

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

Before the Grievance Committee

(Presided over by Chairman, Prabhu P.Patil, Retd. District Judge, Nagpur)

**Judgment in Petition No. 3/2016. Dr. Dipak Kothiram Meshram.
(Dated 13th March 2018.)**

The grievances made by the petitioner, Dr. Dipak Kothiram Meshram four in number, firstly not extending statutory benefits to the petitioner i.e.

- a) No pay fixation as per 6th pay commission w.e.f. 1-1-2006 and to pay arrears.
- b) Placement in the senior scale w.e.f.1-7-2010.
- c) Granting 3 Ph.D increments after award of Ph.D in 2012.
- d) Up-to-date service book w.e.f. 1-7-2005.

Respondent college has filed reply and taken preliminary objection in connection with the jurisdiction of the Grievance Committee. According to the respondent this Grievance Committee cannot fix the grievance of petitioner because there is no relationship exist as employee and employer on account of petitioner has tendered his resignation on 17-8-2013 and joined the services as Deputy Registrar at Kavi Kulguru Kalidas Vidyapeeth, Ramtek. So also respondent has resisted the grievances of petitioner on the grounds that the grievances are not within limitation because grievances made by petitioner in July 2016 whereas claimed benefits of 6th pay commission w.e.f. 1-1-2006 and asking for Up-to-date service book w.e.f. 2005. Reliefs are beyond the period of three years therefore, it is not within limitation.

It is contended by respondent college that the petitioner has not reserved his right to claim salary or other benefits from the respondent college at the time of tendering resignation therefore, petitioner is estopped from claiming redressal from the Grievance Committee.

It is contended by respondent college that it is an institution comes under category of "minority institution" under the provisions of Article 301 of the

Constitution of India, therefore, respondent college has power and liberty to manage according to their procedure & rules. This committee has no power to direct the minority institution to fix the pay or grant pay scale or make changes in service book. It is further contended by respondent college that as per section 81 of Maharashtra University Act, 1994 there is not specific provision for complying with the direction for fixation of pay scales.

Full of opportunity given to the petitioner and respondent college and heard them in length in presence of each other on the issues in dispute.

In the facts and circumstances mentioned above the following points arises for determination.

S.No	Points	Findings
1	Whether petitioner is able to prove that he is entitled for 6 th pay commission w.e.f. 1-1-2006 and arrears therefrom w.e.f. 1-1-2006.	Yes
2	Whether petitioner is entitled to claim the update his service book from 2005 till 17-8-2013	Yes
3	What order and relief	Grievance is partly allowed.

Reasons

At outset there is no dispute about the appointment of petitioner in the respondent college and tendering his resignation on 17-8-2013. Therefore, petitioner is entitled for statutory benefits of recommendation of 6th pay commission as per G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009 and maintain his service book till he was in service of respondent college. No. doubt some of the reliefs sought by petitioner are beyond limitation but looking to the grievance, the fact of period of limitation cannot be considered so effective as Grievance Committee has every right to condone the delay. However, grievances as taken into consideration are only within jurisdiction of Grievance Committee i.e. grant of 6th pay commission benefits and arrears from 1-1-2006 till 17-8-2013 i.e. till tendering his resignation.

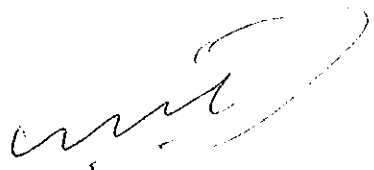
Secondly up-to-date service book from 1-7-2005 to till 17-8-2013. This grievance certainly needs to be looked into by Grievance Committee hence taken for consideration. However, rest of the grievances are not taken for consideration.

It is mandatory on the part of respondent college to maintain the service book of every employee till he is in service, hence respondent college is liable to maintain service book from 1-7-2005 to 17-8-2013.

In the same way, it is the responsibility of respondent college to pay the salary to the petitioner as per recommendations of 6th pay commission being statutory obligation. Therefore, my findings to point No. 1 & 2 are affirmative hence, grievance of petitioner is partly allowed and I proceed to pass the following order.

ORDER

Respondent college is directed to pay the salary to the petitioner as per the recommendation of 6th pay commission till the petitioner was in service and shall maintain the service book of petitioner from 1-7-2005 to 17-8-2013 and to provide copy of it to the petitioner.


(Prabhu P. Patil)
Chairman

Grievance Committee, RTMNU

13.3.2018

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

Before the Grievance Committee

(Presided over by Chairman, Prabhu P.Patil, Retd. District Judge, Nagpur)

**Judgment in Petition No. 4/2016. Meghna Patil.
(Dated 13th March 2018.)**

The petitioner Meghna Patil has made grievance about not extending benefits of grant of leave to her by the Respondent college. It is contended in the application by the petitioner that she is working in the college as a Assistant Professor since 01-08-2007 and she is still continued in the respondent college as a Assistant Professor. It is contended in her application dt. 2-8-2016 that she met with an accident on 23-1-2015 and took treatment under Dr. Arvind Shende. It has come in her application that doctor suggested to take rest at least for six months and she was unable to attend college due to her health problem. Therefore, medical leave enjoyed excess of 53 days. Further it has come in her application that she is in financial problems and also taken loan from co-operative society of the college.

That the respondent has denied the petitioner's demand of privileged leave on the ground that no leave is at the credit of petitioner and therefore, not entitled for average pay leave. Further it is contended by respondent college that petitioner is working in the department for which summer/winter vacation made applicable therefore, she cannot claim the benefit of average pay leave.

Full of opportunity given to the petitioner and respondent college and heard them in length in presence of each other on the issues in dispute.

From the facts of the petition and respondent college's reply the following points arises for the determination.

S.No	Points	Findings
1	Whether petitioner is entitled for the average pay leave as claimed	Yes
2	Whether respondent has proved that no leave is at the credit of petitioner, therefore, she is not entitled for average pay leave benefits.	No
3	What order	Petition is allowed

Reasons

That the petitioner has placed reliance on the Ordinance No.24 (College Code) of Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur particularly as per provisions made and point No.48 of Ordinance No.24 which relates to leave on average pay for not less than 10 days every completed twelve months on duty which is particularly described in Point 48(1)(b) of the college code. As per said provision whether petitioner is entitled to get the benefits of privileged leave. Firstly she has to establish that she has completed twelve months duty continuously with the college. According to the respondent college petitioner has worked in the department for which summer/winter vacation is made applicable and therefore, it cannot be termed that she is on duty during vacation period. But I am not agree with this submission made by respondent college because employee working in vacation department is on duty for 24 hours and such employee can be called on duty by the employer any time and therefore, it cannot be said that during vacation employee was not on duty.

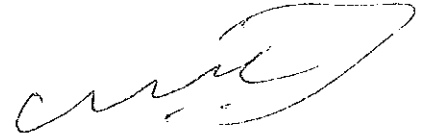
It is not disputed by respondent college that petitioner was not met with an accident therefore, she was required medical leave. As medical leave or any leave was not at her credit, therefore, requested for privileged leave.

Petitioner is entitled for privileged leave and her request is reasonable and therefore, it is considered.

2. Respondent has not proved that no leave is at credit of petitioner therefore, not entitled for any leave. I finds no substances in this submission hence I considered the petition and pass the following order.

Order

Petition is allowed. Petitioner is entitled for average pay leave as per rules claimed by her, hence petition is allowed.



(Prabhu P. Patil)

Chairman

Grievance Committee, RTMNU

13.5.2018

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

Before the Grievance Committee

(Presided over by Chairman, Prabhu P.Patil, Retd. District Judge, Nagpur)

**Judgment in Petition No. 6/2016. Dr. Gajanan Vithoba Jain.
(Dated 13th March 2018.)**

The petitioner has made three folds grievances, i.e.

- 1) Not paid pending salary since 1-7-2013 to 31-7-2016.
- 2) Difference of arrears between 5th and 6th pay commission.
- 3) Regarding payment of difference of salary as per 6th pay commission.

Such type of grievance was made at the first time by the petitioner on 28-8-2016. The respondent Shiv Vaibhav College of Education, Wardha not disputed the employment of petitioner, but according to them they are not liable for payment of pending salary or difference in salary between 5th and 6th pay commission or arrears of salary because fees which is fixed for the students is not sufficient to meet the expenditure and secondly the number of students is decreasing every year and they have closed down the college as per the concerned authority direction since 14-9-2017.

Thus the respondent college has denied the responsibility of payment of pending salary and difference of arrears.

Full of opportunity given to the petitioner and respondent college and heard them in length in presence of each other on the issues in dispute.

The following points arises for determination on the basis of facts pleaded by the petitioner and replied by respondent college.

S.No	Points	Findings
1	Whether respondent college has rightly denied the responsibility of payment of salary or difference of salary to the petitioner on the basis that students fees is not sufficient to make the expenditure.	No
2	Whether the respondent college can deny its responsibility for payment of pending salary	No

	or arrears on the basis of discontinuation of college w.e.f. 14-9-2017.	
3	What order	Petition is allowed

Reasons

That the respondent college has admitted the employment of petitioner in their college as Assistant Professor w.e.f. 4-7-2000. But in accordance to the respondent college that they are in a financial crises because students has not paid the fees and number of students decreasing every year and college closed down. Therefore, unable to meet out the expenses. But the ground on the basis of which respondent college is trying to disown responsibility of the payment of pending salary and arrears has no basis in the law on the grounds that students is not paying fees and therefore, unable to meet out the expenditure or respondent is in financial crises. It is statutory obligation of respondent college to pay the pending salary and difference of arrears in between 5th and 6th pay commission as per rules. There is no dispute that 6th pay commission has been made applicable to all the non grant aid colleges as per G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009. Therefore, respondent college cannot deny its responsibility for payment of pending salary as per recommendation of 6th pay commission. That the record shows about the order passed by the Honourable High Court Judge, J.H.Bhatia, in Writ Petition No.2156, 2157, 2158, 2159 of 2008 in case of Shri Saibaba Gramin Vikas Sanstha, Gadchiroli order dated 20-1-2009 the grounds of respondent college regarding non-payment of pending salary or arrears because the fees paid by the students is not sufficient to meet the expenditure has been rejected, by the Hon'ble High Court in above petitions and therefore, ground is not available to the respondent for refusal of payment of salary as per rules till date. Petitioner is in service of the respondent college.

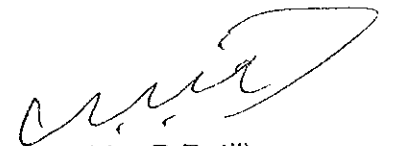
2. That the respondent college is liable for payment of difference of arrears of salary as per recommendation of 5th and 6th pay commission because the Maharashtra Government has made the recommendations of 6th pay

commission applicable to all colleges, vide G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009. Hence, the respondent college is liable for payment of the difference of arrears in between 5th and 6th pay commission and petitioner is entitled to get it as per rules.

3. The Honourable Apex Court has made it clear in its judgment 2017(1) All MR 947 and so also the Bombay High Court in its judgment report 1998(1) BCR 227 in both the judgment the principle is laid down that it is statutory obligation of Educational institution to pay its employees salary as per rules. Therefore, respondent college is liable for payment of pending salary and difference in arrears as per rules to the petitioner hence, I find substance in the grievance made by petitioner and therefore, it is allowed and I pass the following order.

ORDER

The grievance of petitioner is allowed. The respondent college Shiv Vaibhav College of Education, Wardha is directed to pay the pending salary and arrears within six months from the date of order to the petitioner as per rules.



(Prabhu P. Patil)
Chairman
Grievance Committee, RTMNU

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR
Before the Grievance Committee

(Presided over by Chairman, Prabhu P.Patil, Retd. District Judge, Nagpur)

Judgment in Petition No. 7/2016. Dr. Ravindra Gulabrao Bhende ,
(Dated 13th March 2018.)

The petitioner has made 3 fold grievances, firstly

- 1) Not paid pending salary since 1-7-2013 to 31-7-2016.
- 2) Difference of arrears between 5th and 6th pay commission.
- 3) Regarding payment of difference of salary as per 6th pay commission.

Such type of grievance was made at the first time by the petitioner on 28-8-2016. The respondent Shiv Vaibhav College of Education, Wardha not disputed the employment of petitioner, but according to them they are not liable for payment of pending salary or difference in salary between 5th and 6th pay commission or arrears of salary because fees which is fixed for the students is not sufficient to meet the expenditure and secondly the number of students is decreasing every year and they have closed down the college as per the concerned authority direction since 14-9-2017.

Thus the respondent college has denied the responsibility of payment of pending salary and difference of arrears.

Full of opportunity given to the petitioner and respondent college and heard them in length in presence of each other on the issues in dispute.

The following points arise for determination on the basis of facts pleaded by the petitioner and replied by respondent college.

S.No	Points	Findings
1	Whether respondent college has rightly denied the responsibility of payment of salary or difference of salary to the petitioner on the basis that students fee is not sufficient to make the expenditure.	No
2	Whether the respondent college can deny its responsibility for payment of pending salary or arrears on the basis of discontinuation of	No

	college w.e.f. 14-9-2017.	
3	What order	Petition is allowed

Reasons

That the respondent college has admitted the employment of petitioner in their college as Lecturer w.e.f. 1-8-1987 and as Principal w.e.f.31-7-2010 till date. But in accordance to the respondent college that they are in a financial crises because students has not paid the fees and number of students decreasing every year and college closed down. Therefore, unable to meet out the expenses. But the ground on the basis of which respondent college is trying to disown responsibility of the payment of pending salary and arrears has no basis in the law on the grounds that students is not paying fees and therefore, unable to meet out the expenditure or respondent is in financial crises. It is statutory obligation of respondent college to pay the pending salary and difference of arrears in between 5th and 6th pay commission as per rules. There is no dispute that 6th pay commission has been made applicable to all the non grant aid colleges as per G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009. Therefore, respondent college cannot deny its responsibility for payment of pending salary as per recommendation of 6th pay commission. That the record shows about the order passed by the Honourable High Court Judge, J.H.Bhatia, in Writ Petition No.2156, 2157, 2158, 2159 of 2008 in case of Shri Saibaba Gramin Vikas Sanstha, Gadchiroli order dated 20-1-2009 the grounds of respondent college regarding non-payment of pending salary or arrears because the fees paid by the students is not sufficient to meet the expenditure has been rejected, by the Hon'ble High Court in above petitions and therefore, ground is not available to the respondent for refusal of payment of salary as per rules till date. Petitioner is in service of the respondent college.

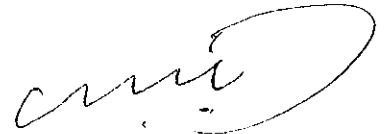
2. That the respondent college is liable for payment of difference of arrears of salary as per recommendation of 5th and 6th pay commission because the Maharashtra Government has made the recommendations of 6th pay

2. That the respondent college is liable for payment of difference of arrears of salary as per recommendation of 5th and 6th pay commission because the Maharashtra Government has made the recommendations of 6th pay commission applicable to all colleges, vide G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009. Hence, the respondent college is liable for payment of the difference of arrears in between 5th and 6th pay commission and petitioner is entitled to get it as per rules.

3. The Honourable Apex Court has made it clear in its judgment 2017(1) All MR 947 and so also the Bombay High Court in its judgment report 1998(1) BCR 227 in both the judgment the principle is laid down that it is statutory obligation of Educational institution to pay its employees salary as per rules. Therefore, respondent college is liable for payment of pending salary and difference in arrears as per rules to the petitioner hence, I find substance in the grievance made by petitioner and therefore, it is allowed and I pass the following order.

ORDER

The grievance of petitioner is allowed. The respondent college Shiv Vaibhav College of Education, Wardha is directed to pay the pending salary and arrears within six months from the date of order to the petitioner as per rules.



(Prabhu P. Patil)

Chairman

Grievance Committee, RTMNU

13-8-2018

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR
Before the Grievance Committee

(Presided over by Chairman, Prabhu P.Patil, Retd. District Judge, Nagpur)

**Judgment in Petition No. 8/2016. Dr. Dhananjay Baburao Kadam,
Assistant Professor w.e.f. 17-7-2000.
(Dated 13th March 2018.)**

The petitioner has made 3 fold grievances, firstly

- 1) Not paid pending salary since 1-7-2013 to 31-7-2016.
- 2) Difference of arrears between 5th and 6th pay commission.
- 3) Regarding payment of difference of salary as per 6th pay commission.

Such type of grievance was made at the first time by the petitioner on 28-8-2016. The respondent Shiv Vaibhav College of Education, Wardha not disputed the employment of petitioner, but according to them they are not liable for payment of pending salary or difference in salary between 5th and 6th pay commission or arrears of salary because fees which is fixed for the students is not sufficient to meet the expenditure and secondly the number of students is decreasing every year and they have closed down the college as per the concerned authority direction since 14-9-2017.

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3	What order	Petition is allowed

Reasons

That the respondent college has admitted the employment of petitioner in their college as Assistant Professor w.e.f. 17-7-2000. But in accordance to the respondent college that they are in a financial crises because students has not paid the fees and number of students decreasing every year and college closed down. Therefore, unable to meet out the expenses. But the ground on the basis of which respondent college is trying to disown responsibility of the payment of pending salary and arrears has no basis in the law on the grounds that students is not paying fees and therefore, unable to meet out the expenditure or respondent is in financial crises. It is statutory obligation of respondent college to pay the pending salary and difference of arrears in between 5th and 6th pay commission as per rules. There is no dispute that 6th pay commission has been made applicable to all the non grant aid colleges as per G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009. Therefore, respondent college cannot deny its responsibility for payment of pending salary as per recommendation of 6th pay commission. That the record shows about the order passed by the Honourable High Court Judge, J.H.Bhatia, in Writ Petition No.2156, 2157, 2158, 2159 of 2008 in case of Shri Saibaba Gramin Vikas Sanstha, Gadchiroli order dated 20-1-2009 the grounds of respondent college regarding non-payment of pending salary or arrears because the fees paid by the students is not sufficient to meet the expenditure has been rejected, by the Hon'ble High Court in above petitions and therefore, ground is not available to the respondent for refusal of payment of salary as per rules till date. Petitioner is in service of the respondent college.

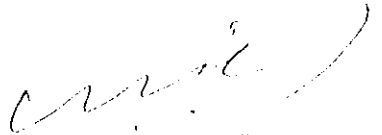
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Maharashtra Government has made the recommendations of 6th pay commission applicable to all colleges, vide G.R. resolution No.NGC2009/(243/09)-UNI-I dt. 12th August 2009 and as per Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur Direction No. 8/2009. Hence, the respondent college is liable for payment of the difference of arrears in between 5th and 6th pay commission and petitioner is entitled to get it as per rules.

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(Prabhū P. Patil)
Chairman
Grievance Committee, RTMNU

13.3.2018