

Filed on

Order reserved on

Order Pronounced/
Issued on

Duration



RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

BEFORE THE GRIEVANCES COMMITTEE

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

Grievance Petition No. 01/2016

Miss Mamta Sidheshwar
Uparkar, 22, Modern Society,
Chatrapati Nagar, Wardha Road,
Nagpur-440015

Grievance
Petitioner/Applicant

Versus

V.M. Institute of Engineering &
Technology, Nagpur

Non-applicant

ORDER (ORAL)

(Delivered on 08.08.2019)

1. The Grievance Petitioner/Applicant Miss Mamta Sidheshwar Uparkar is present.
2. On behalf of Non-applicant Dr. Ankush Mankar, Principal of the College is present.

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3. The grievance is regarding non-payment of salary for the period March 2011, February and June 2012, June, September, October and November 2014. This grievance petition is filed on 02.06.2016. The record shows that sufficient opportunity was granted to the Non-applicant to file reply. However, it has not come forward. Meantime this petition was heard by the previous Grievances Committee and the matter was closed for orders. However the Order could not be pronounced for non-availability of the previous Chairman (my predecessor). Hence the matter is again taken up for final hearing before this Grievances Committee.

4. Heard both the Parties. The Members present have carefully perused the case record and discussed the issue involved.

5. It is obvious that the Applicant was orally terminated in November 2014 and the said order has been quashed by the Hon'ble University and College Tribunal vide order dated 11.01.2016 granting reinstatement in service with back wages. It is pointed out by office that the Management has challenged the said order before the Hon'ble High Court of Bombay Bench at Nagpur in Writ Petition No. 2102/2016 which is pending. Prayer clause in said Writ Petition shows that the Non-applicant has challenged the entire order of Hon'ble University and College Tribunal,

however no stay order is filed. The grievance in this petition, however, relates to the period prior to oral termination as stated above. Hence there is no legal bar to consider in present grievance of Applicant. No justification is coming forward from the Non-applicant for non-payment of salary to the Applicant for the aforesaid period especially when it is not disputed that the Applicant rendered her services for the aforesaid period.

6. It is transpired during the hearing that the Applicant was appointed as Lecturer long back. However, the said post was approved by the University only from the academic session 2013-14. This follows that the period mentioned by the Applicant in grievance application from June, September, October and November 2014 alone will be covered whereas the period prior to it namely March 2011, February and June 2012 will not be covered, since during that period it is stated that the Applicant was appointed on temporary basis on consolidated salary.

7. In view of above admitted position on record the following order is passed.

8. (a) The application is partly allowed.

(b) The Non-applicant is directed to verify if Applicant was paid consolidated salary while she was



working on temporary post during the period from March 2011, February and June 2012 and if not paid it be now paid to her within two months from today.

(c) Similarly on grant of approval to the post the Applicant will be entitled to get full salary as per UGC norms for the period from 20.03.2013 the date of approval till November 2014 when she was terminated, which order is subsequently set aside and the matter is sub-judice before Hon'ble High court for back wages also.

(d) The Non-applicant is directed to release the said salary within two months from today, if not paid earlier.

(e) The parties shall bear their respective costs of this proceeding.

(f) Copy of this order be forwarded to both the Parties for information and for taking necessary steps in the matter.

Nagpur:
8th August, 2019

Arvind J. Rohee
(Arvind J. Rohee)

Chairman,
Grievances Committee
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur

True Copy

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