

Filed on - 19/06/2023
Order reserved on 16/09/2023
Order pronounced/ 07/10/2023.
issued on -



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

(Presided over by Shri Ajay C. Chaphale, former District Judge.)

M.C.A. No. 03/2023

Applicant :
Grievance
Petitioner

Shri Sharad Kumar Sharma
H. No. 405/406, Motibagh, Near Railway
Crossing Gate, Post-Bezonbagh,
Nagpur-440004.

- VERSUS -

Non-Applicant:

1. The Sikh Education Society,
Bezonbagh, Nagpur-440004,
through its Secretary and Others
2. The Principal,
Guru Nanak College of Pharmacy,
Nari, Near Dixit Nagar,
Kamptee Road, Nagpur-440020.
3. The Registrar,
Rashtrasant Tukadoji Maharaj
Nagpur University, Chhatrapati
Shivaji Maharaj Administrative
Premises, R.T. Road,
Nagpur-440033.

ORDER

1. This is an application filed by the Applicant for condonation of delay in filing the Grievance Petition under Section 79 of Maharashtra Public Universities Act, 2016. Brief facts giving rise to the application for condonation of delay are as under:

2. The Applicant had joined on 23.01.1991 as Laboratory Attendant in the Institute of Non-Applicants No. 1 & 2 and he was promoted as Laboratory Assistant on 01.04.1994 and thereafter he was promoted and appointed in the Degree College as a Senior Laboratory Assistant in Guru Nanak College of Pharmacy, Nagpur

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w.e.f. 29.12.2004 and he was retired on superannuation on 31.01.2020. The Non-Applicants No. 1 & 2 had paid Rs. 3,44,542/- (Rs. Three Lakhs Forty Four Thousand Five Hundred Forty Two only) on 07.12.2021 as part payment of the Applicant's retirement benefits and on 01.12.2022 the Non-Applicants No. 1 & 2 had informed the Applicant that the amount of Rs. 18,74,204/- (Rs. Eighteen Lakhs Seventy Four thousand Two Hundred Four only) was due from the Non-Applicants No. 1 & 2 as retirement benefits of the Applicant. The Non-Applicant No. 1 & 2 had paid Rs. 2,00,000/- (Rs. Two Lakhs only) on 16.01.2023. Therefore, according to the Applicant, cause of action arose on 16.01.2023 and it is further submitted that in suo-motu Writ Petition (c) No. 3 of 2020, Hon'ble Supreme Court had extended the limitation till February-2022.

3. The Non-Applicants No. 1 & 2 have filed the reply to the Application for condonation of delay filed by the Applicant and they opposed the application on the grounds that the application is not maintainable for want of not mentioning the actual days of delay and it is further submitted that the submissions of the Applicant in application are not proper and lawful and therefore, the application is liable to be rejected. It is further submitted by the Non-Applicants No. 1 & 2 that as the Applicant himself has stated that the cause of action arose on 16.01.2023 and as per judgment of Hon'ble Supreme Court in suo-motu Writ Petition (c) No. 3 of 2020, Hon'ble Supreme Court had extended the period of limitation till February-2022 and as the cause of action arose on 16.01.2023 as stated by the Applicant himself. Therefore, application is liable to be rejected and there are no bonafide reasons for condoning the delay and it is submitted that application is liable to be rejected.

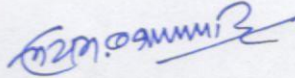
4. Heard Both sides. As per the facts, Admittedly, the Applicant was retired on superannuation on 31.01.2020 from the post of Senior Laboratory Assistant. It is not disputed that the Non-Applicants No. 1 & 2 have paid Rs. 2,00,000/- (Rs. Two Lakhs only)

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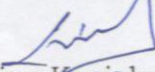
on 16.01.2023 to the Applicant towards part payment of his retirement benefits and thereafter the Applicant had made a representation on 20.03.2023 for demanding balance amount of retirement benefits. Therefore, since the date of his retirement i.e. from 31.01.2020 the cause of action was continued in respect of the claim of the Applicant and as the Non-Applicants No. 1 & 2 had paid the amount of Rs. 2,00,000/- (Rs. Two Lakhs only) on 16.01.2023 to the applicant, towards part payment of his retirement benefits. Therefore, fresh cause of action arose on 16.01.2023 and the present Grievance Petition is filed on 19.06.2023. Therefore, in the facts and circumstances of the case as discussed above, the Committee has come to the conclusion that the Applicant has filed the Grievance Petition within the period of Three Years and therefore, the Grievance Petition is within the limitation. Hence, the MCA No. 03/2023 for condonation of delay is disposed of accordingly and the Grievance Petition be registered.

Nagpur.

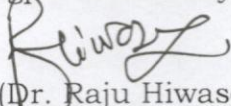
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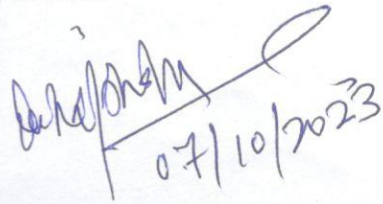
(Dr. Samay Bansod)
Member, Grievances Committee,
RTM Nagpur University, Nagpur



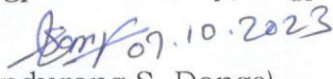
(Dr. Sanjay Kavishwar)
Member, Grievances Committee,
RTM Nagpur University, Nagpur



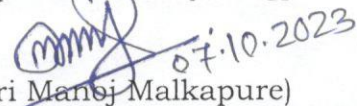
(Dr. Raju Hiwase)
Member, Grievances Committee,
RTM Nagpur University, Nagpur


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


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


07.10.2023

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


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