

Filed on - 21/12/2019
 Order reserved on 30-01-2021.
 Order pronounced/ issued on - 04/02/2021.
 Duration-- 1 Year, 1 Months, 14 Days.



**Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur
 BEFORE THE GRIEVANCES COMMITTEE.**

(Presided over by Shri. Arvind J. Rohee, former District Judge.)

Grievance Petition No. 03/2020

Applicant : Dr. Neeta Shamraoji Salankar,
Grievance Kathane Lay Out, Raj Nagar,
Petitioner Nalwadi, Wardha, Distt-Wardha

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Non-Applicant: 1. President/ Secretary,
 Kasturba Mahila Bahuuddeshiya
 Shikshan Sanstha, Borgaon (Meghe)
 Wardha, District-Wardha.
 2. Principal,
 Kasturba M.Ed. College,
 Borgaon (Meghe) Wardha
 Distt-Wardha

ORDER

(Delivered on 04/02/2021)

The Applicant approached this forum under section 79 (1) of the Maharashtra Public Universities Act 2016 for seeking relief regarding unpaid salary for the post of Assistant Professor in the Non-Applicant No. 2 college run by the Non-Applicant No. 1 Society for the period from July-2016 to May-2018.

The Applicant is duly selected and he is appointed as Assistant Professor in July, 2016 on M.Ed. course in the college of Non-Applicant No. 2 run by the Non-Applicant No. 1 Society. The appointment is duly approved by the University vide letter dated 11.07.2017 in pursuance of the interview held by the Selection

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Committee on 16.10.2016. It is stated that the Non-Applicants failed to pay salary to the Applicant from July-2016 to May-2018. It is stated that in May 2018, the Applicant left the job for failing to pay his salary.

3. The notices were issued to the Non-Applicants to file reply. However, nobody appeared on their behalf, nor any reply filed.

4. The matter was taken up for final hearing on 30.1.2021. The Applicant was heard.

5. The Members of the Grievances Committee present have carefully gone through the case record and have given thoughtful consideration to the submissions advanced by the Applicant.

6. As stated earlier, there being no pleading of denial from the side of the Non-Applicants, the averments made by the Applicant are deemed to have been admitted by the Non-Applicants.

7. In view of above, the Grievances Committee hold that the Applicant is entitled to relief of unpaid salary, however, from November-2016, since the interview was held on 16.10.2016 and hence there cannot be appointment of the Applicant prior to that date in July-2016. The Applicant failed to produce the appointment order. Hence, the Grievances Committee hold that she is entitled to receive salary for the post of Assistant Professor presuming that she joined on 01.11.2016 till she left the job on 01.05.2018.

8. It is obvious that during the aforesaid period 7th Pay Commission was made applicable. The Applicant having been appointed as approved teacher is entitled to be governed by the provisions on 7th Pay Commission as per the Maharashtra Govt. Resolution No. Misc.2018/C.R.56/18.UNI-I dated 08.03.2019 in pursuance & UGC Regulation dated 18.07.2018, followed by Direction No. 20 of 2019 dated 10.04.2019 issued by RTM Nagpur University. It is stated that the college was running on no grant basis. However, as stated earlier the Applicant's appointment being regular / approved by the University, she is

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entitled to get the salary as per 7th Pay Commission along with admissible allowances thereon for the period from 01.11.2018 to 01.05.2018. This view is taken based on the landmark decision rendered by the Hon'ble Supreme Court in Secretary Mahatma Gandhi Mission & another versus Bhartiya Kamgar Sena and others, decided on 05.01.2017 and reported in (2017) 4 Supreme Court Cases 449, in which it has been held that the teaching staff working in unaided colleges affiliated to the University are entitled to get benefit of revision of salary as per the Pay Commission and the college will not be justified in saying that the salary could not be paid due to poor economic condition. They have to make provision for salary out of the other resources available beside the tuition fees received from the students.

9. From the above discussion, the following operative order is passed-

- (a) The Grievance Petition is allowed.
- (b) It is hereby declared that the Applicant is entitled to get the salary and other admissible allowances prescribed by 7th Pay Commission for the period from 01.11.2016 to 01.05.2018.
- (c) The Non-Applicant No. 1 & 2 are directed to settle the arrears of salary and it be paid to the Applicant within a period of 3 months from the date of receipt of copy of this order.
- (d) The office is directed to forward copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(e) In orders as to cost.

Nagpur.

Dated: 04-02-2021

(Arvind J. Rohee)

Chairman, Grievances Committee,
RTM Nagpur University, Nagpur.

Superintendent,
Grievances, Discipline, Statute & Legal Section,
Responsible Officer,
Nagpur University, Nagpur.