

NATIONAL INSTITUTE OF TECHNICAL TEACHERS TRAINING AND RESEARCH, TARAMANI, CHENNAI 600 113

45TH BOARD OF GOVERNORS MEETING HELD ON 26-03-2021 - REVISED RESOLUTION OF ITEM NO.10 (Res.No.10-45/2021/BoG)

Details of Item placed before the Committee	Original resolution	Revised resolution(re-drafted)
<p>Item No. 10</p> <p>To evict the unauthorized occupation in the NITTTTR Staff Quarters by Shri M. Rajakumar, Technician (removed from the services on 25.02.2003) and treated as compulsorily retired from service on 22.11.2011 by the Hon'ble High Court of Madras</p> <p>The similar item has been placed in the last BoG (44thBoG) meeting held on 29-10-2020 and the Board directed the Member Secretary to take action to effect recovery in the pension payable to Shri M Rajakumar in accordance with Rule 8 of CCS Pension Rules 1972 after following the due procedure.</p> <p>As there is no specific instruction in the Rule 8 of CCS pension to stop the pension in the event of unauthorized occupation by Shri M. Rajakumar, Technician (removed from the services on 25.02.2003) and treated as compulsorily retired from service on 22.11.2011 by the Hon'ble High Court of Madras.</p> <p>However, this issue has been referred to the Additional Solicitor General, (ASG) GOI for his legal opinion with supporting documents. Accordingly, ASG has given his legal opinion vide his letter No.ASGI/RS/OPN-3/2021 Chennai, dated 01.02.2021(Annexure-33, Page No. 103 to 111).</p>	<p><u>Res.No.10-45/2021/BoG</u></p> <p>The Board discussed in detail about the unauthorized occupation of NITTTTR Staff Quarters by Shri M. Rajakumar since from 01-09-2018. Based on the legal opinion given by the Additional Solicitor General vide his opinion dated 01-02-2021 (Para 3.2.3) action is proposed for filing a Civil Suit for recovery of dues for unauthorized occupation of NITTTTR staff quarters from 01-09-2018 onwards.</p> <p>The Board after detailed discussion, was of the firm view, that not to vacate the NITTTTR Staff quarters after retirement without valid approval, is an act of Serious Misconduct.</p> <p>The Board further directed the Member Secretary to send a draft charge sheet against Shri M. Rajakumar (covering all past issues) to the Ministry of Education, Govt. of India for obtaining the approval from the competent authority.</p> <p>The Board directed the Director, NITTTTR Chennai to stop the pension of Shri M. Rajakumar henceforth i.e. payable for the month of April 2021 onwards by</p>	<p><u>Res.No.10-45/2021/BoG</u></p> <p>The Board deliberated in detail about the continued unauthorized occupation of NITTTTR Staff Quarters No.C-8 by Shri M. Rajakumar since 01-09-2018. The Board was of the view that disobedience by refusal to vacate the NITTTTR Staff quarters after retirement despite several orders is an act of grave misconduct.</p> <p>Noting the proposed filing of suit (s) in the Court(s) of competent jurisdiction for eviction and recovery of damages, the Board wanted the Director, NITTTTR Chennai who is Appointing Authority to consider taking recourse to Rule 8 of the CCS (Pension) Rule, 1972 to withhold the pension of</p>

Since the unauthorized occupation does not come under 'grave misconduct' the Legal Opinion of the ASG is also reveals that

i) The NITTR, Chennai cannot withhold the pension allowance of the employee without a specific finding of grave misconduct against the said conduct of the employee.

ii) The NITTR, Chennai may file a Suit for recovery of possession and recovery of money against the employee and seek payment of damage rent along with interest till date.

As authorized in the last Board, and in accordance with the legal opinion of the ASG, the Administration of NITTR, Chennai is planning to file a suit against Shri M. Rajakumar to evict the quarters and also to recover the damage rent together with interest till eviction.

Placed before the Board for approval to file a suit against Shri M. Rajakumar.

quoting the Rule 8 of CCS (Pension) Rules 1972 as "future good conduct shall be an implied condition of every grant of pension and its continuance"

As per the direction of the Board, full amount of pension will be stopped to Shri M. Rajakumar payable for the month April 2021 onwards and also a detailed charge sheet against Shri Rajakumar will be sent to the Ministry of Education at the earliest.

Shri M. Rajakumar for the aforesaid act of grave misconduct.


Consultant (OSD)


Director


Chairman

Board of Governors, NITTR Chennai Society