PUNJAB TECHNICAL UNIVERSITY

JALANDHAR

AGENDA

FOR THE 47TH SPECIAL MEETING

OF

THE BOARD OF GOVERNORS

TO BE HELD AT

03.30 PM ON FRIDAY, 29 JUNE, 2012

IN

PUNJAB BHAWAN,

CHANDIGARH

Agenda Item : Suspension of Dr N.P. Singh, Dean (DDE)

Dr N.P Singh, Dean(DDE) was suspended pending detailed investigation vide PTU/Reg/spl/86 dated 21/05/12 by Vice-Chancellor on behalf of Board of Governor for going against the instruction of Vice-Chancellor. Legal opinion as regards to the power of Vice-Chancellor to suspend a regular class A officer was taken vide letter No PTU/Reg/spl/88 dated 24/05/12. As per the legal opinon based on PTU Act Vice-Chancellor has powers to suspend class A officer.

In view of the opinion, in continuation of earlier order, suspension order was issued by Vice-Chancellor vide letter No PTU/Reg/spl/90 dated 29/05/12

Dr. N.P. Singh approached Hon'ble Punjab & Haryana High court and as per decision of the Hon'ble court, the contentions noticed can be effectively dealt with Board of Governor's headed by Chief secretary.

The details of the case are annexed

The matter is placed before the Board for deliberations.

PTU-BOG Meeting on 29/6/12 -- Background Papers

Regarding Representation of Dr. N.P. Singh Dean/DDE (under suspension)

A) Before parawise comments on the representation of Dr. Singh are made, it is felt necessary to spell out the circumstances leading to his suspension.

1. The University was seized with the problem of large number of seats remaining vacant in the regular affiliated colleges.

2. After detailed discussion and study carried out, it was decided to utilise the existing Distant Education Centres, which were available throughout the country and were also, supposedly, having expertise in the field of reaching students. The scheme was, to launch a publicity campaign on behalf of all the regular colleges in the state which may finally lead to filling the vacant seats in the colleges in the coming 2-3 years.

3. As Dr. N.P. Singh was incharge of distant education wing, it was but natural that he was associated from day 1 itself in conceptualising the scheme. So, while PTU authorities were in Kathmandu, the concept was discussed with Matrix Insosys incharge of regional centre in that area. They were to draw an advertising campaign for which they would send a scheme along with the cost estimates for carrying out the said campaign. It was a mutually agreed scheme, and nothing was forced upon Regional Centre.

   A rough indicative cost was scribbled as per spot advice of Matrix Infosys, Gugnani.

4. On receipt of the proposal from Matrix, the same was considered by a committee of three officials whose recommendations were put up to VC for approval which were, initially, agreed to, (It was worth mentioning here that the proposal, estimated to cost Rs.2.4crore (approx) on print media, was received from Matrix without any quotations).

5. Immediately after this, two important things happened as : "i) a file containing five quotations said to have been received by Matrix Infosys was made available along with a letter dated 24th April addressed to Dr.N.P.Singh Dean/DDE. Vide this letter Matrix Infosys asked for an advance of Rs.1.55 crore, inter-alia, indicating the proposal of m/s "Asha Communication" being the most suitable.; ii) on 26th April in the meeting attended by the representatives of prominent colleges, Matrix and Dr.N.P.Singh, VC made a presentation suggesting a proactive approach and participation by the colleges in the composite publicity campaign, wherein even, the cost sharing for the said campaign was also suggested.

6. Accordingly it was considered to effect certain changes in the already approved scheme which was, otherwise, yet to be made effective. This decision involved all the stakeholders. Meanwhile, Director Finance showed Vice Chancellor a file containing a quotation from where it was easily discernible that the quotation said to be collected by Matrix Infosys from five different agencies, prima facia, appeared

to be fudged and from a single source. Even a cursory reading would reveal the same.

Beside, Matrix Infosys has endorsed and considered "Asha Communication's" offers as the best option. Quotations from Asha Communication were signed by one D.S.Lahiri on behalf of Asha Communication. Incidentally Mr.D.S.Lahiri said to be media expert, was engaged by Matrix Infosys for print media advertisements in all its manifestations, as reported by Matrix Infosys elsewhere. Apparently there was conflict of interest and its consequences are not very difficult to be inferred.

7. All factors considered, it was but necessary to put entire scheme on hold. When the file was put up by Dr. N.P.Singh, VC recorded a note accordingly on the subject. The file containing the note was marked to Dr.N.P .Singh with directions to put up a draft letter for approval to Vice chancellor. **The orders are dated 5/5/2012. Instead of putting up the draft to VC, Dr. Singh issued a letter on a 8-5-2012 to Matrix Infosys indicating cancellation of the entire scheme. On questioning Dr.Singh didn't give any satisfactory reply, both in a regard to issuing the letter without approval and also as to how Matrix Infosys has gone ahead with the advertisement on 18-5-2012 in the local newspaper in Bihar area.** Because of such indiscipline act and diffidence and also apparent proximity of Dr. Singh with Mr. Gugnani it was imminent to place him under suspension in public interest lest there was more damage to the reputation and image of the university. Available record would establish their corroboration.

Needless to mention that vice chancellor doesn't have any personal grudge or ill will against Dr. Singh and whatever has been done was in public interest. A charge sheet is likely to be issued within fortnight and Dr.Singh will get an ample opportunity to defend himself, in accordance with Principle of Natural Justice in most fair and transparent manner.

B) **The comments on his representation are given below et-seriatim.**

1. Its matter of record.

2. Suspension order dated 21-5-12 were issued by vice chancellor by invoking the emergency powers under section 10 (8) of the act. However, on receipt of legal opinion, whereby, it was opined by the learned advocate that Vice chancellor has got power as: **"With regard to the point no. 2, it is submitted that in normal circumstances the Hon'ble Vice chancellor can suspend A class officer if he is not on tenure post as per regulation 2 of the regulations regarding appointment of officers."**Accordingly suspension letter was modified as under – "In continuation of earlier order No PTU/Spl/86 dated 21/05/12, the suspension order be taken as issued by Vice chancellor PTU". Suspension orders are generally not required to be preceded by prior investigations. However, there was a prima facia indiscipline and disobedience unbecoming of a senior officer. Nevertheless, Dr.Singh will get ample opportunity to explain his point of view and defend himself.

The contents of the letter of suspension are a matter of record.

3.3.1 & 3.2 It is factually correct. In fact this was a basis for evolving a new scheme for having a composite and comprehensive publicity campaign.

3.3 Factually Correct. Consensus amongst the university top officials was reached to utilise the DDE for popularising the main theme of the publicity campaign.

3.4 Partially correct. Vice chancellor was duly accompanied by Dr.N.P Singh, Mr. S. S. Walia and Mr. Rajneesh Sharma from the university side when the discussions took place with Matrix Infosys. Matrix Infosys never refused to undertake the said campaign in their area and contiguous area. Apparently, it was also to their advantage to have additional earnings. As such there is no truth in Dr.N.P.Singh stating as if Vice chancellor has forced the work on Matrix Infosys. They undertook it voluntarily as is even evident from subsequent events.

3.5 It is partially incorrect. Matrix Infosys indeed, submitted a proposal to University with a copy thereof to Dr.Singh. It is a fact that admission to regular colleges is looked after by dean academics and not to initiate any action by Dr.Singh because of this is neither tenable nor correct. Herein Dr.Singh is contradicting himself vis- a vis when, what he has stated in para3.3 of his representation. **Ever since the scheme was conceived Dean/DDE i.e. Dr.Singh was fully associated with it. He himself in para3.3 has stated that a study was conducted by University so as to coordinate efforts by the University to attract students from other states by utilising network of DDE. In view of this fact the repeated chorus by Dr.Singh that Vice chancellor alone was behind the entire scheme has to be heavily discounted. Dr.Singh being incharge of this new concept was the custodian of all official files and correspondence with Matrix Infosys and privy to all the decisions. By trying to dissociate himself he's trying to escape the accountability. His stand is contrary to all facts available on records, as he initiated action at every step.**

3.6 Vice chancellor nominated a committee of three persons to consider the proposal received from RC- Matrix Infosys. The proposal was evolved as per para 3.3 of Dr. Singh's representation.

3.7 Factually correct

3.8 Matter of record

3.9 RC- Matrix applied for the release of advance payments on24th April which was forwarded by Dr.Singh to Director Finance on 25th April duly recommending the advance payment. It was accompanied by five quotations sent to Dr.Singh by Matix, Director Finance got an opportunity to scrutinise the quotations for the first time. He brought out certain blemishes in the quotations (as mentioned elsewhere) to the notice of vice chancellor. On receipt of the file VC directed Dr. N.P.Singh to get the views of consultants on the subject matter.

In so far as Dr. N.P. Singh's tirade against the consultant company is concerned, whatever, he has expressed in his representation is completely devoid of logic and substance. The tone and tenor is full of innuendoes. Infact the consultant rendered a

very free frank and cogent advice which finally resulted in avoidance of substantial expenditure, besides, saving the reputation of the University. The consultant firm was engaged by following and observing all the canons of financial propriety and competency of sanction. He herein tried to tarnish the otherwise good image of Vice chancellor without any reason and evidence by casting aspersions.

3.10 Factually incorrect. Arising out of presentation made on 26/4/2012 which was attended by Dr.N.P.Singh besides others. It was decided to modify the entire scheme. Subsequently, Dr. Singh put up a note on the basis of advice received from consultant. He shortlisted two alternative, one of them being withdrawal of orders from Matrix. Keeping in view above and the blemishes noticed in the quotations Vice chancellor ordered to put the project on hold for the time being. The file was marked to Dr.N.P.Singh on 5-5-12 for putting up a draft letter for approval.

3.11 It is factually incorrect. The file in question was sent to Dr.Singh on 5/5/12. Instead of taking immediate action he chose to address the communication to Matrix only on 8-5-12. The decision of the competent authority was to hold in abeyance the project whereas Dr.Singh through his letter conveyed as if it has been dropped. Moreover, he never showed the draft letter to vice chancellor for his approval, quite contrary to the orders on file. This action was in complete defiance of Vice chancellor's authority and whom through he at one place considered a 'competent authority' and at some other place he considers his orders as "unilateral".

3.12 Vice Chancellor conveyed his annoyance on the contents of the letter issued by Dr. N.P.Singh asking as to why the draft was not shown to the vice chancellor. Mr.Singh was advised that RC-Matrix be told to desist from initiating any action for regular mode of education. Despite all this, Matrix Infosys came up with an advertisement in newspaper on 18/5 in regard to regular admission to the colleges. Such a step was, well-nigh, impossible without the corroboration/Connivance of some vested interest from the University.

This inference is supported by exchange of large number of tele calls between Mr.Gugnani of Matrix and Dr. N. P. Singh:

i) **after 26th April up to 8th May which was a date on which Dr. N. P. Singh finally sent the written communication to Matrix, Mr. Singh called on phone Mr. Gugnani 19 times.;**

ii) **between 8th May and 20thMay 25 number of calls has been made by Mr.Singh to Mr.Gugnani (this period falls between the date of cancellation of the project and the suspension of Dr.Singh). Mr.Singh was placed under suspension on 21-5-2012. From 21st May onward till 24th May Dr.Singh made 26 calls to Mr. Gugnani.**

This analysis is exclusive of the incoming calls and received 2 calls from Mr.Gugnani between 22-5-12 to 24-5-12 which might have been received from Mr.Gugnani or his company. It is not difficult to comprehend as to what university work he was discussing with Mr.Gugnani after his suspension? **Infact as is evident from call**

record Mr. Singh entered Haryana territory at 7:31am on 22/5/2012 on his way to Delhi ostensibly to meet Mr.Gugnani. He entered Delhi area at 9:35am and between 7:30 am up to 4:38 pm he made seven calls to Mr.Gugnani and received two calls from him. The meeting was probably to have a joint front against the university authorities particularly Vice Chancellor. Having a common advocate for drafting writ petition and the representation to the Vice chancellor and having almost similar substance and aspersions in their representations is another indicator towards its nexus. Even at the risk of repetition it would be worth mentioning that Mr. Singh in writ petition has made Matrix Infosys as one of the respondent which can be construed as a calculated move to get a corroborating affidavit from them against the University authorities. Already there were some apprehensions about their close associations. But the above documents have confirmed the same. Mr. Singh did not handover the password for his email which was being used for official purposes as well, thereby denying the access to the written communication carried out between the two.

3.13 Matter of record.

3.14 As is well known nobody has got any control on media. At least university authorities have not given any interview/ brief to the media.

4 Mr. N.P. Singh had given distorted facts in this para. Vice chancellor's directive was to not only put the project on hold but also to put up the draft letter for his approval before issue. Mr. Singh neither showed the draft to Vice chancellor nor conveyed the factual position as actually approved by VC to Matrix Infosys. He infact arrogated the power of competent authority to himself.

5 It is entirely imaginary on the part of Dr. Singh to assume that his action in cancelling the project could pre-empt some 'underhand dealings'. NETiit is a consultant to the university and there has not been even a single instance of conflict of interest in their role. They have so far tendered advice earnestly which have proved useful over the period of time. The University doesn't have any information or evidence about NetIIT intension of having some under hand dealing with RC. If Mr. Singh is having any evidence he should give the same to the university which would be got investigated or else he should stop insinuation and conjectures and aspersions. Nevertheless, the said action became unavoidable not only because of the new concept of involving the regular colleges with the publicity campaign but also because of the flawed quotations forwarded by Matrix Infosys. This timely action had resulted in avoidance of substantial expenditure. It is noted that Mr. Singh has been making NETiit the target of his anguish as is usual with charged officer the accountability he has started targeting NetIIT who is perhaps considered a 'perceived' obstacle by vested interests. The university authority on its own has always taken precautions against such conflict of interests. Therefore, the insinuation, which indirectly also aimed at Vice chancellor, is unwarranted.

6 As became evident from quotations, the cost of Rs.2.4 crore on campaign was indeed on a very higher side. Since the quotations were received by N.P. Singh the due

diligence on his part could have indeed detected the blemishes in the quotations. An amount of Rs.2.4 crore was just a guestimate arrived at Kathmandu based on the information provided by Matrix and Dr.N.P.Singh was privy to this meeting. His Statement that RC reported to him through letter that negotiation was conducted in the presence of VC at Kolkatta is a hearsay, though it proved their further deep association with one another. On the first opportunity, when actual facts came to be known, VC put the project on hold. The observations about the high cost are, neither after thought, nor, flimsy but based on facts available on record which would be placed before the enquiring authority as and when required. Mr. Singh was over all incharge of the project and a prime mover having all information and record and direct dealing with RC as brought out elsewhere. But for timely action by VC the 'presumptive loss' could have become reality. Dr. Singh would be afforded every opportunity to prove his innocence in a most fair and transparent manner. But at the same time he has to exercise restraint against levelling unsubstantiated and flimsy allegations against others Vice Chancellor included.

6&7 The first order by Vice Chancellor was issued by exercising emergency powers under section 10.(8) of Act and there was no disregard to rules and regulations. Subsequently, on receipt of legal opinion indicating that VC has normal power under regulation 2 the previous order were modified suitably. It hasn't changed the material facts and culpability of Dr.Singh.

Dr. Singh has been placed under suspension. A charge sheet is likely to be issued within a fortnight Mr. Singh can give his defence to the charges and based upon the finding of the enquiry, further action will be taken. It goes without saying that University authorities also believe in severe action against the vested interests who are working for own interests rather than corporate objective of University. Keeping in view all the facts and circumstances as brought out above there won't be any justification in revoking the suspension of Dr. Singh. He will certainly get an opportunity to prove his innocence before enquiring authority.