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Order reserved on 17/02/2024.
Order pronounced/ 16/03/2024.
issued on -



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

Grievance Petition No. 08/2021

Applicant : Shri Chandrashekhar Shelke,
Grievance Lower Division Clerk,
Petitioner Development Section,
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur

- VERSUS -

Non-Applicant: 1. The Registrar,
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur.
2. The Deputy Registrar, (Estt. Section)
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur.

ORDER

(Delivered on 16/03/2024)

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

2. The Applicant had joined the services in the Nagpur University on the post of Semi-Skilled Attendant in Class-IV in the year 1996 as per Office Order dated 8th October, 1996. He was working as Library Attendant in the establishment of LIT of Nagpur University. Thereafter by Office Order dated 12th July, 1999, the

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Applicant was shifted to the post of Clerk-cum-Typist and the Applicant had joined the post of Lower Division Clerk in the office of Library of LIT on 14.07.1999. It is submitted by the Applicant that as per Govt. Resolution dated 7th May, 2021, it was directed that the employees who joined services on or before the 25.05.2004, will be entitled for promotion as per their seniority. And employees who joined after 25.05.2004, will be entitled for promotion as per the Seniority at the time of joining of services. It is also submitted by the Applicant that as per the Govt. Resolution dated 20.04.2021, the employees are to be promoted as per the directions and there is nothing mentioned that the promotions are to be given by taking into consideration the previous experience of 3 years and the promotions are not given as per the directions. It is submitted by the Applicant that in the seniority list, he is entitled for seniority and there is violation of rule as to seniority list.

3. The Non-Appllicants have resisted the claim of the Applicant by filing reply. It is submitted by the Non-Appllicants that the Applicant has made allegations that though he is senior but the junior employees were given promotions without considering his seniority and in support of his claim the Applicant has referred the Govt. Resolution dated 7th May, 2021 & Govt. Resolution dated 20.04.2021 and Govt. Gazette dated 21.06.2021. It is submitted by the Non-Appllicants that as per the order of the Grievances Committee passed on 13.08.2010 and as per the approval of the Management Council, the employees were taken in the category of Upper Division Clerk and

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also they were promoted as Superintendent. It is submitted that as per the Govt. Resolution dated 7th May, 2021, the employees of Backward Class Category who were promoted by taking benefits of reservation in the promotion as per Govt. Resolution dated 25th May, 2004, those employees if joined Govt. services prior to 25th May, 2004, they will be entitled for further promotion as per the seniority. The Employees who had joined the Govt. services after 25th May, 2004, will be entitled on the basis of their seniority at the time of joining the services. It is submitted that on 28th December, 2021 while giving promotion to the post of Upper Division Clerk (UDC), the employees at Sr. No. 4, 5, & 6 in the seniority list all were considered on the basis of their seniority on the post of Lower Division Clerk (LDC) from the date of their joining and therefore, the objection raised by the Applicant is not sustainable and the Applicant's petition be dismissed.

4. In the facts and circumstances of the case and in view of submissions of the Applicant and Non-Applicants and considering the claim of the Applicant, following points arises for consideration and the Committee has recorded its findings thereon with the reasons given here-in-after.

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Points

Findings

- (i) Whether the Applicant is entitled for his claim in respect of the seniority list of Junior Clerk-cum-Typist of Class-III?

No

- (ii) What order?

As per order given below

REASONS5. As to Point No. (i):

It is not disputed that the Applicant is an employee of the Rashtrasant Tukadoji Maharaj Nagpur University and he had joined the services on 8th October, 1996 and he was promoted as Lower Division Clerk (LDC). He was shifted in the office of the Library of LIT on 14.07.1999. The dispute is pertaining to the seniority list which is prepared after appointment of the Applicant alongwith other employees on the post of Junior Clerk-Cum-Typist of Class-III and it is the case of the Applicant that his seniority is not considered as per the above referred Govt. Resolution i.e. Govt. Resolution dated 7th May, 2021 and Govt. Resolution dated 20.04.2021.

6. In the facts and circumstances of the dispute, the important aspect which is to be considered as to whether there is any illegality in the seniority list as alleged by the Applicant. In this regard, the Office Order dated 12th July, 1999 and joining of the Applicant to the new post are of much significance. On perusal of the Office Order dated 12th July, 1999, the Applicant was posted from the post of Library Attendant of LIT to the post of Clerk-Cum-Typist in the Development Section of the University but as per the joining letter dated 14.07.1999, the Applicant had joined on the post of Clerk-Cum-Typist in the library of LIT. Therefore, it is clear that though the Applicant was shifted and posted as Clerk-Cum-Typist in the Development Section of the University on 12.07.1999 but he had joined in the library of LIT on the post of Clerk-Cum-Typist and it is clear from the copy of joining report of the Applicant filed by the Non-Applicants that the Applicant had joined the Development Section of the University on 05.08.1999 as he was relieved from the

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LIT on 05.08.1999. Therefore, it is clear that the Applicant had joined his post in the Development Section of the University on 05.08.1999 and his seniority has to be considered from the date of his joining i.e. from 05.08.1999. Therefore, there is no illegal act on the part of the Non-Applicants and Applicant's seniority is rightly considered by the Non-Applicants from 05.08.1999 on which he had joined his post as Clerk-Cum-Typist in the Development Section of the University. Therefore, the seniority list does ^{not} require any interference and therefore, the Committee has come to the conclusion ^{that} the Applicant is not succeeded in establishing his claim in respect of his seniority and therefore, the Committee has recorded its finding to point No. 1 in negative. Accordingly, the Grievance Petition No. 08/2021 is dismissed.

Nagpur.

Dated: 16/03/2024.

[Signature]
16/03/2024

(Dr. Samay Bansod)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

[Signature]
16/3/24

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

[Signature]
16/3/24

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

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

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16.03.2024

(Dr. Pandurang S. Dange)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

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16/03/2024

(Shri Manoj Malkapure)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

[Signature]
(Adv. Rajat Kumar Maheshwari)
Member-Secretary
Grievances Committee,
RTM Nagpur University, Nagpur