

Minutes of a special meeting of the Board of Governors of Central Institute of Higher Tibetan Studies, Sarnath, Varanasi held on 29<sup>th</sup> June, 2020 at 11.00 a.m. through Webinar.

The following members participated in the meeting through Webinar:

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| 1. Prof. Geshe N. Samten<br>Vice-Chancellor<br>CIHTS, Varanasi.  | Chairman  |
| 2. Ms. Amita Prasad Sarabhai, IAS<br>Joint Secretary, Government of India<br>Ministry of Culture, New Delhi. | Member (MOC)  |
| 3. Ven. Geshe Lhakdor<br>Director (LWA)<br>Dharamsala  | Member ( Nominee H.H. the Dalai Lama)                                 |
| 4. Prof. R.R. Tripathi<br>Varanasi   | Member ( Nominee, Govt. of India, MoC )                               |
| 5. Prof. K.T.S. Sarao<br>University of Delhi, Delhi  | Member (-----do-----)   |
| 6. Prof. Amarjiva Lochan<br>University of Delhi, Delhi   | Member (-----do-----)   |
| 7. Prof. Lobsang Tenzin<br>CIHTS, Sarnath  | Member ( Nominee of the Chairman<br>of the Board from teaching staff) |
| 8. Prof. D.D. Chaturvedi<br>CIHTS, Sarnath.  | Member (-----do-----)   |

(i) Representative, Ministry of Culture ( IFD), Govt of India, could not participate in the meeting physically. However, the Director, MoC ( IFD) sent a letter dated 29<sup>th</sup> June, 2020 conveying the absence of leave of Financial Advisor to Ministry of Culture from the meeting through Webinar on account of pre-fixed engagement with further comments " the matter may be examined as per the advice of DOPT and Administrative Ministry along with RR of the Registrar post in CIHTS". (ii) Representative , MEA., Govt. of India, New Delhi neither attended the meeting nor sent any comment in the matter.

At the outset, the Chairman welcomed the august members- particularly Ms. Amita Prasad Sarabhai, Jt. Secretary, Government of India, Ministry of Culture, New Delhi for sparing and giving time for the special meeting of the Board within a very short notice. He also thanked to Ven. Geshe Lhakdor, Prof. K.T.S. Sarao , Prof. Amarjiva Lochan for participating in the meeting from a long distance as well as Prof. Ram Raksha Tripathi, who in spite of his health problem participated in the meeting. He further thanked Prof. Lobsang Tezin and Prof. D.D. Chaturvedi of CIHTS for participating in the meeting.

Prior to come to the agenda item, the Chairman of the Board briefed the members about the reason for calling the special meeting of the Board of Governors within such a short notice and also expressed his hope for the guidance of the luminaries for the cause of the Institute.

Thereafter, the Board took up the agenda and resolved as under:

Agenda  
Item No. 1

Continuation of appointment of Dr. R. K. Upadhyay, Registrar, CIHTS after 30-06-2020.

The Chairman apprised the members that he has called the special meeting of the Board to discuss and decide the matter relating further continuation of Dr. R.K. Upadhyay as Registrar of the Institute for the remaining periods against the Institute's appointment of five years on deputation. The post of Registrar was advertised and the appointment of Dr. R.K. Upadhyay to the post of the Registrar was done on the recommendation of the Selection Committee duly approved by the Board for a tenure period of five years. As per practice of the Institute, the matter was reported to the 55<sup>th</sup> Board of Governors meeting held on July 30, 2017 under agenda item No. 55-3-10 and the Board endorsed the appointment of the Registrar on deputation initially for a period of three years against Institute offer of five year. The matter relating further extension of deputation in favour of Dr. R.K. Upadhyay from 16-11-2019 to 30-06-2020 was put up before the 58<sup>th</sup> Board of Governors meeting held on September 21, 2019. The Board observed that extension letter issued personally to Dr. Upadhyay from BHU is not as per norms and therefore, the Board directed that for further extension of Dr. R.K. Upadhyay beyond three years, CIHTS should approach B.H.U administration at the earliest possible for seeking their approval towards continuation of the incumbent on deputation for the remaining period till his superannuation and completing the procedural deficiency in consultation with the lending authority i.e. B.H.U. the period of extension of Dr. R.K.Upadhyay be extended w.e.f. 16-11-2020 to 30-6-2020. Accordingly, the Institute completed the formalities and issued order for extension of period of deputation up to 30-06-2020 against the Institute's appointment order for five years from the date of joining i.e. 16-11-2016 and also the agreement executed between the Institute and Dr. R.K. Upadhyay.

As his ( Registrar) continuation on deputation after superannuation from BHU on 30-6-2020, would not be possible against the tenure appointment of five years, the Institute wrote a letter to UGC seeking UGC's views in the matter of continuation of Dr. Uapdhyay as Registrar of the Institute for the remaining period and in response the UGC has conveyed " after superannuation from BHU, Dr. Uapdhyay can continue to be the Registrar, CIHTS, Sarnath as re-employed pensioner for the remaining period". Taking the view of UGC , the Institute approached the Administrative Ministry ( MoC) in the light of the UGC letter and two O.Ms. of DoP&T for

consideration and in response, the MoC has stated "continuation on deputation beyond the age of superannuation is not permissible under the policy of DoP&T".

The Chairman further stated that as the Board of Governors is the appointing authority, the matter is before the Board for consideration.

The Board discussed the matter elaborately but it did not arrive at any conclusion unanimously. Thereafter, the Chairman referred MoA's Clause 11 according to which, "all decisions of the Board shall be taken unanimously or by majority"

As no unanimous decisions were arrived even after detailed deliberations, the individuals' opinions were sought and a majority were of the view that it is a prevailing practices in all universities that the incumbent appointed on deputation against a tenure appointment, remain continued till the completion of the tenure, in absence of deputation, as re-employed pensioner subject to fulfillment of the required norms.

Here the Joint Secretary was not in consonance of the rest members. She strongly opined that the recruitment rules for Registrar in their present form did not permit the appointment of Dr. Upadhyay as Registrar on short-term contract beyond his period of superannuation. For continuation of Registrar beyond 30-06-2020, the Recruitment Rules for the post of Registrar would require to be changed accordingly. Also the two OM's referred to by Dr. Upadhyay & by the CIHTS administration to the Ministry as well as Dr. Upadhyay in his representation do not support the same as had been clarified by DOPT. It was also reiterated that the Ministry since 2017 had been repeatedly pressing for rectification of Dr. Upadhyay's appointment as Registrar, the erroneous five year appointment order dated 17-11-2016 issued by CIHTS, when Dr. Upadhyay's service period was only till 30-06-2020. Even the earlier BoG's had only resolved Dr. Upadhyay's appointment as Registrar, first for three years in its 55<sup>th</sup> meeting held on 30-07-2017 & subsequent extension till 30-06-2020 vide meeting dated 21-09-2019. Therefore, this Ministry's the Ministry of Culture's dissent should be recorded as a part of minutes.

As the deputation term of Dr. Upadhyay was going to end on 30-6-2020, the Board exercising its power given under clause 10 at point (xvi) also authorised, the Chairman of the Board to take action in the matter and arrange to report the action in the next Board.

The meeting ended with a vote of thanks to the Chair.

  
( Dr. Himanshu Pandey )  
Officiating Registrar

  
( Prof. Geshe N. Samten )  
Vice-Chancellor