

Filed on - 16/02/2022
 Order reserved on ~~23/08~~ 2022.
 Order pronounced/ 29/08/2022.
 issued on -



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

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

Grievance Petition No. 02/2022

Applicant : Shri Vivek S/o Prabhakar Thawkar,
Grievance R/o Plot No. 45, C Block Ramna Maruti
Petitioner Nagar, Nagpur-440024.

- VERSUS -

Non-Applicants:

1. Sir Shantilal Badjate Charitable Trust,
 Nagpur, O/o 274, Sanjay Apts.,
 Dharampeth Extension, Nagpur-10
 Through its President
2. Sir Shantilal Badjate Charitable Trust,
 Nagpur, O/o 274, Sanjay Apts.,
 Dharampeth Extension, Nagpur-10
 Through its Secretary
3. The Principal, S.B. Jain Institute of
 Technology Management and
 Research, At Village Yerla,
 Katol Road, District-Nagpur.

ORDER

(Delivered on 29/08/2022)

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:

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The Applicant was appointed as Lecturer in Mechanical Engineering in the Non-Applicant's college by appointment order dated 09.12.2015 and he was promoted as Assistant Professor. The Applicant's appointment was approved by the Rashtrasant Tukadoji Maharaj Nagpur by order dated 08.12.2016 since the date of his appointment till the date of resignation on 01.01.2021. He had a clean and excellent service record. It is submitted by the Applicant that being a teacher of the University affiliated college, he is entitled for salary as per the recommendations of 6th Pay Commission and 7th Pay Commission. According to the Applicant, the Non-Applicants had paid only 25% of salary for the period from April-2020 to June-2020 and thereafter 50% of salary was paid for August and September-2020. And 75% of salary was paid for October-2020. It is submitted by the Applicant that for entire period of his service he has not been paid salary as per the recommendations of 6th Pay Commission and 7th Pay Commission and there is difference of Rs. 24,59,911/- but the Non-applicants have not paid the said amount to him. The Applicant has prayed for directing the Non-Applicants to pay the full salary to him for the period from 09.12.2015 to 01.01.2021 as per the recommendations of 6th Pay Commission and 7th Pay Commission with the arrears with interest at the rate of 12% per annum. He has also claimed cost of Rs. 25,000/- from the Non-Applicants.

2.

The Non-Applicants have resisted the claim of the Applicant by filing written submission. Firstly, they have submitted that the Application itself is not maintainable and it is barred by limitation and therefore, it cannot be entertained. It has been further submitted by the Non-Applicants that the Non-Applicant No.

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3 is an un-aided college and does not receive any grant from State Exchequer and it has to bear entire expenditure of maintaining its infrastructure and payment of salary of teachers etc. from their own sources i.e. fees charged from the students and fees is to be charged as fixed by the Fee Regulating Authority. It cannot charge fees over and above the fee fixed by the Regulating Authority.

3. The Non-Applicants have further submitted that the Applicant was appointed as Lecturer in Mechanical Engineering Department from 10.12.2015, purely on Ad-hoc basis and thereafter on 01.12.2016 he came to be appointed as Assistant Professor on regular basis in the same department. His pay was fixed as per law. And now the Applicant cannot claim arrears from December-2015 to 01.01.2021 as it is barred by limitation. It is further submitted by the Non-Applicant that the Applicant did not raise any grievance in relation to his pay scale during his entire service with the Non-Applicants and it is submitted that the Application is devoid of any merit and needs to be dismissed.

4. The Applicant had also filed the rejoinder and the Non-Applicants have also filed the additional submissions. Thereafter, the Grievance Petition was proceeded for final hearing but during the proceedings on 20.08.2022, the Applicant and Principal of the Non-Applicant No.3 College appeared before the Committee and they have submitted that there is possibility of compromise and accordingly, the matter was fixed on 23.08.2022. On 23.08.2022, the Applicant filed the application to withdraw the Grievance Petition No. 02/2022 and stated in the Application that matter is settled with mutual consent. He has also filed the photocopy of Deed of Settlement dated 22.08.2022 which shows that the Applicant has compromised with the Non-Applicants and received

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the amount of Rs. 7,00,000/- (Seven Lakhs only) by Demand Draft towards one-time settlement amount for full and final settlement of all the dues and it is agreed by the Applicant in the said Deed of Settlement to unconditionally withdraw the Application No. 02/2022. The Non-Applicants have also filed the photocopy of said Deed of Settlement. Therefore, as the claim of the Applicant is fully and finally settled in between the Applicant and the Non-Applicants as to claim of arrears and as the Non-Applicants have already paid the amount of Rs. 7,00,000/- (Seven Lakhs only) towards full and final settlement to the Applicant and now the Applicant is not willing to proceed further in this proceedings and has also filed the Application to withdraw the Petition No. 02/2022. Therefore, the Grievance Petition No. 02/2022 is disposed of as withdrawn by the Applicant.

Nagpur.

Dated: 29/08/2022

Ajay C. Chaphale
29/08/2022

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

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

Nitin Kongre
29/08/2022
(Dr. Nitin Kongre)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

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

Raju Hiwase
29/08/22
(Dr. Raju Hiwase)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

Shri Rajendra Pathak
29/8/22
(Shri Rajendra Pathak)
Member, Grievances Committee,
RTM Nagpur University, Nagpur

Anuja Kulkarni
29/8/2022
(Adv. Anuja Kulkarni)
Member-Secretary
Grievances Committee,
RTM Nagpur University, Nagpur.

TRUE COPY

[Signature]
Superintendent,
Grievances, Ordinance, Statute & Legal Section,
Rashtresant Tukadoji Maharaj
Nagpur University, Nagpur.