

13

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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13/07/2015
SECTION OFFICER (JUDL.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : ----- 158 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No. -----
3. Misc. Petition No : ----- / 2009 in O.A. No. -----
4. Contempt Petition No : ----- / 2009 in O.A. No. -----
5. Review Application No : ----- / 2009 in O.A. No. -----
6. Execution Petition No. : ----- / 2009 in O.A. No. -----

Applicant (S) : Mrs. Gitiqa Kalita

Respondent (S) : M. O. I. Sons

Advocate for the : B. Sonma, A. Chetry, Mrs. S.P. Naice
{Applicant (S)}

G. Z. Ahmed.

Advocate for the : G. Case
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form, is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. 39 G. 4186 43 Dated 14.8.09</p> <p><i>[Signature]</i> Dy. Registrar 14.8.09</p> <p>Steps taken with envelope. Copy served.</p> <p><i>[Signature]</i> 14/8/09</p>	17.08.2009	<p>Applicant's husband died prematurely leaving behind the widow (Applicant), a minor son and a daughter. Applicant has not yet been granted pensionary benefits and her applications (submitted during August, 2008 and in March 2009) seeking employment on compassionate ground have not yet been heeded to by the Respondents. While the Applicant was expecting pensionary benefits and an employment on compassionate ground, she has been asked to vacate the quarter No.A-2 still in her occupation. By notice dated 03.05.2009 under Annexure-4, the Applicant was asked to vacate the quarter within 30 days. By subsequent notice dated 05.08.2009 under Annexure-5, the Applicant has been asked to vacate the quarter within 15 days. Being aggrieved, the Applicant has filed the present O.A. on 14.08.2009.</p>

Contd.
17.08.2009

2. Heard Mr.B.Sarma, learned counsel appearing for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing counsel for the Govt. of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.

3. Mr.B.Sarma, learned counsel for the Applicant has placed on record certain circulars to show that the Applicant can continue to occupy the quarter in question for a period of two years from the date of death of the employee.

4. While granting liberty to Mr.M.U.Ahmed, learned Addl. Standing counsel, to obtain instructions in the matter, Registry ^{is directed} to issue notice to the Respondents requiring them to file their written statement by 01.10.2009.

5. In the meantime, Applicant should not be evicted from quarter No.A-2 until further orders.

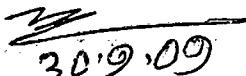
6. Send copies of this order to the Applicant and to the Respondents (along with notices) and free copies of this order be supplied to the counsels appearing for both the parties.


(M.K.Chaturvedi)
Member (A)


(M.R.Mohanty)
Vice-Chairman

Cas. D/No-9602-9604
19/8/09 DT- 21/8/09 /bb/

① Service report
awaited.


30.9.09

2
S.16/09
O.A.158/09

Vakalatnama has
been filed by Ms. N.S.Thakuria
and N. Deka, for Respondent No.
2 in the course on 1.10.09.
K. Das

01.10.2009

On behalf of Respondent No.2

Smt Niva Sarma Thakuria and Miss Nirmali Deka have entered appearance by filing Vakalatnama executed by Md Kamaruddin Ahmed. The designation of Kamaruddin Ahmed has not been disclosed in the Vakalatnama. Miss Nirmali Deka, Advocate prays for extension of four weeks time to file written statement on behalf of the Respondent No.2. Prayer is allowed.

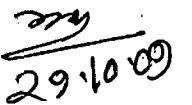
Call this matter on 30.10.2009 awaiting written statement from the Respondents.

Send copies of this order to the Respondents in the address given in the O.A.


(M.R. Mohanty)
Vice-Chairman

pg

No W.L.S. filed.


29.10.09

28.10.2009

Miss N. Deka, learned counsel appearing for Respondent No.2 states that reply will be filed during the course of the day with copy to the applicant. Applicant may file rejoinder, if any.

List on 8.12.2009.

Interim order to continue.


(Madan Kr. Chaturvedi)
Member (A)

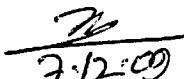

(Mukesh Kr. Gupta)
Member (J)

/pg/

30.10.09
W.L.S. has been filed
by the Respondent No.2.
Copy served.


30.10.09

No rejoinder filed.


7.12.09

Case No. 158/09 Date 08.12.2009

With due regard to respondents having filed
objection paper in the matter of the same
date and to ensure expeditious disposal of
the matter, the same is adjourned to

W/S. Byle
Date 10.12.2009

With PM (Member) present, Respondent
and Advocate present, the

date of hearing adjourned to 11.1.2010
with the Chairman and Respondent or
his/her attorney to be present.

Opposing party to be present on
date mentioned and the same is adjourned
to 11.1.2010.

pg

With the above date 10.12.2009, Date 11.01.2010

and notice, summons, notice of adjournment
and other documents issued in the matter

are sent

to Advocate (A)
and Member (J)

/PB/

1-2-10

No rejoinder filed.

08.12.2009

Respondents have filed
M.P.117/09 seeking vacation of stay
order 17.8.09. Since the respondents
have already filed reply to the O.A
matter can be heard on merit itself
instead of hearing twice on the same
aspect.

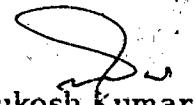
In the circumstances list on
11.1.2010.

Interim order to continue.


(Mukesh Kr. Gupta)
Member (J)

Learned counsel for Respondents
seeks an adjournment. It is seen that
rejoinder have not yet been filed. Enabling
the applicant to file rejoinder case is
adjourned to 12.02.2010.


2.2.2010
List the matter on 12.01.2010.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

2.2.2010

Applicant has ^{preferred} numerous claims, namely, that her husband died on 1st March 2008; she has not been paid the pensionary benefits and also had not been allowed to retain government accommodation allotted to him while in service as well as non considering her case for compassionate appointment. Learned counsel for Applicant fairly states that Applicant has received pensionary benefits including gratuity, leave encashment, pension etc. As far as retention of Government accommodation in case of death of an allottee, is concerned as per Government instructions, family of deceased Government servant is entitled to occupy such accommodation for a further period of two years, which period is expiring very shortly i.e. 1.3.2010.

The basic grievance which requires consideration is, claimed for compassionate appointment. Vide reply para-10, Respondents have taken specific stand, namely: "in the Institute, in case of appointment on compassionate ground, applicants are first appointed on temporary basis in the Office to assess their performance. Depending on the number of vacancies, names are taken from the Employment Exchange and thereafter appointments are done."

We direct the Respondents to place on record the policy which govern the cases relating to compassionate appointment. Respondents are

Contd/-

Contd/-

2.2.2010

allowed one week time to do the needful along with affidavit of the responsible officer.

W/S B/Led by R.No-2

22-2-2010

The Respondents states that the Applicant is not paying the required license fees. If that is so, Applicant to take necessary steps in the meantime.

List the matter on 8.2.2010.

22-2-2010

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/Lm/

08.02.2010

Mrs.N.S.Thakuria, learned counsel for
Respondents seeks further time to file affidavit
in terms of order dated 02.02.2010.

W/S B/Led by R.No-2

List on 23.02.2010.

22-2-2010

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

22-2-2010
no affidavit filed

23.02.2010

An affidavit dated 22.2.2010 has been filed by Shri Kamruddin Ahmed, Respondent No.2 as Director of Indian Institute of Entrepreneurship, Guwahati whereby vide para-8 it has been observed as follows:

"That the Deponent begs to state that the Indian Institute of Entrepreneurship is under the Ministry of Macro, Small and Medium Enterprise, Udyog Bhawan, New Delhi and there is no recruitment and promotion policy of the institute. The institute is purely Central Government undertaking and office have to generate its own resources. The Institute cannot run as pure Government Organization. Therefore, when any vacancy arises, it is informed to the Employment Exchange in a Form for Recruitment to Central Government Vacancies. Accordingly, the Selection committee takes the interview of those candidates whose names are sent by the Employment Exchange."

Vide order dated 22.2.2010, the Respondents were directed to place on record the policy which govern the policy relating to compassionate appointment. On examination of affidavit we find that said affidavit placed on record policy/guidelines for recruitment, which basically is in nature of direct recruitment, and do not deal with compassionate appointment.

In the circumstances, we direct Shri Kamruddin Ahmed, Director of Indian Institute of Entrepreneurship, Guwahati, to be present in Court on the next date of hearing an answer our query.

List the matter on 4th March 2010.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/lm/

04.03.2010

Mr. Kamruddin Ahmed, Director, Indian Institute of Entrepreneurship, Guwahati, Respondent No. 2 appeared in person, in terms of order passed on 23rd February 2010, wherein he was directed to explain as to what rules and regulations are applicable and governing the appointment based on compassionate grounds. He candidly admitted that the facts mentioned and stand taken & projected vide his reply dated 22nd February 2010 does not reflect the true picture, as no rules and regulation have been framed by the Institute. He further states that no rules and regulations have been framed after the said Institute has been made autonomous body under the Ministry of Micro, Small and Medium Enterprise, Government of India.

The blame is sought to be placed on the shoulder of then counsel appearing for him. We, on examination of the reply, are not satisfied with this statement, particularly when vide para 10, it has been stated in specific that whatsoever stated therein vide para 1-9 are "**true to my knowledge.**"

In the circumstance, we enquired from him why he signed himself and now putting the blame on the shoulder of then counsel for misleading this Tribunal, no specific & clear answer to this aspect has come forth. When an official signs an affidavit in the proceedings pending in the court of law and makes a statement, then the stand

Contd/-

Contd/-

04.03.2010

projected therein, true to his knowledge, as reflected in present case cannot easily be allowed to resile unless clear & specific aspects are pointed out. In the circumstances we warn him to be careful in future while dealing with court cases.

Mr. Ashim Chamuah, learned counsel enters appearance on behalf of Respondent No.2, seeks permission to withdraw the affidavit filed by Respondent No.2 as well as written statement filed by on behalf of the said Official who states that the stand taken therein, if not allowed to be withdrawn, ^{if would} without set a wrong precedent as complete factual aspects are not shown therein properly.

In the given circumstance, we allow him to withdraw said affidavit ^{+ HJS} subject to payment of Rs. 10,000/- (Ten Thousand) only to be paid by Respondent No.2 and deposited with Assam Legal Services Authority, which payment, we repeat, has to be paid by Respondent No.2 personally & not by the said Institute.

Learned counsel for Respondents also pointed out that no appointment on compassionate basis has been made so far in the said Institute. His personal presence in future is dispensed with.

List on 06.04.2010.

Madan Kumar Chaturvedi (Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

Shri Chamuah
Advocate 5.3.2010
17/3/10. W/S. Lancers
(Fwd by the Cognizant
Senior 5.3.2010)

Rejoinder met filos.

21.4.2010

06.04.2010 Granting liberty to file rejoinder as
prayed for, Case is adjourned to 22.4.2009.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/ɪm

22.04.2010 Mr. G.Z. Ahmed, learned counsel for Applicant appears and states that rejoinder is not necessary and the matter can be proceeded based on pleadings available on record. In the circumstances, we proceed to hear the matter.

Upon hearing both sides at length, the paramount question which arises for consideration is whether compassionate appointment scheme notified vide DoP&T OM would be applicable to Indian Institute of Entrepreneurship, Govt. of India Society registered under the Societies Act 1860.

Contention raised by Mr. A. Chamuah, learned counsel for Respondents is that there are no rules and regulations either for promotion or recruitment whereby such mode of recruitment/promotion is prescribed. On the other hand, learned counsel for Applicant Mr. G.Z. Ahmed, contends that the scheme framed by the Ministry of Personnel, Public Grievances and Pension vide OM dated 09.10.1998 is applicable to all Govt. of India undertaking society, as long as the rules and regulations framed by such Organization do not provide contrary to the same.

Contd/

22.04.2010

Learned counsel for Respondents

is directed to file an appropriate affidavit on said aspect as well as place on record the Memorandum of Association of the Institute, or any rules/regulations framed by it to establish that there exists a policy which denies a person for consideration for compassionate appointment. This shall be done within a period of two weeks. Liberty is also allowed to the applicant to file objection within a period of two weeks thereafter.

List on 25th May 2010.

 (Madan Kumar Chaturvedi)  (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

25.05.2010

Proxy counsel for Mr.A.Chamuh, learned counsel for Respondent No.2 prays for adjournment, which has not been opposed by applicant's counsel Mr.M.Z.Ahmed.

List on 10.06.2010.

 (Madan Kumar Chaturvedi)  (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

CENTRAL ADMINISTRATIVE TRIBUNAL

Copy of note

22/6/2010

Geometrische Rechtecke (geometrical rectangles) (geometrische Rechtecke (geometrical rectangles))

respondent No.2 taking a stand that there is no provision of compassionate appointment as far as the respondent No.2/Institute is concerned. The scheme of compassionate appointment framed by the Union of India is not applicable to them. As applicant has claimed appointment on compassionate basis, we would like a specific and clear version of respondent No.1 on this aspect as to whether the Government of India Scheme on compassionate appointment, as framed by DOPT, is applicable to respondent No.2/Institute or not. In the circumstances issue notice to respondent No.1 by Registered/AD annexing a copy of the present order. We would also impress upon respondent No.2 to take up the matter with respondent No.1 and place on record the clarification/communication received from respondent No.1 on this aspect.

3134032

In the circumstances adjourned to 20.07.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

For the reasons recorded separately,

O.A. stands disposed of.

(Mukesh Kumar Gupta)
Member (J)

/bb/

Recd

~~27/7/2010~~
~~under enquiry~~ ~~Serial~~
~~115~~ ~~for~~ ~~order~~

mt
1732-1734
1732-1734

14

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.158 of 2009 with M.P.117/2009

DATE OF DECISION:20.07.2010

Mrs.Gitika Kalita Applicant/s.

Mr.G.Z.Ahmed Advocate for the
..... Applicant/s.

- Versus -

U.O.I. & Ors. Respondent/s

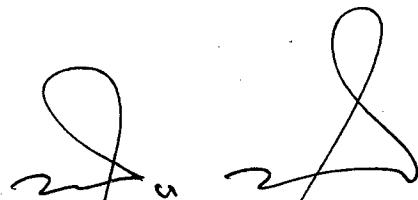
Mr.A.Chamua for respondent no.2 Advocate for the
..... Respondents

CORAM

THE HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J).

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Judgment delivered by



Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.158 of 2009

&

Misc. Application No.117 of 2009

Date of Order: This, the 20th Day of July, 2010

HON'BLE MR.MUKESH KUMAR GUPTA, JUDICIAL MEMBER

Mrs.Gitika Kalita
Resident of Quarter No.A-2
IIE Campus, Basistha Chariali
Lalmati, 37 National Bye Pass
Guwahati-781 029
Assam.

... Applicant.

By Advocate: Mr.G.Z.Ahmed

-Versus-

1. Union of India
Represented by the Secretary
Ministry of Micro, Small and
Medium Enterprises, Udyog Bhawan
New Delhi-110 001.
2. The Director
Indian Institute of Entrepreneurship
Basistha Chariali, Lalmati
37 National Highway Bypass
Guwahati-781 029, Assam.

... Respondents

By Advocate: Mr.A.Chamua for respondent no.2

ORDER (ORAL)

MUKESH KUMAR GUPTA, MEMBER (J):

An affidavit has been filed today by respondent no.2 in compliance of this Tribunal's order dated 10.06.2010, placing on record communication of the Govt. of India, Ministry of Micro, Small and Medium Enterprises dated 14.07.2010 to the following effect:-

"...since the Institute is following the Central Government Rules like CCS(CCA) Rules, CCS(Conduct) Rules, CCS (Revised Pay) Rules, General Financial Rules etc., the DOPT circular regarding the Scheme for Compassionate Appointment, circulated vide O.M. No.14014/6/94-Estt(I) dated 09.10.1998 (copy enclosed) should also be applicable on IIE, unless specifically provided for against its applications in its Bye-Laws/EC meeting."

2. Thus, it is clear as on date, that respondent no.2 is bound by the circular/DOPT policy on said subject. Applicant's claim accrued on the death of her husband who died in harness on 01.03.2008. Any provision made, amendment carried in the Bye-Laws now, certainly would be prospective and not retrospective, and thus would not create any impediment for considering her for appointment on compassionate grounds.
3. In this view of the matter, present O.A. can be disposed of at this stage directing the respondent no.2 to consider the applicant's claim for aforesaid purposes. Mr.AChamua, learned counsel for the respondent no.2 states that E.C. meeting is likely to be held in the month of August, 2010, wherein applicant's case would be considered objectively strictly in terms of the Govt. circulars/policy on said subject. However, prayer was made by learned counsel for respondent to vacate the interim order vide which respondents were restrained from dispossessing her from the official accommodation occupied by her, stating that more than two years have passed since the date of death. Be that as it may, it is not the applicant but the respondents who are delaying the matter. Therefore, I do not find any justification in said contention. Said request would be coterminous and has direct bearing

with the outcome on her consideration for appointment on compassionate ground.

4. On examination of the matter by competent authority, respondents are required to pass reasoned and speaking orders. Till then, applicant would continue to occupy said accommodation. However, it is made clear that applicant would be liable to pay normal license fee, which should be deposited by her at the earliest.

5. The O.A. is disposed of. In view of disposal of O.A. pending M.A. No.117/2009 is also disposed of.



(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

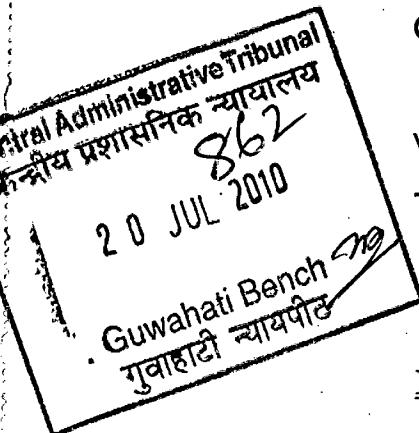
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22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, at Guwahati

ORIGINAL APPLICATION No. 158 of 2009



Gitika Kalita

Applicant

Vs.

The Union of India & Ors

Respondents

IN THE MATTER OF:

An affidavit by the Respondent No.2 in compliance with the order dated 10/06/2010 passed by this Hon'ble Tribunal.

AN AFFIDAVIT BY THE RESPONDENT No.2

I, Mr. Kamruddin Ahmed, aged about 54 years, Son of Late S. Ahmed, resident of Lakhtokia, Guwahati-781001, Kamrup, Assam, do hereby solemnly affirm and declare as follows:

1. That as per the order dated 10/06/2010 passed by this Hon'ble Tribunal the deponent wrote a letter to the Secretary, Micro, Small and Medium Enterprise (MSME), Govt. of India, New Delhi vide its letter dated 23/06/2010 and also a reminder on 13/07/2010 seeking clarification in terms of the order dated 10/06/2010 of this Hon'ble Tribunal.

A copy of the said letter dated 23/06/2010 is annexed hereto and marked as Annexure-A (Series).

2. That, in reply to those letters, the Under Secretary to the Govt. of India, Ministry of MSME vide its letter No. 25(2)/2009-SSI(P)-II dated 14th July

Contd. To Page-2



Filed by the Resp. No.2 through
Cham. 2/2

Ashim Chamua
Advocate.

Kamruddin Ahmed

2010 has stated that the compassionate scheme in question should also be applicable in case of Indian Institute of Entrepreneurship, Guwahati since it is following other Rules like CCS (CCA) Rules etc. unless specifically provided for against its application in its Bye-Laws/EC meetings etc.

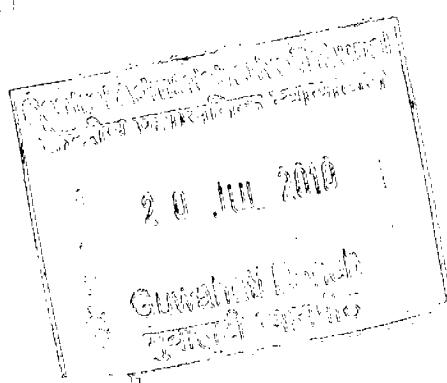
A copy of the said letter dated 14th July 2010 is annexed hereto and marked as Annexure-B.

3. That it is most pertinent to mention herein that it is a clear position that there is no contrary provision in the R & P Rules (NISIET Rules), followed by the Indian Institute of Entrepreneurship, providing specifically against the application of the compassionate scheme in question, but at the same time, the said R&P Rules does not provide for the application of the said scheme also as such the matter should be placed before the Executive Committee of the Institute to take appropriate steps as regard the applicability of the said scheme. As and when the Executive Committee and the Governing Council on recommendation of the Executive Committee takes appropriate steps for the applicability of the scheme in question there will be no impediment to follow the same in terms of the provisions incorporated in the said scheme.

4. That, the deponent begs to state that the matter shall be brought before the next Executive Committee meeting invariably with a specific agenda for appropriate decision.

5. That it is pertinent to mention herein that the R & P Rules of the Indian Institute of Entrepreneurship, Guwahati which is still under active consideration of the Govt., also devoid of any provisions to implement the said compassionate scheme as such the matter indispensably be placed before the Executive Committee so as to make necessary modification on that draft rules.

Contd. To Page-3



Kamaluddin Ahmed

6. That, in view of the above position, the deponent prays before this Hon'ble Tribunal to grant time to the deponent Institute to remove all procedural bottlenecks so as to make a smooth application of the compassionate scheme in question.

7. That the deponent begs to state that it has passed **more than 2 years** (the applicant's husband died on 01/03/2008) that the applicant is occupying the official accommodation under the cover of this Hon'ble Tribunal's interim order as such the deponent prays before your Lordship to vacate the interim order so that the official accommodation given to the applicant can be vacated for the convenience of the Institute.

8. That the statements made in this affidavit in Paragraphs 1 to 7 are true to the best of my knowledge and belief.

And I sign this Affidavit on 20 day of July 2010 at Guwahati

Identified By

Deepti K. Sharma

19.7.2010

Advocate's Clerk

Kamruddin Ahmed

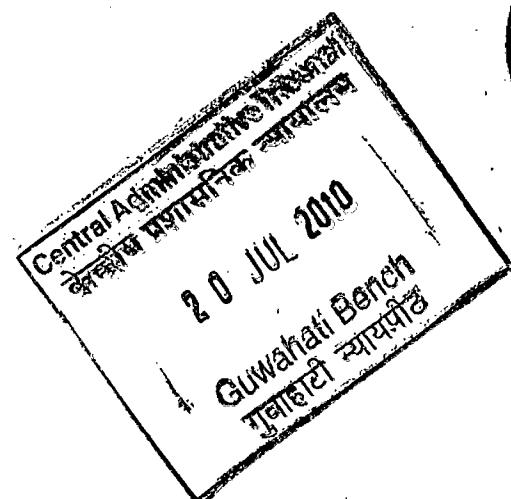
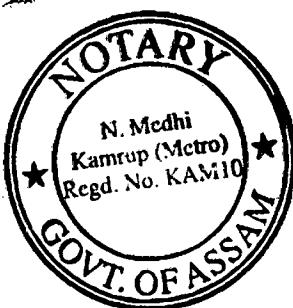
Deponent

Solemnly affirmed before me

N. Medhi

19/7/10

N MEDHI
Advocate / Notary





इंडियन इंस्टीट्यूट ऑफ एन्ट्रेप्रेनियरशिप
(सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय का संस्थान, भारत सरकार)
लालमाटी, बशिष्ठ चरियाली, गुवाहाटी-29 (असम)

Indian Institute of Entrepreneurship
(An Organisation of the Ministry of Micro, Small and Medium Enterprises, Govt of India)
LALMATI, BASISTHA CHARIALI, GUWAHATI-29, ASSAM

No: M (80)/2010/493

Date: 23/06/2010

To,
The Secretary to the Govt. of India,
Ministry of MSME,
Udyog Bhawan,
Room No.170
New Delhi: 110 011

Sub: OA 158/2009 (Gitika Kalita Vs. U.O.I and Another) at Central Administrative
Tribunal, Guwahati Bench.

Sir,

We have already informed that one case is pending in the Hon'ble Central Administrative Tribunal, Guwahati filed by Mrs. Gitika Kalita (wife of our deceased employee late Phuleswar Kalita) being OA No. 158/2009 claiming compassionate appointment under the Scheme notified vide No. 14014/6/94-Estt (D) Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) dated 9th October, 1998.

The said case is in final hearing stage and the same is conducting by our legal retainer Sri Ashim Chamuah, an Advocate of Gauhati High Court. In the said case our Institute has already filed its written statement and an additional affidavit clarifying its stand that our Institute is an autonomous body under the administrative control of the Ministry of MSME, Govt. of India and since there is no provision for compassionate appointment in the R&P Rules of the Institute so appointment on compassionate ground can not be made in our Institute. On the last date of hearing i.e. on 10/06/2010 the said Hon'ble Tribunal has passed an order seeking a clear version of the Government of India whether the aforesaid scheme is applicable in case of our Institute or not. As per Court's view clear cut answer from the Ministry of MSME will solve the issue.

The Hon'ble Tribunal has also impressed upon the Director to take up the matter with the Ministry to expedite the reply from the Government. The case is fixed by the Hon'ble Tribunal on 20/07/2010 for final disposal. By the next date fixed the Ministry has to file its reply through its Counsel.

CERTIFIED TO BE TRUE CL.

आई एस ओ: 9001 : 2000 का संगठन
An ISO 9001-2000 Organisation


Ashim Chamuah
Advocate.

दूरभाष : 0361-2302646, 2300994, 2300123, 2300840
टेलिफेक्स : 0361-2300325 ■ ई-मेल : iieindia1@bsnl.in ■ टेलीफेक्स : 0361-2300325/2305394 ■ ई-मेल : iieindia@bsnl.in

आंचलिककार्यालय : विवेकानन्द एन्क्लेव, भवन नं-2, नथनपुर, निकट सुपर पेट्रोल पाम्प, जोगिवाला,
देहरादून, उत्तराखण्ड, फोन/टेलीफेक्स- 0135-2669024

REGIONAL OFFICE, VIVEKANAND ENCLAVE, HOUSE NO. 2, NATTHAN PUR, NEAR SUPER PETROL PUMP,
JOGIWALA, DEHRADUN, UTTARAKHAND, PHONE / TELEFAX : 0135-2669024

Please find enclosed herewith the True Copy of the Order dated 10/06/2010, by the Hon'ble Tribunal for ready reference and needful.

Thanking you,

Yours faithfully,

(K. Ahmed)
Director

Enclo: As above

Copy to:

1. Shri P. S. Verma, Under Secretary to the Govt. of India, Govt of India, Ministry of MSME, SSI (P)-II Section, Udyog Bhawan, Room No. 356 A, New Delhi-110 011.
2. Shri P. P. Muralidharan, Deputy Secretary, Govt of India, Ministry of MSME, SSI (P)-II Section, Udyog Bhawan, New Delhi-110 011.

(K. Ahmed)
Director

CERTIFIED TO BE TRUE

Ashim Charnah
Advocate.



इंडियन इंस्टीट्यूट ऑफ एन्ट्रप्रेनियरशिप

(सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय का संस्थान, भारत सरकार)

लालमाटी, वशिष्ठ चरियाली, गुवाहाटी-29 (असम)

Indian Institute of Entrepreneurship

(An Organisation of the Ministry of Micro, Small and Medium Enterprises, Govt. of India)

LALMATI, BASISTHA CHARIALI, GUWAHATI-29, ASSAM

No. M(80)/2010/ 616

Date: 13/07/2010

To,

Shri P.S. Verma,

Under Secretary to the Govt. of India,
Ministry of MSME, SSI (P)-II Section,
Udyog Bhawan, Room No. 356,
New Delhi-110 011

**Sub: OA 158/2009 (Gitika Kalita Vs. U.O.I and Another) at Central
Administrative Tribunal, Guwahati Bench**

Sir,

With reference to our earlier letter No. M(80)/2010/493 dated 23/06/2010 and the subject cited above, we are yet to receive response from your end. We are also to inform you that the matter is fixed for final hearing on 20/07/2010.

This is for further necessary action at your end.

Thanking you,

Yours faithfully,

(K. Ahmed)
Director

Encl: Order No. OA 158/2009 passed in 10/06/2009 by the Hon'ble CAT

Copy to : Shri P.P. Muralidharan, Deputy Secretary, GoI, Ministry of MSME, Udyog Bhawan, Room No. 123, New Delhi-110 011

CERTIFIED TO BE TRUE C

(K. Ahmed)
Director

**Ashim Chamauh
Advocate.**

आई एस ओ: 9001 : 2000 का संगठन

An ISO 9001-2000 Organisation

दूरभाष : 0361-2302646, 2300994, 2300123, 2300840

टेलिफ़ोन : 0361-2300325 ■ ई-मेल : iieindia1@bsnl.in ■ टेलीफ़ोन : 0361-2300325/2305394 ■ ई-मेल : iieindia@bsnl.in

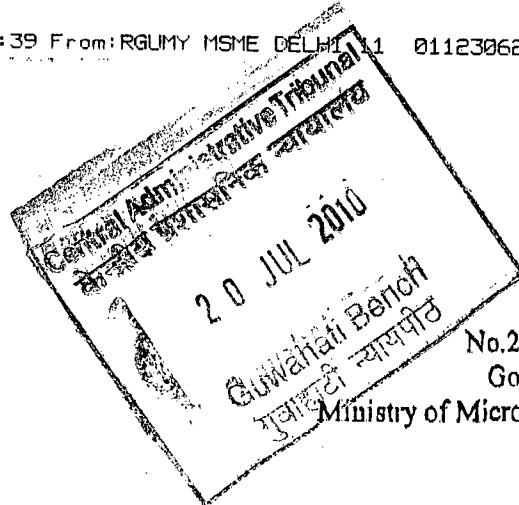
आंचलिक कार्यालय : विवेकानन्द एन्क्लेव, भवन नं-2, नथनपुर, निकट मुपर पेट्रोल पाप्प. जोगिवाला,

देहरादून, उत्तराखण्ड, फोन/ टेलीफ़ोन - 0135-2669024

REGIONAL OFFICE, VIVEKANAND ENCLAVE, HOUSE NO. 2, NATTHAN PUR, NEAR SUPER PETROL PUMP,
JOGIWALA, DEHRADUN, UTTARAKHAND, PHONE / TELEFAX. : 0135-2669024

ANNEXURE B

28

BY SPEED POST
COURT CASENo.25(2)/2009-SSI(P)-II
Government of India

Ministry of Micro, Small and Medium Enterprises

Udyog Bhawan, New Delhi- 110011
Date: 14th July 2010

To

Shri A. Chamua
Shri K. Ahmed, Director,
 Indian Institute of Entrepreneurship,
 Basistha Chariali, Lalmati,
 37, National Highway Bypass,
 Guwahati - 781 029.
 Fax No. - 0361-2300325

Sub: O.A. No. 158/2009 filed by Mrs. Gitika Kalita, W/o Late Sh. Phuleswar Kalita, IIE, Guwahati in the CAT, Guwahati Bench, Guwahati -Vs-Union of India & Others.

Sir,

Chamua
 I am directed to refer to your letter No.M(80)/2010/493 dated 23.06.2010 on the captioned subject and to say that since the Institute is following the Central Government Rules like CCS(CCA)Rules, CCS(Conduct) Rules, CCS(Revised Pay) Rules, General Financial Rules etc., the DOPT circular regarding the Scheme for Compassionate Appointment, circulated vide O.M. No. 14014/6/94-Estt(D) dated 09.10.1998 (copy enclosed) should also be applicable on IIE, unless specifically provided for against its applications in its Bye-Laws/EC meeting.

Yours faithfully,


 (P.S. Verma)

 Under Secretary to the Government of India
 : 2306 16 36

CERTIFIED TO BE TRUE


 Ashim Chamua
 Advocate.

NOTICE

Central Administrative Tribunal
संघीय प्रशासनिक न्यायालय

20/11/2010

Guwahati Bench
गुवाहाटी न्यायपीठ

From : Mr. A. Channan, Advocate

To : Mr. G. Z. Ahmed, Advocate

O.A. NO 158/2009

Gitika Kalita - - - - - Applicant

-Vs-
The Union of India & Ors - - - - Respondents

Sir,

Please find herewith a copy of
the affidavit filed by the
Respondent No. 2 in this Hon'ble
Court. A copy of the same is
enclosed herewith for your perusal.
I kindly acknowledge the receipt
of the same.

Received copy

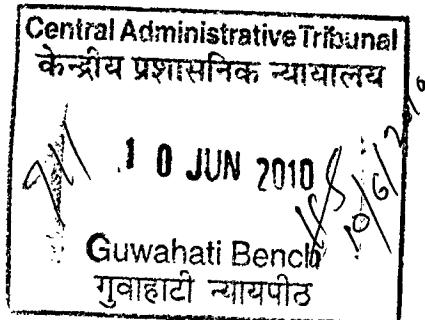
I. Ahmed
19.02.10.

G. Z. Ahmed, Advocate

Yours faithfully

G. Z. Ahmed
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI



Original Application No. 158 / 2009

Mrs. Gitika Kalita

....Applicant

-Versus-

The Union of India & Anr.

....Respondents

IN THE MATTER OF:-

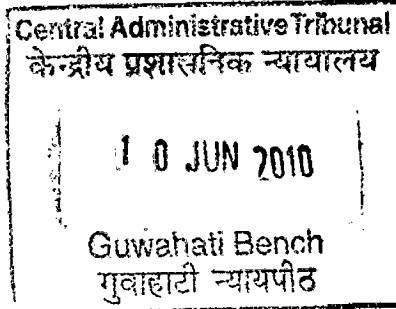
Reply by and on behalf of the applicant to the affidavit submitted by the Respondent No. 2 in O.A No. 158/2009, in pursuance of the order dated 22.04.10 passed by this Hon'ble Tribunal.

REPLY FOR AND ON BEHALF OF THE APPLICANT

1. That I am the applicant in the O.A No. 158/ 2009 and as such competent to swear this reply. The copy of the affidavit filed by the respondent no. 2, as served upon my counsel, has been perused by me and I have understood the contents thereof.
2. That save and except the statements that are specifically admitted to herein below all the averments as made in the affidavit, under reply, are categorically denied.
3. That with regard to statement made in Paragraph 1 and 2 of the affidavit, under reply, your deponent begs to offer no comments.

Filed by the applicant
through her counsel,
MS. G. Z. Ahmed on 30.06.10.

Gitika Kalita,



4. That with regard to statement made in Paragraph 3 of the affidavit, under reply, your deponent denies the same and states that the contention of the respondent that the Compassionate Appointment Scheme dated 09.10.1998 is not applicable to the Institute is totally false, incorrect and misleading. The Institute not having any Rules or Regulations in this regard, the matters pertaining to appointment on compassionate ground would be covered by the Scheme formulated by the Government of India.

5. That with regard to the contention raised by the respondent in Paragraph 4 of the affidavit, under reply, your deponent denies the same and states that she is entitled to appointment on compassionate ground in terms of the Compassionate Appointment Scheme dated 09.10.1998 and that the aforesaid Scheme dated 09.10.1998 is applicable to the Institute.

6. That with regard to the contentions raised by the respondent in Paragraph 5 of the affidavit, under reply, your deponent denies the same and states that the judgement cited by the respondent is totally out of place and irrelevant to decide the issues involved in the instant original application. The judgment cited has got no application to the facts arising in the present proceedings.

7. That with regard to the contention raised by the respondent in Paragraph 6 of the affidavit, under reply, your deponent denies the same and states that the contention of the Institute that since there is no provision for compassionate appointment in the relevant R&P Rules (NISIET) the appointment to the applicant cannot be offered under compassionate ground is false, misleading and incorrect in as much as the Scheme dated 09.10.1998 shall apply to the Institute. Further, Paragraph 4 of the Scheme clearly lays down that Compassionate Appointment can be made in Group-C and Group-D posts against the direct recruitment quota thus the question of provision for compassionate appointment in the relevant R&P Rules (NISIET) is not required. Moreover, your deponent states that the respondent authority is misleading the Hon'ble Tribunal by taking contradictory stands in as much as

10 JUN 2010

Guwahati Bench
गुवाहाटी बैच

the Institute admits to be under the administrative control of the Central Government and on the other hand denies to be subject to Central Government Schemes. The Institute is an organisation of the Ministry of SSI, Government of India is clearly evident from a bare perusal of the composition of the Governing Council as laid down under Rule 22 of the Rules of the Indian Institute of Entrepreneurship, 2006 (Page 37 of the Affidavit filed by the respondent no. 2). Thus, the Institute being a Government of India organisation and under the administrative control of the Government of India the Scheme for Compassionate Appointment dated 09.10.1998 shall apply to it.

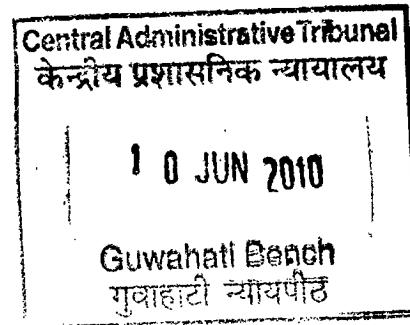
8. That with regard to the contention raised by the respondent in Paragraph 7 of the affidavit, under reply, your deponent denies the same and states that the CCS (CCA) Rules, CCS (Conduct) Rules, CCS (TS) Rules being applicable to the Institute the said scheme in question is also applicable to it. This is clearly evident from a bare perusal of the Official Communication bearing no. 23/4/93-SSI-(P) dated 08.07.1994 (annexed at Page 25-26 as Annexure - 3A of the written statement filed by the respondent no. 2). In the last sentence of the aforesaid communication it is clearly stated that "Till the new R&P Rules are finalized, the IIE will follow the R&P Rules of NISIET, Hyderabad and other relevant rules of Government of India."

9. That with regard to the contention raised by the respondent in Paragraph 8 of the affidavit, under reply, your deponent denies the same and states that administrative inconvenience or the paucity of fund cannot be a ground to deprive the deponent of her legitimate entitlement. Further, the deponent states that there are numerous existing vacancies in the Group- C and Group-D posts in the Institute and that she can be easily accommodated in any such post and that she is eligible for appointment to both Group C and Group D posts, having educational qualification upto XII th/ Higher Secondary Pass. However, the respondent authority instead of viewing her case compassionately, taking advantage of her socio- economic condition, of being a poor widow with minor children, have subjected her to humiliation by raising unwarranted allegations thereby lowering her esteem in the society.

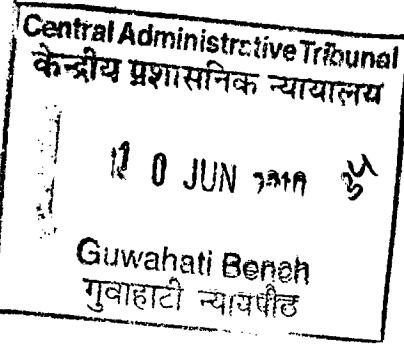
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Gillik

10. That with regard to the contention raised by the respondents in Paragraph 9 of the affidavit, under reply, your deponent begs to offer no comments.

.....Verification/-



Gurika Kalita.



VERIFICATION

I, Mrs. Gitika Kalita, aged about 43 years, wife of Late Phuleswar Kalita, resident of Quarter No. A-2, IIE Campus, Basistha Chariali, Lalmati, 37 National Highway Bye-Pass, Guwahati in the district of Kamrup (M), Assam, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph 3 - 10 _____ are true to my knowledge; those made in paragraphs _____ are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 10th day of June 2010.

Gitika Kalita.

DEPONENT

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
at GUWAHATI

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

17 MAR 2010

O.A. No. 158/09

Guwahati Bench
गुवाहाटी न्यायपीठ

Ms. Gitika Koduwa

vs.

— Applicant

UOI & Ors.

— Respondents.

Advocate — RT/310
for Respondents
S. C. Choudhury
Advocate — RT/310

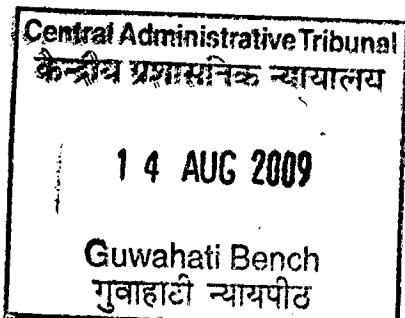
In the matter of:

Furnishing of Money Receipt of Rs.10,000/-
from Assam ^{State} Legal Service Authority.

1. That this Hon'ble Tribunal was pleased to pass an order directing the Resp. No. 2 to pay a sum of Rs.10,000/- to the Assam State Legal Service Authority as penalty imposed on the Resp. No. 2 in the instant case.
2. That as per the order of this Tribunal the said sum has been paid by the Resp. No. 2 personally and Money Receipt of the said sum is deposited herewith (in origin) for further action.
3. That in view of the above ~~the Respondents~~ it is requested to allow the Respondents to withdraw the W.S. by its Affidavit dated 23/02/10 filed by the Respondent No. 2 in pursuance of the order of this Tribunal under order dated 4/3/10.
And for this act of kindness the party in duty bound shall ever pray.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 158 / 2009



Mrs. Gitika Kalita

....Applicant

-Versus -

The Indian Institute of Entrepreneurship & ors

....Respondents

SYNOPSIS

Being aggrieved by the deprivation and the discrimination meted out to the applicant in not processing her case for appointment on compassionate ground and aggravating her miserable plight by issuing the orders dated 03.05.2009 and 05.08.2009 directing her to vacate the Quarter No. A-2 allotted to her deceased husband and still occupied by her, she has come under the protective hands of Your Lordship's for redressal of his genuine and bonafide grievances.

The husband of the applicant namely Sri Phuleswar Kalita was an employee of the respondent organization and was officiating as a Helper when he died on harness on 01.03.2008. The pension and other death benefits of the applicant having not been sanctioned to her rendering her plight miserable, the applicant preferred an application for her appointment on compassionate ground in the month of August, 2008. Finding no response to her said application she preferred another application in the month of March, 2009 but as gathered by the applicant no decision has been arrived at on her said applications consequently denying her of her right for appointment on compassionate ground in the respondent organization. Aggravating the situation the respondent authorities have of late issued two communications

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

14 AUG 2009

Guwahati Bench

গুৱাহাটী বিধায়ী পৰিষ

dated 03.05.2009 and 05.08.2009 directing the applicant to vacate the Quarter No. A-2 allotted in the name of her deceased husband, which is still being occupied by her. In terms of the Office Memorandum dated 09.06.1998, the applicant is entitled to retain the said quarter for a further period till expiry of two years from the date of expiry of her husband. The period of two years from the date of death of the husband has not expired till date and as such the orders dated 03.05.2009 and 05.08.2009 are arbitrary and illegal to the core of it and cannot be implemented against the applicant being bereft of any legal force.

As such the applicant has come under the protective hands of Your Lordships' seeking urgent and immediate relief(s).

Filed By


C.B. Sharma
14/08/2009
Advocate

G. Kalita

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:: GUWAHATI

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

14 AUG 2009

ORIGINAL APPLICATION NO. 158 / 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Mrs. Gitika Kalita

....Applicant

-Versus -

The Indian Institute of Entrepreneurship & ors

....Respondents

LIST OF DATES

1. 09.10.98 - The Government of India in the Ministry of Personnel and Training formulated a policy decision in the form of an Office Memorandum dated 09.10.1998 towards appointment of near relatives of a deceased Government Employee on compassionate ground.
2. 09.06.98 - The Government of India in the Ministry of Personnel issued an Office Memorandum dated 09.06.1998 laying own the guidelines for retention of quarters by the family members of a deceased employee.
3. 1997 - The husband of the applicant was appointed as a Helper in the Indian Institute of Entrepreneurship.
4. 2008 - The husband of the applicant, while officiating as a Helper in the respondent organization, died in harness on 01.03.2008.

Gitika Kalita

5. August, 2008 - The applicant preferred an application before the respondent authorities for her appointment, on compassionate ground, in the respondent organization.

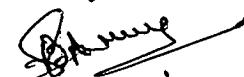
6. March, 2009 - The applicant, in continuance of her earlier application, preferred another application for her appointment on compassionate ground in the respondent organization.

7. 03.05.2009 - The Director, Indian Institute of Entrepreneurship issued an order directing the applicant to vacate the Quarter No. A-2 allotted to her late husband, which is still being occupied by her.

8. 05.08.2009 - The Director, Indian Institute of Entrepreneurship issued another order dated 05.08.2009 directing the applicant to vacate the Quarter No. A-2 occupied by her on or before 20.08.2009.

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
14 AUG 2009
Guwahati Bench गुवाहाटी न्यायपीठ

Filed By



C.B. Sharma
Advocate
14/08/2009

Gr. Kedita

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 158 / 2009

Mrs. Gitika Kalita

....Applicant

-Versus -

The Indian Institute of Entrepreneurship & ors

....Respondents

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3.	Annexure - 1	- 13 — 14					
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5.	Annexure - 3	- 16 — 18					
6.	Annexure - 4	- 19					
7.	Annexure - 5	- 20					
8.	Annexure - 6	- 21 — 22 23 to 41) withdrawn 42 — 49) on 17.3.2010					
<u>(w/s)</u>							
<table border="1"><tr><td>Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय</td><td>Affidavit by R.No. 2 - 7- w/s - 23 — 49</td></tr><tr><td>14 AUG 2009</td><td>Filed By <u>(P. Ghorai)</u> 14/08/2009 Advocate</td></tr><tr><td>Guwahati Bench गुवाहाटी न्यायपीठ</td><td></td></tr></table>		Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	Affidavit by R.No. 2 - 7- w/s - 23 — 49	14 AUG 2009	Filed By <u>(P. Ghorai)</u> 14/08/2009 Advocate	Guwahati Bench गुवाहाटी न्यायपीठ	
Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	Affidavit by R.No. 2 - 7- w/s - 23 — 49						
14 AUG 2009	Filed By <u>(P. Ghorai)</u> 14/08/2009 Advocate						
Guwahati Bench गुवाहाटी न्यायपीठ							
10.	Affidavit by Respondent - No 2	50 — 93					

Gr. Kalita.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 158 / 2009

BETWEEN

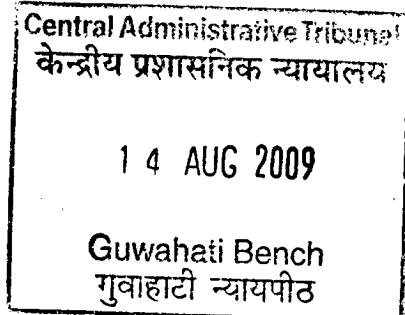
Mrs. Gitika Kalita, resident of Quarter No.
A-2, IIE Campus, Basistha Chariali,
Lalmati, 37 National Bye Pass, Guwahati-
781029, Assam.

....Applicant

-AND-

1. The Union of India represented by
the Secretary, Ministry of Micro, Small and
Medium Enterprise, Udyog Bhawan, New
Delhi -110001.

2. The Director, Indian Institute of
Entrepreneurship, Basistha Chariali,
Lalmati, 37, National Highway Bypass,
Guwahati – 781029, Assam.



....Respondents

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS
APPLICATION IS MADE:

The present application is directed against the non-consideration of the case of the applicant for her appointment on compassionate ground in the respondent organization in terms of the provisions contained in the Office Memorandum bearing No. 14014/ 6/ 94-Esst (D) dated 09.10.1998, formulated by the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) for such appointment of a near relatives of a deceased employee. This application is further directed against the office order bearing

53
Filed by:- the Applicant
through Boijesh Sharma
Advocate
14/08/2009

G. Kalita

14 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

no. - F (21) / 94-95/574 dated 03.05.09 and No. F (21) / 94-95/T217 dated 05.08.09, directing the applicant to vacate the Quarter No.- A/2, allotted to her husband Late Phuleswar Kalita, ex-employee of the respondent organisation i.e., Indian Institute of Entrepreneurship pending decision on her application for appointment on compassionate ground.

2. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

3. LIMITATION:

The applicant declares that the instant case has been filed within the limitation period prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and a resident in the state of Assam and as such she is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed there under.

4.2. That the applicant has by way of this Original Application raised a grievance against the arbitrary and illegal action on the part of the respondent authorities in not considering her case for appointment on compassionate ground even though she is eligible and had duly applied in the prescribed format before the respondent authorities for consideration of her case. Further grievance of the applicant is with regard to the office orders dated 03.05.09 and 05.08.09 directing to her to vacate the Quarter No.- A-2 which was allotted to her deceased husband while he was in service and being occupied by the applicant and her family till date.

4.3. That the applicant states that the Indian Institute of Entrepreneurship is a Government of India undertaking and is under the deep

14 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

and pervasive control of the Ministry of Micro, Small and Medium Enterprise. For all intent and purpose it an instrumentality of the Government of India and as such the service Rules and Laws applicable to government employees, mutatis mutandis applies to the employees of the Indian Institute of Entrepreneurship.

4.4 That the applicant states that her husband late Phuleswar Kalita was an employee under the respondent organization. Her said husband was initially recruited in the respondent organization against the post of Helper vide issue of an appointment letter bearing No.- 3(201)/83-84/691 dated- 05.03.1997.

A copy of the appointment letter dated 05.03.97 is annexed as Annexure- 1.

4.5 That the applicant states that after the appointment of her husband in the year 1997, he was initially put on probation on successful completion of which period he was confirmed in service and was continuing as such when he died in harness on 01.03.08.

A copy of the death certificate of her husband is annexed as Annexure-2.

4.6 That the applicant states that till date the pension and other death benefits which she ^{is} entitled to in relation to her husband service in the organization has not been released to her. The applicant has been verbally informed that the same is under process and would be released to her as soon as sanctioned towards the same is received from the competent authority. The applicant has no earning member ~~in~~ her family, which consists of three members including her and has been finding it extremely difficult to sustain the livelihood in the absence of any source of regular income.

4.7 That the applicant states that after the death of her husband, the entire family is facing acute financial and mental hardship due to the absence of any bread earner in her family. It is worth mentioning here that the applicant

14 AUG 2009

Guwahati Bench

গুৱাহাটী ন্যায়পীঠ

has the requisite educational qualification entitling her appointment against any Grade IV & III posts under the respondent authorities in accordance with the Govt. of India Office Memorandum dated 09.10.1998. The said Office Memorandum envisages appointment on compassionate ground of a son, daughter or near relatives of the Govt. servant who died in harness.

A copy of the Office Memorandum dated 09.10.1998 is annexed as Annexure – 3.

4.8 That the applicant states that in terms of the provision of the said Office Memorandum dated 09.10.1998, she had in the month of August, 2008, applied in the prescribed format for consideration of her case for appointment on compassionate ground before the respondent authorities. The respondent authorities after receipt of the application as submitted by her was duly bound to consider the same but, in-spite-of the clear procedure laid down towards considering such application preferred by the applicant for her such appointment, nothing has materialized in her favour till date and she has been made to suffer for no fault of her own.

4.9 That the applicant states that, finding no response to her first application, she preferred another application in the month March 2009, praying before the respondent authorities to consider her claim for appointment on compassionate ground in the respondent organization, but same is the fate of the second application and no response has been received by her till date. The applicant did not keep copies of the applications preferred by her for compassionate appointment for herself and as such is not in apposition to enclose copies of the same in the present application.

4.10 That the applicant states that she having preferred the applications for her appointment on compassionate ground, the right course action on the part of the respondent authorities would have been to process her case in terms of the policy decision formulated vide the office memorandum dated 09.10.1998 and arrive at a decision regarding her appointment on compassionate ground, but till date no decision has been arrived at on the applications preferred by her and she has been made to suffer for no fault of

her own. It is pertinent to mention here that there are posts lying vacant in the office of the respondent no. 2 where the applicant can be accommodated to alleviate her miseries but for the lackadaisical attitude on the respondent's part she has been made to suffer the consequences which are akin to beggary.

4.11 That the applicant states that in terms of the policy decision dated 09.10.1998, a right has accrued to her for consideration of her case for appointment on compassionate ground and the respondent authorities having not arrived at a decision on her said application, the same has resulted in infringement of her said legal right which cannot be justified under any circumstance.

4.12 That the applicant states that the Office Memorandum dated 09.10.1998 has laid down the criteria's to be taken note of while considering the cases for appointment on compassionate ground. The said Office Memorandum also laid down the procedure to-be followed while considering the claims for appointment on compassionate ground. The provisions of the said Office Memorandum squarely covers the case of the applicant and it was incumbent of the respondent authorities to consider her case in terms of the provisions of the said Office Memorandum and appoint her on compassionate ground. The failure on the part of the respondent authorities to appoint the applicant in terms of the Office Memorandum dated 09.10.1998 has resulted in continuance of the financial hardships being suffered by her family after the death of her husband.

4.13 That the applicant states that aggravating the situation the respondent authorities of late have issued two communications bearing No. F (21)/ 94-95/574 dated 03.05.09 and No. F (21) /94-95/ 1217 dated 05.08.09 directing her to vacate the Quarter No. A-2, which was allotted to her deceased husband and is being still occupied by her and her family. The applicant has till date legally occupied the said quarter in question and is also entitled to retain the same for a further period till expiry of two years from the death of her husband. It is pertinent to mention here that the allegation leveled vide the said Office Orders that the applicant had permitted occupation of the said Quarter to outsiders is completely false and has been so made only to make out a ground

G. Kalita.

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to illegally and arbitrarily through out the applicant and her family from the said Quarter.

Copies of the orders dated 03.05.2009 and 05.08.2009 are annexed as Annexure – 4 & 5 respectively.

4.14 That the applicant states that the legal position regarding retention of accommodation in case of death of an allottee has been enunciated in the form of an Office Memorandum bearing No. 12035/4/98-Vol-II dated 09.06.98 wherein it has been prescribed that under the provisions of S.R. 377-B-22 retention of accommodation is permissible to families of deceased Government servant, who are in dire need of accommodation and does not own a house at the place of posting for a further period of one year in addition to the normal period of one year for which the said accommodation can be retained.

A copy of the Office Memorandum dated 09.06.1998 is annexed as Annexure – 6.

4.15 That the applicant states that she does not own any residential accommodation in the place of posting of her deceased husband and the quarter allotted to her husband is the only accommodation, which she is occupying to provide shelter to herself and her family. The applicant has also not been sanctioned the due pension benefits which she is entitled to receive in connection with her husband's service under the respondent authorities. Her application for appointment on compassionate ground has also not been processed till date rendering her to sustain her livelihood by borrowing money from her relatives and known persons. In such circumstances the Office Orders dated 03.05.09 and 05.08.09 has come as a bitter shock to the applicant and in the event she is required to vacate the said quarter, herself including her family consisting of a minor son and a daughter would be rendered shelter less and forced to sustain their livelihood by begging in the streets.

4.16 That the applicant states that the Office Orders dated 03.05.09 and 05.08.09 are arbitrary and illegal to the core of it and issue of the said

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orders were uncalled for on the part of the respondent authorities at this point of time. The applicant is legally entitled to retain the said quarter for a period of two years in terms of the Office Memorandum dated 09.06.1998 and the said period of two years has not expired from the date of expiry of her husband. As such, the orders dated 03.05.09 and 05.08.09 being arbitrary and illegal, is bereft of any legal force and cannot be implemented against the applicant.

4.17 That the applicant submits that the respondent authorities are required to allow her and her family to retain the said quarter till expiry of the aforesaid two years period from the date of death of her husband and are also required to restrain themselves from harassing the applicant by issuing orders directing her to vacate the Quarter No. A-2 occupied by her.

4.18 That the applicant submits that she had already preferred applications for consideration of her case for appointment on compassionate ground and in the event she is appointed as such, she will also be entitled to allotment of Quarter for residential purpose. In such an eventuality, the order dated 03.05.09 and 05.08.09 would be rendered in fructuous and would not be required to be implemented at all.

4.19 That the applicant submits that in view of submissions made in the foregoing paragraphs the respondent authorities are required to expedite the process of consideration of her case for appointment on compassionate ground and appoint her as such which would go a long way in redressing her genuine and bonafide grievances.

4.20 That it is a fit case wherein your Lordships' would be pleased to pass an interim direction as has been prayed for failing which, your applicant stands to suffer irreparable loss and injury.

4.21 That in the event Your Lordships' is pleased to pass an interim direction as has been prayed for the balance of convenience would be maintained in favour of the applicant inasmuch as the applicant is legally entitled to retain the Quarter No. A-2 allotted to her late husband till expiry of

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the period of two years from the date of death of her said husband, which period has not expired till date.

4.22 That the applicant states that the impugned action on part of the respondent authorities in not processing her case of appointment on compassionate ground and also directing her to vacate the Quarter No. A-2 allotted to her deceased husband in addition to infringing the Fundamental Right of the applicant is also in violation of the Principles of Natural Justice and Administrative Fair Play.

4.23 That the applicant states that she has no any other appropriate, equally efficacious alternative remedy then to approach this Hon'ble Tribunal by way of this Original Application and the reliefs as prayed for, if granted would be just, adequate, proper and effective.

4.24 That the applicant demanded justice, but the same has been denied to him.

4.25 That this application has been filed bonafide for securing the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the action on the part of the respondent authorities in not processing her case for appointment on compassionate ground and further directing her to vacate the Quarter No. A-2 allotted to her is bad in law as well as in facts.

5.2 For that the applicant having applied for her appointment on compassionate ground in the respondent organization, a duty is cast upon the respondent authorities to process her case in terms of the procedure prescribed by law and appoint her as such towards ameliorating her miseries.

5.3 For that the Office Memorandum dated 09.10.1998 having formulated a policy decision towards favoring incumbents with compassionate

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appointment, the same cannot be given a go by and the respondent authorities are duty bound to implement the same in letter as well as spirit.

5.4 For that the case of the applicant being squarely covered by the provisions of the Office Memorandum dated 09.10.1998, the respondent authorities are duty bound to favour her with an appointment on compassionate ground and denial of the same being arbitrary and illegal, interference is called upon from this Hon'ble Tribunal towards redressal of the grievance of the applicant.

5.5 For that the action on the part of the respondent authorities in not processing her case for appointment on compassionate ground has violated the legal right of the applicant that has accrued to her in terms of the provisions of the Office Memorandum dated 09.10.1998 and the respondent authorities are required to be directed to make amends to their said wrong action.

5.6 For that the applicant is legally entitled to retain the Quarter No. A-2 allotted to her late husband for a period of two years from the date of death of her said husband and the said period of two years has not expired till date.

5.7 For that the Office Orders dated 03.05.2009 and 05.08.2009 have been issued in clear violation of the office memorandum dated 09.06.1998 and as such the same are incapable of being implemented against the applicant, being bereft of any legal force.

5.8 For that the Office Orders dated 03.05.2009 and 05.08.2009 being illegal and arbitrary to the core of it are unsustainable in the eye of law and are required to be interfered with by this Hon'ble Tribunal towards setting aside and quashing of the same.

5.9 For that the applicant having not been sanctioned the due pension and other death benefits in respect of her husband's service in the respondent organization, the respondent authorities are both legally as well as morally estopped from directing her to vacate the Quarter No. A-2 occupied by her,

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which action would have the effect of forcing her and her minor children's to starve to death on the streets.

5.10 For that in any view of the matter the action on the part of the respondent authorities in not processing her case for appointment on compassionate ground and further directing her to vacate the Quarter No. A-2 being occupied by her is unsustainable in the eye of law.

6. DETAILS OF THE REMDIES EXHAUSTED:

The applicant declares that she has no other alternative and efficacious remedy except by way of filing this application. As such she is seeking urgent and immediate relief(s).

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

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other court, authority or any other bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the relief's sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following relief's.

8.1 To direct the respondent authorities to forth with process the case of the applicant for her appointment on compassionate ground and appoint her against any post commensurate to her educational qualification.

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8.2 To set aside and quash the orders dated 03.05.2009 and 05.08.2009 directing the applicant to vacate the Quarter No. A-2 occupied by her.

8.3 To direct the respondent authorities to allow the applicant to occupy the Quarter No. A-2 allotted to her late husband in terms of the provisions of the Office Memorandum dated 09.06.1998.

8.4 Cost of the application.

8.5 Any other relief/ relief's that the applicant in the facts and circumstances of the case would be entitled to.

9. INTERIM ORDER PRAYED FOR:

In this facts and circumstance the applicant prays for the following interim direction;

9.1 To restrain the respondent authorities from forcefully evicting the applicant from the Quarter No. A-2 occupied by her towards implementing the Office Orders dated 03.05.2009 and 05.08.2009.

9.2 To direct the respondent authorities to allow the applicant to occupy the Quarter No. A-2, pending disposal of the present Original Application.

10.

11. PARTICULARS OF THE I.P.O:

- i) I.P.O No. : 396 418643
- ii) Date : 14.08.2009.
- iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the index.

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aged about - 42 years

I, Mrs. Gitika Kalita, resident of Quarter No. A - 2, IIE Campus,
 Basistha Chariali, Lalmati, 37 National Bye Pass, Guwahati, in the District of
 Kamrup (M), Assam, do hereby solemnly affirm and verify that I am the
 applicant in this instant application and conversant with the facts and
 circumstances of the case, the statements made in paragraph 1, 2, 3, 4.(1, 2, 3,
 6, 7, 8, 9, 10, 11, 12, 15, 16, 21), 5 to 12 are true to my knowledge; those made
 in paragraphs 4.4, 4.5, 4.13 and 4.14 are true to my information derived from
 the records and the rests are my humble submissions before this Hon'ble
 Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the 14th day of August, 2009 at
 Guwahati.

Shri Gitika Kalita.

DE PONENT

INDIAN INSTITUTE OF ENTREPRENEURSHIP
200-NARENGI ROAD
GUWAHATI-24

Phone: 560325, 560993, 560994
Fax : 0361-561029

Central Administrative Tribunal
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No. 3(101)/83-B4/ 691

Date: 5/3/97

Sub: Recruitment to the Post of Helper
(Watch & Ward duty)

Ref: His application dt. 16/1/97

The undersigned hereby offer SHRI PHULESWAR KALITA an appointment as Helper (Watch & Ward duty) in the office of the Indian Institute of Entrepreneurship, Guwahati-24 on the following terms and conditions w.e.f. 5-3-97.

1. Pay Rs 750/00 per month, being the minimum in the scale of pay of Rs. 750-12-870-EB-14-940 plus other allowances.
2. The post is temporary but is likely to continue for an indefinite period
3. He/She will be on probation for a period of one year. The period of probation is liable to be extended or curtailed at the discretion of the appointment authority
4. During the period of probation no application will be forwarded to outside organisation.
5. In the event of termination/resignation during the period of probation the appointment is terminable at one month's notice on either side and after confirmation the appointment is terminable at three months's notice on either side.
6. The appointment will be subject to SHRI PHULESWAR KALITA being declared fit by a competent Medical Authority (Form enclosed)
7. His/Her service condition will be governed by the rules followed by the Institute from time to time

1
Certified to be True Copy
Shanu
Advocate

8. He/She shall be required to contribute to Employees Provident Fund & Group Saving Lined Insurance Scheme and other schemes of the Institute.

9. He/She will be required to take the Oath of Allegiance/Faithfulness to the Constitution of India (or making Solemn affirmation to that effect) in the prescribed form, (Annexure-II). Form also enclosed.

10. He will be required to produce the Original Certificates along with attested Copy and character certificate from a Gazeted Officer.

11. No T.A. will be given for joining duty or at the termination of Services/

12. If SHRI PHULESWAR KALITA accepts the offer on the above terms, he/she should communicate his/her acceptance to the undersigned immediately.

573/97
(Dr. D. D. Mallick)

Director

Director

India Institute Of Entrepreneurship
Guwahati

To Shri Phuleswar Kalita
C/o Dhanya Kalita, P.O. Panitma
Dist: Kamrup (Assam)

CC

1. Accounts/Pay section
2. O.O. File
3. Personal file

for information

Central Administrative Tribunal
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New Delhi 110001
October 9, 1998

OFFICE MEMORANDUM

Subject - Scheme for compassionate appointment under the
Central Government - Revised consolidated instructions -

The undersigned is directed to say that the existing instructions for making compassionate appointment under the Central Government have since been reviewed in the light of the various court judgements and other decisions including those taken on the various recommendations contained in the Fifth Central Pay Commission Report as well as the Study Reports of 1990 and 1994 prepared by the Department of Administrative Reforms and Public Grievances on the subject and they have accordingly been revised/simplified and consolidated as in the enclosed scheme which will supersede all the existing instructions on the subject. This may be brought to the notice of all concerned for information, guidance and necessary action.

A. J. S.
(K. K. JHA)

Director (Establishment)

To

All Ministries/Departments of the Government of India

Copy to:

1. The Comptroller and Auditor General of India
2. The Secretary, Union Public Service Commission
3. Rajya Sabha Secretariat
4. Lok Sabha Secretariat
5. All State Governments/Union Territories Administration
6. All attached/subordinate offices under the Department of Personnel and Training/Ministry of Home Affairs
7. National Commission for SC/ST, New Delhi
8. National Commission for OBC, New Delhi
9. The Secretary, Staff Side, National Council
10. The Registrar General, The Supreme Court of India
11. The Department of Administrative Reforms and Public Grievances, Sardar Patel Bhavan, New Delhi 110001
12. All Officers/Sections of DOP&T
13. Establishment(D) Section (500 copies)

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Advocate

Advocate

Advocate

SCHEME FOR COMPASSIONATE APPOINTMENT

1. OBJECT

The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency.

2. TO WHOM APPLICABLE

To a dependent family member --

(A) of a Government servant who - -

- (a) dies while in service (including death by suicide); or
- (b) is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules 1957 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants); or
- (c) is retired on medical grounds under Rule 38 of the CCS(Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants); or

(B) of a member of the Armed Forces who - -

- (a) dies during service; or
- (b) is killed in action; or
- (c) is medically boarded out and is unfit for civil employment.

Note I. "Dependent Family Member" means:

- (a) spouse; or
- (b) son (including adopted son); or
- (c) daughter (including adopted daughter); or
- (d) brother or sister in the case of unmarried Government servant or member of the Armed Forces referred to in (A) or (B) of this para,

who was wholly dependent on the Government servant/ member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.

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....2/-

Note II "Government servant" for the purpose of these instructions means a Government servant appointed on regular basis and not one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.

Note III "Confirmed work-charged staff" will also be covered by the term 'Government servant' mentioned in Note II above.

Note IV "Service" includes extension in service (but not re-employment) after attaining the normal age of retirement in a civil post.

Note V "Re-employment" does not include employment of ex-serviceman before the normal age of retirement in a civil post.

**AUTHORITY COMPETENT TO MAKE
COMPASSIONATE APPOINTMENT**

- (a) Joint Secretary in charge of administration in the Ministry/Department concerned.
- (b) Head of the Department under the Supplementary Rule 2(10) in the case of attached and subordinate offices.
- (c) Secretary in the Ministry/Department concerned in special types of cases.

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POSTS TO WHICH SUCH APPOINTMENTS CAN BE MADE

Group 'C' or Group 'D' posts against the direct recruitment quota.

ELIGIBILITY

- (a) The family is indigent and deserves immediate assistance for relief from financial destitution; and
- (b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

.....3/-

Indian Institute of Entrepreneurship,
Basistha Chariali, Lalmati,
37, National Highway Bypass,
Guwahati- 781 029, (Assam)

No. F (21)/94-95/574

Date: 03.05.2009

OFFICE ORDER

Mrs. Gitika Kalita wife of Late Phuleswar Kalita, Ex-Helper of this Institute is hereby ordered to vacate the Quarter No. A-2 which was allotted to Late Phuleswar Kalita w.e.f. 27.04.98 vide Office Order No. F (21)/94-95/113 dated 27.04.98. Phuleswar Kalita died on 01.03.08. After his death, his family members are still occupying the quarter. As per rules, the dependent members of the family may occupy a quarter for 2 months after the death and the family members are to pay licence fee for two months on the normal rate and other 15 months on double the normal licence fee. The members were allowed to continue staying in the quarter on humanitarian grounds since last 15 months even after the death of the employee. She is hereby ordered to vacate the quarter immediately within 30 days and deposit the applicable licence fee for last 15 months.

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(K. Ahmed)
Director

To

Mrs. Gitika Kalita,
W.O. Late Phuleswar Kalita, Ex-Helper
III, Guwahati-29.

Copy to:

1. Accounts Section for necessary action.
2. Office Order file.
3. Office Copy.

Certified To be True Copy

Signature

Advocate.

Reminder - I



Indian Institute of Entrepreneurship,
Basistha Chariali, Lalmati,
37, National Highway Bypass,
Guwahati: 781 029, (Assam)

Central Administrative Tribunal
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File No. F(21)/94-95/1217

Date: 05.08.2009

OFFICE ORDER

Mrs. Gitika Kalita wife of Late Phuleswar Kalita, Ex-Helper of this Institute was ordered to vacate the Quarter No. A-2 still being occupied by her after the death of Late Phuleswar Kalita, ex-employee of IIE vide Office Order No. F(21)/94-95/574 dated 30.05.09 within 30 days. But even after 2 months of the referred letter she has not vacated the quarter till this date.

It has further been learnt from reliable sources that the quarter which was allotted to Late Phuleswar Kalita and family and still being occupied by Mrs. Gitika Kalita is being occupied by another person whose identity is not known to the office and the person not a relative of Mrs. Kalita. Occupation of the allotted quarter meant for the employees of IIE cannot be unauthorizedly used by a third party and is an offence.

She is again therefore hereby ordered to vacate the quarter immediately within 15 days and deposit the applicable licence fee for last 17 months. If the quarter is not vacated within 15 days of receipt of this letter, legal action will be taken against her.

(K. Ahmed)
Director

To:

Mrs. Gitika Kalita,
W/O. Late Phuleswar Kalita, Ex-Helper
Quarter No. A-2
IIE, Guwahati-29.

Copy to : 1. Accounts Section for necessary action.
2. Office Order file
3. Office Copy.

(K. Ahmed)

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Blown
Approved

Text of Dte. of Estates, O.M. No. 12035/4/98-Pol. II, dated 9.6.1998

~~H~~ **Retention of Accommodation in case of Death of Allottee**

As per provisions of SR 317-B-11, permissible period of retention of Government accommodation is one year in case of death of the allottee on payment of normal rates of licence fee. No further retention is permissible under SR 317-B-22 and the family is required to vacate the premises immediately thereafter and is liable to pay damage rates of licence fee for the period of over-stay. Representations have been received from various quarters to allow further retention as the families of deceased Government servants, who are in dire need of accommodation, face great hardship. The matter has been considered in this Ministry and it has now been decided to **allow further retention of one year, on payment of normal licence fee, to mitigate the hardship being faced by the families of the deceased allottees.**

2. Retention of accommodation for a period of one more year will be permissible under the provisions of SR 317-B-22, on payment of normal rate of licence fee. The family of the deceased allottee shall be required to apply for such retention and the licence fee shall be paid in advance through Bank Draft drawn in favour of the Assistant Director of Estates (Cash). The extended period of retention under SR 317-B-22 will, however, not be permissible in cases where the deceased officer or his/her dependants own a house at the place of posting.

3. A copy of the Notification, dated 29.5.1998, amending the provisions of the Allotment Rules (SR 317-B-22) is enclosed herewith¹ which has been given effect from 1.7.1998 i.e., the date of publication of the Notification in the Gazette.

4. The benefit of retention of Government accommodation under SR 317-B-22 will be admissible in all such cases where the normal retention period of one year, as admissible under SR 317-B-11, has not expired as on 1.6.1998. All Allotment Sections are requested to decide such cases accordingly. The Allotment Sections will maintain separate Register in respect of officers who expired while in service and watch timely cancellation/retention/vacation of the Government accommodation.

ANNEXURE 17.V

Text of Dte. of Estates, O.M. No. 12035/4/98-Pol. II, dt. 2.11.1998

~~H~~ **Condition for Retention of Government Accommodation for two years in case of Deceased Allottees**

The undersigned is directed to refer to this Directorate's OM of even number, dated 9.6.1998² which, *inter alia* provide for retention of Government accommodation for a further period of one year, in addition to the period of one year admissible under SR 317-B-11. This concession is payable in all such cases where the normal retention period of one year has not expired as on 1.6.1998.

Considering the hardship which a family of deceased employee has to undergo, particularly in cases where the defendant may not be able to secure employment in Government within a period of one year, it has now been decided that **retention of Government accommodation may be allowed for a period of two years from the date of demise of the Government servant provided the members of the family do not own a house at the place of posting and the overall period of two years from the date of death of the allottee has not expired on 1.6.1998.**

1. Not reproduced as text of amended SR 317-B-22 is given in Appendix III in the end of the Book.
2. Text given in Annexure 17.IV.

Central Adm.

केन्द्रीय प्रशासनिक

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Signature
Advocate

17

Retention of Accommodation

General

An allottee is permitted to retain the allotted residence in certain cases for a specified period provided the residence is required for his *bona fide* use or the members of his family.

Permitted Period of Retention¹

The circumstances under which retention is allowed and the permitted period of retention are as below :

S. No.	Grounds	Permissible period for retention of the residence	Licence Fee Payable
(i)	Resignation, dismissal, removal or termination of service or unauthorized absence without permission	1 month	Normal Licence Fee
(ii)	Retirement or terminal leave	(a) 4 months (b) Another 4 months on medical/educational grounds w.e.f 1.1.1997. The allottee shall apply for further retention before the expiry of initial four months alongwith documentary proof in respect of medical/educational ground and Bank Draft favouring Assistant Director (Cash), Directorate of Estates, in respect of licence fee.	2 months-Normal rate 2 months-Twice the normal rate 2 months- Four times the normal rate 2 months- Six times the normal rate
(iii)	Death of the allottee	(a) 12 months. (b) Another 12 months provided the deceased officer or his/her dependents do not own a house at the place of posting. ²	Normal licence fee Normal licence fee
(iv)	Transfer to an ineligible office at the station itself.	2 months	Normal licence fee
(v)	Transfer to a place outside the station	(a) 2 months (b) Another 6 months on medical/educational grounds. ³	Normal licence fee Twice the normal licence fee

1. S.R. 317-B-11(2).
2. Dte. of Estates, O.M. No. 12035/28/96-Pol. II, dt. 20.11.1996 (Annexure 17 IA).
3. Dte. of Estates, O.M. No. 12035/28/96-Pol. II (Vol. I), dt. 29.10.1997 and 2.2.1998 (Annexures 17 II and 17 III).
4. S.R. 317-B-22. Also refer Dte. of Estates, O.M. No. 12035/4/98-Pol. II, dt. 9.6.1998 and dt. 2.11.1998 (Annexures 17 IV and 17 V).
5. Damage rate shall be charged for the period of overstay beyond the total permissible period of eight months. However, where an officer is re-posted within a period of 4 months beyond the said period of 8 months, the allotment may be regularised on payment of twice the normal licence fee for the intervening period vide Dte. of Estates, O.M. No. 12035/2/95-Pol II, dt. 31.7.2000 (Annexure 17 VI).

14 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

*Certified to be True Copy
Ranjan
Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, at Guwahati

ORIGINAL APPLICATION No. 158 of 2009

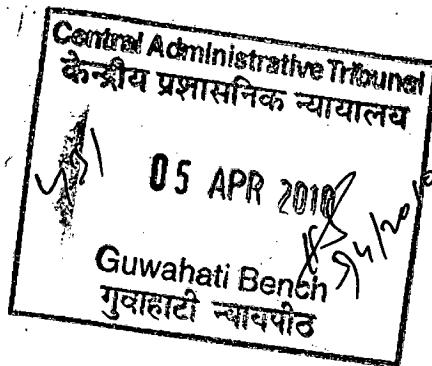
Gitika Kalita

____ Applicant

Vs.

The Union of India & Ors

____ Respondents



IN THE MATTER OF:

The Written Statement submitted on behalf of the Respondent No. 1 & 2.

The Respondent most respectfully beg to state and submit as under.

Written Statement

1. That I am at present working as the Director of Indian Institute of Entrepreneurship, Guwahati. The copy of the instant Original Application has been served on me since I have been arrayed as the respondent no. 2 and I am also duly authorised to represent the respondent no. 1 and I have gone through the Original Application filed by the applicant and having understood the contents thereof I have filed this Written Statement on behalf of all the respondents.
2. That before embarking upon the main matter the Respondents want to speak about the status of the Indian Institute of Entrepreneurship.

The Indian Institute of Entrepreneurship, Guwahati is a Govt. of India Society registered under the Societies Act 1860 vide Registration No. 4605 of

Kamruddin Ahmed

DIRECTOR
Indian Institute of Entrepreneurs
Guwahati - 29

Filed by Mr. Rep. No 2
on behalf of all the Respondents
Kamruddin Ahmed
Advocate
5/11/2010

1992-1993 dated 22/03/1993 under administrative control of the Ministry of Micro, Small and Medium Enterprise, Govt. of India (herein after the MSME).

The Indian Institute of Entrepreneurship, Guwahati (hereinafter "the Institute") is an autonomous body partly financed by the Govt. of India and the Registered Office of the Society is in Guwahati.

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

05 APR 2010

Guwahati Bench

3. That the Institute is an autonomous body under the administrative control of the MSME and the Institute is governed by the Executive Committee, Board of Management and Governing Council, however, the Director is the *all-in-all* so far as day to day functioning of the Institute is concerned. The MSME, while clarifying the ambiguity regarding administrative set up and power of Director, wrote a letter to the Director in reference to a different case before this Hon'ble Tribunal vide letter No. 25(4)/2008-SSI(P)-II dated 26th March 2009 and reaffirmed that in day to day functioning, all administrative power rests with the Director of the Institute.

A copy of the said letter dated 26th March 2009 is annexed hereto and marked as Annexure-2.

4. That the Institute prior to named as Indian Institute of Entrepreneurship it was called "National Institute of Small Industry Extension Training", having its office in Hyderabad (herein after for short "NISIET") having its branch office at Guwahati and the said NISIET was under the administrative control of the then Ministry of Industry, Department of Small Scale Industries & Agro and Rural Industries, Govt. of India. Later

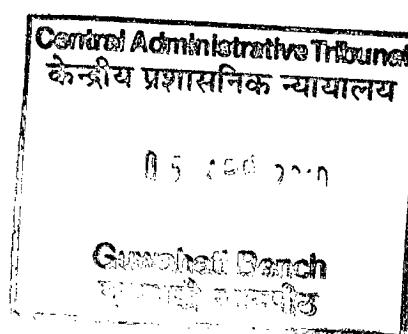
Kamruddin Ahmed

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on, the Guwahati Branch of the said NISIET had been converted into the Indian Institute of Entrepreneurship and registered as a Society under the Society Registration Act 1860 establishing its registered office at Guwahati and under the administrative control of the then Ministry of Industry, Department of Small Scale Industries & Agro and Rural Industries, Govt. of India now the MSME, Government of India.

The Respondents beg to submit that the Institute, as of now, has no Recruitment and Promotion Rules of its own in force (hereinafter "R & P Rules"), however, the Executive Committee has already drafted a R & P Rules of its own but that draft rules is yet to get the approval from the MSME/Government of India. There is an instruction/order from the then Ministry of Industry, Department of Small Scale Industries & Agro and Rural Industries, Govt. of India vide No.23/4/93-SSI (P) Dated 8/7/94 that until and unless the R&P Rules of the Indian Institute of Entrepreneurship comes into force the Institute has to follow the R&P Rules of NISIET only so far as the recruitment and promotion is concerned. The Institute has no other option to appoint its employee but to go for "Direct Recruitment" only. So stringently there is no other mode of recruitment except "Direct Recruitment".

In view of the above situation, the Institute is following the Rules framed by the NISIET so far as recruitments and promotions are concerned namely "Recruitment & Promotion Rules for National Institute of Small Industry Extension Training" until the R & P Rules of the Institute comes into force. In the said R & P Rules of NISIET there is no provision for appointment on compassionate ground. The Institute since its inception has not yet made any appointment under any scheme for compassionate appointment issued by the Government of India.



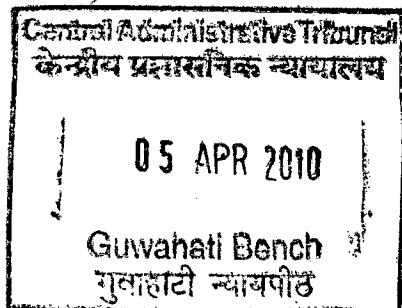
Kamaluddin Ahmed
DIRECTOR
Indian Institute of Entrepreneurship,
Guwahati - 29

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A copy of the relevant portion of the said
NISIET Rules is annexed hereto and marked
as Annexure-3 and the letter
dated 08/07/94 as Annexure- 3A.

5. That, save and except, the statements made in the paragraphs of the Original Application which are specifically admitted by this respondents herein, rest are deemed to be denied and are hereby denied.
6. That the Institute is not an absolute Central Government organisation.. The Institute is an autonomous body under the administrative control of the MSME. The Central Govt. provides only a small part of the total fund required by the Institute for its functioning and the rest amount has to be generated by the Institute itself through its various programmes as such all the policies and schemes issued by the Central Government/Govt. of India is not applicable in case of the Institute. And the Central Government's schemes for compassionate appointment vide No.14014/6/94 Estt. (D) dated 09/10/1998 is also not applicable and can't be implemented in case of the Institute.
7. That though the Central Government scheme for compassionate appointment is not applicable in case of the Institute, the Respondent No.2 on humanitarian ground offered the applicant to run the staff canteen on regular basis but the applicant had failed to run the same after creating dismay and dissatisfaction all over the Institute the applicant suddenly closed the Canteen on 18/12/08 without informing anyone of the Institute.
8. That as regard the statements made in Paragraph 4.1, 4.4, 4.5, the Respondents does not wish to offer any comment since those are matter of records and the answering respondents admits those things only which are

Kamaluddin Ahmed

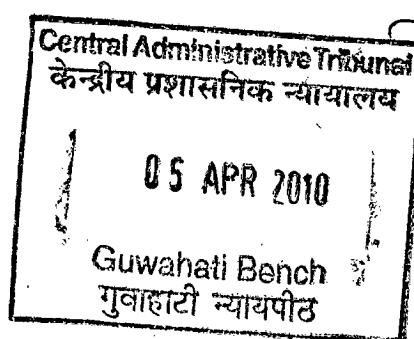


DIRECTOR
Indian Institute of Entrepreneurs...
Guwahati - 29

borne on records and does not admit anything which are not borne on records and/or contrary to records.

9. That in Paragraph 4.2 of the Original Application the applicant has stated that the Respondent No.2 has not considered the application of the applicant for compassionate appointment and arbitrarily & illegally denied the opportunity of appointment to the applicant on compassionate ground. In this regard the Respondents would like to refer to the fact stated in the aforesaid Paragraphs of this Written Statement. The Respondents hereby made it clear that had there been any scheme/provision for compassionate appointment in the R&P Rules of the Institute (i.e. NISIET Rules) the matter of appointment of the applicant on compassionate ground would definitely be placed in the consideration zone but such is not the case and hence the hands of the Respondents are tight so there is no illegality and arbitrariness on the part of the Respondents.

On the other hand, so far the question of the quarter vacation order of the Respondent No.2 is concerned the answering respondent begs to submit that the applicant had been allowed to stay in the Quarter for about 15 months (on the date of order to vacate the quarter) from the death of her husband who was our employee. But the applicant never paid a single penny towards the license fee of the quarter as per prevailing rules until February 2010, however, she has paid the license fee amounting to Rs.2880.00 on 10/02/2010. That is why the letter dated 03/05/09 was issued to her is not illegal and arbitrary. The most importantly the applicant sublet one portion of the official accommodation to someone else. On queries it has come to the knowledge of the respondent no.2 that the person who is residing with her is not a relative to her. The security staff of the Institute reported the said matter



DIRECTOR
Indian Institute of Entrepreneurs...
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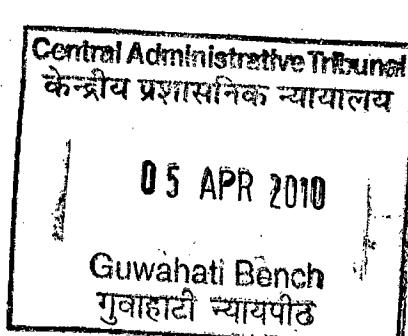
in writing to the Institute as such the said orders were issued to the applicant to vacate the quarter.

It is also worthy to mention herein that it has passed 2 years from the date of demise of the husband of the applicant (i.e. from 01/03/2008 to 01/03/210). Now the applicant is not entitled to occupy the quarter allotted to her deceased husband as per the law and practice.

10. That as regard the statements made in the Paragraph 4.3 of the Original Application the answering respondents has vehemently denied the contention raised by the applicant that the Institute is a "Govt. of India undertaking and is under the deep and pervasive control of the Ministry of Micro, Small and Medium Enterprise." The answering respondents reiterate that the Institute is a Govt. of India Society registered under the Societies Act 1860 and an autonomous body having administrative control of the MSME, Govt. of India and the Institute is not fully financed by the Govt. of India. The Govt. of India partially funded the Institute and the rest amount of money required to run the Institute is generated by the Institute itself. Of late, the MSME, Govt. of India communicated the Institute that from this financial year onward Government of India is not going to provide any running fund to the Institute any further.

So far as the applicability of the service rules are concerned the Institute follows the Central Civil Services (CCA) Rules, CCS (TS) Rules, CCS (Conduct) Rules etc to govern the service of the employee of the Institute.

11. That as regard the statements made in Paragraph 4.6 of the Original Application is concerned the answering respondents beg to state and submit that the applicant herself had not submitted requisite papers before the



Kamruddin Ahmed
DIRECTOR
Indian Institute of Entrepreneurs
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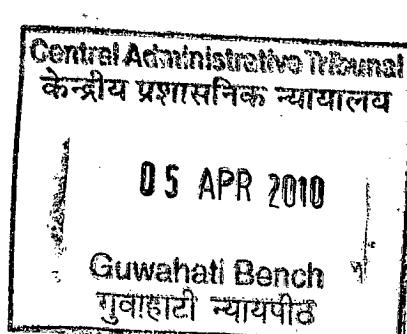
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Regional Provident Fund Commissioner in time and the Institute has no role in payment of PF money since this is directly paid by the PF Commission to the nominee of the deceased depositor. However, it is learnt that the applicant has now received all her dues from the Regional Provident Fund Office along with monthly pension which had been informed to her vide their letter No. AS/GHY/PENSION/09/1158 Dated 22/09/2009.

A copy of the said letter dated 22/09/2009 is annexed hereto and marked as Annexure-4.

12. That the entire grievance of the applicant is based on the scheme of the compassionate appointment issued by the Ministry of Personnel, Public Grievances and Pensions, Govt. of India dated 9th October 1998. If the scheme is not applicable to the Respondent's organisation then the grievance of the applicant can not be taken care of in law since there is no legal right, there is no remedy. In view of the matter that the scheme in question is not applicable to the respondent's organisation the statements made in the Paragraph 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.19, 4.20 and 4.21 are devoid of any merit and there is no question of processing the application of the applicant for compassionate appointment under the organisation and the instant application is liable to be dismissed in *limine*.

13. That as regard the Paragraph 4.13, 4.14, 4.15, 4.17, 4.18, 4.22 the Respondents beg to submit that it is true that the applicant was served with notices/orders vide Order dated 03/05/09 and 05/08/09 directing the applicant to vacate the official quarter and the applicant was also directed to deposit the requisite License Fee for the use of the official accommodation for last 15 months (i.e. on 03/05/09) but the applicant did not turn out to deposit the same and on the contrary she has allowed someone else to occupy one



Kamruddin Ahmed

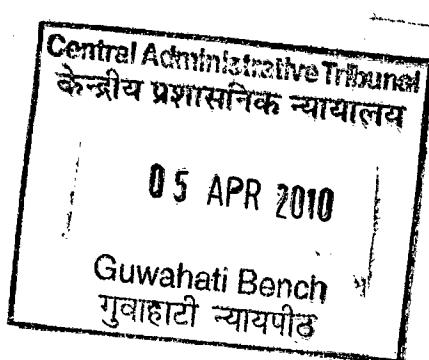
DIRECTOR
Indian Institute of Entrepreneurs
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portion of the quarter allotted to her deceased husband. Considering the above facts the Respondent No.2 deemed it appropriate to order her to vacate the quarter in question. The applicant in any circumstance will not be allowed to sub-let the official quarter to anyone else since that is illegal and if that is allowed then it would set not only a bad precedent but also that may pose threat to the internal security of the Institute.

In Paragraph 4.17 the applicant stated that she is entitled to occupy the official quarter for maximum 2 years as per law. If that is true then the applicant should vacate the official quarter in question forthwith since on 01/03/2010 it has passed 2 years that her husband departed. The Respondents respectfully submits that in no condition the applicant is entitled to occupy the official accommodation allotted to her deceased husband beyond 2 years from the date of the death of her husband that too without paying a single penny as license fee, however, the same is paid in the month of February 2010.

That apart, the applicant while served with the order dated 03/05/09 to vacate the official quarter did not submit anything before the respondent No.2 that she is entitled to stay in the official accommodation provided to her deceased husband since she does not own any house in the place of posting of her husband. In absence of such vital information the order to vacate the official accommodation issued by the authority is quite valid and not arbitrary at all.

14. That the Institute has done a lot for the applicant since the death of her husband. The deceased husband of the applicant namely Phuleswar Kalita was an employee of the Institute and working in a Grade /IV post i.e. Helper. Said Sri Kalita very unfortunately met with a road mishap on 27/02/2008 while

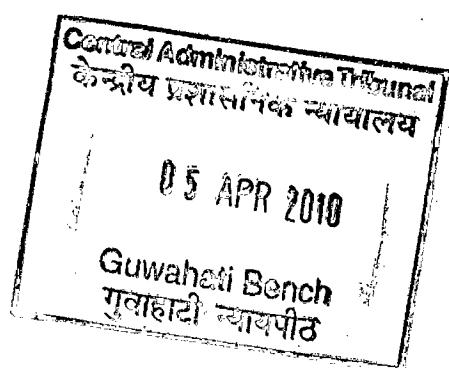


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DIRECTOR
Indian Institute of Entrepreneurs
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going for personal work and sustained severe head injury and immediately he was rushed to the GMCH where from he was sent to the Guwahati's most advanced Hospital for Neurological Treatment i.e. GNRC Hospital where he breathed his last on 01/03/08 and the Institute had incurred an expenses of Rs.1,16,000.00 (Rupees One Lakh Sixteen Thousand) for the treatment of Late Sri Kalita including the expenses of cremation. The applicant has not mentioned in her application anything about the expenses incurred by the Institute including the expenses of cremation of her deceased husband. The applicant is ungrateful.

15. That since there is no provision for appointment on compassionate ground the Respondent No.2, on humanitarian ground, offered the applicant to run the office/staff canteen from 01/06/08 on regular basis. It is worthy to mention herein that the applicant underwent a training programme on entrepreneurship offered by the Institute free of cost, which was prior to the death of her husband. That apart, the applicant was also allowed to participate in a Training Course on Computer Basic Knowledge held in the Institute. In that training programme also the applicant was not charged by a single penny. And considering all these aspect and more particularly on humanitarian ground the Respondent No.2 offered the applicant to run the staff canteen on regular basis so that she could earn her livelihood and the earning from that canteen is well enough to run her small family. But the applicant is not enthusiastic at all and despite giving all kind of support the applicant failed to provide good quality food to the office staff. The applicant did not pay due attention for the good running of the canteen resulting dismay and dissatisfaction amongst the staff of the Institute. Due to the regular complaint against the applicant by the Staff of the Institute the Respondent



Kamruddin Ahmed

DIRECTOR
Indian Institute of Entrepreneurs
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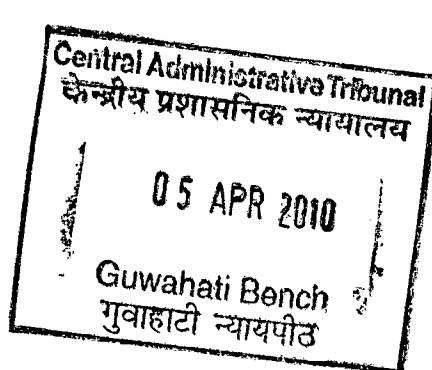
No.2 was advising her to improve the quality of service and food but she remained indifferent and one fine morning i.e. on 18/12/2008 she closed the canteen without even any information to the Institute. Due to the sudden shut down of the staff canteen the administration of the Institute fell in a serious trouble to cope up with the situation. By doing so the applicant proved herself to be the most ungrateful person as such she is not entitled to get any relief under humanitarian ground not to speak of compassionate ground.

16. That this is a settled legal position that the compassionate appointment can't be claimed as a matter of right. Such appointment is always guided by some scheme or policy of the concerned Government. In this connection reference may also be made to the decision of the Supreme Court in Life Insurance Corporation of India Vs Mrs. Asha Ramchandra Ambedkar and another; wherein the Supreme Court has held that hardship of a candidate would not entitle him to compassionate appointment *de hors* statutory provisions. Similar is the observation of the Supreme Court in State of Rajasthan Vs. Chandra Narain Verma.

17. That the applicant has already received all death benefits such as Death Gratuity and EL encashment on 31/03/2008. So there is no due to the applicant.

18. That the grounds set forth in Paragraphs 5.1 to 5.10 of the application are more or less same and the Respondents would like to rebut the entire grounds as a whole.

i) That the Respondents authority has not committed any illegality by not processing the application of the applicant for compassionate appointment since there is no provision for compassionate appointment under the Institute and the scheme for compassionate appointment issued by the



Hamzuddin Ahmed

DIRECTOR
Indian Institute of Entrepreneurship
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Govt. of India vide circular dated 9/10/1998 is not applicable to the Institute since the Institute is an autonomous body and a Govt of India Society under the Societies Act 1870 vide Registration No. 4605 of 1992-1993 dated 22/03/1993 under administrative control of the Ministry of Micro, Small and Medium Enterprise, Govt. of India.

ii) That since the Institute does not have its own R&P Rules but it follows the R&P Rules of NISIET and in that R&P Rules there is no provision for compassionate appointment as such appointment on compassionate ground is beyond the scope of statutory provisions.

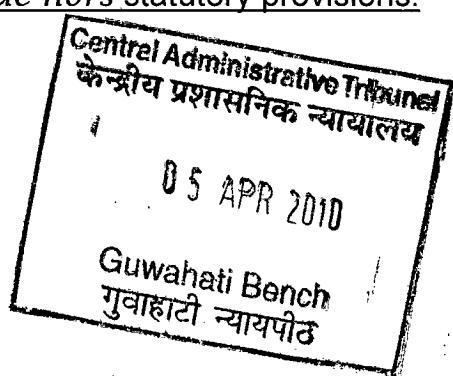
iii) That the Institute is not fully funded by the Government of India as such all the schemes and policies formulated by the said Government can not be implemented in case of the Institute.

iv) That if the children of the applicant are struggling for two square meals then it is the applicant who is solely and directly responsible for such a situation. The applicant did not materialise a golden opportunity of earning her livelihood. She could have earned much more by running the staff canteen in an appropriate manner. But she is an aspirant of a job only and her unenthusiastic approach to her life has led her to the present situation.

v) That the Institute, at any cost, can't appoint anyone on compassionate ground since there is no provision at all.

vi) That the Executive Committee is the ultimate authority of making appointment in the Institute as such the instant application should be dismissed for non-joinder of necessary parties.

vii) That in any case it would not be appropriate and legal to pass an order directing the Respondents to appoint on compassionate ground since the same is de hors statutory provisions.



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DIRECTOR
Indian Institute of Entrepreneurs
Guwahati - 29

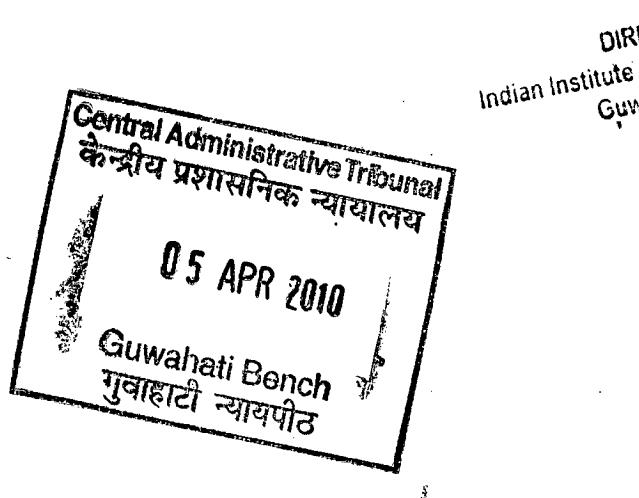
viii) That in any view of the matter the application is liable to be dismissed forthwith being devoid of merit.

ix) That since it has passed 2 years that the husband of the applicant has died, who was the employee of the Institute as such the official accommodation provided to the deceased husband of the applicant should be vacated forthwith.

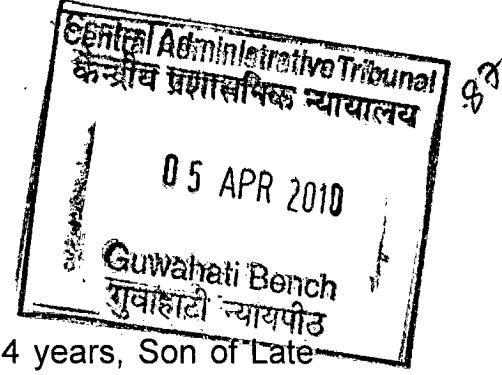
x) That in view of the factual position narrated in the forgoing Paragraphs the grounds set forth in the instant application demanding judicial interference are no grounds at all as such the instant application is liable to be dismissed.

Verification Contd.....

Kamaluddin Ahmed



DIRECTOR
Indian Institute of Entrepreneurship
Guwahati - 29



VERIFICATION

I, Mr. Kamruddin Ahmed, aged about 54 years, Son of Late

S. Ahmed, resident of Lakhtokia, Guwahati-781001, Kamrup, Assam, do hereby solemnly affirm and declare as follows:

1) That I am the Respondents No.2 in the instant proceeding and I am also authorised by Respondents No. 1 to sign this verification.

2) That the statements made in this Written Statement in Paragraphs

1, 2, 3, 4 part, 5 to 10, 12 to 18 [(i) to (x)]

are true to the best of my knowledge and belief and the statements made

in 1 part, 11.

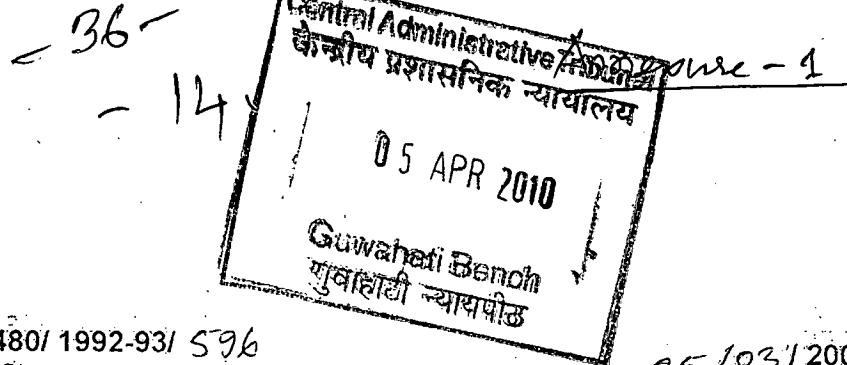
and are the matter of records which I believe to be true and those statements made Paragraph 5 are true to my legal advice and I have not concealed anything from this Hon'ble Court.

And I sign this verification on this 5th day of April 2010



Declarant

DIRECTOR
Indian Institute of Entrepreneurship
Guwahati - 29



This registration however does not make the Registrar liable for any default / liability on loan from Banks Private Societies, Govt. and Semi-Govt. Sources of payment of I.T. and Sale's Tax, as the case may be created by the society.

Financial Institutions, Govt. and Semi-Govt. Depts, extending financial Grants - In- aids etc. to the Society shall send copies of such sanctions to the Registrar for his record.



CERTIFICATE OF REGISTRATION OF SOCIETIES

ACT XXI OF 1860

No. RS/ 4605 of 1992-1993

I hereby Certify that "INDIAN INSTITUTE OF ENTREPRENEURSHIP"

(A Govt. of India Society), Guwahati,

Assam (India)

has this day been registered under the Societies Registration Act, XXI of 1860.

Given under my hand at Guwahati
this 22nd day of March
One thousand nine hundred and ninety three.

29-02-2011
VALID UP TO

VALIDITY EXTENDED UP TO

(SD/- H. R. KEOT)

REGISTRAR OF SOCIETIES, ASSAM,
GUWAHATI.

N. B. - Registered number of Societies should not be stated as Government registered. It is
** Please see to it that the Society is not registered.

SOCIETIES REGISTRATION ACT, XXI OF 1860

(Some Important Provisions)

Sec. 4 :-

Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the Society, the annual general meeting of the Society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Societies, of the names, addresses and occupations of the Governors, Council, Directors, Committee, or other governing body then entrusted with the management of the affairs of the Society.

Sec. 4 (A) (1) :-

Together with the list mentioned in Sec. 4, there shall be sent to the Registrar of Societies a statement showing changes during the year to which the list relates in the personnel of governors, council, directors, committee or other governing body to whom the management of the affairs of the Society is entrusted and also a copy of the rules of the society corrected upto date and certified to be a correct copy but not less than three of the members of the governing body.

Sec. 4 (A) (2) :-

A copy of every alteration made in the rules of the society, certified to be a correct copy by not less than three members of the governing body, shall be sent to the Registrar of Societies within fifteen days of making such alteration.

Sec. 4 (B) (1) :-

Within thirty days after the holding of every annual general meeting there shall be filed with the Registrar of Societies a copy each of the balance-sheet and auditors report certified by the auditor under sub-section (2) of Sec. 5-A.

Sec. 4 (B) (2) :-

If the President, Secretary or any other person authorised in this behalf by a resolution of the governing body of the society fails to comply with the provisions of sub-section (1) he shall be punishable with fine which may extend to five hundred rupees.

Sec. 5 (A) (1) :-

Every society shall keep at its registered office proper books of account in which shall be entered accurately -

(a) all sums of money received and the source thereof and all sums of money expended by the society and the object or purpose for which such sums are expended ;
(b) the assets and liabilities of the society.

Sec. 5 (A) (2) :-

Every society shall have its account audited once every year by a duly qualified auditor and have a balance sheet prepared by him. The auditor shall also submit a report showing the exact state of the financial affairs of the society. Three copies of the balance sheet and the auditor's report shall be certified by the auditor.

Explanation :

A duly qualified auditor means a chartered accountant within the meaning of the Chartered Accountants, Act, 1949 or a person approved by the Registrar of Societies in this behalf.

Sec. 5 (A) (3) :-

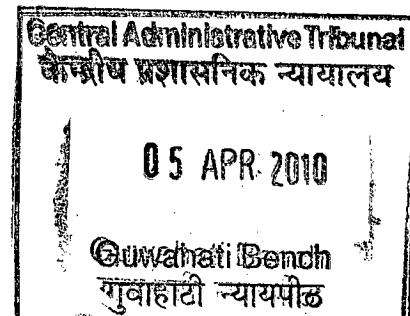
If the President, Secretary or any other person authorised in this behalf by a resolution of the governing body of the society fails to comply with the provisions of sub-section (1) or sub-section (2) he shall be punishable with fine which may extend to twenty rupees for every day after the detection of the default during which the default continues.

No.25(4)/2008-SSI(P)-II
 Government of India
 Ministry of Micro, Small and Medium Enterprises
SSI(P)-II Section

New Delhi, Dated 26th March 2009

To

Shri K. Ahmed
 Director,
 Basistha Chariali, Lalmati,
 37 National Highway Bypass,
 Guwahati - 781 029.



Sub:-Autonomous status of Indian Institute of Entrepreneurship, Guwahati-reg.

Sir,

I am directed to refer to your letter No.BS/MISC/2008-09/2591 dated 16th March 2009 on the above subject and to request you to inform the following position to Shri Mrinal Boro, Government Advocate, in case No.OA-147/08.

"The Indian Institute of Entrepreneurship (IIE), Guwahati is an autonomous body under the administrative control of Ministry of Micro, Small and Medium Enterprises, registered under the Societies Act, 1860, in Guwahati. The Institute is governed by an Executive Committee, a Board of Management and Governing Council. In day to day functioning, all administrative power rests with the Director of the Institute."

Yours faithfully,

(P.S. Verma)

Under Secretary to the Govt. of India
 Tel: 2306 1636

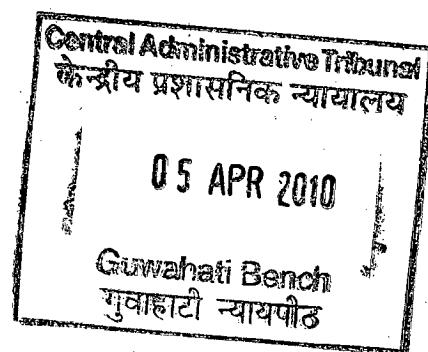
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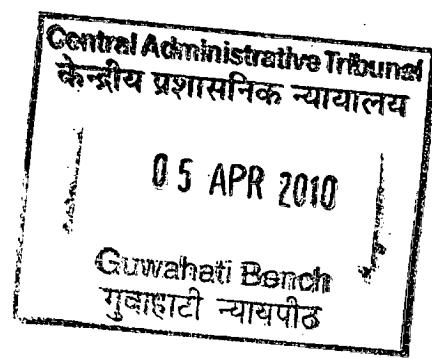
RECRUITMENT AND PROMOTION RULES 1988



NATIONAL INSTITUTE OF SMALL INDUSTRY EXTENSION TRAINING
YOUSUFGUDA HYDERABAD -500 045.

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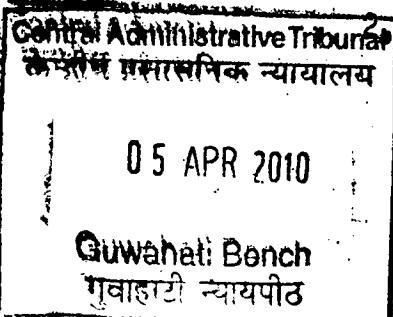


EXPLANATORY NOTE TO -

R & P RULES

Recruitment and Promotion Rules
for the employees of N I S I E T

1. These rules shall be called " Recruitment and Promotion Rules for the Employees of National Institute of Small Industry Extension Training."



Except the post of Principal Director, these rules shall apply to all posts at the Head Office at Hyderabad and also to the posts in the Branch Office at Guwahati; and shall come into force on and with effect from _____.

Classification of posts

3. All posts in the National Institute of Small Industry Extension Training which term shall include the branch office at Guwahati (hereafter referred to as NISIET) shall be classified as shown in Appendix-I and shall carry the designations and scales of pay as given therein, or as may be amended by the Governing Council and/or the Government from time to time.

Unit of appointment

4. Both for purposes of direct recruitment or appointment by promotion, the NISIET Head Office and the Branch Office at Guwahati, shall constitute a single unit.

Age, qualification and experience for direct recruitment

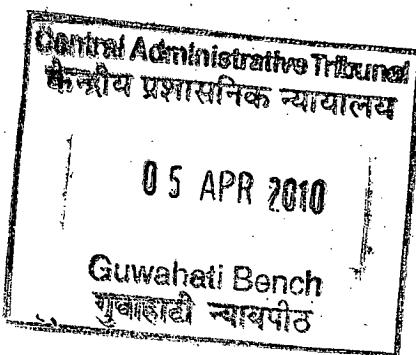
5.1. The age, qualifications and experience for recruitment to various posts, where the posts are filled up by direct recruitment, shall be as indicated in Appendix-II to these rules.

Mode of Direct Recruitment

5.2. For all posts to be filled up by direct recruitment, an advertisement giving full particulars of the post including the age limit, qualifications, experience scale of pay, broad duties and responsibilities, period of probation and such other particulars of relevance to the prospective candidates shall be given in news papers with all India circulation allowing sufficient time for submission of applications; and, from among the applicants, those found to fulfil the prescribed conditions shall be called for interview and selections made.

Regular employees in-service can compete for direct recruitment

6.1. Regular employees already in-service in NISIET and who fulfil the age, qualifications, experience and other prescribed conditions as per the advertisement shall be eligible to compete for the posts so advertised.



Explanation: 'Regular Employees' shall not include employees on contract or casual employees appointed on daily wages or monthly wages.

Age relaxa-
tion for
in-service
employees

6.2. Such employees as referred to in sub-rule 6.1. who apply for any post in response to an advertisement shall be eligible for age relaxation equivalent to the period of service rendered by them in NISIET provided such service is in a field which is relevant to the duties of the post for which the application is made, subject to a maximum of five years.

6.3. The Principal Director shall be the competent authority to decide whether the service rendered by the candidate in NISIET is relevant to the duties of the post applied for or not and his decision shall be final.

6.4. An employee referred to in sub-rule 6.1. of this rule, if selected for appointment, shall be eligible to carry forward the benefits which have accrued to him for the service already rendered in NISIET by way of leave and other terminal benefits provided that he joins the new post without break in service.

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direct recruitment treated as fresh appointment

6.5. Except to the limited extent referred to in sub-rule 6.4 appointment by direct recruitment shall, for all other purposes, be treated as a fresh appointment.

Promotions

7.1. All posts which are not to be filled up by appointment by direct recruitment as per Appendix-II to these rules shall be filled up by appointment by promotion as laid down in the said Appendix.

Promotion posts to be filled up by direct recruitment in certain posts

7.2. Notwithstanding sub-rule 7.1 where candidates are not available or, where available are not suitable, for appointment by promotion in the feeder categories as per Appendix-II to these rules, such posts shall be filled up by appointment by direct recruitment.

Probation

8.1. A candidate appointed by direct recruitment under these rules shall be on probation for a period of two years.

8.2. An employee appointed by promotion from one category to another under these rules shall be on probation for a period of two years provided that such promotion is to a post which is included in a group other than the one to which the post held by him belongs.

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8.3. Both in cases covered by sub-rules 8.1. and 8.2. the appointing authority shall be competent to extend the period of probation, on the recommendation of the DPC, where the DPC deems it necessary in view of the unsatisfactory nature of the work or conduct of the probationer during the period of probation or where the period of duty during the period of probation has been drastically reduced for any reason resulting in inadequate opportunity to assess the work of the probationer in the post in which he is a probationer.

8.4. Where, during the period of probation, the work and/or conduct of the probationer is/ are found to be unsatisfactory or not up to mark by the DPC even after extension of the period of probation and it recommends reversion or discharge of the probationer, the appointing authority shall revert the probationer to the post from which he was promoted if he is a promotee or discharge him, if he is appointed by direct recruitment, from the date of expiry of the period of probation including extended period of probation as the case may be.

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iority

- 9.1. There shall be a common seniority list for each category of posts including the posts in the Head Office as well as in the Branch Office at Guwahati.
- 9.2. The relative seniority of all direct recruits shall be determined by the order of merit in which they are ranked by the Selection Committee those selected in an earlier selection being senior to those selected in a subsequent selection.
- 9.3. The relative seniority of employees appointed by promotion from one category to another shall be determined with reference to the ranking given by the DPC.
- 9.4. Where the vacancies in a cadre are filled up both by appointment by direct recruitment as well as by appointment by promotion, on the basis of any quota fixed in the R&P rules, the rotation of vacancies as between direct recruits and promotees shall be the basis for fixing the relative seniority.
- 9.5. Where appointment by promotion is on the basis of seniority subject to rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as their relative seniority in the categories from which they are promoted.

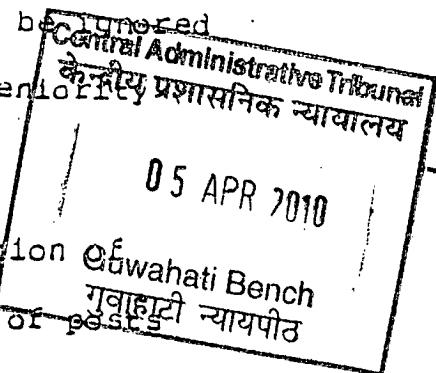
Central Administrative
प्रशासनिक सेवा
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9.6. Where the Selection Committee selects candidates for different posts carrying the same scale of pay but with different qualifications, the Selection Committee shall be requested to recommend a consolidated list of these candidates duly ranking them, and, in such cases, the inter se seniority of these candidates shall be as per the ranking given by the Selection Committee.

9.7. Service rendered in a post to which an employee appointed on an ad hoc basis pending regular appointment following the procedure prescribed or service in a post to which appointment is made otherwise than by following the procedure prescribed for filling up the post under these rules, shall be ~~ignored~~ for purposes of determining the seniority in the category concerned.

selection committee

10.1. The Selection Committee for selection of candidates for the various groups of posts given below, where the vacancies are to be filled up by appointment by direct recruitment shall be as shown against the respective groups of posts shown below:-



475
- 25 -

Annexure - 3A (1)

Teleg. : DOMINISTRY
Telex : 031-2465
Fax : 3011770

Ph: 3013047 (Secretary)

3013045

Fax: 3011770.

संसदी

No. 23/4/93-SST (P)

भारत सरकार

उद्योग मंत्रालय

(विदेशी विकास विभाग)

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRY

(DEPARTMENT OF EXTERNAL AFFAIRS - INDIA)

उद्योग भवन SSI & ARI

नं ११००११

UDYOG BHAWAN,

NEW DELHI-110011. Dated 8th July, 1994.

To

The Chief Controller of Accounts
Pay and Accounts Office
Dept. of I.D.
Udyog Bhawan,
New Delhi

Subject:- Setting up of Indian Institute of Entrepreneurship (IIE), Guwahati.

Sir,

The Government of India have set up an Institute called the Indian Institute of Entrepreneurship (IIE), Guwahati which was registered under Registration of Society's Act 1860 at Guwahati. Activities and functions of the erstwhile National Institute of Small Industry Extension Training (NISIET), North-Eastern Regional Centre, Guwahati shall be taken over by the Indian Institute of Entrepreneurship, Guwahati w.e.f. 1st April, 1994. Consequent on the issue of this order, all the assets and liabilities of NISIET, N.E. Centre stands transferred to the Indian Institute of Entrepreneurship w.e.f. 1.4.94. The Director of the Indian Institute of Entrepreneurship (IIE) has been authorised to obtain option from the employees of NISIET, Guwahati by 30th September, 1994, and those who give their option to

Contd....

26 APR 1994

1994

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Original Copy in Office No. 265/24-25

485-26 -

- 2 -

join IIE, shall be absorbed with effect from 1.4.94, with
same terms & conditions, and there shall be no break in
their service. ~~With the necessary understanding, the
Government will follow the T.R.C. rules of absorption of
the relevant files of Government of India.~~ ✓

Yours faithfully,

R.S. -

(S.B. MAHAPATRA)
Joint Secretary to the Govt. of India.

COPY to:-

1. Dr. D.D. Mali, Director, Indian Institute of
Entrepreneurship, Guwahati.

2. The Principal Director, i/c
NISIET, Hyderabad.

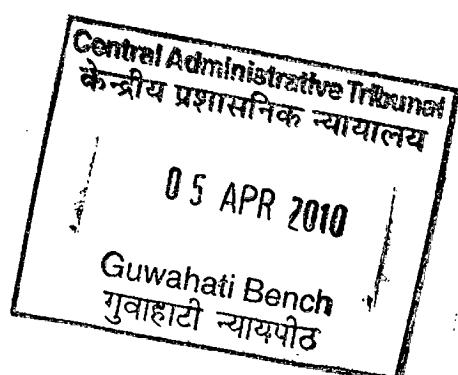
3. Shri N.K.A. Rao, Industrial Advisor,
Office of DC(SSI), 7th Floor,
Nirman Bhavan, New Delhi.

4. I.F. Wing, Deptt. of I.D., Udyog Bhavan, New Delhi.

5. E-III Section, Deptt. of I.D., Udyog Bhavan, New Delhi.

6. Guard File.

(BEMI RAM)
Under Secretary to the Govt. of India.



EMPLOYEES' PROVIDENT FUND ORGANISATION
REGIONAL/SUB-REGIONAL OFFICE

NORTH EAST REGION

AS/GHY/PENSION/09/1158

22

Shri/Smt. GITIKA KALITA
C/o.
GTR NO.A/1
IIE STAFF GTR
INDIAN INST. OF
ENTERP.LALNATI -781029

PPD prepared on : 09/09/2009
Receipt No.: 49011085
PF A/c.No. : AB/3035/40
P.P.O. No. : AB/GHY/10401

Sir/Madam

Sub: Disbursement of pension sanctioned to
you under Employees' Pension Scheme '95

Ref: Your application in Form 10-D submitted
for sanction of pension under EPS '95.

With reference to the above, it is informed that
your application has been considered and sanction of the
competent authority, accorded for the payment of monthly
pension at the following rate with effect from: 02/03/2008

Sl. No.	Pensioner's Name	Type of Pension	Monthly Pension	Relief	Pension Arrears	Arrears
1	GITIKA KALITA 30608552529	Widow/Widower	2051	36850		
2	UTPAL KALITA 30773979604	Children	513	9217		
3	DHRITISMITA KALITA 30774016868	Children	513	9217		

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Please note that the amount of Pension Arrears is payable
after adjusting the withdrawal benefit amount already paid, if any.

The Pension Payment Order bearing No. shown as above has
already been forwarded to the link branch of STATE BANK OF INDIA
for onward transmission to your bank STATE BANK OF INDIA,
(00000078) GUWAHATI-PANBAZAR SB.Ac.No.30608552529
as desired by you. You may please contact the manager of your
bank along with this letter for receiving the pensioner's copy
of PPO and payments including the arrears.

Yours faithfully

Edwina Munda
Asst. P.F. Commissioner (Pension)
NORTH EAST REGION

The Section Supervisor, A/c Sec., 05/104

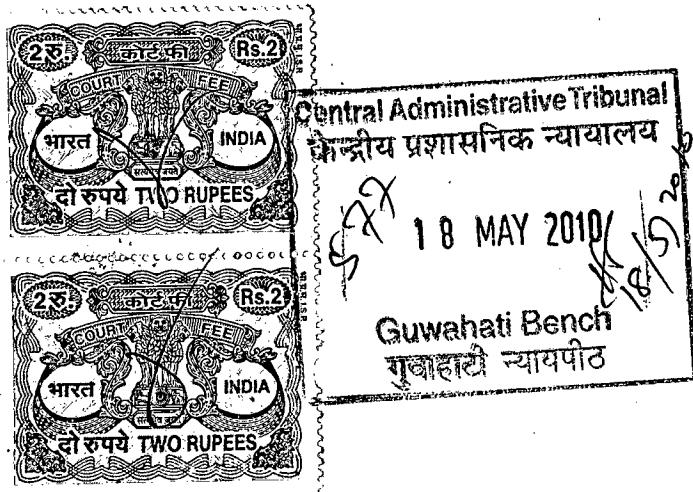
The Branch Manager,
STATE BANK OF INDIA
GUWAHATI-PANBAZAR
PANBAZAR, GUWAHATI, 781001
KAMRUP

Certified to be true

8
DIRECTOR
Indian Institute of Entrepreneurship
Guwahati - 29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, at Guwahati

ORIGINAL APPLICATION No. 158 of 2009



Gitika Kalita

Applicant

vs.

The Union of India & Ors

Respondents

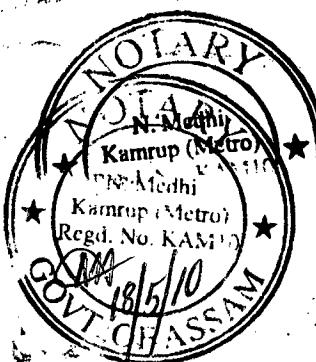
IN THE MATTER OF:

An affidavit by the Respondent No.2 in compliance with the order dated 22/04/2010 passed by this Hon'ble Tribunal.

AN AFFIDAVIT BY THE RESPONDENT No.2

I, Mr. Kamruddin Ahmed, aged about 54 years, Son of Late S. Ahmed, resident of Lakhtokia, Guwahati-781001, Kamrup, Assam, do hereby solemnly affirm and declare as follows:

1. That I am the Director of Indian Institute of Entrepreneurship, Guwahati (hereinafter "the Institute").
2. That on 22/04/2010 this Hon'ble Tribunal passed an order directing the deponent to file an affidavit stating or placing anything on records which would go to show that there is a contrary provision which does not permit the deponent's Institute to make an appointment on compassionate ground and by the said order the deponent was also directed to place the Institute's Memorandum of Association on record. Having understood the contents of



Filed by 16c Resp. No.2
Through

As per Chownak
Subroto 18/5/2010

X Kamruddin Ahmed

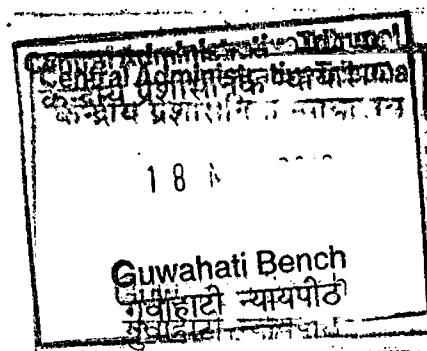
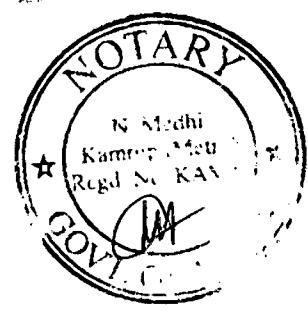
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18/5/2010

the said order I swear this affidavit for kind consideration of this Hon'ble Tribunal.

3. That the contention raised by the applicant in the instant case is that since the Recruitment and Promotion Rules (as stated in the Written Statement) does not provide any contrary provision to the compassionate appointment scheme in question so the same is applicable to the Institute. To counter this contention of the applicant, the deponent begs to state and submit that it is very unlikely to have a specific provision in any Rules or a Notification by which a particular scheme is to be made **inapplicable**. To the best understandings of the deponent, when there is a particular scheme applicable to an organisation there must be Rules or guidelines to implement the same. In our case, since the Scheme (compassionate scheme) is not applicable so Rules has not yet been framed. The Memorandum of Association (MoA) of the Institute does not provide any such Rules/Scheme/Provisions under which the Institute may go for an appointment under compassionate scheme in question. The deponent begs to place on record the MoA adopted at the time of inception of the Institute and also the revised Memorandum of Association and Rules of the Institute which is already duly approved and forwarded by the then SSI & ARI Ministry vide their Letter dated 25th October 2006.

A copy of both the Memorandum of Association and the Rules is annexed hereto and marked as Annexure-A and B (Series).

4. That the deponent most respectfully begs to submit that it is not possible for any organisation to issue notification or frame Rules nullifying all inapplicable Rules/Schemes etc. So every independent organisation is having



Ahmed Kamruddin

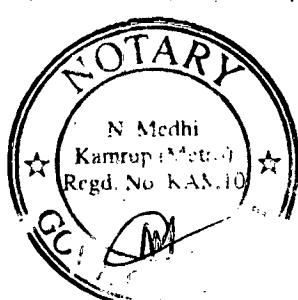
their own set of Rules by which they are to govern their activities. Likewise, the Institute is also having a stop gap arrangement, until the own set of Rules of the Institute comes into effect, by way of the Rules of NISIET and in that Rules there is no provision of Compassionate Appointment as such the hands of the deponent is tight and can not act anything contrary to its established Rules.

5. That the deponent most respectfully begs to submit and would like to refer to a landmark judgement of the Hon'ble Apex Court of India i.e. LICI Vs. Mrs. Asha Ramchandra Ambedkar and Another reported in AIR 1994 SC 2148. The deponent begs to quote the findings and directive issued by the Hon'ble Apex Court in Paragraph 13 and 18 of the said Judgement which reads as follows:

"13)..... The appellant Corporation being a Statutory Corporation is bound by the Life Insurance Corporation Act as well as the statutory Regulations and Instructions. They can not be put aside and compassionate appointment be ordered."

The Paragraph 18 of the said Judgment reads as follows:

"18) Thus, apart from the directions as to appointment on compassionate grounds being against statutory provisions, such direction does not take note of this fact. Whatever it may be, the Court should not have directed the appointment on compassionate grounds. The jurisdiction under mandamus can not be exercised in that fashion. It should have merely directed consideration of the claim of the 2nd respondent. To straightway direct the appointment would only put the appellant Corporation in piquant situation. The disobedience of this direction will entail



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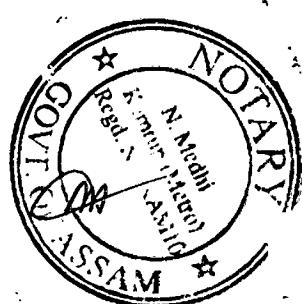
contempt notwithstanding the fact that the appointment may not be warranted. This is yet another ground which renders the impugned judgment dated 19/10/1993 unsupportable. For these reasons, the civil appeal will stand allowed. There shall be no order as to cost."

6. That this is a categorical stand of the deponent that since there is no provision for compassionate appointment in the relevant R&P Rules (NISIET) the appointment to the applicant can not be offered under compassionate ground. The scheme dated 09/10/1998 referred by the applicant is not applicable in case of the Institute inasmuch as the Institute is not an absolute Central Govt. Organisation though it is to run under the administrative control of the MSME, Govt. of India. Administrative Control does not necessarily mean that all schemes and Rules which are applicable in case of other absolute Government organisation are also applicable in case of the Institute.

7. That on the last day of hearing this Hon'ble Tribunal put a question to this directorate that since the Institute follows other Central Govt. Rules viz. CCS (CCA) Rules; CCS (Conduct) Rules; CCS (TS) Rules as such the said scheme in question is also applicable to the Institute. The deponent most respectfully begs to submit before this Hon'ble Tribunal that the said Rules are made applicable to this Institute by the then SSI & ARI Ministry vide a Letter No. 23/4/93-SSI(P) dated 8/07/1994 .The said letter is annexed in the Written Statement as Annexure 3A (page-25).

8. That most pertinently, the Institute is not a fully funded Govt. Organisation as such all schemes and Rules can not be made applicable to the Institute even though its administrative control is at the hand of the Central Govt. To make it more clear the deponent further begs to state that even the fund required for the payment of the existing staff of the Institute are not

salary



Kamandil Ahmed

borne by the Govt. of India not to speak of to provide fund for the implementation of the scheme of compassionate appointment.

9. That the statements made in this affidavit in Paragraphs 1, 2 part, 3, 4, 5, 6 & 8 are true to the best of my knowledge and belief and those made in Paragraphs 2 part & 7 are derived from records which I believe to be true and rest are my humble submissions before this Hon'ble Court.

And I sign this Affidavit on 18th day of May 2010 at Guwahati

Identified By

Dilip K. Sharma
18.5.2010

Advocate's Clerk



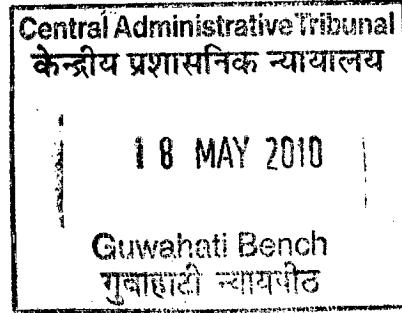
Solemnly affirmed before me

N. Medhi
18/5/10

N MEDHI
Advocate / Notary

Kamruddin Ahmed

Deponent



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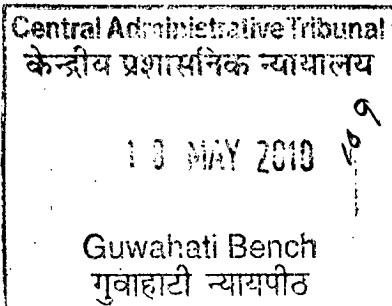


MEMORANDUM
OF
ASSOCIATION

INDIAN INSTITUTE OF ENTREPRENEURSHIP

(A Government of India Society)
Zoo Narangi Road
Guwahati: 781 021, Assam
India

Certified to be true copy
J. S. Chatterjee
Advocate



INDIAN INSTITUTE OF ENTREPRENEURSHIP
(IIIE)
GUWAHATI

Memorandum of Association

- I. Name of the Society shall be the Indian Institute of Entrepreneurship (IIIE)**
- II. The Registered Office of the Society shall be situated at Guwahati in Assam.**
- III. The objects for which Society is established are :**
 1. To establish and carry on the administration and management of Indian Institute of Entrepreneurship.
 2. To serve as an Institute to organise and conduct training programmes for entrepreneurship development in North Eastern Region.
 3. To evolve, standardise, field tested strategies and methodology of developing entrepreneurship to suit particular location (urban and rural) and all types of target groups for developing entrepreneurship individually, in cluster or in groups.
 4. To conduct and co-ordinate training and research activities of the various institutions and organisations located in different states of the N.E. Region devoted to entrepreneurship development.
 5. To identify the need and provide training to the members of various governments / non-governmental agencies engaged in supporting and promoting entrepreneurship.
 6. To gather, analyse and process information needed for formulation and implementing policies related to self-employment, entrepreneurship and industrial development in different States of the Region.
 7. To identify, design and conduct training and offer consultancy services.

needed for improving management efficiency, productivity and technology adopted by existing entrepreneurs.

8. To undertake documentation and dissemination of information related to entrepreneurship and industrial/business development.
9. To prepare and publish literature and information material related to entrepreneurship / industrial development.
10. To provide forum for interaction and exchange of views and experience by the agencies and entrepreneurs mainly through Seminar, Workshop, Conference etc.
11. To study the problems and conduct researches to generate knowledge for accelerating the process of entrepreneurship development.
12. To act as 'Catalyst' for developing self-employment entrepreneurship, industry/business in the region.
13. To evolve, design and help use of various media for creating entrepreneurship culture in the region.

IV. For Pursuing the objects, the Functions of the Society shall be:

- (i) To establish and maintain regional and zonal centres , if necessary , in co-operation with State Governments concerned.
- (ii) To award certificates , diplomas etc. to participants and prescribe standard of proficiency for the award of fellowship, prizes and other forms of recognition.
- (iii) To accept any gifts, grants, donations and subscription whether in cash or securities and of any property either movable or immovable in furtherance of the objects of the Institute.
- (iv) To maintain an endowment fund and a separate operating account or accounts, and to utilize part or whole of the fund and / or account towards capital and recurring expenditure of the Society, to make appropriate investment or to deal with the fund in any other way which the Society may deem fit.

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(v) To purchase, take on lease, or otherwise acquire any land or building wherever situated in India, which may be necessary for the Society.

(vi) To sell, lease, exchange and otherwise transfer all or any properties of the Society.

(vii) To undertake and accept the management of any endowment or trust fund having objects similar to the object of the Society.

(viii) To establish and maintain provident and other benefit funds for the benefit of the staff of the Society.

(ix) To create administrative, technical, ministerial and other posts under the Society and to make appointments there to in accordance with the Rules of the Society.

(x) To make rules and bye-laws for the conduct of the affairs of the Society and to add, to amend, vary or rescind them from time to time.

(xi) To create and maintain infrastructural facilities such as building, hostel etc. for running the Institute's activities.

(xii) To co-operate with other institutions in and outside the country having similar objects to those of the Society by exchange of teachers, scholars, literatures, information, collaboration etc.

(xiii) To do all such lawful things as the Society may deem fit for the attainment of all or any of its objects.

V. The Society will maintain accounts and prepare annual statement of accounts including the Balance Sheet of the Society in such a form as may be prescribed by the Government.

VI. The Society will forward annually to the Government the Accounts of the Society certified by the Chartered Accountant appointed by BoM.

VII. To constitute such committee or committees as it may deem fit for disposal of any business of the Institute or for tendering advice in any matter pertaining to the Institute.

VIII. To delegate any of its powers to the Board of Management of the Institute or to any other committee or committees constituted by it.

IX. The names, addresses, occupations and designations of the present members of the Society to whom the management and affairs of the Society are entrusted as required under section 2 of the societies Registration Act of 1860 as amended as extended to the State of Assam by the Central Government are as follows:(see Page no. 16)

We, the undersigned, are desirous of forming a society under the society Registration Act XXI of 1860 as extended to the State of Assam in pursuance of this Memorandum:

Sl.No.	Name	Full Residential Address	Occupation/Designation
01.	Jatin Hazarika		Chairman,BSRB (N.E.Group)Guwahati & Member, State Planning Board, Assam.
02.	Ramendra Narayan Bhattacharya		Industrialist
03.	Prabhash Ch. Goswami		Retd.IFCI Chair Professor Gauahati University
04.	Aparna Kumar Padmapati		Principal Assam Engineering College
05.	S.D.Phukan		Advisor(TE) North Eastern Council, Shillong, Meghalaya
06.	N.N.Baruwa		Secy. to the Govt. of Assam Industries & Forest Department, Dispur
07.	D.D.Mali		Director,NISIET, Guwahati-21

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1. Rules of the Society

In these rules, unless the context otherwise requires:

- a) "The Society" and "the Institute" means "Indian Institute Of Entrepreneurship".
- b) "Board of Management" means the body which under rule 5 is constituted to be the Board of Management of the Society;
- c) "General Body" means the general body of the Institute;
- d) "Director" means the Director of the Institute;
- e) "Government" means the Central Government;
- f) "Member" means the member of the Institute or member of the Board of Management as the case may be;
- g) "Year" means the year ending on the 31st day of March;
- h) "Council" means North Eastern Council;
- i) "Region" means the North Eastern Region of India.

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2. General Body of the Society

The General Body of the Society shall be composed of Representative of the State Governments, Members of the Board of Management, Ordinary and Corporate Members.

President

- a) The President of the Society shall be the Chairman, North Eastern Council.

Representative of States

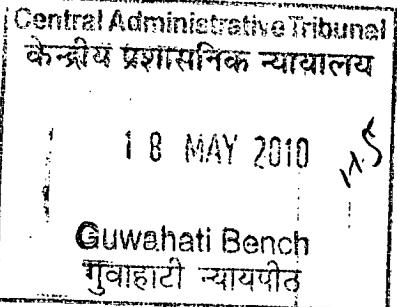
- b) The Ministers of Industries of the Seven States of the Region.

Member of Board of Management

- c) All Founder Members who are also the members of the Board of Management and such persons will not be required to pay any membership fee. They cease to be members upon relinquishing office as Board of Management.

Corporate/ Ordinary Members

- d) The Board of Management may admit as a corporate member any government in India, any public financial institution, any commercial bank, any joint stock company, any society or institute on which is interested in the objects of the Society on payment of a minimum annual subscription of Rs 5000/- or a sum of Rs.50,000/- in lieu of the annual subscription in not more than two instalments within the first three years of admission with no further liability to pay annual subscription, provided that any State Government, or any public financial institution, as decided upon by the Governing Body, that becomes a corporate member, may be exempted from the annual subscription on its making a contribution of atleast Rs. 5 lakhs to the endowment of the Institute and that such Government and institutions shall be designated as sponsoring Governments or Institutions.



0/0

3. Term of Office

- (a) Where a person is a member of the Society by virtue of an office held by him, his membership shall terminate when he ceases to hold that office and the vacancy so caused shall be filled by his successor to that office.
- (b) A member of the Society may resign his office by letter addressed to the Secretary but his resignation shall take effect only on its acceptance by the President.
- (c) A member of the Society shall cease to be such member if he shall become of unsound mind, or become insolvent or is convicted of criminal offence involving moral turpitude.

4. The Annual Meeting

- (a) The annual meeting of the Society shall be held at such time and place as may be determined by the President. At such annual meetings, the BoM shall submit the annual report and the yearly accounts of the Society.

Notice

- (b) Every notice calling a meeting of the Society shall state the date, time and place at which such meeting will be held and shall be served.

Quorum

- (c) Ten members present in person shall form a quorum for any meeting of the Society. In case of falling short of quorum, the meeting of the Society may be adjourned and reassemble again after some time. There will be no quorum required in such case.

Presiding Officers at Meetings

- (d) The President shall preside at the meetings of the Society. If the President is not present at any meeting, any member of the Society appointed by the President in writing shall Chair the meeting, but if there shall be no member appointed as aforesaid, present or willing to take charge, the members of the Society shall choose a member to Chair the meeting.

Questions

(e) All questions at any meeting of the Society except for the matter specified in Rule shall be determined by a majority of votes. Every member of the Society shall have one vote. In case of an equality of votes the President shall have a casting vote in addition to his ordinary vote.

5. Board of Management

(a) The Board of Management of the Society for the purpose of the Societies Registration Act, 1860, at the date of registration of the Society, consist of the members whose names are set out in clause IV of the Memorandum of association and shall hold office for a period of three years. Membership of the Board of Management may, however, be increased from the present number of twenty four exclusive of the Chairman, and the vacancies thus arising may be filled by co-option by the Board of Management for the remainder of the three years in conformity with the composition of the Board of Management laid down in rule (b) below :

(b) On the expiry of three years from the date of registration of the Institute under Act XXI of 1860, the Board of Management shall be reconstituted and shall be composed of not more than thirty members inclusive of the Chairman as under :

- (i) Secretary, North Eastern Council; 1
- (ii) Representative of Govt. of India, Ministry of Industry, not below the rank of Joint Secretary; 1
- (iii) Commissioner/Secretary, Industries of all the Constituent States of the region; 7
- (iv) Managing Director of IDBI, SIDBI & NABARD or their representatives not below the rank of General Manager; 3
- (v) Chief General Manager, Local Head office of SBI Guwahati or his representative not below the rank of general Manager; 1

18 MAY 2010

Guwahati Bench
गुवाहाटी न्यायालय

(vi) Director, RRL Jorhat/Director, IIT/Principal, REC Silchar, AEC Guwahati,
JEC Jorhat; 1

(vii) There representatives of Industries from the region; 3

(viii) Two representatives of Chamber of Commerce from the Region; 2

(ix) Two representatives from CII & FASII; 2

(x) Two eminent economists, technocrats or researchers/professors in the field
of entrepreneurship related areas; 2

(xi) Sectoral Adviser, NEC to be nominated by Secretary, NEC; 2

(xii) Director of Institute as Member Secretary. 1

6. Power of Board of Management

The general superintendence and control of the affairs and funds of the Society shall be vested in the BoM which may exercise all power and do all acts and things which may be exercised or done by the Society.

7. Bye-laws

The BoM shall have power to make such bye-laws as they deem fit for the regulation of the business of the Society and in particular with reference to the preparation and sanction of budget estimates, the sanctioning of expenditure, entering into contracts and investment of the funds of the Society.

However, the proposal relating to emoluments structure i.e. adoption of pay scales, allowances and revision thereof, and creation of posts, the maximum of which exceeds Rs. 4500/- p.m. would need the prior approval of Government of India in consultation with Ministry of Finance (Department of Expenditure). This will be subject to the observance of the ban orders issued by Government from time to time.

8. Delegation of power to the Chairman or Director:

The BoM may by resolution delegate to the Chairman and/or the Director such of its powers for the conduct of business as it may deem fit.

9. Committee of the Board of Management:

The BoM may resolution appoint :

- (a) Sub-committee for such purposes and with such powers as the BoM may think proper;
- (b) Advisory Boards consisting of persons who need not be members of the Society with such advisory functions as the Governing Body may think proper.

10. Presiding Authority and Quorum for the Meeting of the Board of Management :

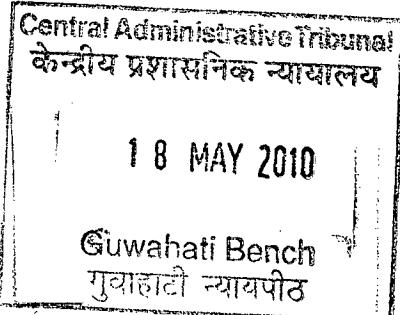
- (a) Every meeting of the Board of Management shall ordinarily be presided over by the Chairman or by the Vice-Chairman, if any. If neither the Chairman nor the Vice-Chairman is present at any meeting any member of the BoM appointed by the Chairman in writing shall preside over the meeting, but if there shall be no member as aforesaid, present or willing to take the chair, the members of the BoM present shall choose one of their own members to be the Chairman of the meeting.
- (b) Five members of the BoM present in person shall constitute a quorum at any meeting of the BoM.

11. Notice of Meeting of the Board of Management :

Not less than ten clear days notice of every meeting of the BoM shall ordinarily be given to each member of the BoM who is for the time being in India.

12. Minimum Number of Meetings :

At least two meetings of the BoM shall be held in every calendar year.



13. Calling of Meeting of the Board of Management :

Meeting of the BoM shall be called normally by joint decision of the Chairman and the Director, provided that the Chairman may by himself call a meeting if the Director's position is vacant or if, in his (Chairman's) opinion, there exists an extraordinary situation that requires a meeting of the BoM. All meetings will formally be called by the chairman or by his direction by the Director.

14. Questions to be decided by majority vote:

all questions at a meeting of the BoM shall be decided by a majority of votes and in case of an equality of votes, the Chairman shall have a casting vote, in addition to his ordinary vote.

15. Business by Circulars:

Any business which it may be necessary for the BoM to transact (except such as may be placed before the annual meeting of the Society) may be transacted by circulation among all its members and any resolution so circulated approved by a majority of the members signing the circular shall be as effectual and binding as if such Resolution had been passed at a meeting of the Board of Management.

16. Chairman of the BoM:

The first Chairman of the BoM shall be the Secretary, North Eastern Council. After the expiry of the term of the Chairman specified in this Rule, the future Chairman shall be elected by the members of the BoM. The Chairman shall have a tenure of office of four years, but shall continue to hold office until a new chairman is elected in his place. A retiring Chairman shall be eligible for re-election.

17. Director:

The Director shall be appointed by the BoM in consultation with the Govt. of India and the term of this office and other conditions of service shall be such as the BoM may determine.

18. The Director shall be responsible for the proper administration of the affairs of the Society. He shall be the Chief Executive Officer and shall organise and regulate the work of the Institute. He may appoint staff of the Institute in accordance with rules that may be prescribed for the purpose by the Board of Management.

19. General:

No act or proceeding of the Society or its Governing Body shall be deemed to be invalid by reason merely of any vacancy in, or any defect in, the constitution of the Society or the BoM as the case may be.

20. Annual Report:

An annual report of the proceeding of the Society and of all works undertaken during a year shall be prepared by the BoM for the information of the members of the Society. A draft of such report and yearly accounts of the Society shall be placed before the Society at the Annual General Meeting.

21. Alteration or Extension of the purpose of the Society:

The Society may alter or extend the purpose for which it is established :

- (a) If the BoM shall submit a proposal for such alteration or extension as aforesaid to the members of the Society in a written or printed report;
- (b) If the BoM shall convene a Special General Meeting of the members of the Society, according to these Rules, for the consideration of the said proposal;
- (c) If such report be delivered or sent by post to every member of the Society fourteen clear days previous to such Special General Meeting as aforesaid;
- (d) If such proposal be agreed to by the votes of three fifths of the members of the society delivered in person at such Special General Meeting as aforesaid; and
- (e) If such proposal be agreed to by the votes of three fifths of the members of the Society present at the second Special General Meeting convened by the BoM at an interval of one month after the former meeting.

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Guwahati Bench
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22. Amendments to the Rules:

The Rules of the Society, except Rule may be altered at any time by a resolution passed by a majority of the members of the Society present at any meeting of the Society which shall have been duly convened for the purpose.

23. Change of Name:

The Society may change its name by a resolution passed by a majority of the members of the Society present at any meeting of the Society which shall have been duly convened for the purpose.

24. Income and Property:

No portion of income and 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 any person who at any time are or have been members of the Society or to any of them, or any person provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person in return for any services rendered to the Society.

25. Accounts and Audit:

The accounts shall be kept of the sums of money received and expended by the Institute and of the property, credits and liabilities of the Institute. Once in every year the accounts of the Institute shall be examined and the correctness of the balance sheet ascertained by a properly qualified auditor.

Members of the General Body of IIE Society

President : Chairman of North Eastern Council.

Members : All members of Board of Management Heads of Sponsoring Institutions; Other Corporates / Ordinary members; The Director of the Institute shall be ex-officio Secretary of the Society.

Members of the Board of Management

- (i) Secretary, North Eastern Council.
- (ii) Representative of Govt. of India, Ministry of Industry not below the rank of Joint Secretary.
- (iii) Commissioner / Secretary of Industries from all constituent States of the Region.
- (iv) Managing Director of IDBI, SIDBI, NABARD, representatives not below the rank of General Manager.
- (v) CGM, local Head Office, SBI Guwahati or his representative not below the rank of General Manager.
- (vi) Director of Regional Research Laboratory, Jorhat / Director, IIT / Principal, REC Silchar, AEC Guwahati, JEC Jorhat, TEC Agartala.
- (vii) Three representatives of Industry from the Region.
- (viii) Two representatives of Chamber of Commerce from the Region.
- (ix) Two representatives from CII and FASII.
- (x) Two eminent economists, technocrats, researchers / Professors in the field of entrepreneurship related areas.
- (xi) Sectoral Advisor, NEC to be nominated by Secretary, NEC.
- (xii) Director of the Institute as member Secretary.

18 MAY 2010

Guwahati Bench
गुवाहाटी न्यायालय

No. 23 (5) /92 -SSI (P)
Government of India
Ministry of Industry
Department of Small Scale Industries and
Agro and Rural Industries
New Delhi, the 25th June, 1993

MEMORANDUM

In pursuance of Rule 2 of the Memorandum of Association of the Indian Institute of
Entrepreneurship (IIE), Guwahati, the President is pleased to constitute the General
Body of the Institute as under :

1. Chairman, North-Eastern Council President
2. The Ministers of Industries of the seven states of the Region (7) Members
3. Members of the Boards of Management of the Institute, (31) including founder members Members
4. Persons / Institutions admitted from time to time by the Board of Management of the Institute as per Rule 2 (d) of the Memorandum of Association. Corporate / Ordinary Members

The terms of office etc. will be as mentioned in Rule 3-4 of the Memorandum of Association of the institute.


(S. B. MOHAPATRA)
Joint Secretary to the Govt. of India.

To

All members

Copy forwarded for information to :

1. PS to MOS (SSI & ARI).
2. PS to Secretary (SSI & ARI).
3. PS to Secretary (ID).
4. PS to AS & DC (SSI).
5. Dr. D.D. Mali, Director, NISIET, Guwahati.
6. Company Secretary, NSIC, New Delhi.
7. Bureau of Public Enterprise, Lodhi Complex, New Delhi.
8. Registrar of Companies, New Delhi.
9. Dr. M.M.P. Akhouri, Executive Director, NIESBUD, New Delhi : 20.

No. 23 (5) / 92 - SSI (P)
Government of India
Ministry of Industry
Department of Small Scale Industries and
Agro and Rural Industries

New Delhi, the 25th June, 1993.

MEMORANDUM

In pursuance of Rule 5, the President is pleased to constitute the Board of Management of the Indian Institute of Entrepreneurship, (IIE), Guwahati, as under :

1. Secretary, North Eastern Council **Chairman**
2. Representative, D /O SSI & ARI,
D /O Small Scale Industries
(not below the rank of Joint Secy.) New Delhi. **Member**
- 3-9. Secretary / Commissioner of Industries
of all the constituent States of the Region. **Member**
10. Managing Director, IDBI or his
representative (not below the rank of
General Manager), Bombay. **Member**
11. Managing Director, NABARD or his
representative (not below the rank of
General manager), Bombay. **Member**
12. Managing Director, SIDBI or his
representative (not below the rank of
General Manager), Lucknow. **Member**
13. Chief General Manager, Local Head
Office of SBI Guwahati or his representative
(not below the rank of general manager). **Member**
14. Sri A. Padmapati, Principal,
Assam Engineering College, Guwahati. **Member**

18 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

15. Sri Chiranjeet Chaliha, President
All Assam Industries Association,
Bamunimaidan, Guwahati. Member

16. Sri N. C. Borkotoky, Managing Director
M/s Sudarshan Press, Bamunimaidan,
Guwahati. Member

17. Sri Remandra Narayan Bhattacharya,
Industrialist, Hemchandra Road,
Uzanbazar, Guwahati-781001, Member

18. President, Chamber of Commerce,
Guwahati. Member

19. President, Chamber of Commerce,
Tripura, Agartala. Member

20. President, FASII, New Delhi. Member

21. President, Confederation of Indian
Industries, Lodi Road, New Delhi. Member

22. Prof. P. C. Goswami
Retd. IFCI Professor Suwagpur
Ulubari, Guwahati. Member

23. Sri J. hazarika IAS (Retd.)
Chairman, Banking Service
Recruitment Board, Guwahati. Member

24. Prof. S.D. Phukan, Adviser (TE),
North Eastern Council, Shillong Member

25. Director,
Indian Institute of Entrepreneurship
Guwahati. Member Secretary

26. 6 (Six) eminent persons.
to 31. To be nominated later

The term of the Board of Management of the Indian Institute of Entrepreneurship shall be for a period three years from the date of Registration, i.e. 22.3.1993.

(S. B. MOHAPATRA)

Joint Secretary to the Govt. of India.

To
All Members.

Copy forwarded for information to :

1. PS to MOS (SSI & ARI).
2. PS to Secretary (SSI & ARI).
3. PS to Secretary (I.D.)
4. PS to AS & DC (SSI)
5. Dr. D. D. Mali, Director, NISIET, Guwahati.
6. Company Secretary, NSIC, New Delhi-20
7. Bureau of Public Enterprises, Lodhi Complex, New Delhi-3
8. Registrar of Companies, New Delhi.
9. Dr. M.M.P. Akhouri, Executive Director, NIESBUD, New Delhi-20

18 MAY 2010

Guwahati Bench
গুৱাহাটী ন্যায়পুঠ

No. 23 (5) / 92 - SSI (P)
Government of India
Ministry of Industry
Department of Small Scale Industries and Agro
and Rural Industries

New Delhi-110011.

Dated the 2nd August, 1993.

MEMORANDUM

In partial modification of this Department's Memorandum of even number and dated 25.6.93 constituting the Board of Management of Indian Institute of Entrepreneurship, Guwahati, the President pursuance of Rule 5 is pleased to appoint Secretary (SSI & ARI), Government of India and Chairman-cum-Managing Director, National Small Industries Corporation Limited as members of the board of Management of the I.I.E, Guwahati will be the Vice-Chairman of the board of Management.



(S. B. MAHAPATRA)

Joint Secretary to the Government of India

To

All Members.

Copy forwarded for information to :

1. PS to MOS (SSI & ARI).
2. PS to Secretary (SSI & ARI).
3. PS to Secretary (I.D.)
4. PS to AS & DC (SSI)
5. Dr. D. D. Mali, Director, IIE, Guwahati.
6. Company Secretary, NSIC, New Delhi
7. Bureau of Public Enterprises, New Delhi
8. Registrar of Companies, New Delhi.
9. Dr. M.M.P. Akhouri, Executive Director, NIESBUD, New Delhi-20

-26-

-75-

~~ANNEXURE B~~

Serial

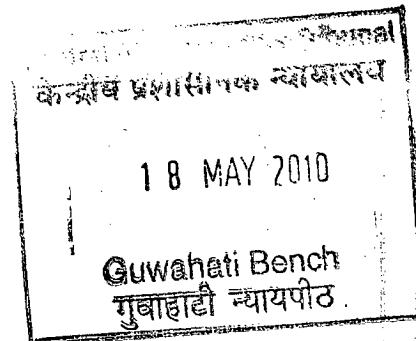
By Speed Post

No.21(3)/06-SSI(P)-II
Government of India
Ministry of Small Scale Industries

New Delhi, the 25th October, 2006

To

Shri K. Ahmed,
Director,
Indian Institute of Entrepreneurship (IIE),
Basistha Chariali, Lalmati,
37, National Highway Bypass,
Guwahati - 781 029
Fax No.0361 - 2300325



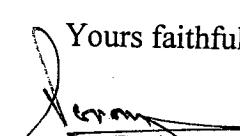
Subject: Revision in Governing Mechanism of Training Institutes under
Ministry of Small Scale Industries.

Sir,

I am directed to refer to your letter No.M(8)2006/3147 dated 12th May, 2006 on the above mentioned subject and to forward herewith the Revised Memorandum of Association (MOA) and Rules of Indian Institute of Entrepreneurship, Guwahati duly approved by Minister of SSI&ARI, for immediate further necessary action in the matter.

2. You are also requested to kindly furnish a fortnightly progress report to this Ministry for kind perusal of Secretary (SSI&ARI).

Yours faithfully,


(P.S. Verma)
Under Secretary to the Govt. of India
Tel. 011-23061636

Encl: as above.

CC:

1. Guard File.
2. F.No.11(7)/06-SSI(P)-II

Certified to be true copy

Srin Chandra
Advocate

- 27 - -76-

INDIAN INSTITUTE OF ENTREPRENEURSHIP, GUWAHATI

129
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

18 MAY 2010

MEMORANDUM OF ASSOCIATION

Guwahati Bench
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- I. The name of the society shall be the Indian Institute of Entrepreneurship (IE).
- II. The registered office of the society shall be situated at Guwahati in Assam or at such other place as the Central Government may determine.
- III. The objects for which society is established are promotion and development of micro, small and medium enterprises and enhancement of their competitiveness through the following activities, namely:
 1. To establish and carry on the administration and management of Indian Institute of Entrepreneurship.
 2. To organize and conduct training programmes for entrepreneurship development.
 3. To evolve and standardize field tested strategies and methodologies of developing entrepreneurship to suit the respective locations (urban and rural) and various target groups of individuals, clusters or groups.
 4. To conduct and co-ordinate training and research activities for or in collaboration with various institutions and organisations engaged in entrepreneurship development.
 5. To identify the need and provide training to the members of various Governments / non-governmental organisations engaged in supporting and promoting entrepreneurship.
 6. To gather, analyse and process information needed for formulation of policies and implementing programmes related to self-employment, entrepreneurship and industrial development.
 7. To identify, design and conduct training and offer consultancy services needed for improving management efficiency, productivity and technology adopted by existing entrepreneurs.
 8. To undertake documentation and dissemination of information related to entrepreneurship and (industrial/ business) enterprise development.
 9. To prepare and publish literature and information material related to entrepreneurship / enterprise development.
 10. To provide forum for interaction and exchange of views and experiences and best practices among Government/non-governmental agencies, associations of enterprises and individual entrepreneurs mainly through seminars, workshops, conferences, etc.
 11. To study problems and conduct researches to generate knowledge for accelerating the process of entrepreneurship development.
 12. To catalyse entrepreneurship, enterprise development, self-employment and establishment of new industry/ business.
 13. To evolve, design and help use of various media for promoting the culture of entrepreneurship.

IV. For pursuing the objects, the functions of the society shall be:

1. To establish and maintain regional and zonal centres, if necessary, in co-operation with the State Governments concerned.
2. To award certificates, diplomas etc. to participants and prescribe standards of proficiency for award of fellowships, prizes and other forms of recognition.
3. To accept gifts, grants, donations and subscriptions in cash or as securities, property (movable or immovable) for furtherance of the object of the Institute.
4. To maintain an endowment fund and a separate operating account or accounts, and to utilise part or whole of the fund and / or account towards capital and recurring expenditure of the society and to make appropriate investment or to deal with the fund in any other way which the society may deem fit.
5. To purchase, take on lease, or otherwise acquire any land or building wherever situated in India, which may be necessary for the society.
6. To sell, lease, exchange and otherwise transfer all or any properties of the society.
7. To undertake and accept the management of any endowment or trust fund having objects similar to the object of the society.
8. To establish and maintain provident and other benefit funds for the staff of the society.
9. To create administrative, technical, ministerial and other posts under the society and to make appointments thereto in accordance with the Rules of the society
10. To create and maintain infrastructural facilities such as building, hostel, etc., for running the Institute's activities.
11. To co-operate with other institutions in and outside the country having objects similar to those of the society by exchange of faculty members, scholars, literature, information, collaboration etc.
12. To raise and borrow money on such security as may be deemed appropriate and to incur other obligations relating to the properties of the society upon such terms and conditions as the society shall think fit and proper and to pay from the funds of the society all expenses that may be incurred in raising funds for the society, including brokerage/ commission.
13. To levy and recover affiliation and other fees and charges for the services rendered.
14. To invest the moneys of the society not immediately required in such bonds, certificates or securities as may be authorised under any law or approved in any other manner by the Central Government.
15. To promote, support, take-over, affiliate, amalgamate or merge with any other institution or body having objects wholly or in part similar to those of the society.

16. To print, publish and distribute reports, studies and brochures and other publications pertaining to the activities of the society.
17. To make rules and bye laws for the conduct of the affairs of the society and to add, to amend, vary or rescind them from time to time.
18. To do all such lawful things as the society may deem fit for the attainment of all or any of its objects.

- V. The society will maintain accounts and prepare annual statement of accounts including the balance sheet of the society in such a form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.
- VI. The society will forward annually to the Central Government the annual report of its activities and the annual statement of accounts of the society certified by a Chartered Accountant to be appointed by the Governing Council, in accordance with the instructions of the Central Government and the Comptroller and Auditor General of India.
- VII. The society shall constitute a Governing Council and an Executive Committee for the overall management of its affairs and may constitute such other committee or committees as it may deem fit for disposal of any specific business of the Institute or for tendering advice on any matter pertaining to the Institute.
- VIII. The society may delegate any or all of its powers to the Governing Council of the Institute or to the Executive Committee of any other committee or committees constituted by the Governing council.
- IX. The Central Government may appoint one or more persons to review the work and progress of the society and to hold enquiries into the affairs thereof and to report thereon in such a manner as the Central Government may stipulate. Upon receipt of such report, the Central Government may take such action and issue such directions, as it may consider necessary in respect of any of the matters dealt with in the report and the society shall be bound to comply with such directions.
- X. Income and property of the society, howsoever derived, shall be applied towards the promotion of the objects as set forth in its Memorandum of Association subject nevertheless in respect of the grants made by the Central Government to such limitation as the Central Government may from time to time impose. No part of the income and property of the society shall be paid or transferred directly or indirectly by way of dividends, bonus or otherwise, by way of profit to the persons who at any time are or have been members of the society or to any of them 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 of the society or any person in return for any service rendered to the society or for travelling allowance, halting or other similar charges.
- XI. The names, addresses, occupation and designations of the founder members of the society to whom the management and affairs of the society were entrusted under section 2 of the Societies Registration Act (XXI of 1860), as amended and extended to the State of Assam by the Central Government, are as follows:

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Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

1. Jatin Hazarika,
Chairman, BSRB (N.E.Group) Guwahati & Member,
State Planning Board,
Assam
2. Remendra Narayan Bhattacharya
Industrialist
3. Prabhash ch. Goswami
Retd.IFCI, Chair Professor,
Guwahati University
4. Aparna Kumar Padmapati,
Principal Assam Engineering College
5. S.D. Phukan,
Advisor (TE) North Eastern council,
Shillong, Meghalaya
6. N.N. Barua,
Secy. to the Govt. of Assam,
Industries & Forest Department,
Dispur
7. D.D. Mali,
Director, NISIET,
Guwahati

XII The names and addresses of the persons, who formed into the society in pursuance of the Memorandum of Association of the society, and held themselves responsible to manage the affairs of the society, are as under:-

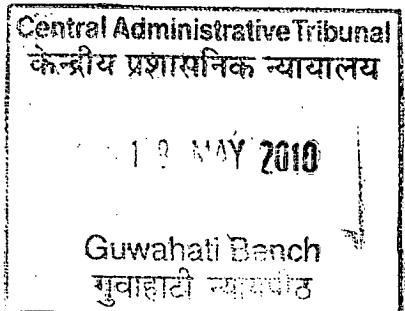
1. Jatin Hazarika,
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Assam
2. Remendra Narayan Bhattacharya,
Industrialist
3. Prabhash ch. Goswami,
Retd.IFCI, Chair Professor,
Guwahati University
4. Aparna Kumar Padmapati,
Principal Assam Engineering College

5. S.D. Phukan,
Advisor (TE) North Eastern council
Shillong, Meghalaya
6. N.N. Barua,
Secy. to the Govt. of Assam,
Industries & Forest Department,
Dispur
7. D.D. Mali,
Director, NISIET,
Guwahati

18 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

INDIAN INSTITUTE OF ENTREPRENEURSHIP, GUWAHATI



RULES OF THE INDIAN INSTITUTE OF ENTREPRENEURSHIP (IIE),
2006

RULES OF THE INDIAN INSTITUTE OF ENTREPRENEURSHIP (IIE), 2006

Short Title and Commencement.-

1. These Rules may be called the 'Rules of the Indian Institute of Entrepreneurship (IIE), 2006'.
2. These Rules, after adoption by the Society, in supersession of the existing Rules and Regulations of the Indian Institute of Entrepreneurship, registered as a society under the Societies Registration Act XXI of 1860, shall come into force from such date as the Government may notify.

Definitions.-

3. In these Rules, unless the context otherwise requires:
 - a) "Government" means the Government of India.
 - b) "Society" means the society called the Indian Institute of Entrepreneurship registered as a society under the Societies Registration Act XXI of 1860, with registration no. ---- * -- of ----- (year).
 - c) "Institute" means "the Indian Institute of Entrepreneurship".
 - d) "President" and "Vice-President" mean the President and Vice President of the society as defined in rule 5.
 - e) "Governing Council" means the body which under Rule 22 (b) is constituted to be the Governing Council of the society.
 - f) "Executive Committee" means the body which under Rule 37 is constituted to be the Executive Committee of the society.
 - g) "Member" means a member of the Institute admitted as such under these Rules.
 - h) "Nominated" means nominated by the Government.
 - i) "Director" means the principal officer appointed by the Government under rule 15(a);
 - j) "Secretary" means the Secretary of the society appointed under rule 15(b); and
 - k) "Council" means North Eastern Council; and
 - l) "Zone or Region" means the area comprising Sikkim and the seven North Eastern States of India, namely, Assam, Meghalaya, Tripura, Mizoram, Nagaland, Manipur and Arunachal Pradesh.

Composition of the Society.-

4. The society shall consist of the following members:
 - (i) The President and the Vice-President of the society and the members of the Governing Council appointed by the Government.
 - (ii) One representative each of the State Governments of the North Eastern region of India, including Sikkim.
 - (iii) Any other person or persons (including institutions) appointed by the Governing Council.

5. The Chairman and Vice-Chairman of the Governing Council shall be the President and Vice-President, respectively, of the society.

6. Should any member of the society be unable to or prevented from, for the time being, attending a meeting of the society, the Government shall be at liberty to appoint a substitute to take his place at the meeting of the society. Such substitute shall have all the rights and privileges of a member of the society, including the right to vote at that meeting only.

7. The society shall keep a roll of members giving their addresses and occupations and every member shall sign the roll. If a member of the society changes his address, he shall notify his new address to the Secretary and the entry in the roll will be accordingly changed. If, however, a member fails to notify his new address, the address in the roll of members shall be deemed to be his address.

8. Every year in the month of January, a list shall be filed with the Registrar of Societies, Government of Assam, which shall contain the names, addresses and occupations of the members of the society and of the Governing Council.

Duration of Appointment.-

9. (a) Members of the society appointed by the Governing Council shall hold office for such period as may be prescribed at the time of their appointment or at any time thereafter.

(b) Where a person is appointed as a member of the society by reason of the office or the appointment he holds, his membership of the society shall terminate when he ceases to hold that office or appointment.

(c) The Government may, without assigning any reason, terminate the membership of any member or the membership of all members, other than ex-officio members of the society. Upon such termination, the vacancies shall be filled in accordance with the relevant provisions of these rules. The members, whose membership is so terminated, shall be eligible for re-appointment.

10. A member of the society shall cease to be such a member if he dies, resigns, becomes of unsound mind, becomes insolvent or is convicted of a criminal offence involving moral turpitude.

11. The resignation of a member shall be tendered to the society through the Secretary and shall take effect as soon as it is accepted, on behalf of the society, by the President.

12. Any vacancy in the membership of the society caused by any of the reasons mentioned in rule 10 may be filled up by the Governing Council at the request of the President.

13. The society shall function notwithstanding any person, who is entitled to be a member by reason of his office, not being a member of the society for the time being and notwithstanding any vacancy in its body, whether by non-appointment or otherwise, and no act or proceedings of the society shall be invalidated merely by reason of any of the above-mentioned events or of any defect in the appointment of any member.

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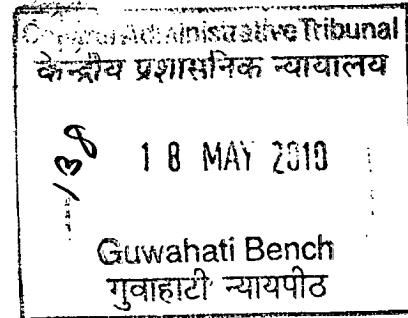
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Authorities of the Society.-

14. The following shall be the authorities of the society:

- i. President of the society;
- ii. Vice-President of the society;
- iii. Governing Council;
- iv. Chairman of the Governing Council;
- v. Vice-Chairman of the Governing Council
- vi. Executive Committee;
- vii. Director;
- viii. Secretary /Chief Administrative Officer; and
- ix. such other authorities as may be constituted as such by the Governing Council.



Officers of the Society.-

15. (a) The Director shall be the principal executive officer of the society. He shall be appointed by the Government on such terms and conditions of service as may be determined by the Government.

(b) The Director will be assisted by the Chief Administrative Officer, who shall also be the Secretary of the society, and such other officers as may be appointed by the Governing Council from time to time. The Chief Administrative Officer shall be appointed by the Governing Council on such terms and conditions as may be determined by the Governing Council.

(c) No posts of any officer or employee of the society shall be created without prior approval of the Government.

Office of the Society.-

16. The office of the society shall be situated at Guwahati or at such other place as the Government may determine.

Meetings of the Society.-

17. The President may convene a special meeting of the society whenever necessary to discuss and approve proposals relating to alteration, amendment or extension in the purposes of the society or dissolution or amalgamation of the society, either wholly or partially, with any other society or body corporate:

Provided that no proposal for such alteration, amendment or extension shall be considered by the society unless seventy five per cent of the members on the roll of the society are present at the special meeting of the society and the proposal is carried by at least seventy five per cent of the votes of members present.

Provided further that no such alteration, amendment or extension or amalgamation shall be effected except with approval of the Government.

18. Every notice calling a meeting of the society shall state the date, time and place at which such meeting will be held and shall be served upon every member of the society not less than fourteen clear days before the day appointed for the meeting.

19. If the President is not present at a meeting of the society, the Vice-President of the society shall be the Chairman of the meeting and if he is also absent, the members of the society shall choose one of the members present to be Chairman of the meeting.

20. Each member of the society shall have one vote.

21. In the event of an equality of votes, the Chairman shall have a casting or second vote.

Governing Council:-

22. (a) The affairs of the society shall be managed, administered, directed and controlled in accordance with the Rules and Regulations of the society, by the Governing Council which shall consist of 20 members and the Director as Member-Secretary.

(b) The Governing Council of the society, for the purposes of the Societies Registration Act (XXI of 1860), shall consist of the following:

(1)	Minister in charge of the Ministry of Development of North Eastern Region	Chairman (ex-officio)
(2)	Secretary, Ministry of Small Scale Industries	Vice-Chairman (ex-officio)
(3)	Secretary, North Eastern Council	Member (ex-officio)
(4)	Additional Secretary & Development Commissioner (Small Scale Industries), Ministry of Small Scale Industries	Member (ex-officio)
(5)	Additional Secretary & Financial Adviser, Ministry of Small Scale Industries	Member (ex-officio)
(6)	Chairman-cum-Managing Director, NEDFi (North Eastern Development Finance Corporation Limited)	Member (ex-officio)
(7)	Joint Secretary, Ministry of Small Scale Industries	Member (ex-officio)
(8)	Joint Secretary, Ministry of Agro & Rural Industries	Member (ex-officio)
(9)	Chairman, Coir Board	Member (ex-officio)
(10)	Chairman and Managing Director, Small Industries Development Bank of India (SIDBI)	Member (ex-officio)
(11)	Chief Executive Officer, Khadi & Village Industries Commission (KVIC)	Member (ex-officio)
(12)	Chairman-cum-Managing Director, National Small Industries Corporation (NSIC)	Member (ex-officio)

(13) Director, Entrepreneurship Development Institute, Member (ex-officio) Ahmedabad

(14) Secretary, Industries Department of the Government of Assam Nominated Member

(15) Secretary, Industries Department of the Government of one of the States in the Zone in which the Institute is located (by annual rotation) Nominated Member

(16) Representative (of the rank Chief General Manager or above) of a commercial bank (preferably lead bank) in the State in which the office of the society is located Nominated Member

(17) Representative of one National/Regional/State level Association of micro, small and medium enterprises (as defined in the Micro, Small and Medium Enterprises Development Act, 2006) (by annual rotation) Nominated Member

(18) Representative of one national-level Association of micro and small women entrepreneurs (by annual rotation) Nominated Member

(19) Representatives of two active Micro Finance Institutions or Self-Help Groups engaged in promotion of enterprises in the Zone where the Institute is located (by annual rotation) Nominated Member

(20) Director of the Institute Member-Secretary

(c) The duties and functions assigned to the Chairman shall, in his absence, be performed by the Vice-Chairman.

23. The Governing Council shall function notwithstanding any person who is entitled to be a member by reason of his office not being a member of the Governing Council for the time being and notwithstanding any vacancy in its body whether by the non-appointment by the authority or association entitled to make the appointment or otherwise and no act or proceedings of the Governing Council shall be invalidated merely by reason of any of the above-mentioned events or of any defects in the appointment of any of its members.

24. A member who fails to attend three consecutive meetings of the Governing Council without proper leave of the Chairman shall cease to be a member thereof.

25. (a) Members of the Governing Council shall be nominated by the Government.

(b) The Government may terminate the membership of any member or of all members, other than the ex-officio members, of the Governing Council. Upon such termination, the vacancies shall be filled in by the Government.

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26. (a) The Governing Council shall meet at least once a year.

(b) Every meeting of the Governing Council shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and in the absence of both, by a member chosen by the members present at the meeting to preside for the occasion.

27. (a) One-third of the members of the Governing Council (any fraction contained in that one-third being rounded off as one) present in person shall form a quorum at every meeting of the Governing Council.

(b) If there is no quorum, the meeting may be adjourned for 30 minutes and for such an adjourned meeting it shall be construed that the quorum is full.

(c) A member may nominate his representative who is not below the rank of a Joint Secretary to the Government or a person next in rank to the member for attending the meeting.

28. At least one meeting of the Governing Council shall be held every year.

29. For the purposes of rule 28, each year shall be deemed to commence on the first day of April and terminate on the 31st day of March of the following calendar year.

30. The Chairman may himself call or, authorise the Member-Secretary in writing to call a meeting of the Governing Council at any time.

31. Each member of the Governing Council, including the Chairman, shall have only vote and if there be an equality of votes on any question, the Chairman (including the Chairman under rule 26) shall, in addition, have a casting or second vote.

32. Any business, except such as the Governing Council may by general or special order direct to be placed before its meeting, may be carried out by circulation among all its members. Any resolution so circulated and approved by a majority of the members signing shall be as effective and binding as if such resolution had been passed at a meeting of the Governing Council:

Provided that at least two-thirds of the members of the Governing Council (any fraction contained in the two-thirds being rounded off as one) shall have recorded their assent to the resolution for it to be so carried by circulation.

33. The Chairman may refer any question, which in his opinion is of sufficient importance, for decision of the Government and such decision shall be binding on the society and its Governing Council.

34. The Chairman of the Governing Council shall have powers to invite any other person or persons to attend meetings of the Council, advise the Council and take part in its discussions. But such other persons shall not be entitled to vote at the meetings.

Functions and Powers of the Governing Council.-

35. It shall be the function of the Governing Council generally to carry out the objects of the society as set forth in the Memorandum of Association.

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36. Subject to the provisions of the Memorandum of Association, the Governing Council shall have the power of management of all affairs and funds of the society and of exercising all powers of the society, including but not limited to

- (i) approval of the Annual Budget and Annual Plan of the Institute, taking into account the recommendations of the Executive Committee;
- (ii) approval and adoption of the Annual Report, Balance Sheet and Audited Accounts of the Institute, taking into account the recommendations of the Executive Committee;
- (iii) appointment of Auditors of the Institute, taking into account the recommendations of the Executive Committee;
- (iv) approval, amendment and adoption, with prior approval of the Government and on recommendations of the Executive Committee, of the Rules, Regulations and Bye-laws of the Institute;
- (v) (a) appointment of employees of the Institute, and/or authorising such appointments, in accordance with the relevant Rules and Regulations of the Institute; and
- (b) acting as the Disciplinary and/or Appellate Authority for the employees of the Institute, in accordance with the relevant Rules and Regulations;
- (vi) consideration and approval of proposals of the Executive Committee regarding constitution, from time to time, of ad hoc and/or specific sub-committees of the Governing Council, with or without powers to co-opt, for disposal of any specific business of the Institute or advice on any matter pertaining to the business of the Institute;
- (vii) general guidance to the Executive Committee for furthering the objects of the Institute;
- (viii) any matter not specifically entrusted to the Executive Committee; and
- (ix) performance of such other functions and carrying out such duties as may, from time to time, be assigned to it by the Government.

Executive Committee:-

37. The Executive Committee shall consist of the following, namely:

1.	Secretary, Ministry of Small Scale Industries	Chairman
2.	Additional Secretary & Development Commissioner (Small Scale Industries), Ministry of Small Scale Industries	Vice-Chairman
3.	Additional Secretary & Financial Adviser, Ministry of Small Scale Industries	Member
4.	Joint Secretary, Ministry of Small Scale Industries	Member
5.	Joint Secretary, Ministry of Agro & Rural Industries	Member
6.	Representative of a State-level Association of micro and small enterprises in the State in which the office of the society is located.	Nominated Member
7.	Representative of an Association of micro and small women entrepreneurs	Nominated Member

8.	Representative of an academic or training institution dealing with management or entrepreneurship development	Nominated Member
9.	Director of the Institute	Member-Secretary

38. A representative of faculty/staff of the society, nominated by the Chairman of the Executive Committee, may be invited to the meetings of the Executive Committee as a 'special invitee'.

39. The non-official members of the Executive Committee, at serial nos. 6 to 8 of rule 37, shall be nominated for a period of one year.

Functions and Powers of the Executive Committee.-

40. (a) The Executive Committee shall meet at least once in three months.

(b) The Executive Committee shall have the following powers and functions, namely,: :

- (i) consideration of the Annual Budget, Annual Report, Balance Sheet and Audited Accounts and proposal for appointment of Auditors, taking into account the recommendations of the Institute's management, with a view to recommending for approval of the Governing Council;
- (ii) consideration of the Annual Plans and Programmes (including training, research, consultancy, other activities, etc.,) of the Institute, taking into account the recommendations of the Institute's management and making recommendations for approval of the Governing Council;
- (iii) giving directions to the management of the Institute on receipt, management and custody of the funds of the Institute and of the properties of the Institute;
- (iv) appointment of the employees of the Institute or authorising the Institute's management for such appointments in accordance with the relevant Rules and Regulations of the Institute and acting as the Disciplinary and / or Appellate Authority for such employees in accordance with the relevant Rules and Regulations;
- (v) approval of appointment of part-time faculty/consultants of the Institute and the scales of their remuneration or fees, taking into account the recommendations of the Institute's management; and
- (vi) any matter pertaining to the activities of the Institute as may, from time to time, be assigned by the Governing Council.

Functions and Powers of the Chairman and Vice-Chairman.-

41. The Governing Council may, by resolution, delegate to the Chairman and Vice-Chairman such of its powers for the conduct of business as it may deem necessary.

42. The Chairman and the Vice-Chairman shall have the authority to review periodically the work and progress of the Institute and to order enquiries into its affairs.

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Functions and Powers of the Director:-

43. The Director shall prescribe, on behalf of the Council, the duties of all officers and staff of the Institute and shall exercise such supervision and disciplinary control as may be provided under these rules.

44. It shall be the duty of the Director to coordinate and exercise general supervision over all activities of the Institute.

45. (i) The Director shall be ex-officio Member Secretary of the Governing Council and the Executive Committee.

(ii) The Director shall maintain or cause to be maintained a record of the proceedings of the Governing Council and Executive Committee and shall perform such other duties and exercise such other powers as may be determined by the Governing Council.

46. The Director shall be responsible for the day-to-day management of the affairs of the society and shall exercise his powers under the direction, superintendence and control of the Vice-Chairman of the Governing Council.

Powers of the Government:-

47. (a) The Government shall have the powers to issue general or specific directions on matters relating to the conduct of business of the Institute, including but not limited to the following:

- (i) Matters relating to the pay scales and allowances of the employees of the Institute and periodical revision thereof.
- (ii) Creation of posts and any other matter relating to appointment of the Principal Director/Director of the Institute or any other member of the faculty or employee, in accordance with the general directions of the Government on appointment of such members of the faculty or employees of autonomous institutions of the Government.
- (iii) Acquisition and disposal (by any mode, including hiring, leasing, exchanging, etc.,) of immoveable or moveable property of value/ consideration exceeding Rs. 25 lakh, including matters relating to entering into or rescinding corresponding contracts or agreements and appropriate deeds of conveyance.
- (iv) Calling for reports, documents, papers, etc., periodical or specific, as may be necessary and expedient for assessing performance of the Institute and effectiveness of any of its activities, schemes or projects.

(b) Directions of the Government shall be binding on the Institute and its Governing Council, Executive Committee or management.

(c) All directions issued by the Government shall be brought to the notice of the Governing Council and the Executive Committee, as the case may be, at its meeting immediately following the date of issue of such directions.

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48. The funds of the society will consist of the following:

- (i) Grants made by the Government of India or the Government of any State
- (ii) Contributions from other sources
- (iii) Income from investments
- (vi) Receipts from other sources

49. The bankers of the society shall be the State Bank of India or any other bank as may be decided by the Governing Council. All funds shall be paid into the society's account with the bank(s) and shall not be withdrawn except by such officer as may be duly empowered in this behalf by the Governing Council.

Accounts and Audit.-

50 (a) The Governing Council shall cause regular accounts to be kept of all its moneys and properties of the society.

(b) The accounts of the society shall be audited annually by a registered chartered accountant who shall be appointed by the Governing Council on the recommendation of the Comptroller and Auditor General of India. Any expenditure incurred in connection with such audit shall be payable by the society to the auditor. The term of the auditor may be for a period of 3 years and the remuneration payable to the auditor shall be decided by the Governing Council.

(c) The chartered accountant appointed in connection with the audit of the accounts of the society shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other necessary documents and papers.

(d) The result of the audit shall be communicated by the auditor to the Governing Council of the Institute. The auditor shall also forward a copy of the report direct to the Ministry of Small Scale Industries of the Government.

Annual Report.-

51. A draft of the annual report and the audited accounts of the society along with the audit report shall be placed before the Governing Council for consideration and approval. Copies of the annual report and audited accounts, as finally approved by the Governing Council, shall be supplied to the members of the society. The proceedings of the society together with the annual report and audited accounts shall be sent to the Government and to the members of the society for information.

Alteration or Extension of the Purpose, Rules and Regulations of the Society.-

52. Subject to prior approval of the Government, the Governing Council may alter or extend the purposes for which it is established in accordance with the provisions of the Societies Registration Act XXI of 1860.

53. Subject to the approval of the Government, the Governing Council shall have the power to make and, from time to time, repeal, alter, amend or vary the rules and regulations of the society for the administration and management of the affairs of the society and for the furtherance of its objects.

Dissolution of the Society.-

54. The society shall not be dissolved without prior approval of the Government and on such dissolution the assets of the society shall be dealt with in accordance with the provisions of the Societies Registration Act (XXI of 1860).

