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Order reserved on : 16.01.2020
Order Pronounced/
Issued on : 16.01.2020
Duration : 0Y3M9D



RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

BEFORE THE GRIEVANCES COMMITTEE

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

Grievance Petition No. 16/2019

Mr. Praful P. Lanjewar
Rahul Nagar, Near Dr. Chafle
Clinic Camp, Amravati-444 602 - Grievance
Petitioner/Applicant

Versus

1. President/Secretary,
Wainganga Bahuuddeshiy
Vikas Sanstha, Nagpur
2. Principal, Wainganga College
of Engineering & Management
Nagpur - Non-applicants

ORDER (ORAL)

(Delivered on 16.01.2020)

1. The Applicant approached the Grievances Committee under Section 79 (1) of the Maharashtra Public Universities Act, 2016 seeking salary as per UGC norms from the Non-applicants along with arrears.

2. The Applicant is appointed as Assistant Professor in Wainganga College of Engineering and Management,

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Nagpur on 14.07.2018 under the Non-applicant No. 2, run by the Non-applicant No. 1. The college is affiliated to Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur and is approved by AICTE and UGC etc. The Applicant came to be selected in pursuance of the interview held on 13.07.2018 as approved faculty in M.Tech (CAD/CAM).

3. It is stated that the Applicant was not paid the salary as per the prescribed Pay Scale and UGC norms. On the contrary on 10.06.2019 amount of Rs.2,74,778/- is shown to have been credited to his bank account by the college. However, on the same day the said amount has been withdrawn by the College. It is stated that a blank cheque has been obtained from the Applicant under threats that in case he does not issue it, he will be terminated. Under the compulsion the Applicant was required to issue a blank cheque and the amount is withdrawn by the college.

4. It is stated that on 19.09.2019, the Applicant was orally terminated with a direction not to continue in service.

According to Applicant this was totally illegal. A complaint was also lodged to the Hon'ble Vice-Chancellor of Rashtrasant Tukadoji Maharaj Nagpur University. Hence this Grievance Petition.

5. On notice although served, the Non-applicants failed to appear and to file any written statement of defence

refuting the allegations made in the Petition. Thus this is a case of no reply by the Non-applicants.

6. Today when the matter is called out, Members of the Grievances Committee present heard the Applicant and carefully perused the case record.

7. The question for consideration is whether the Applicant is entitled to the relief sought. Our finding is partly yes for the following reason.

8. The record shows that the Applicant has produced photocopy of his appointment order dated 14.07.2018 which specifically states that his appointment is on ad-hoc basis. His salary will be in the Pay Scale of Rs.15,000-600-39,100. It is also mentioned that his salary will be Rs.22,500/- per month and he will be liable to be terminated without assigning any reason, he being ad-hoc employee. It is stated that this appointment order is dated 14.07.2018 which is issued in pursuance of the advertisement dated 23.05.2018 and interviewed held on 13.07.2018. The University accorded the approval to the aforesaid appointment from the date of his joining i.e. 14.07.2018. This approval order is dated 24.07.2018. This follows that the Applicant was on probation for a period of two years from 14.07.2018. However, before completion of two years of probation, it is obvious that he was orally



23.09.2019
terminated without assigning any reason on 19.09.2019. On
interrogation the Applicant stated that he has not challenged
the order of *re-bonding* termination before the Hon'ble University and
College Tribunal, Nagpur and seeks only the salary as per
UGC norms. It is needless to say that since the Applicant is
terminated during probation, although orally, he is entitled to
salary as per rules from the date of joining till termination.

9. The Applicant claims that the amount of
Rs.2,74,778/- is withdrawn by college administration from
his salary account, copy of which is produced by Applicant.
However, the extract of bank account shows that the said
amount is deposited as pending salary on 10.07.2019 and on
the same day it was withdrawn by a self drawn cheque by the
Applicant. It is difficult to believe the contention of the
Applicant that he was compelled to issue self drawn cheque,
although these allegations are not refuted on behalf of the
Non-applicants. However, it appears that the Non-applicants
have played a trick to show that the amount has been
withdrawn by the Applicant himself under self drawn cheque.
Obviously it was not a bearer cheque in the name of any
official staff of the college administration or any office bearers
of the society. As such, a presumption has to be drawn that
the Applicant himself has withdrawn the said amount,
although subsequently it might have been retained by the

college administration. In any case the Applicant will be entitled to the salary as per rules.

10. In view of above, the Grievance Petition is partly allowed with a direction to the Non-applicants to pay the salary to the Applicant for the post of Assistant Professor as per UGC Scale along with all admissible allowance such as D.A., H.R.A. and Transportation etc. for the period from 14.07.2018 the date of joining service till 19.09.2019 date of oral termination. The arrears be drawn up, by deducting the amount of salary already deposited in his bank account.

11. The above exercise shall be carried out within a period of two months from today and the arrears be paid to the Applicant. Compliance of this order be reported to the Grievances Committee and else the Applicant will be at liberty to take appropriate legal action against the Non-applicants.

12. In the facts and circumstances of the case the Applicant is directed to bear cost of this proceeding.

13. The office is directed to forward authentic copy of this order to both the Parties at the earliest for taking appropriate steps in the matter.

Nagpur:
16th January, 2020

(Arvind J. Rohee)

Chairman,
Grievances Committee
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur

Received
Nagpur
01/02/20

Prabir P. Langurkar