

CHAPTER XI : MINISTRY OF YOUTH AFFAIRS AND SPORTS

Nehru Yuva Kendra Sangathan

11.1 Irregular pay fixation leading to overpayment

Nehru Yuva Kendra Sangathan (NYKS) fixed the pay of 37 employees in posts higher than their substantive posts in contravention of the recruitment rules, resulting in overpayment of Rs. 1.41 crore.

Ministry of Youth Affairs and Sports approved the Recruitment Rules of Nehru Yuva Kendra Sangathan (NYKS) in January 1998, which were issued by NYKS in March 1998. The Recruitment Rules stipulated that all employees of NYKS who were working on posts higher than the substantive posts on which they had joined shall get reverted to their substantive posts and subsequently be promoted through a Departmental Promotion Committee (DPC), to the higher post as per the qualifications prescribed in the Recruitment Rules.

As some employees of the NYKS were promoted prior to March 1998 without the recommendations of duly constituted DPC, the NYKS constituted a committee in May 1998 to look into the cases of employees working on posts higher than their substantive posts. The committee, after going through the service records of all such employees, determined their substantive posts in its recommendations. NYKS implemented the recommendations of the committee only partly in respect of persons in the scales equivalent to Group 'A' officers of Government of India. Pay fixation of 37 employees in scales of pay equivalent to Group 'B' and 'C' employees was not done as per the recommendations of the committee. They continued to draw their salaries in scales higher than that of their substantive posts. Since the recruitment rules in the NYKS were notified in March 1998, therefore, all appointments/promotions made before March 1998 in the absence of recruitment rules, were null and void. NYKS should have reconsidered the appointments of all such officers/staff on the basis of their substantive posts and considered their cases for promotion, if eligible, based on the recruitment rules notified in 1998 by holding year-wise DPC from 1998 onwards.

NYKS did not re-fix the pay of these employees on the basis of their substantive posts on the plea that there were no recruitment rules in existence when these employees were promoted/appointed to higher posts. The pay of 37 employees was fixed in higher posts in violation of the recruitment rules,

resulting in overpayment of Rs. 1.41 crore on their pay and allowances during June 1989 to September 2006.

On being pointed out by Audit in June 2007, the Ministry stated in December 2007 that NYKS had been asked to constitute a committee to review the promotions/appointments made in the past for ensuring fairness of the procedure and complete the process within three months. The final action on the recommendations of the committee would be awaited in audit.