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Order reserved on : 26-12-2019
Order Pronounced/ : 16-01-2020
Issued on :
Duration : 4Y 9M 15D



RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

BEFORE THE GRIEVANCES COMMITTEE

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

Grievance Petition No. 04/2015

Shri Sunil V. Kodape,
220, Chitnis Nagar, Umred Road,
Nagpur-24
Mo. No. 9421710827

- Grievance
Petitioner/Applicant

Versus

1. Citizen Education Society
through its President
2. The Principal,
Shri Bhayyaji Pandharipande
National Institute of Social
Work, Hanuman Nagar,
Nagpur-09

- Non-applicants

ORDER

(Delivered on 16-01-2020)

1. The Grievance Petitioner/Applicant approached the Grievances Committee under Section 79 (1) of the Maharashtra Public Universities Act, 2016 for seeking the following reliefs:

As per

- (a) To delete the illegal entries made in his Service Book by the college administration alleging misconduct by him.
- (b) To grant interest on delayed payment of the benefits of Selection Grade to the Applicant from the year 2008.
- (c) To grant approval to the post of Associate Professor and to fix the salary for the said post and to grant arrears along with interest from the year 2011.
- (d) To grant two incentive annual increments to the Applicant from the year 1998 since the time of joining the service by virtue of he being M.Phil. degree holder.

2. The Applicant was appointed as Assistant Professor under Non-applicant No. 2 in Shri Bhayyaji Pandharipande National Institute of Social Works, Hanuman Nagar, Nagpur run by the Non-applicant No. 1 on 01.12.1998. It is alleged that the Non-applicant No.2 illegally made allegations of misconduct against the Applicant and made its entry in the Service Book on the ground that he was not relieved for spot valuation on 13-12-2014, since he failed to submit the official letter from the University in this behalf. The Applicant therefore, lodged a compliant to the University against the Non-applicant No.2 since he did not relieve him to report the Chief, Spot Valuation Centre. His explanation was sought in this behalf by the Non-applicant No.2 and it is alleged by the Applicant that wrong entry is made in the Service Book blaming him for the alleged misconduct. The Applicant was informed about the entry made in the Service Book by a letter dated 05.01.2015. It is stated that few other entries are also illegally made in his Service Book which are required to be deleted there from.

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3. It is alleged that Applicant was granted Senior Grade in the year 2003 and he was eligible for grant of Selection Grade in the year 2008. However, it is alleged that in spite of his repeated persuasion, the Non-applicant No.2 failed to initiate a process to consider the Applicant for grant of Selection Grade for which he was eligible from the year 2008. It is stated that the process was deliberately delayed till the year 2012 and its benefit is given to him vide office order dated 09.04.2014 with retrospective effect from the year 2008. He is, therefore, entitled to get interest for delay in grant of monetary benefits of Selection Grade in the cadre of Assistant Professor.

4. It is alleged that although the Applicant was due and eligible for grant of promotion to the post of Associate Professor on completion of three years of service in Selection Grade i.e. in the year 2011, the Non-applicant No. 2 did not initiate any process to grant the said benefit under Career Advancement Scheme (CAS) to the Applicant.

5. It is also stated that the Applicant being holder of M.Phil. degree at the time of his initial appointment of Assistant Professor in the year 1998, In view of the recommendations of Vth Pay Commission he is entitled to get two annual increments as incentive. It is also approved by the UGC Notification of 1998, Ministry of Human Resource Development and Statute issued by Rashtrasant Tukadoji Maharaj Nagpur University. However, the said benefit is not extended to the Applicant without just cause. Hence this Grievance Petition.

6. On notice the Respondents filed reply dated 26.05.2015, in which all the adverse averments, contentions and grounds raised in the Grievance Petition are denied. It is



stated that although it was required to submit copy of the letter issued by the University for deputation to Spot Valuation, the Applicant failed to do so and simply applied on 12.12.2014 to relieve him for Spot Valuation work with effect from 13.12.2014. The Applicant since failed to submit copy of the letter he was rightly not relieved. However, since he made a false complaint to the University against Non-applicant No.2, his explanation was sought and since it was found to be not satisfactory, entry is correctly taken in his Service Book regarding the said misconduct, without initiating any disciplinary proceeding against him for the said cause. It is stated that the Applicant lodged a false complaint against the Non-applicant No. 2 at Sakkaradara Police Station on 11.04.2013, since the process was not initiated to grant him benefit under CAS for the post of Associate Professor. The said complaint is dropped by Police, holding that it is a false complaint and hence its entry is taken in the Service Book which is fully correct.

7. It is stated that there was no delay in grant of Selection Grade to the Applicant which was granted retrospectively from the date of his entitlement and arrears thereof are paid to him. As such there is no question of payment of any interest to the Applicant for the alleged delay in granting said benefit.

8. So far as grant of benefit to M.Phil. holders as per recommendation of 5th Pay Commission, it is stated that from the year 1998 the Applicant never made any representation in this behalf to the college and straight way lodged complaint to the University. In case the Applicant makes a representation to the college the same will be considered.



9. The Grievance Petition is, therefore, liable to be dismissed on the above grounds.

10. The record shows that the Applicant annexed number of documents along with the complaint. Similarly to the reply given by the Non-applicants, he submitted a rejoinder on 13.10.2016 and denied all the adverse averments made therein, to which the Non-applicant No.2 submitted a reply dated 06.02.2017 by which the allegations made in the rejoinder are retributed.

11. During the course of hearing the Non-applicants were directed to produce the original Service Book and the dossier of Annual Confidential Reports of the Applicants for perusal of the Grievances Committee. The same are accordingly produced and kept in a sealed cover with the secretarial staff of the Grievances Committee. We have carefully perused it.

12. The record also shows that a disciplinary action was initiated against the Applicant on as many as nine charges, of which seven are stated to be proved by the Enquiry Officer in his report and by the order dated 11.09.2014 passed by the Local Management Committee, the said findings of the Enquiry Officer are accepted and accordingly the Applicant is held guilty of seven charges and it is resolved that he shall not be entitled to promotion for a period of three years till September 2017 and three annual increments due in 2015, 2016 and 2017 were withheld with immediate effect. Further since the Applicant is also found guilty of misappropriation of UGC fund, it is also directed that amount of Rs.42,799/- shall be recovered in three installments from his salary, for being remitted to the UGC. The Applicant has filed separate grievance Petition

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challenging the punishment imposed, which is also heard along with this Grievance Petition. It is being disposed of by separate order.

13. The Grievances Committee heard the oral submissions of the Applicant and the reply arguments of Shri. Ananta Berde, Officiating Principal of the College on behalf of Non-applicant on various dates. The members of the Grievances Committee present have carefully gone through the entire case record and the original record produced by the Non-applicant No.2.

14. The members of the Grievances Committee present held deliberations and discussion in respect of the issues involved in the matter including the legal aspect. This order is accordingly authored by the undersigned for and on behalf of the Grievances Committee as its Chairman.

15. On the basis of the submissions made and the documents produced on record, the following points arise for consideration of the Grievances Committee and the findings recorded thereon are as under:

<u>Sr.No</u>	<u>Points</u>	<u>Finding</u>
1.	Whether incorrect entries are made by the college administration in the Service Book of the Applicant and the same are liable to be deleted there from?	No
2.	Whether the Applicant is entitled to get interest for delay in processing his claim for grant of Selection Grade for a period of six years from 2008 to 09.04.2014 ?	No
3.	Whether the Applicant is entitled to be	Process

	considered for the promotion post of Associate Professor and for fixation of salary for the said post from the date it is due and for arrears thereof ?	be initiated immediately
4.	Whether the Applicant is entitled to get two annual increments as incentive from the date of his appointment as Assistant Professor by virtue of the fact that he was holding M.Phil. degree at the relevant time ?	Directions issued in operative para.
5.	What order?	As per operative para

REASONS

16. **As to Point No. 1:** Perusal of the original Service Book produced by the Non-applicant No.2 shows that the first entry is regarding his appointment as Lecturer in Social Works in the Pay Scale of Rs. 2200-75-2800-100-4000 with effect from 01.12.1998. The entry regarding satisfactory completion of probationary period is also made. The entry regarding grant of approval to his post is also made. The entries regarding completion of Orientation Course and Refresher Course are also made so also the entries regarding grant of annual increments from time to time and grant of Senior Grade and Selection Grade to the Applicant. All these entries are absolutely necessary, since the same are concern with the service condition of the Applicant. Entry regarding grant of benefit of Sixth Pay Commission is also made. Pay Fixation Sheet approved by the University is also enclosed in Service Book.

17. According to the Applicant he disputed the entry made regarding lodging of a police complaint by him against

Non-applicant No.2 and entry regarding report dt.24-05-2013 submitted by Police to the effect that it was found to be a false complaint. This was done since it appears that the Applicant forwarded copy of Police complaint to the Non-applicant No.2. This complaint is, however, lodged making grievance regarding delay in grant of Selection Grade which according to applicant was deliberately caused. This being so it cannot be said that Police complaint was lodged for any personal grievance against the Non-applicant No. 2. As such these entries regarding lodging of Police complaint and a decision taken by the Police, on it, cannot be said to be unwarranted or unnecessary and hence those entries are not liable to be deleted as claim by the Applicant.

18. Rest of the entries are regarding initiation of a disciplinary proceeding against the Applicant, putting him under suspension, appointment of Enquiry Officer, submission of report by him and a decision taken by the Local Management Committee on 11.09.2014 finding him guilty of seven charges out of nine levelled against him and imposing of penalty on him. Warning letter is also issued to the applicant regarding the punishment imposed.

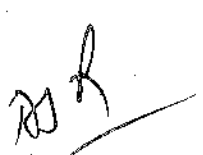
19. The disputed entry, however, appears to be in respect of the deputation of the Applicant for examination work which was made during pendency of this grievance. Its relevant extract is reproduced here for ready reference:

"Mr. Kodape tried to avoid examination work assigned to him vide letter No. BPN/SW/appointment/18-19/1942 dated 05.02.2019. However, he made a false complaint to the University. The Institute issued him letter No. BPN/SW/Summer Examination/18-19/1944 dated 09.02.2019."

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20. As stated earlier, it is obvious that the above entry has been made during pendency of this Grievance Petition, which is not challenged and the Grievances Committee did not come across any entry in the Service Book regarding alleged misconduct by the Applicant, since he was not relieved for Spot Valuation Work on 13.12.2014, for failing to submit official letter issued by the University in this behalf, against which he lodged compliant to the University and his explanation was sought. Hence there is no need to grant any relief to the Applicant regarding his prayer for deletion of the alleged illegal or unwarranted entries made in his Service Book. The Issue No. 1 is, therefore, answered in the negative.

21. **As to Point No. 2:** It is obvious from perusal of record that the Applicant was granted benefit of Senior Grade in the post of Assistant Professor on completion of five years of service i.e. in the year 2003. He was due for Selection Grade in the said post in the year 2008. However, it is obvious that the process was delayed and subsequently it was initiated sometimes in the year 2012, in which the Applicant was found eligible for grant of Selection Grade. This benefit is thus sanctioned to him under the office order dated 09.04.2014 with retrospective effect from 01.12.2008, since when he was eligible. Arrears were accordingly drawn up and paid to him. The Applicant, however, claims interest for delay in initiating the process for placement in above cadre. Considering the fact that the delay was caused for administrative reasons and in the meantime a disciplinary proceeding was initiated against the Applicant, it will not be just and in fitness of the case to grant him any interest on the delayed payment of monetary benefits of Selection Grade to him. The Point No. 2 is thus answered in the negative.



22. **As to Point No. 3:** It is true that the Applicant was eligible to be considered for the promotion post of Associate Professor in December 2011, as per recommendations of VI Pay Commission. However, obviously the said process was not initiated for the reason that he was then yet to confer with the Selection Grade, which order was passed on 09.04.2014. As stated earlier before that date, the Applicant faced disciplinary action in which he was found guilty of few charges levelled against him and punishment imposed. Perhaps for this reason the process for grant of promotion to the Applicant as Associate Professor under CAS is not initiated. Now since the enquiry is concluded, although its findings are subjudice before this Grievances Committee in another Grievance petition, there is no bar for the Non-applicants to initiate the process for promotion post by following the rules, especially when the period of punishment imposed is already over by 11.09.2017. The Non-applicants are, therefore, directed to initiate the said process by completing all the necessary formalities as per rules, within a period of two months from today and consider the Applicant's case for promotion post of Associate Professor and pass the office order accordingly granting the monetary benefits to him retrospectively, if found fit.

23. **As to Point No.4:** It is obvious from perusal of the record that although the Applicant joined in the year 1998, till 2015 he did not make any grievance for grant of two incentive annual increments to him by virtue of the fact that he qualified M.Phil. before his appointment as Assistant Professor. No representation is made to this effect by the Applicant to the college Administration and he straight way approached the Grievances Committee. It is obvious that the Management has to take a decision for grant of the aforesaid

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benefit to him. Now since the Applicant has made a prayer in this Grievance Petition, he is directed to submit a representation to the Non-applicant No. 2 for grant of the said benefit, which shall be considered in accordance with rules and relevant provisions of UGC Notification and Government Resolution issued by the Central Government and the Statute of University. Such representation be made within a period of one month from today and it shall be considered and disposed of as stated above, within a period of two months there from by the Non-applicants.

24. From the above discussion, it is obvious that the Applicant is entitled to partial relief as stated above. The Grievance Petition is, therefore, partly allowed in the above terms.

25. The Office is directed to forward the authenticate copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

26. In the facts and circumstance of the case, the Parties are, however, directed to bear their respective costs of this Petition.

Nagpur:
16-01-2020


(Arvind J. Rohee)
Chairman,
Grievances Committee
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur