

Filed on - 06/02/2020  
 Order reserved on 18-09-2021.  
 Order pronounced/ issued on - 16/10/2021.  
 Duration-- 1 Year, 8 Months, 10 Days.



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

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

**Grievance Petition No. 08/2020**

**Applicant :** Shri Sunil Mahadeorao Kature,  
**Grievance** Upper Division Clerk,  
**Petitioner** University Printing Press,  
 RTM Nagpur University, Nagpur.

- VARSUS -

**Non-Applicant:** The Registrar,  
 RTM Nagpur University, Nagpur

**ORDER**

(Delivered on 16/10/2021)

1. The Applicant approached this forum under section 79 (1) of the Maharashtra Public Universities Act 2016, with the grievance that although he possesses necessary educational qualification and eligibility, he was not considered for promotion post of Selection Grade Clerk from 12.04.2011, on his completion of 3 years of continuous service in the feeder cadre of Upper Division Clerk. He, therefore, claims promotion on the aforesaid post retrospectively from 12.04.2011 and all the consequential benefits.
2. The Applicant was initially appointed as a Peon vide Office Order dated 01.07.1989 and he was posted on the establishment of

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Printing Press attached to then Nagpur University, Nagpur. In due course of time, the Applicant was promoted to the post of Binder w.e.f. 06.01.1996. It is stated that the Applicant was not willing to join the said promotion post vide letter dated 15.01.1996.

3. Thereafter, vide Office Order dated 13.12.1996, the Applicant was promoted as Lower Division Clerk and thereafter vide Office Order dated 11.04.2008 he was further promoted to the present post of Upper Division Clerk(UDC). Since the Applicant completed more than 3 years of continuous service in the feeder cadre, he became eligible for further promotion to the post of Selection Grade Clerk. He, therefore, submitted a representation dated 22.01.2015 to the Non-Applicant i.e. Registrar of RTM Nagpur University, Nagpur seeking promotion to the aforesaid post. However, since nothing was heard, he submitted another representation dated 03.01.2020. However, inspite of making successive representations and oral requests, he was not considered for promotion since no steps were taken in this behalf by the Non-Applicant and was thus deprived of the legitimate benefits of promotional post. Hence, this Grievance Petition.

4. On notice the Non-Applicant filed reply dated 16.09.2021 and admitted appointment of Applicant on various posts including the present promotion post. It is stated that by virtue of a decision taken by the Management Council of RTM Nagpur University, Nagpur, establishment of Printing Press with all the employees working there, was merged with the main establishment of RTM Nagpur University, Nagpur. This was some times in the year 2005. On a representation made by employees attached to Printing Press for grant of promotion to them, a decision was taken to revise the

sanctioned posts of Printing Presss. A Committee headed by the former Registrar, Dr. Puranchandra Meshram was therefore, formed, which submitted its report dated 19.03.2018 to the University. The said report was then considered and accepted by the Management Council in its meeting dated 14.05.2018. However, while doing so 5,7 posts which were previously allotted on the establishment of Printing Press was reduced to 38 and thus presently 18 posts only are sanctioned for Printing Press.

5. It is also stated that as per the report of the Committee dated 14/5/2018 the necessity of the post of Selection Grade Clerk was reiterated. It is stated that all the work pertaining to maintenance of leave account, dealing with retirement proposals, keeping annual confidential reports, grant of annual increment, etc. to the employees of Printing Press was being done by the Establishment Section of University and hence the post of Selection Grade Clerk was abolished. As such, the said promotion post of Selection Grade Clerk was not filled by selecting and posting anybody. It is further stated that at present, there is no post of Selection Grade Clerk in University Printing Press as per recently approved / sanctioned posts. As such the Applicant's request for grant of promotion cannot be considered and the Grievance Petition is liable to be rejected.

6. On 18.09.2021 when the matter was called out for final hearing, the Applicant appeared in person. On behalf of the Non-Applicant Shri Wasim Ahmad, Deputy Registrar(Estt.) appeared under instructions. Oral submissions of both the parties were then heard on merit by the members of the Grievances Committee then present and the matter was closed for orders.
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7. The members of the Grievances Committee present have carefully gone through the entire case record and have given thoughtful consideration to the submissions advanced by both the parties. The documents produced by them were carefully perused. On the basis of the submissions made and the material produced on record, the following points arise for consideration of the Grievances Committee and findings recorded thereon is given below:

POINTS

FINDINGS

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|---|--|
| (1) Whether the Applicant is entitled to get the promotion, if found suitable and if yes from which date? | Yes,<br>From 12.04.2011,<br>if found suitable<br>in all respect. |
| (2) What Order?   | As per concluding<br>para.                                       |

REASONS

8. It is obvious from perusal of record that although Printing Press was established for the then Nagpur University, it is stated that no separate grant was released by the Govt. to meet the payment of salary and other administrative expenses incurred to run Press. However, the requisite funds were being provided for this purpose out of the common fund of the University. It is stated that Asstt. Manager is Head of the Printing Press. The record further shows that in a meeting dated 10.01.1995 of University Press Committee it was considered that a proposal for merger of the Establishment of Printing Press into the main Establishment of University was pending consideration, obviously for the reason that Printing Press was not receiving separate grant to meet its expenses. As per the Minutes of the said meeting dated 10.01.1995 produced by the Non-Applicant, a decision was taken to the effect that the immediate action be initiated for merge of Press Establishment with Main Establishment of the University. The Record further shows that

this decision was placed for consideration before the Management Council of the University in its meeting held on 12.06.1995 and as per Item No. 28 of the Minutes of the said meeting, the Management Council considered and approved the Minutes of the meeting of the Press Committee held on 10.01.1995.

9. It appears that thereafter no requisite steps were taken by the Main Establishment of the University for merger and Establishment of Press, which is yet to be merged with the Main Establishment of University since there is no office order to that effect. The record further shows that it was felt necessary to revise the sanctioned strength of staff allotted to Printing Press. For this purpose, Hon'ble Vice-Chancellor constituted Press Committee under the Chairmanship of the then Registrar Dr. Shri Puranchandra Meshram. The meeting of the said Committee was held on 19.03.2018 and a decision was taken to reduce the sanctioned strength of 57 posts under various categories to 18 only, by abolishing 38 posts of various cadre. It is stated that the post of Selection Grade Clerk with pay-scale Rs. 9300-34800 Grade Pay Rs. 4300 from the then Press Establishment was abolished. This being so, it is stated on behalf of the Non-Applicant that now the Applicant's prayer for promotion to the said abolished posts cannot be accepted and hence the Grievance Petition is liable to be dismissed.

10. The record further shows that the Minutes of the meeting dated 19.03.2018 of the Press Committee were considered and approved by the Management Council of the University in its meeting held on 14.05.2018 at Item No. 97. Thus, the Competent Authority granted approval to the decision regarding abolition of 38 different posts on the Press Establishment. However, when the said decision was taken, it is obvious that the Press Establishment was already merged with the Main Establishment of the University. Few posts were retained for the reason that Printing Press is in-house service unit of the University and it falls under essential services and hence the existence of University

Printing Press is required to be kept intact. However, on account of development of Computer Technology and Printing Technology, number of functions were being done online, thereby heading towards paper less establishment. In the minutes of the meeting dated 19.03.2018, it was also considered that promotion is not granted to employees since last 15 to 20 years and hence there is depression amongst the staff in general. On account of abolition of number of posts, it is stated that there was chance to get promotions. In spite of this fact, it is stated by the Applicant that the Main Establishment has not taken any steps for grant of promotion to the eligible employees, including the Applicant who is the senior most in cadre and is due for promotion since 12.04.2011.

11. Since the Press Establishment is yet to be merged and majority of posts attached to it were abolished, <sup>1</sup>It can be said that the Applicant's case can be considered for promotion on the main establishment of University, for the reason that at present he <sup>1,5</sup>still attached to the Printing Press. It is, however, obvious that Applicant's case was not considered suo-motto by the University for promotion or atleast after submission of his first representation dated 22-01-2015 and thereafter recently on 03.01.2020 (after abolition of the post of Selection Grade Clerk on the establishment of Printing Press), for which inaction no justification is given by the Non-Applicant for failing to take steps to initiate a process for grant of promotion to the eligible employees of feeder cadre including the Applicant till abolition of the promotion post. The same can now be done for the reason that the post of Selection Grade Clerk existed till it is abolished w.e.f. 19.03.2018 and the Applicant was already eligible for the said post on completion of 3 year's service in feeder cadre w.e.f. 12.04.2011. Thus the Applicant's request for promotion on the vacant post of Selection Grade Clerk till the said post is abolished cannot be denied on the sole ground that now said promotion post of Selection Grade Clerk is not available in the

Printing Press since already abolished. We, therefore, inclined to grant the relief to the Applicant and the following operative order is passed.

12. (a) It is hereby declared that the Applicant is entitled to be considered for the promotion post of Selection Grade Clerk, if found fit in accordance with relevant rules w.e.f.12.04.2011, when he became due and eligible for the said post.
- (b) The Non-Applicant is, therefore, directed to constitute a Special Departmental Promotion Committee (DPC) and take further necessary steps as per rules, within a period of 2 months from today and consider the Applicant for promotion post of Selection Grade Clerk w.e.f. 12.04.2011.
- (c) All the exercise of Departmental Promotion Committee (DPC) including securing approval of Competent Authority to the select list, shall be completed within a period of 3 months from today.
- (d) In the facts and circumstances of the case, the parties are directed to bear their respective costs of this proceeding.
- (e) The office is directed to issue authenticate photocopy of this order to both the parties at the earliest for taking appropriate steps in the matter.

Nagpur.

Dated: 16.10.2021

*Milind Barahate*

(Dr. Milind Barahate)  
Member, Grievances  
O. Committee, RTM Nagpur  
University, Nagpur

*Arvind J. Rohee*  
16/10/21

(Arvind J. Rohee)  
Chairman, Grievances Committee,  
RTM Nagpur University, Nagpur.

*Nitin Kongre*

(Dr. Nitin Kongre)  
Member, Grievances Committee,  
RTM Nagpur University, Nagpur

(Shri Rajendra Pathak)  
Member, Grievances Committee,  
RTM Nagpur University, Nagpur

*Adv. Anuja Kulkarni*

(Adv. Anuja Kulkarni)  
Member-Secretary  
Grievances Committee,  
RTM Nagpur University, Nagpur.

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