

NATIONAL INSTITUTE OF TECHNOLOGY SILCHAR

SIXTY FIRST SPECIAL MEETING OF THE FINANCE COMMITTEE

MINUTES

The 61st special meeting of the Finance Committee was held on 13th June, 2022 at 1700 hours via video conferencing. The following members were present in the meeting:

1. Sri Gautam N Mehra, Chairman & Managing Director, Savita Oil Technologies Limited, Ex – Officio Chairman, Finance Committee
2. Prof. Sivaji Bandyopadhyay, Director & Ex - Officio, FC
3. Ms. Saumya Gupta, Joint Secretary (NIT), MOE
4. Dr. S. K. Kakoty, Professor, IIT Guwahati
5. Prof. Pramod Kumar Patowari, Professor, NIT Silchar
6. Dr. Krishna Lal Baishnab, Registrar (i/c) & Secretary, FC

Sri Gautam N Mehra presided the meeting of the Finance Committee as Ex – Officio Chairman, Finance Committee in accordance with Statute 10 of First Statute of NITs.

At the outset, Dr. K. L. Baishnab welcomed the Ex – Officio Chairman, Finance Committee and other members who attended the meeting.

The FC then initiated the discussion on the Agenda Items one by one: -

FC-61/22/01: Audit Para 8.4 of C&AG's Report No. 2 of 2021 in respect of National Institute of Technology regarding Inadmissible Payment to Muster Roll Workers.

The C&AG in their Report No. 2 of 2021 has raised an para wherein they mentioned that During April, 2015 to March, 2019 NIT Silchar paid excess wages to Muster Roll Workers amounting to * 90.55 lakh for the full month, instead of for actual number of duty days which was inadmissible as per the Minimum Wages Rule (Central), 1950.

The Muster Roll workers were working in this institute since REC Silchar regime when the institute was under Government of Assam. They were engaged in various Departments / Sections as supporting staffs. Furthermore, during REC Silchar regime, the Muster Roll workers were also considered for appointed against the regular positions (belonging to Group - D cadre) based on their seniority.

The Ministry of Education (erstwhile Ministry of Human Resource Development) in its communication letter No. F. No. 15-15/2008-TS.III dated 21.04.2017 under the column Remarks of table under Para 3 (B)(vi) mentioned that institute has 95 supporting staff, from erstwhile REC, against sanctioned 41 positions and the additional 54 surplus staff is to be adjusted against the vacant posts till they retire or get adjusted against the regular posts. Further, in para 4, MoE (erstwhile MHRD) has instructed, as regards to Supporting Staff due to REC legacy, to consider the Muster Roll workers against sanctioned non-teaching positions.



It is to be pointed out that the nature of work performed by the Muster Roll Workers in the institute are equivalent to that of work done by regular staff of the institute. In addition to this it may be noted that in the OMs issued by the Office of the Chief Labour Commissioner, Ministry of Labour & Employment the nature of work based on which the wages are fixed does not have any work equivalent to that of NIT Silchar.

The Honourable, High court of Gauhati in the judgement dated 06.02.2021 against WP (C) No/403/2021 directed the institute to examine and consider whether the Muster Roll workers can be given the minimum scale of pay in terms of the judgement of the Apex court in the case of State of Punjab vs Jagjit Singh (i.e. "equal pay for equal work"). The institute is paying the Muster Roll workers' wages as per the rates prescribed by Ministry of Labour & Employment for full month since the REC Silchar Regime.

The brief of payment made to the Muster Roll Workers per month (considering 30 working days) is shown below.

S. No	Category	No. of Worker	Wages per day*	Per Month (30 days)	Total
1	Highly Skilled	15	₹ 734.00	₹ 22,020.00	₹ 3,30,300.00
2	Skilled	65	₹ 625.00	₹ 18,750.00	₹ 12,18,750.00

* The wages of the Muster Roll Workers have been considered based on the minimum wages mentioned in the Central Labour Commissioner Order F. No. 1/4(3)/2022-LS-II dated 31.03.2022 which was effective from 01.04.2022. The VDA component of minimum wages is expected to be revised on 01.09.2022

It may be noted that as per Section 25(1)(b) of the Minimum Wages (Central) Rules 1950 when the workers in an employment works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall in respect of overtime work, be entitled to wages at double the ordinary rate of wages.

The MR workers are working for more than two additional hours over and above 9 hours per day of their regular work on an average for which the institute is not paying any extra wages as overtime. As such, to compensate their additional working hours, the institute propose the following wages for the Muster Roll Workers.

S. No	Category	No. of Worker	Wages per day*	Per Month (26 days)	Total
1	Highly Skilled	15	₹ 898.00	₹ 23,348.00	₹ 3,50,220.00
2	Skilled	65	₹ 765.00	₹ 19,890.00	₹ 12,92,850.00

* The VDA component of the wage per day will be additional, as applicable

In view of above, the Committee is requested to allow the Muster Roll Workers draw wages as mentioned in the above table for 26 days per month till the Central Labour Commissioner revise the wages.

DECISION

The Committee resolved that the Muster Roll workers will be paid for the number of days they will work in a month subject to maximum of 26 days per month as

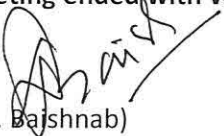
per Minimum Wages (Central) Rules 1950 and to protect their present monthly wages, they will be given 15.4% hike over and above the minimum wages declared by the Central Labour Commissioner from time to time. The effect on their pay on implementing the same is depicted below:

S. No	Category	Minimum Wages as per CLC rate	Hiked Wages
1	Highly Skilled	₹ 734.00	₹ 847.00
2	Skilled	₹ 625.00	₹ 722.00

The Committee also resolved that the objection raised by the CAG regarding excess payment of wages to the Muster Roll Workers could not be recovered from them as they belong poor society. Further, the Supreme Court of India in CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO. 7115 OF 2010, Thomas Daniel Vs State of Kerala mentioned that recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service) would be impermissible in law.

The Minutes of the Meeting is confirmed on table.

The meeting ended with vote of thanks to the Chair.


(Dr. K. L. Bajshnab)
Registrar (i/c) & Secretary


(Sri Gautam N Mehra)
Ex – Officio Chairman, FC