



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

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

Grievance Application No.02/2018.

Filed on - 31-03-2018.  
 Order reserved on - 18-07-2019.  
 Order pronounced/issued on-08-08-2019.  
 Duration - 01 year 04 months 08 days.

**Applicant**

: Mr. Promod Govindrao Mungate,  
 Associate Professor, RTM Nagpur  
 University, Nagpur.  
 R/o C/301, Shewalkar Garden, South  
 Ambazari Road, Nagpur 440 022.  
 Mobile No.7709012078.

- versus -

**Non-applicants**

: The Dy.Registrar, General Administration,  
 R.T.M.Nagpur University, Nagpur

**ORDER**

(Dated 08-08-2019)

1. The applicant approached this Grievances Committee under section 79 (1) of the Maharashtra Public Universities Act, 2016 against decision of the Non-applicant to consider him for the promotion post of Professor w.e.f. 22-10-2016 and not from 01-08-2011 as claimed by him.
2. The applicant is presently working as Associate Professor in Post-graduate Department of Marathi in R.T.M. Nagpur University, Nagpur. Initially he was selected as lecturer in St.

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Fransis D-Sels (SFS) College, Nagpur, where he joined on 01-08-1996. In due course, he was granted senior scale w.e.f. 01-08-2000 and was then conferred with Selection Grade w.e.f. 01-08-2005 on promotion to the post of Associate Professor in the pay-scale of Rs.37400-67000+GP Rs.9000. This appointment is approved by the Joint Director, Higher Education, Nagpur Division, Nagpur.

3. It is stated that as per the U.G.C. Regulations 2010, table (II) (a), Appendix (III), three years qualifying service as Associate Professor is prescribed to become eligible for the promotion post of Professor. Since the applicant completed the qualifying service of three years on 01-08-2011, he submitted application to the RTM University, Nagpur (hereinafter referred to as University) through proper channel in respect of the Notification No.2 (2012) dated 25-02-2012 issued by the University under Career Advancement Scheme (CAS) for effecting promotions to the eligible Associate Professors. It is stated that although his application is forwarded with recommendations, of the Principal of S.S. College, no action was taken by the University on it.

4. Meantime the applicant was selected on the post of Associate Professor in University on 22-10-2013 and he joined there on the said post. According to him, previous period of service rendered in S.F.S. College on the same post should be counted as qualifying service for the purpose of fixing his eligibility for the promotion post of Professor.

5. It is stated that the applicant again submitted application dated 25-01-2016 through proper channel for considering him for the promotion post of Professor under CAS. He annexed PBAS format and APIS score and other annexures to his application dated 25-01-2016. By reply letter No.GA/SCC/156 dated 19-03-2016, the Non-applicant informed that since the applicant joined in University on 22-10-2013, he will be eligible for the promotion post of Professor

on completion of three years there from i.e. 22-10-2016 and not from any earlier date. This communication has been challenged in this Grievance application by the applicant.

6. The applicant submitted reply to the impugned communication dated 19-03-2016 vide letter No. PGTD/1095/2016 dated 29-03-2016 clarifying the factual position. However, again by a letter No.GA/STC/284 dated 19-7-2016, the previous letter dated 19-03-2016 is forwarded to the applicant.

7. It is stated that on 01-10-2016 the applicant again submitted application No. PGTD/522/2016 to consider him for promotion under CAS by annexing all the relevant documents. However, so far nothing has been communicated to him. On personal enquiry, he was informed to wait for some time for considering his request, since Ideal Code of conduct for election was then in force.

8. Even after waiting for a reasonable period, since nothing was heard from the other end, the applicant submitted representation to the Honble Vice-Chancellor on 26-02-2018, in which he was informed vide office letter dated 19-03-2018 issued by General Administration Section that for promotion post of Professor he was considered eligible from 22-10-2016. However, no promotion order is ever issued.

9. Notice was issued to the Non-Applicant. However, no formal reply is filed.

10. On 18-07-2019 when the matter is called out for final hearing, heard the applicant who appeared in person and the reply arguments of Shri. Rajendra Utkhede, Asstt. Registrar (G.A.) and Shri. Wasim Ahmad, Dy. Registrar (Estt.) on behalf of the Non-applicant.



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11. The Non-applicant opposed the claim and stucked to the impugned communication dated 19-03-2016 and 19-03-2018 and he was accordingly considered eligible for the promotion post of Professor w.e.f. 22-10-2016, which cannot be preponed to 01-08-2011 as claimed by the applicant.

12. The undersigned and the members of the Grievances Committee present at the time of hearing have given our thoughtful considerations to the submissions made by both the parties and after due discussion have also carefully gone through the entire case record and U.G.C. Regulations 2010.

13. On the basis of the submissions made, the only point that arises for consideration of the Grievances Committee is whether the applicant is eligible to be considered for the promotion post of Professor w.e.f. 01-08-2011 on completion of three years qualifying service in the previous college, where he was serving, prior to joining Nagpur University on the same post of Associate Professor?

14. The Grievances Committee answer above point in the negative, for the following reasons.

#### REASONS

15. It is not disputed that before joining University the applicant rendered services as lecturer in S.F.S. College and thereafter secured promotions as Associate Professor w.e.f. 01-08-2008. As such according to him for further promotion post of Professor, three years qualifying service in the feeder cadre should be treated as completed w.e.f. 01-08-2011, since according to him he joined on the same post in University with continuity in service i.e. without break. It is stated that he fulfills all the requirements of eligibility criteria as stated in U.G.C. Regulations 2010. He is,

therefore, eligible for the post of Professor w.e.f. 01-08-2011 in clear vacancy and not from completion of three years service in University as alleged by the Non-applicant.

16. In order to resolve the controversy we have carefully gone through U.G.C. Regulations 2010 produced by Non-applicant and particularly Point 10 thereof, which reads as under-

**"COUNTING OF PAST SERVICES FOR DIRECT RECRUITMENT AND PROMOTION UNDER CAS.**

Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific/professional organizations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR, DBT etc., should be counted for direct recruitment and promotion under CAS of a teacher as Assistant Professor, Associate Professor III-Table No. II provided that:

- (a) The essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor, Professor as the case may be.
- (b) The post is/was in an equivalent grade or of the pre-revised scale of pay as the post of Assistant Professor (Lecturer) Associate Professor (Reader) and Professor.
- (c) The candidates for direct recruitment has applied through proper channel only.
- (d) The concerned Assistant Professor, Associate Professor and Professor should possess the same minimum qualifications as prescribed by the UGC for appointment to the post of Assistant Professor, Associate Professor and Professor, as the case may be.

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- (e) The post was filled in accordance with the prescribed selection procedure as laid down in the Regulations of University/State Government/Central Government/Concerned Institutions, for such appointments.
- (f) The previous appointment was not as guest lecturer for any duration, or an adhoc or in a leave vacancy of less than one year duration. Adhoc or temporary service of more than one year duration can be counted provided that:
- (i) the period of service was of more than one year duration;
- (ii) the incumbent was appointed on the recommendation of duly constituted Selection Committee; and
- (iii) the incumbent was selected to the permanent post in continuation to the adhoc or temporary service, without any break.
- (g) No distinction should be made with reference to the nature of management of the institution where previous service was rendered (private/local body/Government), was considered for counting past services under this clause."

17. The above referred provisions or UGC Regulations on minimum qualification is published vide No. F-1/2009 dated 30-06-2010 in Gazette of India dt. September 18, 2010 Part (III) sector 4. The same is duly adopted by the State of Maharashtra under the Government Resolution No. संकिर्ण-२०११(२५/११) विशी-१ उच्च व तंत्र शिक्षण विभाग, मुंबई dated 15-02-2011. It is obvious that for getting benefit of continuity in service the applicant is governed by aforesaid UGC Regulations read with Government Resolution.

18. During the course of arguments, it is not disputed by the Non-applicant that the applicant fulfills the aforesaid conditions mentioned in Point 10 above. This being so, he is entitled to

continuity of previous service on the post of Associate Professor, rendered by him in SFS College, before joining RTM Nagpur University on 22-10-2013. Perhaps for this reason, it is stated that his pay has been protected on joining University, which he was getting on the last day of his services in SFS College.

19. However, the applicant's grievance is that since he was eligible for promotion to the post of Professor on 01-08-2011 while he was serving in SFS College, the same date be considered for promotion even on joining University. This point has been elaborately discussed and considered by the Hon'ble members of Grievances Committee and we do not find any force in the said contention for the reason that no action was taken by the University nor any notification issued on submission of a proposal by the Principal, SFS College for considering applicant's claim for promotion to the post of Professor. Further it is obvious, that the applicant is claiming eligibility for promotion post in University from the date even before joining University or atleast from the date he joined in University which is not permissible for the reason that without joining the feeder cadre post of Associate Professor in University, he cannot be considered for the promotion post from the earlier date or from the date of joining. Had he been continued in SFS College on the same post then he was right in saying that he is eligible for the said post from 01-08-2011. However, on joining University although on the same post he cannot be considered eligible for promotion atleast till the date of completion of qualifying service of three years i.e. 22.10.2016, since his appointment in University is by way of selection, and not on deputation or promotion.

20. From the above discussions, it is obvious that the Non-applicant is justified in considering date of eligibility as 22-10-2016. To this much extent, his claim can be allowed, since so far no

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promotions are effected in the cadre of Professor in University for one reason or the other.

21. With this order was being dictated, the office has brought to my notice copy of the Writ Petition No. 5078/2019 filed by the Applicant in High Court of Bombay Bench at Nagpur, making same grievance regarding eligibility and his consideration for the promotion post and the following reliefs are claimed in the said Writ Petition.

- i) by a writ of mandamus or by a suitable writ, order or direction respondent No. 1, Rashtasant Tukadoji Maharaj Nagpur University, Nagpur be directed to undertake the process of constitution of selection committee and holding of interviews for grant of promotion to the petitioner as Professor under Career Advancement Scheme from the due date namely 22.10.2016 within a period of three months from the date of the order.
- ii) In view of limited controversy involved in the petition, the petition may kindly be heard and decided at the stage of admission.
- iii) Allow the petition with costs.
- iv) Grant any other relief, which this Hon'ble Court deems fit in the facts and circumstances of the case.

22. The Hon'ble High court on 22.07.2019 has passed the following order in the aforesaid pending Writ Petition.

- (1) The proposal for grant of benefit under the Career Advancement Scheme to the petitioner was forwarded to the University on 01.10.2016, but till this date, the University has not taken any decision in the matter, is the grievance made in this petition.
- (2) Issue notice for final disposal of the matter, returnable on 14.10.2019.

(3) Learned Assistant Government Pleader Mr. B.M. Lonare, waives service of notice for respondent Nos. 2 and 3.

(4) In the meantime, the respondent no. 1 is directed to consider the case of the petitioner.

23. It is thus obvious that the Applicant has virtually given up his claim for consideration of his eligibility for promotion post from any date prior to 22.10.2016. In view of above the following order is passed in this grievance petition.

24. (a) The application is partly allowed.

(b) It is declared that the applicant is eligible for promotion post of Professor from the date he completed three years of qualifying service after joining University on 22-10-2013 i.e. from 22.10.2016.

(c) The Non-applicant is directed to consider above date for fixation of his eligibility and should take all necessary steps to initiate selection process for filling the vacant posts of Professor by promotion as per rules, as expeditiously as possible.

(d) It is made clear that in the event the applicant is found suitable for promotion and accordingly promoted, his pay be fixed in the promotion post in the prescribed pay scale as per Rules.

(e) Order pronounced/issued in presence of parties today. Its photocopy be supplied to them, for taking appropriate steps in the matter as directed above.

(f) In the facts and circumstances of the case, the parties are directed to bear their respective costs of this proceeding.

Nagpur.

(Arvind J. Rohee)

Dated: 08.08.2019

Chairman, Grievances Committee,  
RTM Nagpur University, Nagpur.