

Filed on - 02/11/2020

Order reserved on 16/07/2022

Order pronounced/ 13/12/2022  
issued on -



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

(Presided over by Shri Ajay C. Chaphale, former District Judge.)

**Grievance Petition No. 18/2020**

**Applicant :** Dr. Satish Krishna Shrivastav,  
**Grievance** R/o 2/3 "Shiv Sampada",  
**Petitioner** 247, Canal Road,  
Dharampeth, Nagpur 440010.

- **VERSUS** -

**Non-Applicant:**

1. Shiksha Mandal, Wardha  
through its Chairman  
Jamnalal Bajaj Marg  
Wardha-442001. (Maharashtra)
2. Principal,  
G.S. College of Commerce & Eco.,  
Law College Square, Amravati Road,  
Nagpur 440001.

**ORDER**

(Delivered on 13/12/2022)

1. The Applicant approached this Grievances Committee under Section 79 of the Maharashtra Public Universities Act 2016 to claim relief for grievances. The facts giving rise to grievances and to claim relief are as under:

(a) The Applicant was initially appointed as Contributory Lecturer at the Non-Applicant No. 2 College for the academic session 1993-94, he worked till the session of 2007-08 and thereafter the Applicant was appointed by the

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Non-Applicants as a contractual employee on fixed salary of Rs. 21,920/- for two academic sessions i.e. for the year 2007-08 and 2008-09. Thereafter, in the year 2009, the Non-Applicants had published an advertisement for the post of Lecturer in Management in its MBA Department on the permanent basis and by following due process of law, selected and appointed the Applicant as a Lecturer in Management in its MBA Department. His appointment was approved by the Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur by order dated 03.03.2010 and, therefore, the Applicant was regular and permanent employee from the year 2009. But the Non-Applicants are directing the Applicant not to attend the college and not to visit the MBA Department for performing his duty.

- (b) It is submitted by the Applicant that the TUFTS University, Boston, USA had initially some starts up in various fields and Mr. Aydin Sadequi who is a Research Scholar in the University, invited the Applicant for the Workshop of about 10 days and to participate in the Workshop as a Resource Person. After receiving the invitation, the Applicant had submitted the Application for leave to the Director of Department of Management Studies & Research of G.S. College on 06.06.2019. And as per direction of the Director, the Applicant contacted the Principal of the Non-Applicant No. 2 college and submitted the Application on 14.06.2019. The Respondent No. 2 neither allowed the leave application nor rejected the same and thereafter the Applicant had submitted his leave application on 29.7.2019 at the office of the Non-Applicant No. 2 thereby seeking Earned Leave of 13 days for the period from 16.08.2019 to 29.08.2019.

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- (c) It is further submitted by the Applicant that the organization where he was required to visit as Resource Person i.e. Chief Operating Officer of "NOP Medical" also sent mail to Non-Applicant No. 2 and in the said mail, the Air Tickets of the Applicant were also attached and therefore, the Respondent No. 2 was aware about invitation of the Applicant. And on of receipt of such e-mail had knowledge about the tickets of the Applicant to visit BOSTON, the Non-Applicant No. 2 never communicated the Applicant that he had rejected the leave application of the Applicant. And thereafter, the Applicant proceeded further and availed leave from 16.08.2019 to 29.08.2019 and resumed his duties on 30.08.2019 but all of sudden on 04.09.2019, the Non-Applicant No. 2 issued a notice to the Applicant stating that the applicant has availed the leave without any approval and it was stated in the notice that the Applicant was not allowed to rejoin his duty until an adequate explanation from him is received. The Applicant has also filed the copy of the notice dated 04.09.2019. The Applicant had submitted the Application dated 07.09.2019 to the Non-Applicant No. 2 with a request to furnish the details about the leave in academic session 2019 and the order passed on his Earned Leave application. But instead of furnishing the required details to him the Non-Applicant No. 2 issued one more communication on 29.09.2019 thereby stating that the documents required by the Applicant are not relevant to explain the allegations levelled against him. And again the Non-Applicant No. 2 made allegations against the Applicant that he falsely personally directed his department that the Principal had sanctioned his leave and the Applicant was asked to submit his explanation within 3 days and in the said notice dated 21.09.2019, it was

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stated that the Applicant will not be allowed to join the duties until explanation is received from him. And the Applicant was also further directed not to visit MBA Department until further orders. The Applicant has also filed the copy of letter dated 21.09.2019.

- (d) It is further submitted by the Applicant that he had submitted his explanation to the notice of the Non-Applicant No. 2 on 23.09.2019 and the Applicant had categorically pointed out as to how the documents demanded by him were essential for him and it was also brought to the notice of the Non-Applicant No. 2 that sufficient leaves are there in his credit and according to due process of law, he had applied for the leave but even after reporting for his duty after 04.09.2019 he was not allowed to work and even his salary from 16<sup>th</sup> of August, 2019 is not drawn and therefore, the Applicant had requested the Non-Applicants to allow him for his duties and also for payment of his salary by treating the entire period as duty period, the Applicant has filed the copy of explanation dated 23.09.2019 but even after receipt of the explanation, the Non-Applicant No. 2 again issued a communication dated 05.10.2019 and reiterated his stand that without approval, the Applicant was proceeded on leave and made allegations that the Applicant made false representation that his leave was sanctioned.
- (e) It is further submitted by the Applicant that after receiving the communication dated 05.10.2019, he replied the communication by his letter dated 23.09.2019 and pointed out that he had already submitted his explanation and he was prevented from working in the institution. Applicant had also submitted the letter dated 11.10.2019 that the issue was settled and the institution should pay his salary

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but he has not received any further communication from the Non-Applicants and the Non-Applicants are preventing him from performing his duty and avoiding the responsibilities of payment of salary to him. According to the Applicant, after resuming his duties on 30.08.2019, he attended the college till 21.10.2019 and thereafter he is prevented from performing his duties.

- (f) The Applicant has further submitted that the action on the part of the Respondents thereby directing the Applicant not to attend the college under the pretext of proposed disciplinary proceeding or till the issue of granting of leave is settled is arbitrary and illegal and violative of principle of natural justice. It is further submitted by the Applicant that the Non-Applicant No. 2 was well aware about the invitation of the Applicant as a Resource Person and there was no indication given to the Applicant that the leave of the Applicant was rejected. And according to Applicant, he proceeded on leave by following due process of law and never made any false representation. It is further submitted by the Applicant that the action on the part of the Non-Applicants of not paying salary to the Applicant in the revised pay scales is also arbitrary and illegal. And the Applicant is seeking direction against the Respondents to pay his salary from initial day of appointment on regular basis i.e. from 30.06.2009 in accordance with the pay scales as per 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission. The Applicant has prayed to direct the Non-Applicants to release his salary from 16.08.2019 with consequential benefits and to continue to release the salary of the Applicant in the prescribed pay scale by treating the entire period as duty. The Applicant has further prayed for directing the Non-Applicants that they should not restrain

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him from attending the college of the MBA Department and allow him to work as before.

2. The Non-Applicant No. 1 & 2 have resisted the claim of the Applicant by filing reply, it is submitted by the Non-Applicants that the Applicant has not approached the Grievances Committee with clean hands as there is suppression and misrepresentation of the facts with malafide contention, therefore, the petition is not maintainable. It is further submitted that the Applicant is removed from services from the college for misconduct after completing the Departmental Enquiry and he is not employee, therefore, the petition is not maintainable. The Non-Applicants have further submitted that the alleged grievances regarding subsistence allowance and salary are out of Committee's jurisdiction as the grievances of the dismissal or removal of the teacher are to be entertained by Hon'ble University and college Tribunal, Nagpur under Section 81(1)(a) of the Maharashtra Public Universities Act, 2016.
3. It is further submitted by the Non-Applicants that the Applicant was appointed on contract basis and his contract was extended by one year i.e. upto 2012, the contract of the Applicant was extended upto 30.06.2016. He was again given fresh contract on 01.07.2017 for one year i.e. upto 30.06.2018 and the contracts of all the teachers in non-grant departments are extended on yearly basis. It is submitted by the Non-Applicants that the claim of the Applicant that he is a permanent employee of the college is not correct and the course of MBA which is self-financed course, for which the Applicant was appointed on contract basis is not permanently affiliated to the University and the college has to get renewed its affiliation after every three years. The Applicant was issued Show Cause Notice for various incidents of misconduct including his act of abandoning of college duty for undertaking consultation project of Foreign University without prior permission

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of the college and despite the denial of leave and Applicant was suspended from the service w.e.f. 14.01.2020 and in the Departmental Enquiry, he was found guilty for all the charges levelled against him and he was removed from service w.e.f. 06.01.2021.

4. It is submitted by the Non-Applicants that after issuance of Show Cause Notice, the Applicant had approached the Grievances Committee by filing Grievance Petition No. 22/2019 and raised grievances for non-payment of salary for the period from 16.08.2019 to 29.08.2019 which was the period of his deliberate absence from the college for visiting the Foreign University for consultation without permission of the college. The Grievances Committee has dismissed the claim of non-payment of salary for the period from 16.08.2019 to 29.08.2019 by its order dated 20.2.2021 and granted full salary for the entire suspension period. The Non-Applicant has challenged the said order dated 20.2.2021 before the Hon'ble High Court and the matter is pending. The Applicant has also challenged his removal from service before the Hon'ble University & College Tribunal by filing Appeal No. N-1/2021 and the said matter is also pending before the Hon'ble Tribunal. When the Departmental Enquiry was to be completed after recording all the evidence, the Applicant filed this Grievance Petition and the Non-Applicants have denied all the allegations made in the Grievance Petition. The Non-Applicants have denied that the Applicant was appointed on regular basis and denied that 6<sup>th</sup> Pay Commission was in force when the Applicant was appointed. It is submitted that the new scales as per 6<sup>th</sup> Pay Commission were made applicable in the MBA Department w.e.f. February-2011 and all the teachers including Applicant were paid revised salary from February-2011 and the Applicant never objected.

5. The Non-Applicants further submitted that college has not yet implemented the revised pay scale as per the recommendations

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of 7<sup>th</sup> Pay Commission in the MBA Department and according to the Non-Applicants, AICTE has announced the revised pay scale as per its notification dated 01.03.2019 and it is made effective from the year 2020-21.

6. It is submitted by the Non-Applicants that the college did not recommend any revised Fee Structure prescribed by the Fee Regulation Authority for the implementation of revised pay of 7<sup>th</sup> Pay Commission either for the session 2020-21 or for the session 2021-22 and still continued with the fees as prescribed by the Fees Regulation Authority in 2020-21. Therefore, the college has not yet implemented the recommendations of 7<sup>th</sup> Pay Commission in the MBA Department and not increased any fees for implementing it. Therefore, there is no question to pay subsistence allowances as per the 7<sup>th</sup> Pay Commission and thus denied that the Applicant is entitled to pay scale of 7<sup>th</sup> Pay commission from 01.01.2016.
7. The Non-Applicants have further submitted that the Applicant's grievance as regard not getting salary as per the recommendations of 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission is beyond the period of limitation. It is further submitted that the Applicant's petition No. 22/2019 has already been decided by the Grievances Committee by order dated 20.02.2021 and said order is also challenged by the Non-Applicants before Hon'ble High Court. And, therefore, the Applicant's contentions in respect of leave, has become infructuous and Non-Applicants have also challenged the decision dated 20.02.2021 of this committee in Grievance Petition No. 22/2019. Therefore, the Applicant is not entitled for any more salary than which he has already been paid from the date of his appointment in 2009 to the date of his removal from services.
8. It is submitted by the Non-Applicants that the Applicant has also been removed from services after conclusion of disciplinary proceedings and he has also challenged his removal before the

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Hon'ble University and College Tribunal by filing Appeal No. N-1/2021, therefore, the Applicant's claim has become infructuious and the Non-Applicants have denied all the para-wise allegations made by the Applicant against them. It is submitted that the Grievance Petition is not maintainable as he is not the employee and the matter as regards the subsistence allowances and salary are pending before the Hon'ble High Court and the University and college Tribunal, Nagpur. Therefore, this committee has no jurisdiction to decide the issues in this Grievance Petition and the claim of the Applicant regarding non-payment of salary as per 6<sup>th</sup> Pay Commission is beyond limitation and needs to be dismissed, and it is submitted that the Applicant is not entitled to any relief from this Committee.

9. The Applicant has filed rejoinder and it is submitted that present Grievance Petition is filed to direct the Respondents to release the salary with consequential benefits from 30.06.2009 as per AICTE Notification dated 22.01.2010 and dated 01.03.2019 for pay scales as per the recommendations of 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission and also to direct the Non-Applicants to pay the full salary for subsistence allowances with effect from 14.07.2020. It is further submitted by the Applicant that he was initially appointed as Contributory Lecturer in academic session 1993-94 in Non-Applicant NO. 2 College and he continued to work as Contributory Lecturer till 2007-08 and thereafter for two academic session 2007-08 to 2008-09, he was appointed on fixed salary of Rs. 25,000/- per month. According to the Applicant on 01.06.2009, the Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur had issued No Objection Certificate for filling three posts of lecturer on full time basis. After publishing of advertisement, the selection process was conducted and on 23.06.2009 the Applicant was selected for the post of lecturer and the Applicant was appointed on regular basis. But he was not paid pay scale as approved by the

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AICTE, the approval was also granted to the Applicant on permanent basis as full time lecturer and he has been removed from service by order dated 06.01.2021 and it is submitted that he has challenged the order of removal by filing Appeal No. N-1/2021 before the Hon'ble University and College Tribunal at Nagpur. But it is not a subject matter of the present dispute and the present Grievance Petition was filed by the Applicant on 02.11.2020 and at that time he was employee of the Non-Applicants, therefore, the Grievance Petition is maintainable and grievance is raised for non-payment of legal salary relating to services tendered by the Applicant.

10. It is further submitted by the Applicant that the appointment of the Applicant was made against the clear permanent and vacant post by following due process of law and University has also granted the approval by order dated 03.03.2010 and the Non-Applicant No. 2 college also got extension for affiliation for 3 years. Therefore, the Applicant is a permanent teacher and he was not appointed on contract basis. It is further submitted that the Applicant has claimed his salary for the period as mentioned and subsistence allowance as per the pay scale for which he was entitled during the period of suspension. But, the Non-Applicants have not complied with the order of this committee. It is submitted that the Grievance Petition is to be allowed.

11. The Non-Applicants have filed reply to the Applicant's rejoinder and it is submitted that ~~the~~ since grievances of dismissed or removed teachers are to be entertained only by the Hon'ble University and College Tribunal and the Applicant has already challenged his removal as well as payment of subsistence allowance therefore, the Grievances Committee has no jurisdiction to decide the Grievances regarding the salary and subsistence allowance and further the matter of Applicant's salary/balance subsistence allowance is also pending before the Hon'ble High Court vide W.P./ST 6297/2021 and in which the Non-Applicants have

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challenged the Grievances Committee's decision dated 20.02.2021 passed in Grievance Petition No. 22/2019. The Applicant has also filed the additional submission and it is submitted that he is claiming the benefits till he was in the employment and relationship of the employer and employee does not come to end on the ground of termination and the claim of the Applicant is for grant of benefits as per the recommendations of 6<sup>th</sup> & 7<sup>th</sup> Pay Commission till he was in the employment and the Hon'ble University and College Tribunal is having jurisdiction to decide as to whether the termination is legal or not and it is not having jurisdiction to see as to whether salary has been paid as per the recommendation of Pay Commission or not and for that purpose the Grievances Committee is constituted and the claim is till date of his dismissal and therefore, grievance petition is maintainable. And According to him the Applicant is governed by the provisions of 122 and further by UGC Regulations an employee cannot be placed under suspension for the period of six months and for six months, there is the subsistence allowance of 50% and thereafter 100% salary is required to be paid by way of subsistence allowance. The Applicant has also relied upon the decision of Hon'ble Bombay High Court in the case of Writ Petition No. 3131/2011 (Dhanjay Dhabe V/s Citizen Education Society). He has also relied upon the decision of Hon'ble Apex Court in the case of Secretary Mahatma Gandhi Mission & Another V/S Bhartiya Kamgar Sena & Others reported in (2017) 4 (Supreme Court cases 449) in support of his contention that the rules are applicable to the un-aided colleges to pay the revised pay scale. The Applicant has also relied upon the decision of the Hon'ble Bombay High Court in case of Prof. Smt. Manorama Prakash Khandekar V/s. State of Maharashtra and Others reported in 2020(4) Mh.LJ 410. It is further submitted that the Govt. of Maharashtra issued Resolution dated 11.09.2019 and by the said resolution the 7<sup>th</sup> Pay Commission has been made applicable w.e.f. 01.10.2016 to all the

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colleges affiliated to the University, whether the college is aided or un-aided.

12. The Non-Applicants have also filed the additional submission and it has been submitted that the Applicant has been paid subsistence allowance as per the law laid down by Hon'ble High Court in the case of Dhanjay Dhabe V/s Citizen Education Society and others (Writ Petition No. 3131/2011) and it is submitted the decision of the Hon'ble Apex Court in the case of Secretary Mahatma Gandhi Mission & Another V/S Bhartiya Kamgar Sena & Others deals with the case of non-teaching employees of non-minority institution, therefore, it is not applicable to the present case because this case deals with the case of teachers from minority institution. And it is further submitted that the case of Prof. Smt. Manorama Prakash Khandekar V/s. State of Maharashtra and others (Writ Petition No. 5448/2011) deals with the age of retirement and therefore, it is not applicable to the present case and the case of Bawantram Choudhari and others V/s Gondia Education Society (W.P. No. 5134 of 2018) deals with the closure of the college without the University's No Objection Certificate, therefore, it is not applicable. And it is also submitted that the Applicant's claim for salary as per the recommendations of 7<sup>th</sup> Pay Commission is yet not implemented by the permanently unaided MBA Department of the college, therefore, it is not maintainable and needs to be dismissed and it is further submitted that the Govt. Resolution dated 11.09.2019 and University Direction No. 45/2019 is not applicable and in absence of University Statutes, the Applicant is not entitled to any claim of recommendation of 7<sup>th</sup> Pay Commission.

13. In the facts and circumstances of the case and in view of the submissions of the Applicant and Non-Applicants, the following points arises for consideration and the committee has recorded its finding thereon with the reasons given here in after:

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<u>Points</u>	<u>Findings</u>
1. Whether the Applicant is entitled for pay scale as applicable to him, as per the revised pay scale as recommended by 6 <sup>th</sup> Pay Commission and 7 <sup>th</sup> Pay Commission with arrears of difference of salary?	Yes. Subject to deduction of salary for Fourteen Days from 16.08.2019 to 29.08.2019.
2. What Order?	As per order given below.

### REASONS

#### As to point No. 1:

14. In the facts and circumstances of the Grievances and claim of the Applicant in this Grievance Petition, it is necessary to mention that prior to filing of the Grievance Petition, the Applicant had approached this Grievances Committee by filing Grievance Petition No. 22/2019 on dated 30.10.2019 and in the said Grievance Petition, the Applicant had claimed to release the salary w.e.f. 16.08.2019 by treating entire period as period of duty and he had further prayed to direct the Non-Applicant not to restrain him from attending the college. Grievance Petition No. 23/2019 was decided by this Grievances committee on 20.02.2021 by order dated 20.02.2021 it was held that the Applicant is not entitled to receive the salary for the period from 16.08.2019 to 29.08.2019 but the Non-Applicants were directed to release the salary of the Applicant from 30.08.2019 to 14.01.2020 and they were further directed to ensure the payment of salary from 15.01.2020, date of Applicant's suspension till the date of his removal from services on 06.01.2021. It appears from the copy of Writ Petition No. 818/2022 that the Non-Applicants have challenged the order dated 23.02.2021 passed by this Grievances Committee in Grievance Petition No. 22/2019 before the Hon'ble High Court. And the Applicant has also

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challenged the order of removal dated 06.01.2021 under Section 81 of the Maharashtra Public Universities Act, 2016 before the Hon'ble University & College Tribunal at Nagpur. And now considering the claim of the Applicant in this Grievance Petition, the important aspects which needs to be considered as to whether the Applicant is entitled for revised pay scale as per the recommendations of 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission.

15.

On perusal of the record, it is clear as per the letter of approval dated 03.03.2010 issued by the Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur that the appointment of the Applicant was approved from the year 2009-10 from the date of his joining in the institution of the Non-Applicants. Therefore, in view of the legal position, the Applicant is entitled to receive the salary as per the revised pay scale from the date of his approval of his appointment which is approved from the date of his joining on regular post of Lecturer in the Non-Applicants' College.

It is held by the Hon'ble Bombay High Court Bench at Nagpur in Writ Petition No. 481 of 2019 (MS. Veena D/o Kewalram Katankar & Others V/S State of Maharashtra and others) that it is not in dispute that college is affiliated to the University and despite being un-aided institution, was bound by terms of said circular. It is Further, held by the Hon'ble Bombay High Court that, *"considering the terms of the said circular and having regard to the fact that the college was affiliated to the University we hold that on and from the respective dates of according of the approval of the recommendations by the Vice-Chancellor, the petitioners 1 to 8 are entitled in Law to claim that they be paid salary in accordance with the revision of pay-scales, as ordained by the said circular."*

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16. Though there was dispute as to applicability of Govt. Resolution to the un-aided institution. But as per Circular dated 12<sup>th</sup> August, 2009 issued by the Govt. of Maharashtra by its Higher & technical Education Department on the subject of revision of pay scale of the teachers in equivalent cadre in higher education as per UGC scheme, said circular provided the subject of revision of pay scale of different categories of teachers in Universities and Colleges governed by the enactment of the State Legislature and the Non-Applicant No. 2 college is affiliated to Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur. It is also held by the Hon'ble Supreme Court in the case of Secretary Mahatma Gandhi Mission & Another V/S Bhartiya Kamgar Sena & Others reported in (2017) 4 (Supreme Court cases 449) that, *"In our opinion, the G.R. dated 12.08.2009 can be safely construed to be one made in exercise of the power under Section 8(3) of the Universities Act conferring a legal right on the teaching staff of the affiliated colleges irrespective of the fact whether they are aided or not.*

It is further held by the Hon'ble Apex Court in the judgment that, *"The colleges run by appellants are admittedly colleges affiliated to the Universities functioning under the Act. Therefore, their teaching staff would be entitled to the revised pay-scales in terms of the G.R. dated 12.08.2009."*

17. Regarding the applicability of the Govt. Resolution to the minority institution, it is held by the Hon'ble Bombay High Court in the case of Prof. Smt. Manorama Prakash Khandekar V/s. State of Maharashtra and others (Writ Petition No. 5448/2011 decided by

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the Hon'ble Bombay High Court, Nagpur Bench), reported in 2020(4) Mh.L.J 410 that, *"The general rules and regulations relating to the conditions of service and tenure of teachers under the employment of Minority Institutions are required to be consistent with such rules and regulations as framed by the State. Applicability of the provisions of Article 30(1) of the Constitution to a Minority Institution would not make it immune from the operation of regulatory measures"*

18. Though the Non-Applicants have come forward with the submissions that the Grievance Petition is not maintainable as the Applicant is not the employee of the Non-Applicant Institution, because he is removed from service but it is pertinent to note that the Applicant had filed this Grievance Petition before his removal from service and as the Applicant has claimed the differences of salary as per the revised pay scale for the period when he was in service of the Non-Applicants, therefore, the Grievance Petition is maintainable. The Non-Applicants have also come forward with the submissions that the Applicant's claim is barred by limitation but so far as the question as to grant of retrospective effect to claim the relief of arrears of salary and other benefits from the date of recommendations of the 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission is concerned; this aspect has been considered by the Hon'ble Bombay High Court, while deciding the Writ Petition No. 1262 of 2018 (D.Y. Patil College of Engineering Vs. All India Council for Technical Education and others) and in the judgement dated 7<sup>th</sup> September, 2018, it has been held and observed by the Hon'ble Bombay High Court that, *"the petitioners who are bound by norms and regulations framed by AICTE to ensure the proper norms and standards to be maintained in the technical institutions are bound by the mandate issued by the State Govt. directing even the un-aided institutions to make the revision of pay scale applicable from respective date. The petitioners cannot run away from the said*

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*responsibility only on the count of a financial crunch being posed as an excuse and this is only defence which Shri Anturkar seeks to invoke in order to discharge the petitioners of their burden to pay the arrears according on accept of pay revision. We do not find that financial crunch can be used as a shield to refrain the petitioners from discharging its obligations in terms of the Govt. Resolution and the Rules of 2009. And it is further held by the Hon'ble High Court that it is not open to the petitioners to canvass a specious argument that the petitioners are ready to implement the recommendations of the Pay commission but it would be restricted only to its current application and that the petitioners should not be directed to bear the burden of arrears".*

Therefore, it is clear as per the observations made by the Hon'ble High Court in the judgement cited above that the Applicants are entitled for grant of retrospective effect to their claim to receive arrears of revised pay scale and other benefits from the date of recommendations of 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission.

19.

Therefore, as the Applicant's appointment was approved by the Rashtrasant Tukadoji Maharaj Nagpur University Nagpur for the post of Lecturer in the Non-Applicant college as per letter of approval dated 03.03.2010 and the approval was effective from the date of joining. Therefore, in view of the reasons and legal position as discussed above, the Applicant is entitled for revised pay scale as per the recommendations of 6<sup>th</sup> Pay Commission from the date of his approval i.e. 03.03.2010 to 31.12.2015. So far as the Applicant's claim regarding revised pay scale as per the recommendations of 7<sup>th</sup> Pay Commission is concerned, the Govt. of Maharashtra issued the Govt. Resolution dated 8<sup>th</sup> March, 2019 and issued Direction for revised pay scale of the teachers of the institutions as mentioned therein including the affiliated colleges and date of implementation of revised pay scale is from 1<sup>st</sup> January, 2016, the Govt. of

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Maharashtra had also issued the Govt. Resolution dated 11<sup>th</sup> September, 2019 regarding the applicability of pay scale to the institution including University affiliated colleges. The Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur had also issued the Direction No. 20 /2019 for implementation of the revised pay scale as per 7<sup>th</sup> Pay Commission. Therefore, the Applicant is entitled to claim revised pay scale as per the 7<sup>th</sup> Pay Commission from 1<sup>st</sup> January, 2016 till the date of his removal from services on 06.01.2021 and subject to deduction of salary of the Applicant for Fourteen Days for the period from 16.08.2019 to 29.08.2019 because for the period of this Fourteen Days, the Applicant is not entitled to receive the salary as held by this Grievances Committee by order dated 20.2.2021 in Grievance Petition No. 22/2019. Hence, this Committee record finding to the Point No. 1 accordingly.

19.

In view of the above findings recorded by the Committee, the Committee has passed the following order.

- (i) The Applicant is entitled for revised pay scale with other benefits as admissible as per the recommendations of 6<sup>th</sup> Pay Commission from 03.03.2010 to 31.12.2015 and to the revised pay scale with other benefits as admissible as per the recommendations of 7<sup>th</sup> Pay Commission from 01.01.2016 to 06.01.2021.
- (ii) The Non-Applicant No. 1 & 2 shall calculate the differences of salary and other benefits for which, the Applicant is entitled as per the recommendations of 6<sup>th</sup> Pay Commission and 7<sup>th</sup> Pay Commission in accordance with the relevant Govt. Resolution/Circular issued by the Govt. of Maharashtra, after deducting the Applicant's salary for Fourteen Days for the period from 16.08.2019 to 29.08.2019 and release the payment in favour of the Applicant within four months from the date of this order.

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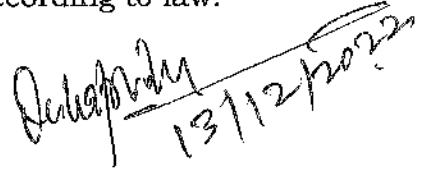
- (iii) If the Non-Applicant No. 1 & 2 fails to release the payment to the Applicant within the period of four months, the Non-Applicants shall be liable to pay interest at the rate of 8% per annum on the unpaid amount from the date of this order.
- (iv) If the Non-Applicant No. 1 & 2 fails to comply the aforesaid direction, the Applicant shall be entitled to take legal action against the Non-Applicant No. 1 & 2 by taking recourse of relevant provisions, according to law.

Nagpur.

Dated: 13/12/2022



(Dr. Sanjay Kavishwar)  
Member, Grievances Committee,  
RTM Nagpur University, Nagpur



(Ajay C. Chaphale)  
Chairman, Grievances Committee,  
RTM Nagpur University, Nagpur.



(Dr. Raju Hiwase)  
Member, Grievances Committee,  
RTM Nagpur University, Nagpur

**TRUE COPY**



**Superintendent,**  
Grievances, Ordinance, Statute & Legal Section.  
Rashtrasant Tukadoji Maharaj  
Nagpur University, Nagpur.