

Filed on - 06-02-2020

Order reserved on 04-09-2020

Order pronounced/
issued on - 18-09-2021

Duration-- 01 Year, 7 Month, 12 Days.



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

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

Grievance Petition No. 06/2020

Applicant : Dr. Umaji Panduranji Nalhe
Grievance Retired Librarian,
Petitioner Resident of Sainagar,
Wardha, Distt-Wardha
Mobile No. 9096967543

- VERSUS -

Non-Applicant/
Respondent : 1. Swavlambi Shikshan
Prasarak Mandal, Wardha
through its Secretary
2. Swavlambi College of
Education, Dhantoli,
Wardha through its
Officiating Principal

ORDER

(Delivered on 18-09-2021)

1. The Applicant approached this forum under Section 79(1) of the Maharashtra Public Universities Act, 2016 seeking multiple reliefs as per prayer clause viz-
 - (a) Refund of the expenditure incurred by him while acting as Officiating Principal as advance amount.

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- (b) Payment of Provident Fund amount which is delayed and remained unpaid even after 6 to 7 amounts of his retirement.
- (c) Seeks the leave encashment.
- (d) Seeks the duplicate Service Book with up-to-date entries.
- (e) Seeks interest on the delayed payment on account of negligence on the part of Dr. D. B. Punse, his successor and present Officiating Principal.
- (f) Seeks departmental action against Dr. D. B. Punse for dereliction in duty and causing deliberate delay in processing the legitimate claim of the Applicant.

2. The Applicant joined the college run by the institute as Librarian on 17.7.1991 and retired on superannuation on 31.07.2019. His post was duly approved by the University and the College was getting the grant-in-aid from the Govt.

3. It is stated that during the period from 01.08.2017 to 18.01.2018, the Applicant was working as Officiating Principal with due approval of the University and thereafter from 19.1.2018 the present Officiating Principal Shri D.B. Punse took over. It is stated that during his tenure as Officiating Principal, the Applicant incurred expenses from his pocket by way of advance to the college for making payment of electricity bills, telephone bills and other office expenses. However, this amount remained unpaid inspite of repeated request letters from 22.10.2018 to 22.07.2019, for no reasons. He is, therefore, entitled to refund of the advance paid by him.

4. It is stated that inspite of retirement, the Officiating Principal did not take steps for release of the amount of Provident Fund from his account, causing financial crunch and inconvenience to him.
5. According to Applicant at the time of his retirement, 300 days of Earned Leave was to his credit. He is entitled to its encashment as per rules. However, the Officiating Principal did not take any steps in this behalf. It is alleged that even the duplicate Service Book is not issued to him after retirement and he suspects that it has been lost or misplaced deliberately.
6. It is stated that after his pay was revised under 7th Pay Commission, there was delay in seeking the proposal for revision of his pension. Hence this grievance.
7. On notice the Non-Applicants filed a common reply dated 26.08.2021 and denied the claim of the Applicant regarding alleged delay in processing legitimate claim. According to Non-Applicants there was no delay in processing the claim and the Applicant was paid all the legitimate dues except the amount of advance incurred by him to meet urgent expenses since the Asstt. Charity Commissioner, Wardha seized the Bank Account of College over the dispute between the Trustees and new account is permitted to be opened in the name of college to meet miscellaneous expenses. The Applicant while working as Officiating Principal could have withdrawn the amount of advances incurred by him out of previous Bank Account of College. He, however, failed to do so and is now blaming

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the present Principal for no fault of his. The Applicant was operating the Bank Account of the College, while working as Officiating Principal.

8. It is stated that after the Applicant's retirement, a proposal for release of Provident Fund amount from his account was forwarded to the Joint Director, Higher Education, Nagpur Division, Nagpur on 28.09.2019. On seeking approval to it the amount is credited to the Bank Account of the College on 07.02.2020 and it was paid the Applicant by Cheque on 08.02.2020. As such there is no delay and hence there is no question of payment of interest to the Applicant.

9. The Applicant received pension as per 6th Pay Commission and the same was sanctioned to him within 4 months promptly after his retirement. A proposal for fixation of his pay as per 7th Pay Commission was submitted on 28.09.2019 to the Joint Director, Higher Education, Nagpur Division, Nagpur. On its approval, pension is suitably revised as per 7th Pay Commission. It is stated that a duplicate Service Book is already issued in presence of the staff members. However, its acknowledgement remained to be obtained in good faith and now the Applicant is falsely blaming the Officiating Principal.

10. On 06.08.2020 after seeking verification of Earned Leave Account of Applicant, a proposal was forwarded for its encashment to the Joint Director. Reminder letters were also issued twice on 17.10.2020 and 29.10.2020 and thereafter the Joint Director, Higher Education, Nagpur

Division, Nagpur accorded approval to the encashment of balance Earned Leave on 31.12.2020 and thereafter his bill was submitted on 06.01.2021 to the concerned authority and amount was released to the Applicant after approval of the bill on 19.04.2021, through Cheque. As such there is no delay in making payment.

11. It is stated that some delay occurred on account of Corona Pandemic and lock-down in the year 2020-21. The Applicant is, therefore, not entitled to any relief.

12. The parties have filed written submissions. We have considered it on 04.09.2021. When the matter was called out for final hearing, the Applicant attended in person, whereas Shri D.B. Punse, Officiating Principal appeared on behalf of the Non-Applicants.

13. Oral submissions of both the parties were heard by the Members of the Grievances Committee present. The Members of the Grievances Committee then discussed the matter and the issues involved and came to unanimous conclusion. The Members present approved the draft order authored by the Chairman on circulation and then the order is pronounced today in presence of the parties, with due notice to them.

14. On the basis of the submissions made and the material produced on record, the only point arises for consideration is whether the Applicant is entitled to any relief and interest on account of alleged delay in processing his claims? We answer the issue as partly yes, for the following reasons.



REASONS

15. Both the parties have submitted photocopies of relevant documents in support of their claim. The Members of the Grievances Committee present have carefully gone through the same while considering the Applicant's claim. During the course of arguments Officiating Principal accepted oral direction given by the Grievances Committee to him regarding release of the amount of advance in due to the Applicant from the New Bank Account opened as per orders of the Asstt. Charity Commissioner, Wardha. Since the transactions in the previous Bank Account of the College and Society were suspended over dispute amongst Trustees and till it is sorted out. There is no difficulty in making payment to the Applicant from the New Bank Account which is operational, since it is the accepted position that the Applicant incurred expenses as Advance amount to meet urgent expenditure of college administration. Officiating Principal is, therefore, directed to satisfy the claim of the Applicant from the said Bank Account preferably within fortnight. This would not violate or infringe the order passed by the Asstt. Charity Commissioner, Wardha.

16. So far as claim for issuance of duplicate Service Book to the Applicant is concerned, overlooking the allegations and counter allegations regarding handing over duplicate Service Book to Applicant in presence of staff members, it can still be issued to the Applicant, since it is stated that original Service Book is in the custody of the present Officiating Principal. The Officiating Principal is, therefore, directed to provide a duplicate (photocopies of

the original) service book to the Applicant within fortnight after obtaining its acknowledgement from the Applicant.

17. During the course of arguments, the Applicant admitted that during pendency of this Grievance Petition he received the pending claim of Provident Fund, Leave Encashment and he is also getting revised pension as per 7th Pay Commission. It is true that there is some delay in processing those claims. However, as stated by the Non-Applicants in their reply, the Grievances Committee treat it as reasonable and caused due to Corona Pandemic. Further, when a proposal is forwarded to the Govt. through Joint Director, Higher Education, Nagpur Division, Nagpur, it takes some time to process it and for administrative reasons some delay occurs. It is obvious from record that after retirement of the Applicant his legitimate claims have been processed within reasonable time and now nothing is due to him. In such circumstances of the case, it is not proper nor fair to consider and accept the request of the Applicant for grant of interest for the delayed payment. The same is, therefore, rejected.

18. The Applicant's request to direct initiation of disciplinary action against present Officiating Principal for alleged delay, lapses and dereliction in duty cannot be considered, since ultimately it is for the management to take a decision in this regard. The Applicant is free to submit a representation to the Appropriate Authority in this behalf, if he so desires.

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19. In view of the above, nothing survive in this Grievance Petition, since claim is partly satisfied and the following operative order is passed.

- (a) Grievance Petition is partly allowed.
- (b) The Non-Applicants are directed to make payment of outstanding amount of the advances incurred by the Applicant from the New Bank Account of the College, within fortnight from today.
- (c) The Non-Applicant No.2 is directed to provide photocopy of the original Service Book of the Applicant to him as duplicate Service Book within fortnight from today.
- (d) The claim of the Applicant for payment of interest on alleged delay in processing claim for Leave Encashment, Revision of Pension, Provident Fund Amount is rejected, since so called delay of few months occurred seems to be neither deliberate nor with malafide intention.
- (e) The Appropriate Authority may consider the Applicant's request, if made for taking action against the present Officiating Principal for the alleged, lapses, dereliction in duty and negligence in processing Applicant's claims. The finding recorded above, however, will not influence the Enquiry Officer while conducting inquiry, if initiated.

(f) The parties are directed to bear their respective costs of the Grievance Petition.

(g) The office is directed to issue authenticate copy of this order to both the parties at the earliest.

Nagpur.

Dated: 18.09.2021

(Signature)
18/9/21

(Dr. Milind Barhate)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

(Signature)
18/9/21

(Arvind J. Rohee)
Chairman, Grievances Committee,
RTM Nagpur University, Nagpur.

(Signature)
18/09/21

(Dr. Nitin Kongre)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

(Signature)
18/9

(Shri Rajendra Pathak)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

(Signature)
18/9/2021

(Adv. Anuja Kulkarni)
Member-Secretary
Grievances Committee,
RTM Nagpur University, Nagpur.

True Copy

(Signature)
18/9/21

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