of India)
B-1191, Kirti Nagar, Delhi-48.

and circumstances is not maintainable against the respondent no.3. National Institute of Open Schooling has not been impleaded as a party. The application is bad for mis joinder and non joinder of parties in the facts and circumstances. The reply on behalf of the respondent no.3 has also been filed by the respondent no.2.

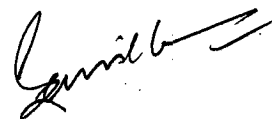
PARAWISE REPLY:

1. Para 1 of the application as stated is not admitted. The Hon'ble Tribunal does not have jurisdiction against the National Institute of Open Schooling and consequently no directions can be given as prayed by the applicant against respondents no. 2 and 3. The applicant is not entitled for regularization on account of having worked on temporary/ad hoc basis as Clerk-cum-typist and Junior Assistant from time to time. The applicant was appointed on ad-hoc basis on a consolidated salary of Rs.1,500.00 per month. The applicant was not appointed to the regular post. On account of having worked on ad-hoc basis he is not entitled for regularization nor he is entitled for emoluments equivalent to the




regular pay scale of Junior Assistant of Rs.3050-75-3950-4590 with retrospective effect from 1.6.1999 when he was appointed on ad-hoc basis as alleged. The applicant had applied for the regular post of assistant/ Stenographer at the regional office, however, he did not qualify shorthand and computer speed test and was not appointed to the regular post of assistant/stenographer.

2. Para 2 of the application is not admitted. It is stated that the appointment of the applicant on ad-hoc basis was made from the office of National Institute of Open Schooling at New Delhi. Alleged cause of action has not arisen within the jurisdiction of the Hon'ble Tribunal. The Hon'ble Administrative Tribunal does not have jurisdiction against the National Institute of Open Schooling. There is no notification under Section 14 of the Act in respect of National Institute of Open Schooling. In these circumstances the subject matter is not within the jurisdiction of the Hon'ble Tribunal.



SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
B-919, Kirti Koteswari, New Delhi-48.

3. Para 3 of the application is not admitted. It is not admitted that the application has been filed within the limitation as alleged.
4. In reply to para 4 of the application it is stated that the facts as alleged by the applicant are denied and not admitted except those which have been admitted specifically hereinafter.
- 4.1 Para 4.1 of the application as stated is not admitted.
- 4.2 In reply to para 4.2 of the application, it is stated that the applicant was appointed on temporary/ad-hoc basis w.e.f. 16.10.1995. The applicant was not appointed to a regular post and he is not entitled for remuneration equivalent to remuneration payable to Junior Assistant appointed on the regular post. The applicant had applied for the regular post of Assistant/Stenographer, however, he was not finally selected. Annexure-A and B annexed with the petition are not denied.


SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
M-31B, Kirti Kirti, New Delhi-110016

4.3 In reply to para 4.3 it is stated that the employment of applicant on temporary/ad-hoc basis was extended from time to time. The applicant, however, was not entitled for regularization on alleged recommendation of respondent no. 3. The applicant was appointed on contract as a Junior Assistant on a consolidated salary of Rs.3,500/- per month on temporary/ad-hoc basis. He was not appointed to the regular post of Junior Assistant. The term of his appointment was extended from time to time on account of availability of seasonal work. A copy of Memorandum dated 12.05.1999 regarding the appointment of the applicant on temporary/ad-hoc basis is annexed as **Annexure R2-3** and the office order dated 22nd September, 1999 is annexed as **Annexure R2-4**. The petitioner had applied for regular post of Assistant/stenographer in NIOS.

Sunil Petitioner was called for written test at Regional Centre Gurgaon on 25th March, 2003. After ^{qualifying} written test, petitioner was called for shorthand and Computer speed test at the office of the National Institute of Open Schooling at New Delhi on 20th April, 2003. The petitioner appeared for the test, however, he did not qualify and was not

Sunil

appointed to the regular post of Assistant/Stenographer.

4.4 Para 4.4. of the application so far as it is a matter of record, needs no reply. It is, however, not admitted that the applicant was appointed to the regular post of Junior Assistant. The applicant was appointed on temporary/ad-hoc basis as Junior Assistant on a consolidated salary of Rs.3,500/- per month on contract from time to time. The appointment letters issued to the applicant from time to time categorically stipulated that the appointment is purely temporary and on ad-hoc basis for a fixed periods only and he will have no right to claim against any regular post on account of working on temporary/ad-hoc basis.

4.5 Para 4.5 of the application so far as it is a matter of record, needs no reply. It is, however, stated that the applicant was not appointed to the regular post of Junior Assistant. On account of having worked on ad-hoc basis from time to time he is not entitled for regularization nor he is entitled to pay scale



equivalent to the pay of regular Junior Assistant.

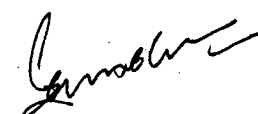
4.6 Para 4.6 of the application is not admitted. It is not admitted that the applicant has a legal right for regularization and regular pay scale as alleged by him. The allegation that he was appointed to the regular post after interview and selection is also not admitted and is not correct. The petitioner had applied for regular post of Assistant/stenographer in NIOS. *Petitioner*

was called for written test at regional centre nowkhali on 25th March, 2003. After ^{Qualifying} written test, petitioner was called for shorthand and Computer speed test at the office of the National Institute of Open Schooling at New Delhi on 20th April, 2003. The petitioner appeared for the test, however, he did not qualify and was not appointed to the regular post of Assistant/Stenographer. It is further stated that the Hon'ble Administrative Tribunal does not have any jurisdiction against National Institute of Open Schooling in the facts and circumstances.

Sunil Kaura
SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
B-315, Kirti Kirti Colony, New Delhi-110014

4.7 Para 4.7 of the application is not admitted. The applicant is not entitled for any relief on ground of any alleged irreparable loss to him in the facts and circumstances.

4.8 Para 4.8 of the application is not admitted. The applicant was not appointed to the regular post of Junior Assistant. On account of having worked on ad-hoc basis from time to time as Junior Assistant, he is not entitled for regularization nor he is entitled to the regular pay scale of the junior assistants. The applicant has concealed the material fact that he had applied for the regular post of Assistant/Stenographer, however, he was finally not selected after shorthand and computer speed test which was held at New Delhi on 20th April, 2003. The allegation of discrimination by the applicant is without any legal basis. The applicant was not appointed to the regular post and in the circumstances he is not entitled to the regular pay scales and other benefits payable to the regular junior assistant.

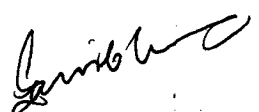


SUNIL KAURA
Secretary
National Institute of Open Schooling
(Ministry of Education, Government of India)
New Delhi-110002

4.9 Para 4.9 of the application as stated is not admitted. The applicant is not entitled for the relief claimed on the allegation that he is a poor person and he has worked sincerely on temporary/ad-hoc basis. The applicant was not appointed to the regular post and on account of having worked on ad-hoc basis from time to time he is not entitled for regularization. The Hon'ble Tribunal has no jurisdiction against National Institute of Open Schooling and in these circumstances the applicant is not entitled for such directions as prayed by him.

4.10 Para 4.10 of the application is denied. It is denied that the action of the respondents no. 2 and 3 is illegal, malafide and tainted with motive as alleged.

4.11 Para 4.11 of the application is denied. It is denied that the applicant has the alleged fundamental right. It is further denied that the alleged fundamental right of the applicant has been violated by the answering respondents.



SUNIL KAURA
Secretary
National Institute of Open Schooling
B-315, Sector 31, Rohtak, Haryana

4.12 Para 4.12 of the application is denied. It is denied that the answering respondents have acted in an arbitrary manner. The Hon'ble Supreme Court has held in a case titled State of Haryana Vs Tilak Raj (2003) 3 Law Reports of India 404 that in case a person is not employed to a regular post he is not entitled for emoluments at the regular pay scale. The applicant is also not entitled for regularization in the facts and circumstances nor he is entitled to pay scale equivalent to the pay scale of regular post.

4.13 Para 4.13 of the application is not admitted.

5. Para 5 of the application is not admitted. The grounds alleged by the applicant are untenable and he is not entitled for any relief.

5.1 Para 5.1 of the application is not admitted. The allegation that the action of the answering respondents are prima facie illegal and without jurisdiction is not admitted.


SUNIL KAURA
Secretary
National Institute of Open Schooling
B-313, Kirti Nagar, New Delhi-110015

5.2 Para 5.2 of the application is not admitted. It is denied that the actions of the answering respondents are malafide and illegal as alleged.

5.3 Para 5.3 of the application is not admitted. The applicant was not appointed to the regular post. On account of having worked on ad-hoc basis from time to time, he is not entitled for regularization nor he is entitled for pay scale of regular Junior Assistant. The petitioner had applied for regular post of Assistant/stenographer ~~in NIOS. Petitioner was called for written test~~ *in NIOS*

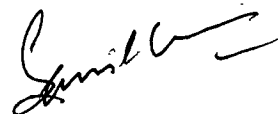
~~at Regional Centre Moradabad~~ *at Regional Centre Moradabad* on 25th March, 2003. After ~~qualifying~~ *qualifying* written test, petitioner was called for shorthand and Computer speed test at the office of the National Institute of Open Schooling at New Delhi on 20th April, 2003. The petitioner appeared for the test, however, he did not qualify and was not appointed to the regular post of Assistant/Stenographer. *The Regular post of Junior Assistant is being advertised shortly. Petitioner may apply for the same.*

Sunil K
SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
B-110, KANUNJ BHAGAT, NEW DELHI-110 045

5.4 Ground 5.4 of the application is untenable. The applicant is not entitled for the relief claimed on the ground that he will become over age for other employment. The petitioner can not claim regularization after failing to get selected for the appointment to the regular post of Assistant/stenographer.

5.5 Reply to ground 5.5 of the application it is stated that on account of having gathered alleged experience on account of having worked on ad-hoc/temporary basis from time to time, the applicant is not entitled for regularization.

5.6 Ground 5.6 is not tenable. On account of working as a junior assistant on ad-hoc basis and doing some of the work equivalent to the work of junior assistant, the applicant is not entitled for regularization. The applicant failed in the selection to the regular post of assistant/stenographer.



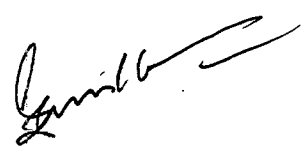
SUNIL KAURA
Secretary
National Institute of Open Schooling
Govt. of India
B-31B, Kailash Colony, New Delhi-110049

(39)
43

5.7 Ground 5.7 of the application is not admitted. In any case it is stated that on the ground that the applicant has no alternative means of livelihood, he is not entitled for regularization and the pay scale of regular junior assistant.

5.8 Ground 5.8 of the application as stated is not admitted. The National Institute of Open Schooling is run by National Open School Society which was created pursuant to Government Notifications. The applicant is not entitled for the relief claimed in the facts and circumstances. The applicant is also not entitled to raise such other grounds as may be desired by him without disclosing the same to the answering respondents in the facts and circumstances.


6. Para 6 of the application is not admitted. It is not admitted that the applicant is entitled to invoke the jurisdiction of the Hon'ble Tribunal against the National Institute of Open Schooling in the facts and circumstances.



SUNIL KAURA

Secretary
National Institute of Open Schooling
(Govt. of India)
H-317, ANAND VIHAR, NEW DELHI-110029

7. Para 7 of the application is not admitted. The applicant be put to the proof of the allegations made therein.
8. para 8 of the application is not admitted. The Hon'ble Administrative Tribunal has no jurisdiction against the answering respondents and National Institute of Open Schooling. The National Institute of Open Schooling has not been impleaded as a party and the application is bad for non-joinder of parties. National Institute of Open Schooling can be sued through its Secretary only. The National Institute of Open Schooling cannot be sued through its Regional Director and in the circumstances the application is also bad mis-joinder of parties. The applicant is not entitled for regularization to the post of junior assistant nor he is entitled to the regular pay scale of junior assistant w.e.f. 1st June, 1999 or from any other date. The applicant had applied for the regular post of assistant/ Stenographer in NIOS office, however, he did not qualify shorthand and computer speed test. The application is without any merit and is liable to be dismissed with costs.


SUNIL KAURA
Secretary
National Institute of Open Schooling
(Govt. of India)
B-34, Sector 34, Gurgaon, Haryana


(41) JS

8.2 Para 8.2 of the application is not admitted. The applicant is not entitled for the cost of proceedings against respondents no. 2 and 3.

9. Para 9 of the application is not admitted. The applicant is not entitled for interim relief. The applicant has been appointed on temporary/ad-hoc basis since 1.6.199 from time to time for the seasonal work available with National Institute of Open Schooling. The applicant had applied for the regular post of assistant/Stenographer ~~in~~ NIOS office, however, he did not qualify shorthand and computer speed test. The applicant is not entitled to continue working as prayed by him. The ex-parte interim order passed by this Hon'ble Tribunal is liable to be vacated in the facts and circumstances.


10-12. Paras 10 to 12 of the application are matter of record.

The applicant is not entitled for the relief prayed and the application is liable to be dismissed with costs.


SUNIL KAURA
Secretary
National Institute of Open Schooling
(of India)
11/11/2019

C2
46

It is therefore, most humbly prayed that the application be dismissed with costs. Such other and further order as this Hon'ble Tribunal may deem fit and proper be also passed in favor of respondents no.2 & 3.



Respondent no. 2 & 3

Through

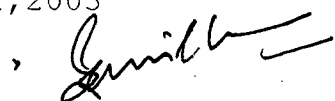
14.10.2003

Counsel

Verification

I, Sunil Kaura, Secretary of the National Institute of Open Schooling having its office at B-31/B Kailash Colony, New Delhi do hereby verify that the contents of paras 2,3,4, 6 to 12 are true to my knowledge based on official records and para 5 and paras 1 & 2 of the preliminary submission are true to legal advise received by me and believed to be true and also true to my knowledge based on official record and last para is prayer to the Hon'ble Tribunal.

Verified at New Delhi on 14th October, 2003



SUNIL KAURA
Secretary
National Institute of Open Schooling
(Ministry of India)
B-31/B, Kailash Colony, New Delhi-110048

No. F. 6-2/89-Sch. 3
Government of India
Ministry of Human Resource Development
(Department of Education)

New Delhi, the 21st Nov. 1989

RESOLUTION

Subject : Establishment of "National Open School Society".


Government of India hereby resolve to establish "The National Open School Society" for proper development of Distance and Open Learning System at the school level.

2. Aims and Objects.

The aims and objects for which the Society is established are the following :

- (i) To provide sound professional advice to the Government of India and to the States, regarding the proper development of Distance and Open Learning System, at the School level, in the country, in response to requests from the Government concerned;
- (ii) To develop and prescribe or offer a wide spectrum of courses of study, for purpose of general and continuing education, either leading to certification at the school stage (Middle, Secondary or Senior Secondary) or for the life and job enrichment and without certification;
- (iii) To develop and prescribe or offer Vocational Courses to the students of the Open Channel;
- (iv) To develop study materials, using print, audio and video aids;
- (v) To collaborate with agencies and institutions who would be willing to provide learning assistance to the students and to accredit such Learning Support Centres or Study Centres;
- (vi) To establish Regional Centres, for purposes of supervising the proper functioning of the Learning Support or Study Centres;
- (vii) To publish or cause to be published and to print the learning and other materials developed by the National Open School;
- (viii) To prescribe rules and conditions for the registration of students, for eligibility for appearing at the examination, for its conduct, and for all other rules consequent with and necessary for the proper fulfilment of the teaching, examining, and certifying, authority vested in the Society;
- (ix) To prescribe and demand payment of such fees and other charges as may be authorised by the Rules and as amended from time to time;

Certified to be true


Advocate

frame Service rules and bye-laws for the personnel, administration of the Staff of the Society and rules and bye-laws for the proper management of the several functions and responsibilities vested in the Society, including welfare measures for the Staff and to amend these from time to time; ✓

(xii) To do all such lawful acts and things, whether incidental to the powers aforesaid or not, as may be required in order to further the Aims and Objects of the society.

3. The Society shall be an autonomous body registered under the Societies Registration Act, 1860.

4. The Society shall consist of the following :

(a) Chairman of the National Open School who shall be appointed by the government of India, on such terms and conditions as the government may decide.

(b) Vice-Chairman of the National Open school, who will be the Director (Academic) and designated, ex-officio, as Vice-Chairman.

(c) Secretary of the National Open School who will be, ex-officio, the Secretary of the Society.

(d) Heads of the departments of the National Open School, namely :

Director (Academic)

Secretary (Administration)

Controller of Examinations.

(e) Nominee of Department of education, Ministry of Human Resource Development.

(f) Nominee of the Integrated Finance Division of the concerned Ministry/Department, Government of India.

(g) One representative of N.C.E.R.T.

(h) One representative of N.I.E.P.A.

(i) One representative of C.B.S.E.

(j) Three nominees, one each from the Ministry of Information and Broadcasting, from Doordarshan and All India Radio.

(k) Nominee of the Department of Women and Child Development.

(l) Nominee of the Ministry of Welfare.

(m) A representative of the Indira Gandhi National Open University.

(n) Director General or nominee of the National Literacy Mission Authority.

(o) Nominee of the Vice/Chancellor, Delhi University.

Office of the Secretary (Education), Delhi Administration.

- 22 -

(45)

Director/representative of the Open Schools/Correspondence schools in the states.

Commissioner, Kendriya Vidyalaya Sangathan or nominee.

Director, Navodaya Vidyalaya Samiti or nominee.

(i) Nominee of the Vice Chancellor of SNDT, Bombay.

(ii) Two representatives from industries which are linked with the vocational courses provided by the National Open School.

(v) All the members of the Executive Board, not included above.

(w) Two specialists/eminant educationists, to be nominated by the Central Government.

The members of the society shall be members of the general Body of the Society. The Society shall be supported by the funds placed at its disposal by the Government of India.

The General Body shall have vested with it the responsibility to assist the Society by providing sound and professional advice and counsel. Further, there shall be an Executive Board which will have the power to make and frame bye-laws which without prejudice to the generality of the foregoing provisions may provided for the following :

- (i) For the preparation and sanction of budget estimates, the sanctioning of expenditure, making and execution of contracts, the investment of the funds of the Society and the sale or alteration of such investment, and account and audit;
- (ii) Define the powers, function and conduct of business of the various Committees, as are constituted by it from time to time and the terms of office of their members;
- (iii) For creating various categories of posts, academic, administrative, technical, supervisory or ministerial, and for selecting and appointing persons to such posts;
- (iv) To frame Service Rules for the proper administration of the Society and of its personnel, including terms of tenure of appointments; emoluments, allowances, rules of discipline and other conditions of service of the employees of the Society as well as measures and norms for the welfare of the members of the Society;
- (v) For the establishment and management of funds, grants and allowances;
- (vi) To select a seal for the society and provide for safe custody and for proper use of the seal;
- (vii) To provide buildings, premises, furniture and apparatus and other necessary equipment and facilities for carrying out the work of the Society;
- (iii) For all other matters, as may be necessary for the furtherance of the objectives of the Society and for the proper administration of its affairs.

Sd/-

(J. S. RAJPUT)

Joint Educational Adviser to the Govt. of India

Ordered that a copy of the Resolution be communicated to all the Ministries/Departments of the Govt. of India.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

(J. S. RAJPUT)

Joint Educational Adviser to the Govt. of India

3. Vide notification published in part-I, Section-I of No. 42 of the Gazette of India on 2th October, 1990, NOS was vested with the authority for holding certain examinations through Distance and Open Learning System at the School stage and the certification thereof.

© National Institute of Open Schooling

2003 (200 Copies)

Published by the Secretary, National Institute of Open Schooling, B-31B, Kailash Colony,
New Delhi - 110 048. Typeset at National Institute of Open Schooling and
Printed at NUTAN PRINTERS, F-89 / 12, Okhla Phase-I, New Delhi-110020

Certified to be true
2
Advocate

MEMORANDUM OF ASSOCIATION

1. The Name of the Society

The Name of the Society shall be the "National Open School Society" (here-in-after referred to as the Society).

2. The Registered Office of the Society

The office of the Society is presently located at *39, Community Centre, WTA, Delhi-110052. It shall be located in any other part of the Union Territory of Delhi, as the Society may decide. However, in view of the difficulties in getting a suitable place, efforts would be made in locating the Society at any of the satellite towns like Ghaziabad, Gurgaon etc. as the Society may decide.

3. Aims and Objects

Aims and objects for which the Society is established are the following:

- (i) To provide sound professional advice to the Government of India and to the States, regarding the proper development of Distance and Open Learning System, at the School level, in the country, in response to requests from the Government concerned and to give financial contribution wherever considered necessary to the States for establishment and development of State Open Schools (SOS) and State Centres of Open Schooling (SCOS);

*Presently located at B-31 Kailash Colony, New Delhi-110048

- (ii) To develop and prescribe or offer a wide spectrum of courses of study, for purposes of general vocational and continuing education, either leading to certification at the school stage up to the under graduate level (including Certificates/Diplomas) or for life and job enrichment and without certification;
- (iii) To take the responsibilities of researching, innovating and experimenting in the area of Open Schooling and Open Learning and disseminating tested innovative practices to States;
- (iv) To play a nodal and lead role in developing a network of Open Schooling in the country and help the States in adapting/adopting the course material as well as developing courses in regional languages;
- (v) To share with the SOS and other Open Schooling agencies in the areas of common curriculum, printed instructional materials, and media materials etc;
- (vi) To plan and organise intensive training for capacity building in the area of open schooling at both national and international levels;
- (vii) To make arrangements for transfer of credits;
- (viii) To establish data base on Open Learning;
- (ix) To emerge as a nodal resource/capacity building centre for developing countries so as to develop

- itself as a resource organisation to serve the open learning system;
- (x) To develop and prescribe or offer Vocational Courses to the students of the Open Channel;
 - (xi) To develop study materials, using print, non print and media;
 - (xii) To collaborate with agencies and institutions who would be willing to provide learning assistance to the students and to accredit such Learning Support Centres or Study Centres including study centres abroad;
 - (xiii) To establish Regional Centres, for purposes of promoting the proper functioning of the Learning Support or Study Centres;
 - (xiv) To publish or cause to be published and to print the learning and other materials developed by the National Institute of Open Schooling;
 - (xv) To prescribe rules and conditions for the registration of students, for eligibility for appearing at the examinations, for its conduct, and for all other rules consonant with and necessary for the proper fulfilment of the teaching, examining and certifying authority vested in the Society;
 - (xvi) To prescribe and demand payment of such fees and other charges as may be authorised by the Rules, and as amended from time to time;
 - (xvii) To undertake studies, research and surveys in the aspects of Open Schooling;

- (xviii) To organise training programmes of various kinds and for various categories of personnel, both for the internal staff and for others;
- (xix) To provide consultancy services and to engage in model building, in close collaboration with States and a variety of other agencies or institutions;
- (xx) To serve as an agency for effective dissemination of information related to Distance Education and Open Learning; hence to publish newsletters, bulletins, or journals and use such other means as seen necessary to further this purpose;
- (xxi) To identify and promote standards of learning in Distance Education System and Open Schools which may be set up in different parts of the country, through Research and Evaluation and to maintain standards of equivalence with the formal system, while retaining its own distinct character;
- (xxii) To exercise normative and co-ordinating functions while promoting standards in Distance and Open Learning Systems in the country and thus make its own contributions to the evolution of a Learning Society;
- (xxiii) To take over the administration and management of the Open School of the Central Board of Secondary Education, New Delhi, with all its assets and liabilities and to amalgamate it with the Society;

- (xxiv) To purchase or otherwise acquire or take on lease or hire, premises for the various works of the Society;
- (xxv) To invest and deal with funds and monies of the Society;
- (xxvi) To set up a Research and Learning Resource Library, containing books and learning materials in other media;
- (xxvii) To obtain or accept grants, subscriptions, fees, donations, gifts, bequests and properties, both movable and immovable, from Governments or from any person, for the purposes of the Society;
- (xxviii) To build, construct and maintain buildings and alter, extend, improve or repair or modify any existing building and suitably equip such building for the use of the Society;
- (xxix) To appoint committees or sub-committees as seen fit to carry out the objects of the Society and to prescribe rules and guidelines for the proper functioning of such committees;
- (xxx) To frame Service Rules and Bye-Laws for the personnel administration of the Staff of the Society and rules and bye-laws for the proper management of the several functions and responsibilities vested in the Society, including welfare measures for the staff and to amend these from time to time;

- (XXXI) To delegate any or all its powers to any of the Officers or to any of the Committees or Sub-committees constituted by it, for more effective management and functioning of the Society;
- (XXXII) To do all such lawful acts and things, whether incidental to the powers aforesaid or not, as may be required in order to further the Aims and Objects of the Society;
- (XXXIII) It is thus envisaged that the attainment of these aims and objects will, in turn, enable the Society to fulfill the **Mission of the Society**, which is to provide relevant, continuing and developmental education, at the school stage, upto the pre-degree level through the Open Learning System, to prioritised client groups, as an alternative to the formal system, in pursuance of the normative national policy documents, and in response to the need assessments of the people, and through it to make its share of contribution;
- To universalisation of education;
 - To greater equity and justice in Society; and
 - To the evolution of a Learning Society.
4. The income and property of the Society, howsoever derived, shall be applied towards the promotion of the objects thereof and as set forth in The Memorandum of Association of the Society, subject to the limitations and conditions imposed by the Government of India, from time to time, concerning the expenditure in the

disposal of properties. No portion of the income or property of the Society shall be paid or transferred, directly or indirectly, by way of dividends, bonus or otherwise, howsoever, by way of profit, to the persons who, at any time, are or have been members of the Society or to any person claiming through them or any of them, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other persons in return for any service rendered to the Society.

5. Government of India, from time to time, shall appoint one or more persons to review the work and progress of the Society, and hold enquiry into the affairs thereof.
6. The Government of India on the basis of the above, will issue such directions to the Society as it may consider necessary for the furtherance of the objectives of Society and for enduring its proper and effective functioning and the Society will be bound to comply with such directions.
7. The names, addresses, designations and occupations of the members of the first Executive Board of Society, to whom the management of its affairs was entrusted, by the Rules and Regulations of the Society, as required under section-2 of the Societies Registration Act of 1860 (Punjab Amendment Act 1957) as extended to the Union Territory of Delhi are as follows.:

- 33 - - 28 - - 51 -

Name	Designation and Address	Status
1. Fr. T.V. Kunnunkal	Consultant, Ministry of HRD, New Delhi	Chairman
2. Shri L.S. Narayanan	Jt. Secy & Financial Adviser, Ministry of HRE, Department of Education, New Delhi	Member
3. Shri L.D. Mishra	Jt. Secy. (AE) & Director General, National Literacy Mission, Deptt. of Edu. MHRD, New Delhi	Member
4. Shri H.S. Singha	Chairman, CBSE, Shiksha Kendra, Preet Vihar, Delhi	Member
5. Shri J.S. Rajput	Educationist, 151, Aradhana Nagar, Katra Sultanabad, Bhopal (M.P)	Member
6. Shri A. Banerji	Educationist, Bela Bitan, Rishi Bankim Chatterjee Road, P.O. Banasat, Distt. 24 Parganas, (W.B)	Member
7. Dr. K.D. Sharma	Educationist, Vill & P.O. Pragpur, Distt. Kangra (H.P)	Member
8. Shri Jitendra Singh	Dy. Director, Open School (CBSE) 39, Wazirpur Indl. Area, Delhi	Secretary

We, the several persons, whose names and addresses are given below, having associated ourselves for purposes described in this Memorandum of Association, do hereby subscribe our

names to this Memorandum of Association and set our respective hands there unto and form ourselves into a Society under the Societies Registration Act (XXI of 1860). Punjab Amendment Act, 1957 as extended to the Union Territory of Delhi, this **21st Day of November one thousand nine hundred and eighty nine.**

Name	Address	Attestation
1. H.S. Singha	Chairman, CBSE, Shiksha Kendra, Preet Vihar, Delhi	Sd/-
2. A. Banerji	Educationist, Bela Bitan, Rishi Bankim Chatterjee Road, P.O. banasat, Dist. 24 Parganas, (North) (W.B)	Sd/-
3. Lakshmidhar Mishra	Jt. Secretary (AE) and Director General, National Literacy Mission. Deptt. of Edu. MHRD, Room No. 109, C-Wing Shastri Bhawan, New Delhi	Sd/-
4. S.P. Tuli	Jt. Secy. (A), Deptt. of Education, MHRD, New Delhi	Sd/-
5. L.S. Narayanan	Jt. Secy & Financial Adviser, Ministry of HRD, Deptt. of Education, New Delhi	Sd/-

- 29 -

6. S.K. Ray	61, Bapuji Nagar, Bhubaneswar - 751000 Orissa	Sd -
7. J.S. Rajput	151, Aradhana Nagar, Katra Sultanabad, Bhopal, (M.P)	Sd -
8. Geeta Ram	Vill. & P.O. Panihari District Sirsa, Haryana	Sd -
9. Saria Das	Mission Compound Nasirabad, Rajasthan-305601	Sd -
10. K.D. Sharma	Vill & P.O. Pragpur Distt. Kangra, H.P.	Sd -
11. T.V. Kunjankal	Consultant, Ministry of HRD, New Delhi	Sd -
12. P.K Joseph	Purakkary, S.K. Mangalam, Athirampuzha, Kerala	Sd -
13. G. Balasubramanian	Lal Bagum Street, Triplicane, Madras-600005	Sd -
14. Jitendra Singh	Dy. Director Open School (CBSE) 39, Wazirpur Indl. Area, Delhi-110052	Sd -
15. V.S. Sharma	Accounts Officer, Open School (CBSE) Wazirpur Indl. Area, Delhi-110052	Sd -

- 52 -

RULES AND REGULATIONS OF NATIONAL OPEN SCHOOL SOCIETY

1. Short Title

These Rules and Regulations may be called the Rules and Regulations of the National Open School Society.

2. Interpretations

Unless the context otherwise requires;

- (i) "Society" means the National Open School Society.
- (ii) **** (deleted)
- (iii) "President" means the President of the National Open School Society.
- (iv) "Vice-President" means the Vice-President of the National Open School Society.
- (v) "Chairman" means the Chairman of the National Institute of Open Schooling.
- (vi) **** (deleted)
- (vii) "The General Body" means the General Body of the National Open School Society.
- (viii) "The Executive Board" means the Executive Board of the National Open School Society.
- (ix) "The Government" shall mean the administrative Ministry or Department of the Government of India concerned with the Society.

- (x) Words denoting singular number shall include also the plural and vice versa, according to the context, similarly, words denoting the masculine gender shall include also the female feminine gender, unless the context precludes it.

3. Authorities of the Society

- (a) The General Body;
- (b) The Executive Board;
- (c) Standing Committees, including the Finance Committee, and other Committees or sub-committees which the * Executive Board may set up for discharging any one or more of its functions.

4. Members of the General Body

The Society shall consist of the following members;

- (a) President of the National Open School Society shall be the Minister of Human Resource Development, Government of India and will chair the General Body Meetings.
- (b) Vice-President of the National Open School Society shall be the Minister of State for Education, Government of India and will chair the General Body Meetings in the absence of President.
- (c) Education Secretary, Department of Education, MHRD

* Substituted in place of General Body, E.B. Res. No. 3
dt. 22/4/92.

- (d) Joint Secretary, Department of Education, Ministry of Human Resource Development dealing with National Open School Society.
- (e) Chairman of the National Institute of Open Schooling.
- (f) **** (deleted)
- (g) Secretary of National Institute of Open Schooling who will be ex-officio, the Secretary of the Society.
- (h) All Heads of Departments of the National Institute of Open Schooling
- (i) Financial Adviser, MHRD, Government of India.
- (j) Director, NCERT
- (k) Director, NIEPA.
- (l) Chairman, CBSE.
- (m) Three Nominees, not below the level of Joint Secretary, one each from the Ministry of Information and Broadcasting, Doordarshan and All India Radio.
- (n) Nominee not below the level of Joint Secretary, Department of Women and Child Welfare.
- (o) Vice-Chancellor, IGNOU
- (p) Director General of the National Literacy Mission.
- (q) Nominee not below the level of Joint Secretary of the Ministry of Welfare.

- 31 - - 54 -
- (r) Nominee not below the level of Joint Secretary of the Ministry of Labour.
 - (s) Secretary Education, Delhi Govt. (NCT) of Delhi.
 - (t) Director/Head of one of the SOS Correspondence School Vice-Chancellor of State Open University by rotation.
 - (u) Commissioner, Kendriya Vidyalaya Sangathan.
 - (v) Director, Navodaya Vidyalaya Samiti.
 - (w) Vice-Chancellor of one of the Women's Universities.
 - (x) Two representative from industries to be nominated by MHRD on the recommendation of National Institute of Open Schooling.
 - (y) All the members of the Executive Board, not included above.
 - (z) Two educationists, to be nominated by MHRD on the recommendation of National Institute of Open Schooling.

5. Terms of Membership

- (a) The term of office of the ex-officio members will be co-terminus with their holding their official position.
- (b) The term of office of the rest of the members will be for a period of three years. Fresh appointment (other than those for filling in interim vacancies) will be made in April.

- (c) Should any person who is a member of the General Body or of a Committee, by reason of the office or appointment he holds, be prevented from attending any meeting of the society, he shall be at liberty to authorise a representative to take his place at that meeting. Such a representative shall have all the rights and privileges of a member, but for that meeting only.
- (d) All outgoing members other than the ex-officio members, shall be eligible for re-appointment.
- (e) A member of the Society other than the ex-officio member, shall cease to be a member, if:
 - Such a member resigns or becomes of unsound mind or becomes insolvent or be convicted of an offence involving moral turpitude; or
 - He does not attend three consecutive meetings without obtaining leave of absence.
- (f) A resignation of membership of the Society shall be tendered to the Chairman and shall take effect only after it has been accepted by the General Body. Any vacancy in the membership of the Society caused by any of the reasons mentioned above may be filled up by the authority appointing such member and the person so appointed in the vacancy shall hold office only for the duration of the remaining term of the member in whose place the appointment was made.
- (g) Any person who ceases to be a member of the

- 32 -

Society, shall ipso facto cease to be a member of any of the committees of the Society.

- (h) The Society shall function notwithstanding any vacancy and notwithstanding any defect in the appointment or nomination of any of its members and no act or proceeding of the Society shall be invalid merely by reason of the existence of any vacancy therein or of any defect in the appointment or nomination of its members.
- (i) The General Body shall continue to function till such time fresh nominations are made against the non-ex-officio positions.
- (j) The General Body and the Executive Board shall be constituted with the approval of the Government of India.

6. Powers and Functions of the General Body

- (a) The General Body shall have, vested with it, the responsibility to assist the Society by providing sound and professional advice and council; it will generate a vision and give broad policy directions to the Society;
- (b) It shall receive and critically examine and comment on the annual Review Report of the Society;
- (c) It will receive and approve the annual budget of the Society;
- (d) In general, the General Body, will help ensure that the Society will remain publicly accountable and that it exercises its powers and functions in

- 55 -

consonance with the Mission and objectives of the Society and within the frame work of the Normative National Documents.

7. Meetings.

- (a) An annual Meeting of the General Body shall be held, at a date and time, to be decided by the President during which the Chairman will submit the annual Review Report as well as the Audited Accounts of the Society and the budget estimates for the following year;
- (b) The President shall ordinarily Chair the General Body meetings. However, in his absence the Vice-President shall Chair the meetings;
- (c) The meeting shall be convened, as directed by the President on the advice of Chairman under the signature of the Secretary, National Institute of Open Schooling.
- (d) The President on the advice of Chairman may convene a special meeting of the Society if he thinks fit or if such a meeting is requisitioned by eight or more members in writing;
- (e) Ten members or one-third, whichever is less, present in person shall form a quorum at every meeting of the Society;
- (f) All disputed points at meetings shall be determined by vote. Every member of the Society shall have one vote each and in case of a tie the President shall have the right to casting vote;

- (g) The President on the advice of Chairman may invite if considered necessary for furtherance of aims and objectives of National Institute of Open Schooling, a person or persons to participate in the deliberations of the meetings of the Society, provided that such a person(s) shall not have the right to vote.

8. The Powers and Functions of the Executive Board

- (a) In general, the Executive Board will have, vested with it, all the powers of the Society, to manage its affairs and to enable it to function smoothly and effectively. It shall, however, exercise these powers within the context of the Mission and Aims and Objects of the Society and the advice it receives from the General Body.
- (b) Specifically, the following will be the substantive powers and functions of the Executive Board:
 - Forward Planning of Policies and Programmes of ctions;
 - Taking appropriate Decisions;
 - Ensuring Effective Implementation;
 - Exercising the Review Function.
- (c) The Executive Board shall have the following members:
 - Chairman of the National Institute of Open Schooling , who will also be
Chairman of the Executive Board;

- ****(deleted)
- Secretary of National Institute of Open Schooling who will be the Member Secretary;
- Heads of all the Departments of National Institute of Open Schooling
- Nominee of Department of Education, Ministry of Human Resource Development and nominee of Integrated Finance Division of Ministry of Human Resource Development;
- One specialist from each of following areas:
 - Distance Education
 - Development Education
 - Development and Education of Women
 - Industry
 - Media
 - Technology
 - Vocational/Technical Education
 - Adult Education

9. Meetings

The Executive Board shall hold meetings, as required but it shall meet at least twice a year.

The quorum for the meeting will be one third of the total membership.

10. Bye-Laws

- (a) The Executive Board shall have the power to make and frame bye-laws, in consonance with the Memorandum of Association and Rules and Regulations of the Society and to add, alter, amend or rescind the same from time to time, for the administration and management of the affairs of the Society.
- (b) Without prejudice to the generality of the foregoing provisions, such bye-laws may provide for the following matters:
 - i) For the preparation and sanction of Budget estimates, the sanctioning of expenditure, making and execution of contracts, the investment of the funds of the Society and the sale or alteration of such investment, and account and audit;
 - ii) Define the powers, functions and conduct of business of the various Committees, as are constituted by it from time to time and the terms of office of their members;
 - iii) For creating various categories of posts, academic, administrative, technical, supervisory or ministerial and for selecting and appointing persons to such posts;
 - iv) To frame Service Rules for the proper

administration of the Society and of its personnel, including terms of tenure of appointments, emoluments, allowances, rules of discipline and other conditions of service of the employees of the Society as well as measures and norms for the welfare of the members of the Society;

- v) For the establishment and management of funds, grants and allowances;
 - vi) To select a seal for the Society and provide for its safe custody and for proper use of the seal;
 - vii) To provide buildings, premises, furniture and apparatus and other necessary equipments and facilities for carrying out the work of the Society;
 - viii) For all other matters, as may be necessary for the furtherance of the objectives of the Society and for the proper administration of its affairs;
 - ix) Until it frames its own bye-laws for the governance of its affairs, it may adopt, for the interim period, the Rules applicable in the Central Board of Secondary Education, New Delhi or another.
- (c) Amendments to Memorandum of Association and Rules and Regulations, made under section 10 (a) shall not come into effect, without the prior approval of the Government of India.

- 40 - - 35 - - 58 -
- (d) The bye-laws framed under Section 10 (b) will come into effect, as soon as they are approved by the Executive Board.
 - (e) Subject to these Rules and Regulations, the Executive Board or a person whom the Executive Board shall authorise, in this behalf, shall have the power to appoint all categories of officers and staff for conducting the affairs of the Society and to fix the amount of remuneration subject to budget provision and to define their duties.
 - (f) The Society may delegate to the Chairman of the National Institute of Open Schooling or to any of its members such administrative and financial powers and impose such duties as it deems proper and also prescribe limitations within which the said powers and duties are to be exercised or discharged.
 - (g) The accidental omission to give notice of any meeting of the Society to a member or the non-receipt of such notice by any person entitled to receive such notices shall not invalidate the proceedings of that meeting.
 - (h) The members of the Society or of the Executive Board or of other Committees shall not be entitled to any remuneration from the Society. The non-official members of the Committees appointed by the Society shall, however be paid travelling allowance and daily allowance as may be provided for in the bye-laws, to be made in this behalf, for purpose of attending the meeting of the Society or for any business of the Society.

11. Appointment, Powers and Responsibilities of the Chairman

- (a) The Chairman of the National Institute of Open Schooling shall be appointed by the Government of India on such terms and conditions as the Government may decide for a tenure of 5 years or attaining the age of 62 years whichever is earlier.
- (b) As the Chief Executive of National Institute of Open Schooling his areas of responsibilities will lie in the following:
 - Providing leadership in generating ideas;
 - Building a cohesive team out of the senior executives and academic staff of the National Institute of Open Schooling and take measures to foster team spirit and a high level of motivation;
 - Ensuring that there is a careful nurture of the work ethos and high standards of excellence, in all the Departments and in every item of work done by the National Institute of Open Schooling;
 - Providing facilitation and support ~~***~~ to the Heads of Departments for personal and professional development, specifically to assist them and work with them to evolve policies and programmes of action, to take appropriate decisions, to ensure proper implementation and to organise regular review meetings;

- Delegating to the *** (deleted) , Secretary and Heads of Departments specific area responsibilities and thus make them share the tasks and responsibilities of top management;
- In brief, ensuring that the Aims and Objects and through them, the Mission of the Society are attained in fuller and fuller measure.

12. Powers and Responsibilities of the Vice-Chairman

***** (Deleted)

13. Powers and Responsibilities of the Secretary

The Secretary will be Administrative Head of the Society and shall exercise all those specific powers and responsibilities that are delegated to him by the Chairman and as specified in the Bye-Laws.

As Heads of the Department of Administration and Accounts, he will exercise these powers in accordance with the norms given in section 14.

14. Powers and Responsibilities of the Heads of Departments

The following are the powers and responsibilities of the Heads of Departments:

- To evolve, alongwith his team members in the Department, draft policies and programmes of action for the Department, both short term and long term. While these would vary, according to the nature of the different Department, each Department would be required to identify

specifically the tasks, task-schedules and necessary collaboration with other Departments etc:

- When such policies and programmes are approved by the appropriate authority, to organise the resources of the Department to ensure effective implementation;
- To build a team of committed members in the Department, out of all the members and of all categories;
- To sanction expenditures, according to approved norms and within the powers delegated to him;
- To take personal responsibility to develop seconds and thirds in the Department, through delegation of specific responsibilities, and through specific assignments to those within the Department;
- To provide opportunities for personal and professional development of the staff of the department of various categories viewing this as a major responsibility;
- To be the Member-Secretary of the meetings held in the Department;
- To exercise all other powers and assume all other responsibilities not inconsistent with the delegation of powers or with the furtherance of the objects and tasks in other Departments or with the Aims and Objects and the Mission of the Society;

- To ensure that one's Department would work in collaboration with other Departments;
- To exercise the necessary supervision, within the Department so that all the members abide by the Rules, Regulations and directives contained in the bye-laws both those applicable to the National Institute of Open Schooling as a whole and those specifically applicable to the particular Department.

15. Suits by and against the Society

The Society may sue and be sued in the name of the Secretary of the Society.

16. Contracts and Agreements

All contracts and agreements for and on behalf of the Society shall be signed by the Secretary of the Society.

*17. Accounts and Audit

- (i) The Society shall maintain proper accounts and other relevant records and prepare annual accounts comprising of the Receipt and Payment Account, Statement of Liabilities and Assets, in such form as may be prescribed by the Government of India, in consultation with the Comptroller and Auditor General of India.
- (ii) The Accounts of the Society shall be audited annually by the Comptroller and Auditor General or by any other person appointed by him in this behalf and expenditure incurred in connection with

the audit of accounts of the Society shall be payable by the Society.

- (iii) The Comptroller and Auditor General or any other person appointed by him in this behalf shall have the same rights, privileges and authority in connection with the audit and accounts of the Society as with accounts of other similar autonomous institutions of the Government.
- (iv) The Accounts of the Society, duly audited by the Office of the Comptroller and Auditor General of India shall be forwarded annually to the Government of India and the Government shall cause the same to be laid before the House of Parliament within nine months of the close of the accounting year of the Society.

*18. Annual Report

The Society shall submit annually to the Govt. of India, a report of its working, together with the Audit Report, on its accounts, for the previous year, in both English and Hindi Versions, for laying them, within nine months of the close of the accounting year, on the table of both Houses of Parliament.

19. Dissolution of the Society

In the event of the dissolution of the Society, according to the resolution of the Government of India, it will be done, as per provision of section 13 of the Societies' Registration Act (XXI of 1860), after getting prior

*(Approved by the Govt. of India vide letter No. 5-23/92-Sch.3 dated 17/7/92)

permission from the appropriate authority of the Government.

20. Application of the Act

All the provisions under all the Sections of the Societies' Registration Act, 1860 as applicable to the Union Territory of Delhi shall apply to the Society.

21. Essential Certificate

Certified that this is the correct copy of Rules and Regulations of the Society.

Sd/-
(Chairman)

Sd/-
(Secretary)

Sd/-
(Member)

दूरभाष : 6211457, 6211458, 6211459

मुक्तशाला • फैक्स : 011-6211453

राष्ट्रीय ओपन स्कूल

(भारत सरकार के शिक्षा विभाग के अधीन एक स्वायत्त संगठन)

बी-31बी, कैलशा कॉलोनी, नई दिल्ली - 110 048



Phones : 6211457, 6211458,

Gram : MUKTASHALA • Fax : 01

NATIONAL OPEN SC(An Autonomous Organisation of
of Education, M.H.R.D., Governmen
B-31B, Kailash Colony, New Delh

Ref.

Dated. NOS/Pers. /99.11.14
12.05.99**MEMORANDUM****Subject: Appointment to the post of Junior Assistant**

With reference to his Bio-Data and subsequent interview held on 20.04.99, Sh. Rohini Sarma is intimated that he has been selected for the post of Junior Assistant NOS Regional Centre, Guwahati on a consolidated salary of Rs.3500/- per month on the following terms and conditions:

1. He will be paid consolidated salary of Rs. 3500/- per month.
2. The appointment is purely on temporary and adhoc basis for the period of Six months only.
3. During the appointment he will submit herself to the order of the NOS and whenever required, will proceed to any part of India and will perform such duties as may be assigned to him in connection with the office work.
4. The appointment shall also be liable to be terminated on one month's notice in writing given at any time during the appointment by either side. However, NOS reserves the right to pay one month's consolidated salary in lieu of such notice.
5. He will have no right or claim against any post, on account of his appointment for the said period nor he would be entitled for regularisation against a regular post nor claim for the employment to the regular post of any type on account of work done by him during the employment period.

.....2

Certified to be true

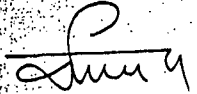
Advocate

62

-40-

-2-

In case aforesaid terms and conditions are acceptable to him, he is requested to send his consent on the duplicate copy of this memorandum duly signed to the Secretary, National Open School, B-31B, Kailash Colony, New Delhi-110048 and join duty immediately at Guwahati.


(S.S. GILL)
Secretary

Sh. Rohini Sarma,

Copy:
A.C. Bhuyan,
Regional Director
NOS Regional Centre
G.S. Road,
Guwahati-781 005.

Annexure R2-4

NATIONAL OPEN SCHOOL
B-31B, KAILASH COLONY,
NEW DELHI - 110 048

F.No. NOS/Pers./99/

Dated: 22.9.99


OFFICE ORDER

Consequent upon his selection and subsequent to his acceptance of offer issued, Sh.Rohini Sarma has been appointed as Jr.Assistant w.e.f. the date noted against his name in the National Open School on a consolidated salary of Rs. 3500/- per month.

S.NO.	NAME	DESIGNATION	DATE OF APPOINTMENT	Place of Posting
1.	Sh. Rohini Sarma	Jr.Assistant	01.6.99(F/N)	Regional Centre, Guwahati

The above appointment is purely temporary & adhoc basis for a period of six months from the date of his joining.


This issues with the approval of Secretary.


Section Officer (Pers.)

Distribution:

1. Concerned Official
2. All HODs
3. Accounts Officer
4. All Officers upto the level of Section Officer
5. Office Order File
6. Personal File
7. Regional Directors, Cochi, Calcutta, Pune, Guwahati, Hyderabad, Chandigarh, Delhi, Agra

Certified to be true


Advocate