

= **Minutes of 450th MHRC Meeting**
MINISTRY OF INFORMATION AND COMMUNICATIONS

Venue: MoIC Mini Conference Hall

Date: 26th February 2020 (Wednesday)

Time: 2:00 PM

Human Resource Division

450th Human Resource Committee (HRC) Meeting Ministry of Information and Communications 17th February 2020

- 1. Adoption of Agenda**
- 2. Ratification of the Minutes of 449th MHRC Meeting**
- 3. Follow up report of the 449th MHRC Meeting**
- 4. Short Term Training**
- 5. Voluntary Resignation Proposals;**
 - 5.1: Voluntary resignation of Mr.Jigme Zangpo (EID:20120400668) Fire and Rescue Crew , DoAT**
 - 5.2: Voluntary Resignation of Ms.Usha Tamang (EID:20120100390) Security Assistant (Bumthang Domestic Airport).**
 - 5.3: Voluntary resignation of Ms.Ana Radha Subba (CID: 11711000983) ESP (Gardener) , DoAT.**
- 6: Transfer proposal of the Security Assistant from Paro international Airport to Bumthang Domestic Airport, DoAT.**
- 7: Preparatory leave for Mr. Bhimlal Suberi, Chief Planning Officer, PPD in order to prepare for his superannuation.**

8 : Extra Ordinary Leave proposal of Mrs. Tashi Lhamo (EID:20120104378), Asst, Airport Manager, Bumthang,DoAT

9: Request for reimbursement of airfare

10. Requesting for legal representative in Royal Court of Justice, Thimphu

11: Mr. Gyem Dorji, Executive Engineer's pending case (DoAT)

12: Medical Leave of Mr. Karma Kuenzang (EID: 2007065), Sr. ICT Technical Associate II, DITT

13:The contract service Extension of Mr. Sonam Penjor (EID 20180311592), Driver of Bumthang Domestic Airport, DoAT

14: Extra Ordinary Leave proposal of Mr.Yeshey Needup, (EID:200901134), Sr.ICT Officer, DITT

15: AoB

Members present: Secretary (Chair), Director General, RSTA, Mr.Ranman Pradhan, Offtg. Director, DoAT, Director, DITT, Offtg. Director, DoIM,, Chief Planning Officer, PPD, , Legal Officer and Offtg. Chief HR Officer.

Members absent: Director, DoAT.

- HRC members signed the Conflict of Interest form declaring that they do not have any Conflict of Interest.
- Yeshey Lhazomm, HRO and Karma Thinley, HR Assistant from HRD also attended the MHRC meeting

Agenda 1: Adoption of Agenda

14(Fourteen) agenda items were tabled for deliberation.

Decision: MHRC adopted the agenda without any additional Agenda under AoB

Agenda 2: Ratification of the Minutes of the 449th MHRC Meeting

The Draft Minutes of 449th MHRC Meeting was circulated to the MHRC members via email on 14th February 2020 with a request for comments to be sent by 17th February 2020.

Decision: The minutes of the 449th MHRC meeting was ratified with minor changes.

Agenda 3: Action Taken Report

Sl. No	Agenda: follow up of 448th MHRC	Action taken report	MHRC further directives
3.1	<p>Course:Nomination for 26th Meeting of APT Wireless Group Institute/Country: Bangkok Source of Funding: APT Date date and End Date/Duration:16th to 20th March, 2020</p>	<p><i>MHRC directed HRD to forward the nomination to DITT.</i></p> <p><i>HRD has forwarded the invitation to DITT, nomination from DITT still pending</i></p>	Noted
3.2	5.1: Appointment of Offtg. Director, DoS	<p><i>MHRC directed HRD to issue Offtg, Order appointing Mr. Phuntsho Dendhup as the</i></p>	Noted

		<p><i>Officiating Director of Director of Services, signed by Dasho Secretary and circulate to all Departments and Divisions under MoIC for information.</i></p> <p><i>HRD will be issuing the office order.</i></p>	
3.3	5.2: Travel Advisory in view of the novel coronavirus outbreak	<p><i>MHRC directed HRD to issue a Travel advisory notification signed by Hon'ble Secretary and circulated to all Departments and Division under MoIC to comply with the advisory notification.</i></p> <p><i>As per the directives of MHRC, HRD has issued advisory notification signed by Hon'ble Secretary vide order no. MoIC/HRD-HRMS-MISC-1/2020, dated 11th February 2020 and circulated to all Departments and divisions under MoIC via email on dated 13th February 2020 for strict compliance.</i></p>	<i>Noted</i>

Agenda: 4 Short Term Training

Sl. No	Agenda	Background/Recommendations/Trainings attended in the last 6 months	MHRC Deliberation and Decision
4.1	<p>Course: ACI Course</p> <p>Institute/Country: Kuala Lumpur, Malaysia</p> <p>Source of Funding: ACI Fellowship under SADG and RGoB) HRD to specify what ACI fellowship would cover and what expenditure from RGoB.....</p> <p>Start and End Date/Duration:22nd to 26th June 2020</p> <p>Nominations:</p> <ol style="list-style-type: none"> 1. Ms.Pelden Lhamo (EID:201101157) Dy. Executive Engineer,DoAT 2. Ms.Deki Yangzom (EID:20170107944) EngineeAapapr, DoAT 3. Mr. Sangay Tenzin (EID:20190112899) Engineer, DoAT 	<p>They have not attended any short term training for the last six months.</p> <p>HRD: No STT obligation as per HRD Record</p>	<p><i>Approved subject to the situation on the virus outbreak does not worsen.</i></p> <p><i>If there are any directives from NDMA, it should be observed strictly.</i></p> <p><i>Seek RCSC's view on the trainings proposed as per the cautionary notification from the NDMA</i></p>

<p>4.2</p>	<p>Course:"Factory Training on Navigation and Communication equipment." Institute/Country: Northrop Grumman, United Kingdom Source of Funding: RGoB Project tied fund under the establishment of Chelela second remote station project 2019 - 2020. Start and End Date/Duration:.23 - 27 March 2020 Nominations:</p> <p>1. Mr. Sangay (EID 20090211) Dy. Chief comm/Nav Officer,DoaT 2.Mr. Rinzin Dorji (EID 200707094)Sr. Communication Supervisor, DoAT</p>	<p>Mr.Sangay has attended the 30th Meeting of the Asia/Pacific Air Navigation Planning & Implementation Regional Group (APANPIRG/G) from 04/11/2019 to 6/11/2019 in Bangkok,Thailand.</p> <p>HRD: No STT obligation as per HRD Record</p> <p>Mr.Rinzin Dorji has attended Air Traffic Safety Electronic Personnel Basic Training from 01/10/2019 to 08/10/2019 in Singapore.</p> <p>HRD: He has got an STT obligation of 17 days.</p>	<p><i>Alternative nomination was sought by MHRC from DoAT for Rinzin Dorji. However DoAT justified that he is the focal officer and the project is ongoing. It is necessary for him to undergo the training.</i></p> <p><i>MHRC approved the nomination of Mr. Sangay and further directed HRD to seek RCSC's approval for carry forward of obligation for Mr. Rinzin Dorji.</i></p> <p><i>Approved subject to the situation on the virus outbreak does not worsen.</i></p>
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4.3	<p>Course: World Summit on Information Society (WSIS) Forum Institute/Country: Geneva Source of Funding: Start and End Date/Duration:7-8th April 2020. Nominations:</p> <p>MHRC to discuss the nomination of accompanying officer and related matters.</p> <p>Submitted for MHRC deliberation</p>	<p>The invitation has been extended to the Ministry by MFA vide letter no.MFA/MD/ITU-54/2017, dated 10th February 2020, inviting Hon'ble Lyonpo to attend the summit.</p>	<p><i>HRD to submit to Hon'ble Lyonpo for further directives on the accompanying officer.</i></p>
4.4	<p>Course: 2nd Meeting of the APT Preparatory Group for WSA-20 (APT WSA20-2) Last Date:21 February 2020. Institute/Country: Bangkok, Thailand Source of Funding: APT Start and End Date/Duration:8th-10th April 2020. Nominations:</p> <p>1. Pema Dhendup, (EID: 200801096) Sr. ICTO, BtCirt</p>	<p>Mr. Pema Dhendup has attended ITU Cyber Drill for Asia Pacific and CIS Region from23/09/2019 to 27/09/2019 at Malaysia.</p> <p>HRD: No STT obligation as per HRD Record</p>	<p><i>Online approval was sought to meet the application deadline of 21 Feb 2020 set by APT. .</i> <i>MHRC endorsed the nomination subject to the situation on the virus outbreak does not worsen and advise from APT.</i></p>

4.5	<p>Course: ITU Regional SM Workshop and satellite symposium 2020. Last Date of confirmation: 29 Feb 2020 Institute/Country: Jakarta, Indonesia Source of Funding: one partial fellowship (covering meals and accommodation for the two ITU events). DoTs will cover the partial funding from mandatory meetings on space Start and End Date/Duration: 2nd-3rd April 2020. Nominations:</p> <ol style="list-style-type: none"> 1. Kiran Kumar Pradhan, (EID: 20130101209) Dy. Executive Engineer, DoTS 	<p>Mr. Kiran Kumar Pradhan has attended Access to Space4 All from 18/11/2019 to 22/11/2019 at Vienna, Austria.</p> <p>HRD: No STT obligation as per HRD Record</p>	<p><i>MHRC did not approve the nomination</i></p>
4.6	<p>Course: ATS Training Program Institute/Country: Civil Aviation Training Centre, Bangkok, Thailand. Source of Funding: TICA Cost Sharing Start and End Date/Duration: July 2020. Nominations:</p> <ol style="list-style-type: none"> 1. Mr. Ten Dorji (EID:20190112768) ATC II, DoAT 2. Ms. Ugyen Zomba (EID:20190112766), ATC II, DoAT 3. Ms. Pema Yangzom (EID:20180109997) ATC II, DoAT 	<p>RCSC has offered 6 slots under Thailand International Cooperation Agency (TICA) cost sharing for training of ATS personnel on the ATS Training Program at Civil Aviation Training Centre, Bangkok, Thailand for 2019 and 2020 intake (3 slots in July 2019 and the remaining 3 in July 2020)</p> <p>RCSC has directed DoAT to submit duly filled documents of 3 remaining slots.</p> <p>Submitted for HRC recommendation for further submission to RCSC for approval.</p>	<p><i>Approved subject to the situation on the virus outbreak does not worsen.</i> <i>If there are any directives from NDMA, it should be observed strictly.</i></p> <p><i>Seek RCSC's view on the trainings proposed as per the cautionary notification from the NDMA. RGoB cost sharing will be through RCSC.</i></p>

		<i>HRD: No STT obligation as per HRD Record</i>	
4.7	<p>Course: Mastering Energy Storage and Charging Electric vehicles Institute/ Country:InFocus International group, Singapore Source of Fundings: EV Project Start date and End Date/Duration: 16-20th March 2020</p> <p>Nominations:</p> <ol style="list-style-type: none"> 1. Phub Gyeltshen (EID) Dy, Chief Planning Officer, Project Manager, EV Project. 2. Ms.Pema Choetso (EID:), Sr.Research Officer, PPD 3. Ms.Tenzin Wangmo (EID:) Engineer, RSTA 	<i>HRD: No STT obligation as per HRD Record</i>	<p><i>While the MHRC noted that the payment for the training has already been made, it directed for deferment of the training if possible in consultation with InFocus International group, Singapore. MHRC also directed replacing Pema Chetsho by Sithar Dorji, Dy. chief Planning Officer, PPD as he is the focal officer for transport sector in the PPD. . Subsequently however, it was noted that Sithar Dorji was assigned to work on the development of 21st Century Economic Development Roadmap 2030 as member of the Civil Servants Working Group from MoIC. The</i></p>

			<p><i>draft report is to be finalised by the end of March and the members of the Working Group are expected to work beyond office hours including a Retreat. For these reasons, he is unable to attend the proposed training on EV. MHRC members were promptly informed of this by the PPD Chief with a request to let Pema Chetsho avail the proposed training as proposed earlier since she will continue to assist in the EV project from the PPD.</i></p>
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<p>4.8</p>	<p>Course:</p> <ol style="list-style-type: none"> 1. Accounting and Finance policies (For Finance Officer), 2. Leadership and Organizational Behavior (For Head AFD), 3. Strategic Human Resource Management (for HR Officer) 4. Certificate in Supply Chain and Logistics Management (for Procurement Officer) <p>Institute/Country: London School of Business and Technology , Bangkok, Thailand</p> <p>Source of Funding: DoAT, Training for Security and Safety Budget code: 45.01</p> <p>Start and End Date/Duration: 2nd Week of March 2020.</p> <p>Nominations:</p> <ol style="list-style-type: none"> 1. Phuntsho Dhendup (EID: 200605050) Dy, Chief Adm.Officer, Administrative Section 2. Deependra Ghalley (EID: 200201019) Dy,Chief Finance Officer, FD 3. Mr.Yogesh Sanyasi (EID: 20170107794) Asst. Finance Officer, AFD, DoAT 4. Sonam Dorji (EID: 201104031) Asst. Procurement Officer, FD 5. Sonam Rabten (EID:200905011) HR Officer, HRD 	<p>Submitted to MHRC for deliberation</p>	<p><i>Not Approved</i></p>
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Agenda 5: Voluntary Resignation Proposal;

5.1: Voluntary resignation of Mr.Jigme Zangpo (EID:20120400668) Fire and Rescue crew , DoAT.

The Ministry received a resignation proposal vide.DAT/ADM/04/2019-2020/967, dated 12th February 2020 of Mr.Jigme Zangpo (EID:20120400668) Fire and Rescue crew , DoAT. Paro. His resignation was recommended during Departments 21st DHRC held on 11th February 2020. He has submitted his voluntary resignation on 6th February 2020 and he will be separated from duty with effect from 5th March 2020 after serving one month notice period as per clause 20.3.1.2 of BCSR 2018.

- He was appointed on 15th April 2012 and completed 7 years 10month 5 days.
- Position Title: Fire and Rescue Crew
- Position Level: S5 A

Chapter 20: Separation, clause 20.3: Resignation, 20.3.1 of the BCSR 2018 states that the authority to accept voluntary resignation submitted by a civil servant shall be vested with the following authorities respectively, based on the Position Category of the civil servant:

Sl. No	Position Category	Authority
i.	ESC	Royal Civil Service Commission
ii.	PMC, SSC and OC	Human Resource Committee of the Agency

20.3.1.1 A civil servant,subject to other rules,on his own may seek voluntary resignation from service after giving notice of at least one month in advance;

20.3.1.2 A civil servant who fails to give the prescribed period of notice of resignation shall be liable to pay an amount equal to the basic pay for the prescribed period of notice;

20.3.1.4 The authority that recommends and accepts the resignation shall ensure that the resigning civil servant has complied with the

conditions of service laid down in the training, secondment and other rules;

20.3.1.5 A civil servant shall submit resignation to a competent authority, as per the delegation of authority , through the respective Supervisor or Head of the Agency for approval;

20.3.1.6 In interest of the Public, HRC may withhold a voluntary resignation upto a maximum period of six months from the notified date;

HRD recommendation: HRD recommends his resignation proposal based on clause 20.3.1.2, 20.3.1.4 and 20.3.1.5 under Chapter 20, BCSR 2018 and as per the recommendation of DHRC, DoAT. His benefit entitlement shall be as per BCSR 2018

Decision: MHRC approved the voluntary resignation of Mr.Jigme Zangpo (EID:20120400668) Fire and Rescue crew , DoAT subject to no outstanding dues and obligations.

5.2: Voluntary Resignation of Ms.Usha Tamang (EID:20120100390) Security Assistant (Bumthang Domestic Airport)

The Ministry received a resignation proposal vide.DAT/ADM/04/2019-2020/967, dated 12th February 2020 of Ms.Usha Tamang (EID:20120100390) Security Assistant (Bumthang Domestic Airport), DoAT. Her resignation was recommended during the Departments 21st DHRC held on 11th February 2020. She has submitted her voluntary resignation on 5th November 2019. She will be separated from duty with effect from 4th December 2019, after serving one month notice period as per clause 20.3.1.2 of BCSR 2018. She has availed EoL with effect from 1st November 2017 till 31st Oct 2019 for a duration of 2 years. She was supposed to join her service from EoL on 1st November 2019, however, she applied for voluntary resignation.

- She was appointed on 1st January 2012 and completed 5 years 10 month as of 31st October 2017.
- Position Title: Security Assistant
- Position Level: S4 A

Chapter 20: Separation, clause 20.3: Resignation, 20.3.1 of the BCSR 2018 states that the authority to accept voluntary resignation submitted by a civil servant shall be vested with the following authorities respectively, based on the Position Category of the civil

servant:

Sl. No	Position Category	Authority
i.	ESC	RCSC
ii.	PMC, SSC and OC	HRC of the Agency

20.3.1.1 A civil servant, subject to other rules, on his own may seek voluntary resignation from service after giving notice of at least one month in advance;

20.3.1.2 A civil servant who fails to give the prescribed period of notice of resignation shall be liable to pay an amount equal to the basic pay for the prescribed period of notice;

20.3.1.4 The authority that recommends and accepts the resignation shall ensure that the resigning civil servant has complied with the conditions of service laid down in the training, secondment and other rules;

20.3.1.5 A civil servant shall submit resignation to a competent authority, as per the delegation of authority, through the respective Supervisor or Head of the Agency for approval;

20.3.1.6 In interest of the Public, HRC may withhold a voluntary resignation upto a maximum period of six months from the notified date;

HRD recommendation: HRD recommends her resignation proposal based on clause 20.3.1.2, 20.3.1.4 and 20.3.1.5 under Chapter 20, BCSR 2018 and as per the recommendation of DHRC, DoAT. Her benefit entitlement shall be as per BCSR 2018.

Decision: MHRC approved the voluntary resignation of Ms. Usha Tamang (EID:20120100390) Security Assistant (Bumthang Domestic Airport), DoAT subject to no outstanding dues and obligations.

5.3: Voluntary resignation of Ms.Ana Radha Subba (CID: 11711000983) ESP (Gardener) , DoAT.

The Ministry received a resignation proposal vide.DAT/ADM/04/2019-2020/967, dated 12th February 2020 of **Ms.Ana Radha Subba (CID: 11711000983) ESP (Gardener) , DoAT.** Her resignation was recommended during the Departments 21st DHRC held on 11th February 2020. She has submitted her voluntary resignation on 11th February 2020 and she will be separated from duty with effect from 10th March 2020 after serving one month notice period as per clause 20.3.1.2 of BCSR 2018.

- She was appointed on 1st August 2016 and completed 3 years 6 month 10 days as of 10th March 2020.
- Position Title: Gardener
- Position Level: ESP

Chapter 20: Separation, clause 20.3: Resignation, 20.3.1 of the BCSR 2018 states that the authority to accept voluntary resignation submitted by a civil servant shall be vested with the following authorities respectively, based on the Position Category of the civil servant:

Sl. No	Position Category	Authority
i.	ESC	RCSC
ii.	PMC, SSC and OC	HRC of the Agency

20.3.1.1 A civil servant,subject to other rules,on his own may seek voluntary resignation from service after giving notice of at least one month in advance;

20.3.1.2 A civil servant who fails to give the prescribed period of notice of resignation shall be liable to pay an amount equal to the

basic pay for the prescribed period of notice;

20.3.1.4 The authority that recommends and accepts the resignation shall ensure that the resigning civil servant has complied with the conditions of service laid down in the training, secondment and other rules;

20.3.1.5 A civil servant shall submit resignation to a competent authority, as per the delegation of authority , through the respective Supervisor or Head of the Agency for approval;

20.3.1.6 In interest of the Public, HRC may withhold a voluntary resignation upto a maximum period of six months from the notified date;

HRD recommendation: HRD recommends her resignation proposal based on clause 20.3.1.2, 20.3.1.4 and 20.3.1.5 under Chapter 20, BCSR 2018 and as per the recommendation of DHRC, DoAT. Her benefit entitlement shall be as per BCSR 2018.

Decision: The representative of DoAT informed the MHRC members that there are no outstanding dues and MHRC approved the voluntary resignation of Ms.Ana Radha Subba (CID: 11711000983) ESP (Gardener) , DoAT

Agenda 6: Transfer proposal of the Security Assistant from Paro international Airport to Bumthang Domestic Airport, DoAT.

The Ministry received an internal transfer proposal vide letter no..DAT/ADM/04/2019-2020/967, dated 12th February 2020 of the following security Assistants from Paro international Airport to Bumthang Domestic Airport, DoAT. The internal transfer was decided during the Department's 21st DHRC meeting held on 11th February 2020 and as per BCSR 2018.

- 1. Tashi Dendup (EID:20120400670) Security Assistant**
- 2. Pema Choki (EID:20190314017) Security Assistant**
- 3. Gyem Tshering (EID:20130703179) Security Assistant**

As per clause 14.4.5 of BCSR 2018, A civil Servant may be transferred generally after completion of five years of service and as per

clause 14.3.1, the authority to transfer employees (Intra-Agency) is vested to parent agency.

HRD recommendation: HRD recommends the internal transfers as per the recommendation of Department's 21st DHRC meeting and as per clause 14.4.5 and per clause 14.3.1 of BCSR 2018.

Decision: *MHRC approved the transfer proposal as per the decision of DHRC, DoAT.*

Agenda 7: Preparatory leave for Mr. Bhimlal Suberi, Chief Planning Officer, PPD in order to prepare for his superannuation.

As per the Date of Birth Recorded in Service book, Mr. Bhimlal Suberi, Chief Planning Officer, EID: 8404002, PPD will be superannuating from service with effect from 13th March 2020. However, clause 20.2.1.4 of the BCSR2018 makes him eligible to continue until 31 March 2020. The following provisions of the BCSR2018 are relevant in this regard:

Clause 10.13.1 Chapter 10 of BCSR 2018 states that, A civil Servant can avail Preparatory leave in order to prepare for studies , transfer and prior to superannuation;

Clause 10.13.2.4 states that A civil Servant due for superannuation will be freed upon his duties one month before his superannuation date to ensure a smooth transition to retirement. The period will be used by the individual to:

- a) Complete handing-taking over responsibilities;
- b) Complete necessary formalities to process retirement benefits;and
- c) Prepare for retirement“.

Section 20.2.1.4 Chapter 20 of the BCSR2018 states that “Unless otherwise specifically provided by the Rules, the actual retirement on superannuation shall be effective on the first day of the month following the actual date of retirement. The gratuity and other post retirement benefits shall be computed as on the effective day of retirement”.

Therefore, although his retirement date is 13 March 2020, it will be effective only from 01 April 2020 in light of section 20.2.1.4

(above). Hence, the one month preparatory leave will be granted from 01 March 2020 only.

The authority to grant Preparatory leave for employees (P1-O4) is vested to HRC of the Agency.

HRD Recommendation: HRD recommends his one month preparatory leave as per clause 10.13.1, clause 10.13.2.4, and clause 20.2.1.4 of the BCSR 2018.

***Decision:** MHRC directed Chief Planning Officer to handover all transport related matters pertaining to SAARC, BIMSTEC and BBIN agreements and also matters relating to the ongoing stakeholder consultations properly to Sonam Dorji, Legal officer and Sithar Dorji, Dy. Chief Planning Officer to ensure continuity and seamless transition. MHRC also directed HRD to issue the Preparatory Leave order to be effective from 01 March 2020, along with the appointment of the Officiating Chief for PPD.*

Agenda 8: Extra Ordinary Leave proposal of Mrs. Tashi Lhamo (EID:20120104378), Asst., Airport Manager, Bumthang Domestic Airport, DoAT.

Mrs. Tashi Lhamo (EID:20120104378), Asst, Airport Manager, Bumthang Domestic Airport, DoAT has requested for EoL for a duration of 24 months with effect from 24th February 2020 till 23rd Feb. 2022 (24 months) to pursue masters in Business Administration in international from Edith Cowan University, Australia.

As per Chapter 10, clause 10.12.1 of BCSR 2018 states that “Extra Ordinary Leave (EOL) shall be granted to a civil servant up to a maximum period of 24 months including weekends and government holidays in total during the entire service period”.

- **As per clause 10.12.11 of BCSR 2018** states that “ A civil servant may be granted the EOL for the following purposes:
 - A. Family/personal problems, when the attention of the official concerned is genuinely required;
 - B. Professional Enhancement, getting diverse experience and exposure; and

C. Career break/Sabbatical.

Note:

- The position of a civil servant shall not be protected while availing EoL beyond 6 month and
- A civil servant failing to join the service after completion of EoL shall be compulsorily retired.
- As per clause chapter 10, Clause 10.12.15, states that “ Authority to Grant EoL for Civil Servant (P1-O4) is vested to HRC of the agency.

HRD Recommendation: HRD recommends her EOL proposal as per the recommendation of DoAT and as per chapter 10, clause 10.12.1 and 10.12.11 of BCSR 2018.

Decision: *MHRC approved the EoL proposal of Ms.Tashi Lhamo, Asst.Airport Manager, Bumtghang, DoAT for 24 months as per the recommendations of DoAT and HRD.*

Agenda 9: Request for reimbursement of airfare for two officials who had attended the BBIN meeting in Delhi as observers

As per the invitation extended by MFA to Ministry to attend the BBIN meeting in Delhi as Observers, Mr. Pem Tshering, Legal Officer, PDD and Mr. Leki Choda, Assistant Planning Officer, RSTA has attended the BBIN Meeting in Delhi on 7-8 February 2020 as Observers. When the Embassy of India extended the invitation to Bhutan, the Embassy informed MFA that, if Bhutan is interested to attend, GoI would be happy to support the participation of Bhutanese Observer Delegation. MFA had also requested the Embassy of India to provide airfare for the Bhutanese delegation. While not making any assurances, the Embassy of India conveyed that they will check with their headquarters on the possibility of airfare in addition to the local hospitality. Since the meeting date was close, they suggested that the Bhutanese delegation arrange tickets on their own for now and if GoI approves the airfare, payment for air fare can be settled later with the Embassy of India. However, the Embassy of India informed MFA a few days later, after the Bhutanese delegation had departed for Delhi on 6 February that the GoI is unable to provide airfare for the Bhutanese delegation. Therefore, MFA is requesting MoIC to meet expenditure on airfare internally. Therefore, while local hospitality was supported by GoI, RGoB will need to meet the cost of air travel and other miscellaneous expenses namely 20% DSA and airport transfer to and from Paro.

***Decision:** MHRC approved the reimbursement of airfare for booking it from the RGoB funding. The MHRC also approved their travel retrospectively as per the note submitted by PPD.*

Agenda 10: Requesting for legal representative in Royal Court of Justice, Thimphu

As per the email received from RSTA dated 26th February 2020, requesting for legal Representation in the Royal Court of Justice, Thimphu, against the litigation submitted by Ms. Monang, Sweeper (Ex-employee) RSTA Phuentsholing. The Court Summon was served against the Chief RTO, RSTA, Phuentsholing.

The Head Office RSTA has requested for a legal representative from the Ministry to represent on behalf of Chief RTO, Phuentsholing

to handle the case.

As per section 19.14.2 of BCSR 2018 “Administrative and Legal Support” RCSC/Agency shall provide administrative and legal support to a civil servant in the event he is accused and prosecuted for actions and decisions taken in good faith in the interest of Agency’s mandates, laws, rules and regulations, and overall national vision.

HRD recommendation: In accordance with section 19.14.2, HRD recommends to depute Legal Officer of the Ministry to handle the litigation submitted by Mrs. Monang on behalf of Chief RTO, RSTA, Phuntsholing.

***Decision:** The MHRC directed that the decision taken by Chief RTO, Phuntsholing is in the interest of the office and the legal support in this case should be supported by the Ministry. In this regard the two legal officers of PPD Mr. Sonam Dorji, Legal Officer and Mr. Pem Tshering, Legal Officer are to make representation in the Thimphu District Court. RSTA to provide all the background documents to the legal officers.*

Agenda 11: Mr.Gyem Dorji, Executive Engineer's pending case (DoAT)

HRD had written to RCSC with regard to Mr. Gyem Dorji, Executive Engineer’s , DoAT pending case and as follow up, the HRD had written an email to legal officer, RCSC dated February 11, 2020 seeking legal advice on the way forward and the legal officer, RCSC responded to the email dated February 18, 2020.

In the email he mentioned that for administrative discipline, the Commission in past administrative cases has decided that suspension of civil servants shall be executed only after the verdict of trial court depending on the verdict and whether a civil servant’s desire to appeal or not. Therefore, in past administrative cases the Commission has suspended civil servants only after the trial court verdict.

Brief background of Mr. Gyem Dorji,Engineer, DoAT;

Mr Gyem Dorji applied for EOL on 4th Sept 2013 for the duration of 24 months. The 181 HRC meeting which was held on 9th Sept 2013 decided not to approve his EoL on the basis of his pending Royal Audit observation and legal proceedings pertaining to Gelephu Domestic Airport. He has proposed second EoL to HRC on 13th November 2013, however, his EoL proposal was deliberated during the Minstrys 192 MHRC held on 25th November 2013 and decided to withhold his EoL till the court case was resolved..The third EOL request was made by Mr. Gyem Dorji was on 30th Dec 2013. The 198 HRC deliberated on his proposal and decided not to grant EoL as another round of auditing started for DCA, Paro and his presence is crucial in addition to his court case on Gelephu Domestic Airport.

It was brought under the notice of DoAT Management that Mr. Gyem Dorji was found occasionally missing and absent from his duty and while management made telephonic calls for his whereabouts, he refused to respond to the calls made by the DoAT Management. to this Director has issued office order vide letter no. ADM001/2/665 dated 6th Nov 2014, directing him to report to the office without fail. Besides this letter, the Department has also informed him via email several times on the need for his presence in the Office. Despite repeated reminder, Mr. Gyem Dorji, failed to report back to office, the matter was finally forwarded to MHRC by Director, DCA and his case was discussed during the 231 HRC meeting and HRC decided and directed Department to stop his salary immediately and further directed HRD to seek RCSC's help about the rules on such action on the part of Mr.Gyem Dorji. As per the decision of 231 HRC meeting, the salary withdrawal notice was issued by Department vide letter no. ADM/001/2/688 dated 14th November 2014 due to his long absence from office.

In response to the action taken by the Department, Gyem Dorji had submitted his EOL request through his brother and brother in-law on 14th November 2014 to DCA as he had already left for Australia by then without the prior approval of the Authority. His EOL was discussed during the 232 and 233 HRC respectively, the HRC had accordingly decided not to grant his request and call him back to the Country pending the court case. Accordingly, Director, DCA had informed him about the decision of the HRC vide letter no. ADM001/2/ dated 10th December 2014 with the instruction to report to the office by 18th December 2014 failing which the matter shall

be referred to the Australian High Commission for appropriate action. However, despite the instruction from the department, Mr. Gyem Dorji failed to report back.

Mr. Gyem Dorji joined the office back on 8th August 2016 after taking unauthorized leave since November 2014. It was discussed during the 291 HRC which was held on 22nd August 2016 of his joining and decided to instruct him to attend and handle the ongoing court cases. Gyem Dorji subsequently submitted his resignation on 21st July 2017. It was discussed during the 291 HRC which was held on 22nd August 2016 decided not to approve his resignation since the audit issues are unresolved. The HRC members felt that Mr. Gyem Dorji was liable for administrative action for taking unauthorized leave. However, in the interest of resolving the ongoing court case and audit issues, the meeting decided that his presence in office was required to resolve the domestic airport's court case and resolve the pending audit issues. It was also decided that an appropriate action will be initiated after the eleven outstanding issues were resolved.

However, Mr. Gyem Dorji failed to attend his regular duty, DoAT issued the salary withdrawal order to stop the salary with effect from October 2017 onwards till further notice (till the court verdict is issued) vide order no. DoAT/ADM/01/2017/448 dated 19th Oct 2017 after seeking advice from Internal Auditor of the Ministry.

On 27th December 2017, ACC had issued the suspension order in respect of Gyem Dorji vide order no. ACC/DoI-III/Case-28/2017/1693 for the purpose of the investigation of the case concerning Fraud and corruption in the construction of the Gelephu Domestic Airport. Accordingly, DoAT issued suspension order vide order no. DoAT/ADM/01/2017/778 dated 27th December 2017 until further notice. On 10th January 2018, ACC issued Revocation of suspension order against Gyem Dorji vide letter no. ACC/DoI-3/Case-28/2017/2018/40 dated 10th January 2018 conveying that he had been released from the custody in accordance with the Court order issued vide order no. Ka Ang (Ka-39) 2018/6961. The ACC revoked his suspension with immediate effect and accordingly DoAT issued revocation letter vide order no. DoAT/ADM/01/2018/916 dated 25th January 2018.

Mr. Gyem Dorji visited HRD Office and submitted an application on 2nd September 2019 requesting for his monthly salary from the date of revocation of suspension order issued by ACC and also committed to join his regular duty at DoAT. His request proposal was discussed during the 427 HRC meeting held on 3rd September 2019 (Tuesday) and directed HRD to write to RCSC, seeking their advice on this matter, following which the HRC will discuss on the next course of action. As per the Directives of HRC, HRD sought help from RCSC legal Officer wherein HRD was directed to submit the Chronological update of Mr. Gyem Dorji. Consequently, the HRD submitted the Chronological update via email dated 7th September 2019 to Mr. Choki Drakpa, Dy, Chief Legal Officer, RCSC.

Decision: MHRC directed HRD and DoAT to issue an office order to Mr. Gyem Dorji to join office w.e.f from 15 March 2020 as per the advice received via email dated February 18, 2020 from Dy. Chief legal officer, RCSC

Agenda 12: Medical Leave of Mr. Karma Kuenzang (EID: 2007065), Sr. ICT Technical Associate II, DITT

As per letter no. JDWNRH/ADM/08/2020/10986 dated 10th February 2020, Mr. Karma Kuenzang (EID: 2007065), Sr. ICT Technical Associate II, DITT has requested for Medical leave for a duration of five months. His Medical Certificate will be issued upon completion of his rehabilitation by the Board of Doctors through Board Meeting. This has been recommended by the treating Physician, JDWNRH.

As per Section 10.9.1 of BCSR 2018, A civil servant, who has been certified as incapable of performing duties due to illness or injury shall be granted Medical Leave on production of a medical certificate issued by a medical authority in Bhutan as detailed below for the commensurate duration:

- a. Up to one month - A Medical Doctor; and
- b. Beyond one month or the person is availing the Medical Leave upto one month for the second time and more- Medical Board

of Doctors appointed by the Ministry of Health.

As per Section 10.9.2 of BCSR 2018, A civil servant shall be granted Medical Leave upto a maximum period of 36 months in total, after which he shall be retired under ERS with post-service benefits.

As per Section 10.9.3 of BCSR 2018, Medical Leave available for 30 days or more at a time will be counted as part of 36 months and shall be accordingly recorded in the service book.

As per Section 10.9.6 of BCSR 2018, Medical Leave exceeding one month shall be approved by the HRC and for one month and less shall be approved by Head of the Division/Department.

HRD recommendation: In accordance with section 10.9.1 and 10.9.6, HRD recommends his medical leave.

***Decision:** MHRC directed HRD to refer the case of Mr. Karma Kuenzang to the Wellbeing Division, RCSC.*

Agenda 13: Contract extension proposal of Mr. Sonam Penjor (EID 20180311592), Driver of Bumthang Domestic Airport, DoAT

HRD received a contract extension proposal of Sonam Penjor (EID 20180311592), Driver of Bumthang domestic airport, DoAT.

DoAT ,DHRC has recommended the contract extension for another 2 years with effect from 1st March 2020 till 28th February 2022.

His contract term is from 1st March 2018 to 29th February 2020.

- As per the clause 5.9.1, chapter 5 of BCSR 2018, States that the contract shall be extended/renewed with the consent of both the employer and employee for terms not exceeding two years at a time,
- and further clause 5.9.3 states that Approval for all extensions and renewal shall be sought from the RCSC three months before the expiry of the contract term except for operational category which shall be approved by the Agency's HRC subject to a month's notice before the expiry of the contract term.

- The extension shall be processed as per the contract extension form Form 5/3.
- As per the clause 5.9.4 The criteria for contract extension and renewal shall be based on the following:
 - 5.9.4.1 Performance rating and feedback;
 - 5.9.4.2 Availability of vacancy;
 - and 5.9.4.3 Clean service history which shall not contain any record of indiscipline, adverse report, a misdemeanor, financial dishonesty, or any act that is considered as a violation of the Civil Service Values and Conduct and Administrative Discipline.

***Decision:** MHRC approved the contract extension of Sonam Penjor (EID 20180311592), Driver of Bumthang domestic airport, DoAT for another two years.*

Agenda 14: Extra Ordinary Leave proposal of Mr. Yeshey Needup, (EID:200901134), Sr. ICT Officer, DITT

Mr. Yeshey Needup, (EID:200901134), Sr. ICT Officer, DITT has requested for EoL for a duration of 24 months with effect from 1st March 2020 till 28th Feb 2022 (24 months) to pursue masters of Science (Network Systems) Swinburne University of Technology, Melbourne, Australia.

As per Chapter 10, clause 10.12.1 of BCSR 2018 states that “Extra Ordinary Leave (EOL) shall be granted to a civil servant up to a maximum period of 24 months including weekends and government holidays in total during the entire service period”.

- **As per clause 10.12.11 of BCSR 2018** states that “ A civil servant may be granted the EOL for the following purposes:
 - D. Family/personal problems, when the attention of the official concerned is genuinely required;
 - E. Professional Enhancement, getting diverse experience and exposure; and
 - F. Career break/Sabbatical.

Note:

- The position of a civil servant shall not be protected while availing EoL beyond 6 month and
- A civil servant failing to join the service after completion of EoL shall be compulsorily retired.
- As per clause chapter 10, Clause 10.12.15, states that “ Authority to Grant EoL for Civil Servant (P1-O4) is vested to HRC of the agency.

HRD Recommendation: HRD recommends his EOL proposal as per the recommendation of DITT and as per chapter 10, clause 10.12.1 and 10.12.11 of BCSR 2018.

***Decision:** The MHRC approved the extraordinary leave of Mr.Yeshey Needup, (EID:200901134), Sr.ICT Officer, DITT as per the recommendation of DITT.*

Agenda 15: AoB

1. Secretary (Chairperson)

2. Director General, RSTA

3. Director. DoAT

4. Monira AY Tsewang , Offtg, Director, DoIM

5. Director, DITT

6. Chief, PPD

7. Pem Tshering, Legal Officer(Member)

8. Offtg. CHRO(Member Secretary)