

Central University of Himachal Pradesh

Confidential



MINUTES
Of
27th Meeting of the Finance Committee
Held on 10.06.2020 at 10:15 AM

Dharamshala, District Kangra, Himachal Pradesh - 176215
Phone: +91(1892)229330; Fax: +91(1892)229331;
Email: vc.cuhimachal@gmail.com; fo@cuhimachal.ac.in
Website: www.cuhimachal.ac.in

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Minutes of
27th Meeting of the Finance Committee
Held on 10.06.2020 at 10:15 AM onwards (Through Skype)

The 27th Meeting (Online) of the Finance Committee was held on 10.06.2020 at 10:15 AM onwards:-

The Following members were present in meeting in person/through Skype/telephonic conversations:-

- | | |
|---|-----------|
| 1. Professor Kuldeep Chand Agnihotri
Vice Chancellor | Chairman |
| 2. Professor S. K. Garg
Nominee of the Executive Council | Member |
| 3. Sh. Rai Singh Thakur
Nominee of the Executive Council | Member |
| 4. Dr. Hari Singh
Nominee of the Executive Council | Member |
| 5. Sh. Rakesh Sharma
Nominee of University Court | Member |
| 6. Sh. Narinder Kumar
Finance Officer | Secretary |

1. The Joint Secretary (CU&L) of MHRD, Joint Secretary & Financial Advisor of MHRD and Joint Secretary (CU) UGC could not attend the meeting due to their prior commitments and unavoidable reasons and were granted leave of absence.

At the outset, the Hon'ble Vice-Chancellor extended a warm welcome to the members and thanked them for sparing their valuable time to attend the meeting through Skype/telephonic conversations. The Hon'ble Vice-Chancellor apprised the members about the Agenda Items tabled for discussion. After brief general discussion, each item were taken up/discussed in detail. The item wise details of discussion held and decision taken are as under:-

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Item No. 27.1: To place before the Finance Committee the Budget Estimates for the Year 2020-21 (Annexure-27.1 A).

The Budget Estimates for the year 2020-2021 have been prepared by the Finance Officer of the University as per provisions of Statutes 7(7) (c), under the direction and supervision of the Hon'ble Vice-Chancellor in the shape of soft copy (Annexure-27.1 A).

Comments of MHRD (IFD) on Agenda Item 27.1 received vide letter No. F. No. 9-3/2018-IFD.pt dated 1st June, 2020 through email, quote "Subject to the condition that the estimates are based on a realistic assessment of requirement of funds for the University and also subject to availability of funds with UGC, the proposal may be recommended for approval".

Comments of UGC, New Delhi on Agenda Item 27.1 received vide letter No. F. No. 29-6/2017(CU) dated 09th June, 2020 through email, quote "The University enhanced the proposed Budget Estimates for the Financial Year 2020-21 from existing Salary budget (36) and Recurring budget (31) to the extent of 230%, which is on very higher side. Therefore, Finance Committee may like to decide the limit of the Budget Estimates for the financial year 2020-21 on the basis of actual assessment, subject to availability of fund from UGC/Govt. of India".

The Comments received from MHRD (IFD) and UGC, New Delhi noted for compliance.

The Finance Committee considered the Budget Estimate for the year 2020-21 of the University and recommended the same to the Executive Council for approval.

Item No. 27.2: To place before the Finance Committee the matter of creation of GPF-cum-Gratuity Fund and Old Pension Scheme Fund under CCS (Pension) Rules, 1972 (Annexure-27.2A).

It is submitted that the Ministry of Human Resource Development, Department of Higher Education, Govt. of India has accorded its permission vide letter No. F. No. 54-3/2012-CU-III dated 2nd December, 2019 (copy annexed) in respect of 10 (Ten) Employees of Central University of Himachal Pradesh (CUHP), who joined the CUHP after tendering technical resignation from their respective parent departments will continue to be governed in the Old GPF-cum-Gratuity and Pension Scheme of their respective department(s) for the continuance of pensionary benefits in accordance with CCS (Pension) Rules, 1972.

The said issue was also under consideration of Hon'ble High Court vide LPA 13 of 2016 which has been decided on 06.01.2020 as follows:-

“Learned Senior Panel Counsel has placed on record the written instructions i. e. letter No. 1-8/CUHP/GA/2011 (CWP9311/2013/7465 dated 5th December, 2019 which reveal that the relief sought by the appellants-writ petitioners has been granted to them. Let the decision so taken be implemented in its letter and spirit within one month. The impugned judgment is modified accordingly. The appeal stands disposed of, so also the pending applications(s), if any.”

Accordingly the matter was placed before the Finance Committee and Executive Council in its meeting held on 13.02.2020 vide Item No. 26.16 and 45.9 respectively. After detailed deliberations on the issue the Finance Committee considered the proposal and recommended that the matter be implemented after examining the administrative implication to avoid further litigation and submitted for appropriate decision in the matter by the Executive Council. The Executive Council also considered the proposal.

In order to implement the decision so taken and to implement the orders passed by the Hon'ble High Court on dated 06.01.2020, the matter was taken up with the UGC vide letter No. F. No. Bud.1-2/CUHP/2010/Vol-IV/740-741 dated 27.02.2020 with a copy to the Under Secretary, MHRD and Registrar, CUHP to create Pension Sub-Head and allocation of funds to the tune of Rs. 215.00 Lakhs.

Further with a view to work-out the procedure/modalities to ensure the smooth implementation of the proposal, certain administrative steps were suggested vide letter No. F. No. GPF.1-1/CUHP/2020/989-990 dated 04.03.2020 (copy annexed). In response to the said letter a communication vide Letter No. F. No. 1-8(v)/CUHP/GA/2013/CWP/No.9311/2013/-2010 dated 11th March, 2020 (copy annexed) has been received wherein it has been suggested that the constitution of Provident Fund and Pension Fund may be constituted as per Clause 36 (1) and (2) of the Central Universities Act, 2009 (Act No. 25 of 2009) and 8(2) of Provident Fund Act, 1925.

Accordingly, the matter has been taken up with the MHRD and UGC under Clause 36 (1) and (2) to create two Funds namely Old GPF-cum-Gratuity Fund and Old Pension Scheme Fund (CCS (Pension) Rules, 1972 and to allocate a sum of Rs.200.00 Lakhs in order to implement the said scheme/Hon'ble High Court Order's vide letter No. F. No. Bud. 1-2/CUHP/2010/Vol.IV/750-754 dated 13.03.2020 (copy annexed).

In response to said letter the MHRD has advised vide letter No. 54-3/2012-CU.III dated 12th May, 2020 to identify the Pension Scheme applicable to each of the 10 employees in their parent department(s)

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before joining CUHP. Thereafter, the University may create the required sub-head and component code of Pension as per the provisions contained in the Central Universities Act, 2009 and inform the Department. Department will consider the application of Provident Funds Act, 1925 to the same thereafter. The information has been called for from respective parent department(s) of 08 beneficiaries vide letter(s) dated 19.05.2020 and is still awaited from the University of Jammu, HP University, Shimla and CSKHPKV, Palampur. Remaining 02 officials one has received the retiral benefits under NPS and another case is under administrative scrutiny. As per MHRD aforesaid letter dated 12.05.2020, on receipt of desired information, the University may create the required sub-head and component code of Pension as per the provisions contained in the Central Universities Act, 2009 and inform the Department. Department will consider the application of Provident Funds Act, 1925 to the same thereafter.

The Clause 36 (1) and (2) of the Central Universities Act, 2009 (Act No. 25 of 2009) reads as under:-

36.(1) The University shall constitute for the benefit of its employees such Provident or Pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

36.(2) where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund, as if it were a government provident fund (19 of 1925).

Out of 10 (Ten) employees One Professor namely Dr. I.V. Malhan has been retired from the services of Central University on 31.05.2019 after attaining the age of superannuation and making frequent requests for release of retiral benefits. The University of Jammu where Dr. I.V. Malhan was working, has transferred a sum of Rs. 48,52,648/- on account of pro-rata pensionary benefits as per detail given below:-

Sr. No.	Amount Received in r/o of Dr. I.V. Malhan	Amount in Rs.
1.	Pro-rata Gratuity	10,00,000.00
2.	Pro-rata Pension	27,78,026.00
3.	Leave Encashment	3,83,176.00
4.	GPF	6,91,446.00
	Total	48,52,648.00

The Old GPF-cum-Gratuity and Pension Scheme in accordance with CCS (Pension) Rules, 1972 could not be implemented so far due to non-availability of provision under Statues and non-receipt of funds and

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necessary approval to create the funds namely Old GPF-cum-Gratuity Fund and Pension Fund as sought for vide above stated Letter dated 13.03.2020.

Based on above facts, the matter is placed before the Finance Committee to consider the release of pensionary benefits stated vide Sr. No. 01 to 04 above in respect of Dr. I.V. Malhan pending declaration/approval of Central Govt. through MHRD/UGC. Dr. I.V. Malhan is making frequent request through e-mail to release his pension as per Old Scheme and retiral benefits as more than 11 months period has already been elapsed since his superannuation on 31.05.2019. Now, Dr. I.V. Malhan has initiated Contempt Proceedings by filing COPC/2020 in LPA 13/2016 and enlisted for further hearing on 01.06.2020.

The Scheduled meeting of FC on dated 08.04.2020 could not be convened due to COVID-19 and thus said meeting was postponed. Now the proposed item is placed before the FC to take an appropriate decision regarding implementation of Old GPF-cum-Pension and Gratuity Scheme under CCS (Pension) Rules, 1972 and CCS GPF(Rules), 1960 so that a suitable reply in Contempt Proceedings could be filed in the Hon'ble High Court H.P. on or before 01.06.2020.

A copy of legal Opinion obtained from the ASG, Govt. of India vide letter dated 26.05.2020 and clarification sought for in the matter from MHRD vide letter dated 26.05.2020 and 02.06.2020 sent through email dated 29-05-2020 for the information of all members are enclosed herewith. The matter is listed for further hearing on 15-06-2020.

Comments of MHRD (IFD) on Agenda Item 27.2 received vide letter No. F. No. 9-3/2018-IFD.pt dated 1st June, 2020 through email, quote "These benefits can be extended to only those employees who have been specifically permitted (by name) by the Department of Expenditure, Ministry of Finance. Further, the proposal for creation of GPF-cum-Gratuity fund and Old Pension Scheme fund under CCS(pension) Rules, 1972 may be forwarded by CU-HP to MHRD, for seeking approval of the Department of Expenditure".

Comments of UGC, New Delhi on Agenda Item 27.2 received vide letter No. F. No. 29-6/2017(CU) dated 09th June, 2020 through email, quote "MHRD vide its letter dated 2nd December, 2019 has given the permission to allow 10 (ten) employees of Central University of Himachal Pradesh (CUHP), who joined the CUHP after tendering technical resignation from previous office, to continue in GPF-cum-Gratuity and Old Pension Scheme

In view of the MHRD instructions, UGC has no objection to implement GPF-cum-Gratuity Fund and Old Pension Scheme Fund under CCS (Pension) Rules, 1972 subject to strictly implement as per CCS (Pension) Rules, 1972 in respect of 10 (ten) employees of Central University of

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Himachal Pradesh (CUHP). However, for the notified rate of GPF interest by the Govt. of India is subject to the condition that in the event of shortfall of income earned as a result of reduced interest rates on investment, if any, the subscribers shall be paid interest at a lesser rate, unless the financial position of the University permits to follow the notified rates of interest, UGC vide its letter No. F.16-1/2018 (CU) dated 05-07-2018 has already clarified to the Central Universities in consultation with MHRD and Ministry of Finance (Department of Expenditure). A copy of letter is enclosed".

The Comments received from MHRD (IFD) and UGC, New Delhi noted for compliance.

Finance Committee perused /examined the Agenda regarding Portability of Pension Scheme under CCS (Pension) Rules, 1972 made applicable to the 10 (Ten) Employees of Central University of Himachal Pradesh vide MHRD letter dated 02-12-2019 alongwith documents annexed with said agenda. The Committee also perused the legal opinion tendered by the Assistant Solicitor General of India vide letter dated 26-05-2020. Based on the opinion, the matter has been referred back to the MHRD for further clarification.

The Committee also perused the letter dated 28-05-2020 & 02-06-2020 wherein the clarification in r/o each Petitioners has been sought for. The Committee ratified the decision/action taken by the CUHP so far and further advised that the Administration of CUHP may also examine the Technical Resignation of each petitioner in order to avoid unnecessary litigation and audit observations at a later stage.

Pending Clarification of MHRD the Hon'ble High Court may be requested to grant at least 06 months extension in time to complete the mandatory formulation of Statutes, Ordinance and fulfilment of other codal/procedural formalities like creation of Fund/Pension Component Code etc. subject to MHRD approval/clarification as sought for to implement the scheme. Till such time the status quo of the case is maintained in respect of each Petitioner. Hon'ble High Court may kindly be apprised accordingly by filing an affidavit in this regard by the Registrar, CUHP.

Based on above facts, the Finance Committee recommended the matter for appropriate decision by the Executive Council being a court matter.

Item 27.1(T): To place before the Finance Committee the proposal regarding payment of GST Statutory Monthly Return.

The members were informed that the GST Return of Central University of Himachal Pradesh has not been filed since 01-07-2017 onwards. The matter was brought to the notice of Hon'ble Vice-Chancellor, CUHP and



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the Hon'ble Vice-Chancellor authorized the Finance Officer, CUHP to hire the services of Professionally skilled Chartered Accountant to clear the backlog and to ensure the timely submission of all statutory returns from time to time at the rates approved by the Institute of Chartered Accountants of India (ICAI) for Opening of GST Account and filing of such returns viz. GST, TDS, Income Tax etc.

In order to streamline the procedure and to clear the backlog as advised the services of M/S. A SINGHI AND ASSOCIATES whose services have also been engaged by the HPU, Shimla has been hired for the said purpose at the rates approved by the Institute of Chartered Accountants of India (ICAI) (copy of approved rates enclosed).

The Committee considered the proposal and ratified the action taken by the CUHP in the larger interest of Institution and recommended for the approval of Executive Council.

Item 27.2(T): To place before the Finance Committee the proposal regarding DDO of CUHP.

The Finance Committee in its 5th Meeting held on 10-04-2012 vide Item No. 5.3 declare that the Finance Officer shall be the Drawing Disbursing Officer in respect of all the schemes operation in this University.

The authorized signatory for the issue of cheques, have been ordered as under:-

(i) All cheques of the University upto the amount of Rs.5.00 Lakhs (Rupees Five Lakhs only) shall be issued under the signatures of Finance Officer.

(ii) The cheques exceeding the limit of Rs.5.00 Lakhs shall also be countersigned by Registrar of the University.

Due to increased workload and consequent upon the posting of Assistant Registrar (Finance) in Finance Department of CUHP, it is proposed that the Assistant Registrar (Finance) shall act as Drawing Disbursing Officer henceforth in respect of all the schemes, recurring/non-recurring expenses and clause no. (i) is proposed to be amended is as under:-

(i) All cheques of the University upto the amount of Rs.5.00 Lakhs (Rupees Five Lakhs only) shall be issued under the signatures of Assistant Registrar (Finance) henceforth. The Finance Officer shall continue to sign the cheques beyond Rs. 5.00 Lakhs alongwith Registrar as Co-Signatory.

The Committee considered the proposal and recommended for the approval of Executive Council.

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Further, UGC, New Delhi has also informed vide letter No. F. No. 29-6/ 2017(CU) dated 09th June, 2020 through e-mail, quote "*It is also to inform you that university has not placed the agenda item for confirmation of the minutes of the previous meeting held on 13.02.2020 & ATR on the previous meeting, status of Utilization of Grants and status of outstanding Audit Paras in the Finance Committee meeting to be held on 10-06-2020. Therefore, you are requested to place agenda item for confirmation of the minutes of the previous meeting held on 13.02.2020, ATR on the previous meeting, status of Utilization of Grants and status of outstanding Audit Paras before the Finance Committee meeting to be held on 10.06.2020*

This being a special meeting convened to discuss the issue regarding Portability of Pension Scheme being a court matter the ATR on the previous meeting, status of Utilization of Grants and status of audit paras will be placed in next meeting of Finance Committee. However the minutes of the previous meeting held on 13.02.2020 are placed before the Finance Committee for consideration/confirmation

Item No. 27.3 (T): Confirmation of the minutes of the 26th Meeting of the Finance Committee held on 13-02-2020 (Annexure 27.03 (T)).

The minutes of the 26th Meeting of the Finance Committee held on 13.02.2020 are placed at Annexure 27.03 (T) for the kind perusal and confirmation of the Hon'ble Members.

The minutes of the 26th meeting of the Finance Committee were confirmed.

Item No. 27.4 (T): Opening of Saving Bank Account/Issuance of Staff Advance at Sapt Sindhu Parisar, Dehra, Central University of Himachal Pradesh.

With due permission of the Chair the members were apprised that the Sapt Sindhu Parisar, Dehra is facing great hardship to meet out the recurring expenses in the absence of Imprest Account/Bank Account . In order to ensure smooth functioning of said parisar, it was deliberated upon that the emerged situation can be addressed either by opening a bank account or by grant of Staff Advance upto the limit of Rs. 50,000/- (Rupees Fifty Thousand Only) to meet out the unavoidable committed

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expenditure to facilitate the academic activities. Subsequent advance shall be granted after settlement of previous outstanding advance.

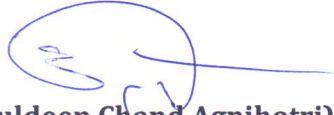
The Committee considered the proposal and recommended for the approval of Executive Council.

The meeting ended with a vote of Thanks of the Chair.

Narinder Kumar
10/6/2020

(Narinder Kumar)
Finance Officer & Secretary

Confirmed/Countersigned



(Professor Kuldeep Chand Agnihotri)
Vice Chancellor - Chairman