

AGENDA

of the General Body Meeting of
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
to be held at 12.00 noon on *SUNDAY, the*
25th May, 2014 at
Annasaheb Gundewar College Chhaoni,
Katol Road, NAGPUR

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, 25th May, 2014 at Annasaheb Gundewar College Chhaoni, Katol Road Nagpur is as follows :-

ITEM NO.623 :

CONFIRMATION OF MINUTES :

TO CONFIRM the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 19th January, 2014 at S.P.M. Science & Gilani Arts, Commerce College, Ghatanji Dist. Yavatmal.

Notes :- 1) Copy of the minutes was Circulated on pages 73 to 76 of 2014 NUTA Bulletin.

2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 19th January, 2014 at S.P.M. Science & Gilani Arts, Commerce College, Ghatanji Dist. Yavatmal. vide No.CIM/36 Dated 1st March, 2014 published on page 73 of 2014 NUTA Bulletin. No reasonable correction is received.

ITEM NO. 624 :

APPROVAL TO THE ANNUAL REPORT :

TO CONSIDER AND APPROVE the Annual Report regarding the working of the Association for the calendar year ending on 31st December, 2013.

Notes : (i) As per Article VI (b) (iii) of the Constitution of NUTA, the Annual Report of the working of the Association is prepared by the Executive Committee (vide item No.2 of 2013) and is now placed for the approval of the General Body.

(ii) The Copy of the Annual Report is circulated in this NUTA Bulletin on page 91 to 98

(iii) Dr. A. W. Dhage, Secretary will present the Annual Report on behalf of the Executive Committee.

ITEM NO. 625 :

APPROVAL TO THE ANNUAL BUDGET :

TO APPROVE the Annual Budget of the Association for the Financial year commencing on 1st April, 2014.

Notes : (i) Dr. B. T. Gawande, Treasurer, NUTA, will present the Budget on behalf of the Executive Committee.

(ii) The copy of the Budget is circulated on page No. 100 of 2014 NUTA Bulletin.

(iii) If any honourable member has a query, regarding the Annual Budget, he should make it, within a week from the date of posting of this Bulletin, to Dr. B.T.Gawande, Treasurer, NUTA, Uday Colony, V.M.V.Road, Amravati 444 604 specifying the exact point on which he seeks information/ clarification. A copy of the query also be sent to Prof. P.B. Raghuvanshi,

President NUTA, Buty Plot, Near Mahajan wadi, Rajapeth, Amravati 444 601 .

ITEM NO. 626 :

APPOINTMENT OF THE AUDITORS :

TO CONSIDER AND APPROVE the following resolution for the appointment of Auditors for the Financial year ending on 31st March, 2014 namely :-

"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 2014"

Notes :

(i) As per Article VII of the Constitution of NUTA the "General Body shall appoint auditors annually in the Annual Meeting of the Association."

(ii) The Executive Committee resolved to recommend the above resolution, (Vide item No. 4 of 2014) which is now placed before the General Body for its approval.

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

MEETING NOTICE : 2

Date : 01.05.2014

From :

Dr. A.W.DHAGE

Secretary, NUTA Sankalp Sahaniwas,
Khare Town, Dharampeth, Nagpur-444 010

To,

All the members

of the Nagpur University Teachers' Association

Dear members,

I have the honour to inform you that in exercise of the powers conferred on it by Article VIII of the Constitution of NUTA, the Executive Committee has decided to have the meeting of General Body at 12.00 Noon on the date and at the place mentioned below.

2. Agenda of the General Body meeting is printed in this NUTA Bulletin. If you propose to suggest any amendments to any of the proposals/Resolutions included in the Agenda, you may send it to me within a period of one week from the date of the posting of this Bulletin. It will not be possible for the amendments received after the due date to be included in the additional agenda. Please send one copy of your amendment to Prof. P.B. Raghuvanshi, President NUTA, Buty Plot, Near Mahajan wadi, Rajapeth, Amravati 444 601

3. Rules for proposing amendments to the proposals/resolutions are printed on page 97 of 1977 NUTA Bulletin. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully

Sd/- Dr.A.W.DHAGE,
Secretary, NUTA.

**Date and Place of the
meeting**

at 12.00 Noon on, Sunday, the

25th may, 2014 at

Annasaheb Gundewar College Chhaoni,
Katol Road, NAGPUR

(iii) Dr. B. T. Gawande, Treasurer, on behalf of the Executive Committee, will move the resolution.

**ITEM NO. 627 :
SUBMISSION OF STATEMENTS
OF AUDITED ACCOUNTS FOR THE
YEAR ENDING ON 31ST MARCH 2013**

TO NOTE the submission of statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2013 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. Anil Dhage vide his letter No. Nil, Dated 02/04/2014

Notes : 1) Copy of the letter No.Nil, Dated 02/04/2014 regarding Submission of Audited Accounts is circulated on page 98 of 2014 NUTA EX File.

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2013 were approved by the Executive Committee in its meeting held on 15th December 2013 vide item No. 44, Agenda on page 113, Minutes on page 128, Enclosure on pages 102 to 104 of 2013 Ex-File.

(3) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2013 were approved by General Body in its meeting held on 19th January 2013 vide item No. 609. Agenda on page 01, Minutes on page 74, Enclosures on page 02 & 03 of 2014 NUTA Bulletin.

(4) After the approvals mentioned at notes 2 & 3 above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2013 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the secretary as mentioned at note 1 above.

(5) Reference of previous submission for information :-

Details of the submission of statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2012 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. Anil Dhage vide his letter No. CC/1/2012, Dated 29 th August 2012 are as follows :-

Notes : (i) Copy of the letter No.CC/1/2012, Dated 29th August 2012 regarding Submission of Audited Accounts was circulated on page 98 of 2013 NUTA Bulletin.

(ii) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2012 were approved by the Executive Committee in its meeting held on 19th August 2012 vide item No. 28, Agenda on page 40, Minutes on page 54, Enclosure on pages 45 to 47 of 2012 Ex-File.

(iii) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2012 were approved by General Body in its meeting held on 7th October 2012 vide item No. 577. Agenda on page 61, Minutes on page 90, Enclosures on page 62 of 2012 NUTA Bulletin.

(iv) After the approvals mentioned at notes 2 (& 3) above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2012 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the Secretary as mentioned at note 1 above.

**ITEM NO. 628 :
ANNOUNCEMENT IN RESPECT OF
CHANGE OF ADDRESS :**

TO NOTE the announcements in respect of Change of address : Acknowledgment No. 28

Notes : Announcement in respect of Change of address : Acknowledgment No. 28 is circulated on page 91 of 2014 NUTA Bulletin.

ITEM NO. 629 :

डॉ.व्ही. एस. देवगावकर यांचा ठराव

डॉ.व्ही. एस. देवगावकर हे पुढील ठराव मांडतील :-

Be it resolved to takeup with the Government of Maharashtra, the revision of pension, Gratuity and other issues of the life members of NUTA who retired before Dt. 1.1.2006

**ITEM NO. 630 :
NOTICE FOR INITIATING CONTEMPT
PROCEEDINGS**

TO NOTE the Notice for initiating Contempt Proceedings against the Joint director of Higher Education Amravati region Amravati and others for wilful disobedience of the Order dated 10.5.2013 passed by the Hon'ble Bombay High Court Bombay in W.P. No.1326 (Lodging) of 2012.

Note :- Notice for initiating Contempt Proceedings is circulated on pages No. 102 of 2014 NUTA Bulletin.

**ITEM NO. 631 :
INTERVENTION APPLICATION IN
THE SUPREME COURT**

(i) To Note the submission of intervention application in Supreme Court of India by Ramesh S.Sontakke and others in civil appeal No. 10759 of 2013 in the matter of State of Maharashtra and ors. Vs. Asha Ramdas Bidkar & ors. on 01.04.2014 representing the case of NET-SET teachers under the area of Nagpur Division Bench

(ii) To Note the submission of intervention application in Supreme Court of India by Maharashtra Federation of University and College Organisation (MFUCTO) in the civil appeal No. 10759 of 2013 in the matter of State of Maharashtra and ors. Vs. Asha Ramdas Bidkar & ors. on 04.04.2014 representing the case of NET-SET teachers in the State in general and under the area of Bombay Division Bench in particular.

(iii) To Note the submission of intervention application in Supreme Court of India by Prakash K. Walunj and others in civil appeal No. 10759 of 2013 in the matter of State of Maharashtra and ors. Vs. Asha Ramdas Bidkar & ors. on 05.04.2014 representing the case of NET-SET teachers under the area of Aurangabad Division Bench

**ITEM NO. 632 :
CIRCULAR FROM LAW AND
JUDICIARY DEPARTMENT**

To Note the circular No. 820-2014/Misc/E-branch, dt. 02.04.2014 from law and judiciary department Government of Maharashtra regarding Action to be taken when the decision of High Court is adverse to the State and is not stayed by Hon'ble the Supreme Court of India.

Note : Circular No. 820-2014/Misc/E-branch, dt. 02.04.2014 is circulated on pages No. 101 of 2014 NUTA Bulletin.

विषय क्रमांक ६३३

सहसंचालक कार्यालयातील काही 'बडे बाबू'

कार्यकारी मंडळाच्या वतीने पुढील ठराव मांडण्यात येईल. :-

मा. सहसंचालक, उच्च शिक्षण अमरावती विभाग, अमरावती यांच्या कार्यालयातील काही 'बडे बाबू' अत्यंत उन्नत पणे वागत असून राज्य शासनाचे, शिक्षण संचालकांचे, सहसंचालकांचे, तसे कोणतेही आदेश नसतांना "पडताळणी झाली नाही म्हणून व होत नाही तोपर्यंत थकवाकी अदा करणार नाही" असा शासननिर्णय त्यांनी त्यांच्याच पातळीवर काढला व अमरावती विभागात 'त्या' शासननिर्णयाची गेले अनेक महिने ते अंमलबजावणी करित आहेत. अमरावती विद्यापीठाच्या कार्यकारी मंडळामध्ये दिनांक २० जानेवारी २०१४ च्या बैठकीत संघटनेचे अध्यक्ष, डॉ. पी.बी.रघुवंशी यांनी मांडलेला ठराव मंजूर झाल्यानंतर त्याबाबत खुद्द विद्यापीठातर्फे शासनाकडे तक्रार करण्यात आली. फक्त अमरावती सहसंचालकांच्या कार्यक्षेत्रात जणूकाही हे स्वतंत्र राज्य आहे असे समजून या बड्याबाबूंची ही मस्तवाल वागणूक मा. उच्च न्यायालयाचा अवमान करणारी होती. जुलै २०१३ पर्यंत सर्व थकवाकी अदा करण्यात येईल असे स्पष्टपणे न्यायालयात कवूल केल्यानंतर हा पोरखेळ फक्त अमरावती विभागातच नोव्हेंबर २०१३ नंतरही सुरु राहीला याचे सारे श्रेय या बड्या बाबूंनाच आहे. शेवटी संघटनेच्या अध्यक्षांनी, अध्यक्ष या नात्याने "न्यायालयामध्ये अवमान याचिका

SECRETARY'S REPORT ON THE WORKING OF THE ASSOCIATION FOR THE YEAR ENDING ON 31ST DECEMBER, 2013

*Prepared by the Executive Committee of NUTA under article (VI)(b)(ii) of the
Constitution of NUTA and presented by Secretary on
behalf of the NUTA Executive Committee*

Dear Friends,

(1) It gives me immense pleasure to extend very warm welcome to you on behalf of the Executive Committee of NUTA and on my own behalf. It is indeed a proud privilege for me to place before this august body a brief account of our activities and achievements during the year 2013.

(2) Right from its inception, NUTA has been committed to the cause of welfare of the teaching community and their professional betterment. In keeping with this commitment, the Association took up several issues concerning teaching community during the period of this report which witnessed a protracted battle and had major achievements. This particular year was the year of continuous struggle for major issues.

PARTICIPATION IN ACTION PROGRAMME:

(3) Right from the beginning of this year the Association was required to continue with the agitation which began in the end of the previous year because of the delaying tactics of the Government which chose not to keep its written promises. The Association participated in a day-long Dharna at the University Headquarters on the 7th of January, call for which was given by MFUCTO. Despite the fact that the teachers in the state were continuously agitating for the fulfillment of time-bound assurances given by the State Government, the Government continued with its apathetic attitude. And hence the MFUCTO once again decided in its meeting at Mumbai on 13 January, 2013 to intensify its agitation by starting 'Non-cooperation with all examination-related work' from 4th February onwards. Nevertheless, the constituent units in Marathwada were to remain out of the agitation in view of the severe drought the region was facing.

(4) With a view to make one more attempt to avoid agitation, MFUCTO decided to approach His Excellency the Chancellor of the state with a request (A) to urgently intervene in the matter to avoid further disruption of academic and examination work in the state and (B) to grant a meeting at an early date to a deputation of the MFUCTO to explain the issues. However, the representation of 21st January, 2013 addressed to the Chancellor did not yield any results and hence the agitation got started throughout the state on the 4th February.

(5) The Government which had turned a blind eye to the agitating teachers suddenly woke up and called the MFUCTO for discussion. The discussion, however, on the 5th and 6th February turned extremely futile. On the 6th February the meeting was held in the presence of the Chief Minister who appeared to have forgotten what the Government had committed in writing

दाखल करण्याची नोटीस" संघटनेच्या वकिलामार्फत दिल्यानंतरच या बड्याबाबूंची मस्ती उतरली. सुदैवाने नव्याने आलेल्या सहसंचालकांनी सर्व बाबींचा अभ्यास करून अत्यंत सूझपणाची भूमिका घेतली. अन्यथा दिवसभर न्यायालयात उभे राहून न्यायालयाची क्षमा मागण्याची जी पाळी उच्च शिक्षण सचिवांवर आली तशी ती सहसंचालकांवर सुद्धा आली असती. बड्या बाबूंचा हा उपद्रव किती तीव्र होता याची कल्पना यावी म्हणून असे नमूद करण्यात येत आहे की, न्यायालयात कबूल करूनसुद्धा अमरावती विद्यापीठातील सर्वच्या सर्व शिक्षकांना ८० टक्क्यापैकी एक रुपयाची सुद्धा थकवाकी अदा करण्यात आली नव्हती. अवमान याचिकेची नोटीस मिळाल्यावर दिनांक ५ एप्रिल २०१४ च्या पत्रान्वये २ कोटी ४५ लक्ष रुपयांच्यावर रक्कम असलेली ही थकवाकी एकट्या अमरावती विद्यापीठामध्ये एप्रिलच्या पहिल्या आठवड्यात अदा करण्यात आली. याच काळात संलग्न महाविद्यालयातून अंदाजे २० कोटी रुपये थकवाकीपोटी अदा करण्यात आले. सामंजस्याची भूमिका घेतल्याबद्दल सहसंचालकाना धन्ववाद देत असतांनाच त्यांच्या राज्यातील बड्याबाबूंच्या या निंदास्पद वर्तनाचा तीव्र निषेध करण्यात येत आहे व या 'बड्याबाबू'ंच्या अशा अपकृत्यांवर संघटीतपणे लक्ष ठेवण्याचा व अशी अपकृत्ये संघटीतपणे हाणून पाडण्याचा निर्धार व्यक्त करण्यात येत आहे.

earlier and came out with a new position that the Government will disburse the first installment of Rs. 500 crores by making provision in the budget session of the legislature in March, 2013 and the amount that will be reimbursed by the Central Government will be disbursed as second installment and so on and so forth. The unilateral minutes of this meeting prepared by the Government also mentioned in respect of Net-Set issue that the proposal regarding the date from which to consider the service of the non-Net-Set teachers appointed between 19-9-1991 and 3-4-2000 for the purposes of placement and resulting arrears by taking into consideration the judgements of the Supreme Court, the High Courts, the decisions of the Government and communications of U. G. C. and H. R. D. will be placed for the consideration of the cabinet by March end. But

CHANGE OF ADDRESS ACKNOWLEDGEMENT NO.28

Requests for changes in address for the purpose of mailing and correspondence, have been reaching us frequently from the members. So to record these changes in Life Member's Register systematically, and to follow up these changes effectively, steps have been taken by The President.

2. We hereby acknowledge the receipt of the requests for change in address from members whose Life Membership Numbers and changed addresses are included in List No. 34 of Changed Addresses of Life Members of NUTA. Details of the said list are as follows:-

LIST NO. 34 :- Serialized Nos. of the changed Addresses from 1598 to 1622 (Notified in 2014 Ex. File on Page 12). The Life membership Numbers of those requesting members are as follows :-

0686, 08481, 1121, 1310, 1357, 1670, 1731, 1800, 2190, 2550, 2810, 2871, 2967, 2968, 3205, 3271, 3373, 3545, 3595, 3862, 3988, 4026, 4706, 5076, 5215, = Total 25

3. No separate and individual acknowledgement shall be issued in this regard.

4. Hereafter requests for change in address shall be sent only to the president NUTA on his e-mail address which is as follows :-

pbraghuwanshi@gmail.com

Every such e-mail communication must contain (1) Life Member No. and (2) New (changed) address of the requesting member.

5. Members may please note that such requests sent by any other mode and to any other office bearer of NUTA Executive may not be speedily and effectively followed up. We hope that the members shall continue to cooperate with us to serve them better.

6. Acknowledgement No. 27 was published on page No 09 of 2014 NUTA Bulletin, containing address changes from 1515 to 1597 in List No. 33 of changed addresses.

01.05.2014

Dr.Pravin Raghuvanshi
President, NUTA

since the non-cooperation movement had already started, the Government communicated by a letter dated 7th March, 2013 that the cabinet had decided in its meeting of 6th March to consider the services of these teachers for all purposes from the date of issue of Government Resolution. This shocking turnaround of the State Government forced MFUCTO to decide in its meeting held on 25th February, 2013 to undertake 'state-level court arrest' programme at Azad Maidan, Mumbai on 8th of March, 2013 which was a huge success.

(6) As a matter of fact, the position taken by the Govt. was entirely against the several commitments made by itself regarding the services to be taken into consideration for granting the benefit of placement to non-Net-Set teachers. In a communication dated 24 July, 2009 addressed to the MFUCTO it was stated that the proposals of granting placement benefit to these teachers will be disposed of within 30 days as far as possible after receiving the grant of exemption from UGC. This stand was reiterated in the communication dated 31st July 2009 making it clear that the exemption will be allowed from the date mentioned by UGC which was again stated in the 'urgent' circular dated 7th August, 2009 addressed to all Universities and colleges. It may also be mentioned that the minutes of the meeting of MFUCTO held with the Honb'le Minister of Higher Education on 26th August, 2009 also included a line 'the decision of the UGC in this respect shall be final'.

(7) The govt. stand in respect of disbursement of arrears was also apparently contrary to the policy of the Central Government. This was vindicated by the judgement delivered by the Allahabad High Court in W. P. No. 64068 of 2011. The order dated 17 January, 2013 stated that 'In view of the aforesaid facts, we are of the view that the stand taken by the State Government in the impugned order is wholly erroneous and cannot be sustained. The proper course available to the State Government is first to pay the amount pursuant to the recommendations of the UGC, which admittedly has been accepted by the State Government and thereafter shall apply to the Central Government for reimbursement of the amount so incurred towards the payment of arrears of salary'. And hence the govt. proposal of 6th March was rightly rejected by

MFUCTO. And it was resolved in its meeting of 9th March 2013 held at Mumbai and another meeting of 7th April, 2013 held at Jalgaon to intensify the agitation resisting all repressive measures of the Govt. Further at a meeting on 20th April, 2013 it was decided to hold statewide Dharna at Azad Maidan, Mumbai on 25th April, 2013. But the Govt. continued with its apathy without bothering in the least for the interests of students and making virtually no effort to rightly address the issues.

(8) In the meantime W. P. (Lodging) No. 1326 of 2012 which was filed during the previous year's agitation by Akhil Bharatiya Vidyarthi Parishada in the High Court of Judicature at Bombay came up for hearing on the 18th April. On that day Honb'le court noted in the order that 'It appears that the dispute now only is with effect from which date the exemption will be granted by the University and with effect from which date the arrears of salaries will be paid to such teachers'. The Court adjourned further hearing to 30th April, 2013 in order to enable the parties to amicably resolve the issues. Perceiving the mood of the Court the Minister of Higher Education called the MFUCTO delegation at his home for discussion on the 19th April. Although it was for the first time that the entire Charter of Demands was discussed, it was clear that the meeting was held only to complete the formality of discussion with no concrete assurance being put forth from the Govt. side. At the end of the meeting the Minister refused to give any signed document based on minutes of the meeting. Realizing that the Govt. had only proposals and no assurances on our major demands, the MFUCTO was constrained to continue the agitation.

(9) On 30th April the Court mentioned in its order that 'Mr. Saluja, learned AGP for the respondent State, states under instructions that the representatives of the MFUCTO had held a meeting with the Minister of Higher and Technical Education and also the Minister of State for the said Department on 19 April, 2013. It is further stated that about 13 issues were discussed at the said meeting and considerable progress has been made including the decision of the State Government to release Rs. 500 crores towards arrears of Salary of the teachers' and adjourned the hearing to the 8th May. The MFUCTO was

(12)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY BENCH AT AURANGABAD WRIT PETITION NO.7421 OF 2013

Dr.Kishor s/o Govind Kolhe & others *Petitioners* **VERSUS** The State of Maharashtra & others *Respondents* * Mr.Pradeep Deshmukh, advocate holding for Mr.Y.P.Deshmukh, advocate for petitioners., Mrs.A.V.Gondhalekar, A.G.P. for Respondents No.1 to 3., Mr.A.B.Girase, advocate for Respondent No.5.* **WITH WRIT PETITION NO.6687 OF 2013** Sunil Madhukar Nave & others *Petitioners* **VERSUS** The State of Maharashtra & others *Respondents**, Mr.Pradeep Deshmukh, advocate holding for Mr.Y.P.Deshmukh, advocate for petitioners., Mr.K.J.Ghute Patil, A.G.P. for Respondents No.1 to 3. Mr.A.B.Girase, advocate for Respondent No.5.* **WITH WRIT PETITION NO.641 OF 2014** Dr.Sunil Vikram Kuwar & others *Petitioners* **VERSUS** The State of Maharashtra & others *Respondents** Mr.Pradeep Deshmukh, advocate holding for Mr.Y.P.Deshmukh, advocate for petitioners., Mrs.A.V.Gondhalekar, A.G.P. for Respondents No.1 to 3., Mr.A.B.Girase, advocate for Respondent No.5.* **WITH WRIT PETITION NO.642 OF 2014** Subhash Girdhar Salunke & others *Petitioners* **VERSUS** The State of Maharashtra & others *Respondents** Mr.Pradeep Deshmukh, advocate holding for Mr.Y.P.Deshmukh, advocate for petitioners., Mrs.A.V.Gondhalekar, A.G.P. for Respondents No.1 to 3., Mr.A.B.Girase, advocate for Respondent No.5.

CORAM : R.M.BORDE & N.W. SAMBRE, JJ.
DATE :21ST JANUARY, 2014

PER COURT:

1 Liberty to add the Management as party Respondent.

2 Perused the order passed by the Supreme Court in Special Leave to Appeal (Civil) No.34118 of 2013, dated 18.11.2013.

3 Rule.

4 Learned Counsel for respective Respondents waive service of Rule.

5 In view of the notifications dated 21.02.2008 and 23.02.2010, respectively, issued by the University Grants Commission, petitioners, **who have not passed NET/**

SET examination but who have completed six years of service as on the date, should be entitled to the benefits of Career Advancement Scheme only for the purpose of pay scales.

6 The Respondents shall release monetary benefits accruable to the petitioners in terms of above, as expeditiously as possible, preferably **within a period of twelve weeks from today.**

7 The above interim order shall be subject to final outcome of the writ petitions as well as decision of the Supreme Court in above referred Special Leave Petition.

N.W. SAMBRE, JUDGE

R.M.BORDE, JUDGE

keen to resolve the stalemate and this was made known to the Court through our Counsel which was reflected in the Court order dated 8th May that *'Learned Counsel for respondent No. 2 Organization further states that the meetings have already been held with the Minister in charge of Higher and Technical Education, Government of Maharashtra and that if one meeting is held by Hon'ble Chief Minister the issues are likely to be resolved.'* The next hearing was fixed for 10th of May at 10.00 a.m.

(10) In view of this, the MFUCTO called emergent meeting of the Executive Committee on the 9th May 2013 at 12.00 noon at Mumbai. Upon perusal of the Court orders and review of the developments, it was decided that the MFUCTO should file an affidavit to assist the Court to have right perspective of the situation. Accordingly, a committee comprising five members prepared the affidavit which was submitted the next day by our Counsel Prof. C. R. Sadasivan in which it was suggested that if the Govt. made definite commitments on major demands before the Court the MFUCTO was prepared to consider withdrawing the agitation. On 10th as soon as the Court resumed, it perused the affidavit and heard the Govt. counsel in response. After hearing, the Court recorded in its judgement regarding the Net-Set issue that *'Mr. Saluja states that the State Government will issue G. R. within two weeks from today for granting exemption from NET/SET to those teachers who were appointed between 19 September 1991 and 3 April 2000 after following the regular procedure'*. As regards the second issue of sixth pay arrears, the Court stated that *'we record the statement being made by Mr. Saluja, learned A.G.P. under instructions of Mr. G. S. Rasal, Joint Secretary to the Government of Maharashtra, Higher Education and Technical Education Department, that the arrears of salary on the basis of 6th Pay Commission recommendations have partly been paid in March 2013 and that the balance amounts will be released by 31 July 2013'*. The Govt. was also compelled to commit that numerous adverse implications of the Cabinet decision regarding regularization NET/SET affected teachers from the date of G. R. are withdrawn and existing benefits will not be disturbed. The Court did mention that once the G. R. was issued, the MFUCTO was at liberty to approach Honb'le High Court for legal remedy. With reference to granting benefit of fixation at 14940, Honb'le High Court categorically stated that the Govt. was bound to implement directions given in earlier judgements.

(11) Thus the 10 page detailed Order of 25 paragraphs upheld the position of MFUCTO that the historic 96-day agitation which came to an end on the 10 May had got prolonged because the Government failed to arrive at decisions. The Hon'ble High Court has sharply noted that delay in taking decision by the Govt. compelled the teachers to start the Boycott agitation.

Arising out of this observation, for the first time the Hon'ble High Court directed that by 31 July 2013 Grievance Redressal Body should be set up. **This is a clear message that if disputes and grievances are resolved through dialogue, agitations can be avoided.**

(12) The Govt. of Maharashtra issued a G. R. regarding NET-SET affected teachers on 27 June, 2013 in which it was stated that the UGC Regulations of 19-9-1991 were made effective in the State vide G. R. dated 23-10-1992. As such the G. R. could not be made effective from 19-9-1991 retrospectively and therefore the qualifications incorporated in UGC Notification dated 19-9-1991 would not be applicable to those appointed prior to 23-10-1992. It further stated that the services of those teachers appointed between 23-10-1992 and 3-4-2000 and who did not acquire qualifications like NET/SET or Ph. D. or M. Phil. would be taken into consideration from the date of issuance of G. R. for all purposes. It was also further clarified that the new defined contribution pension scheme would be applicable to these teachers. As far as the arrears on account of sixth pay revision were concerned, the same were disbursed in the State by the end of October, 2013 but not before the Contempt notice by the MFUCTO's Counsel was issued to the Principal Secretary Higher Education on 22nd October, 2013

COURT CASES:

(13) (A) The battle on the street was over; however, the G. R. of 27th June, 2013 had thrown new issues. In the meanwhile the Aurangabad Bench of Bombay High Court on 1st August, 2013 delivered a judgement in W. P. No. 11477 of 2010 in which the petition was allowed in terms of prayer clauses (A) and (B), with modification that interest on arrears shall carry interest @ 6% per annum from the date when the payment became due. The Court also observed in the Order that the tag of their being adhoc teachers, does not and cannot constitute a ground to deny them the benefit of Career Advancement Scheme. The Order also mentioned that the stand taken by the State was wholly unjust and deserved to be rejected. In view of this Order and the position taken by the Govt. in G. R. of 27 June, 2013, it was decided that a collective petition be filed by MFUCTO at Bombay High Court while simultaneously filing cases in different Benches. Accordingly, W. P. No. 2082 of 2013 and W.P. No. 1886 of 2013 were filed at Bombay by MFUCTO. On 28th August, 2013 a bunch of nine petitions also came to be decided by Aurangabad Bench along the lines of judgement delivered on 1st August, 2013.

Out of prejudice against the teachers, the State Government filed Special Leave Petition in W. P. No. 11477/2010. The Honb'le Supreme Court upon hearing the Counsel granted permission to file SLP and made the following interim Order on 18-11-2013:

(13)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD WRIT PETITION NO. 10383 OF 2013

Dr Sheshrao Venkatrao Shete and another VS The State of Maharashtra and others **ALONG WITH WRIT PETITION NO. 10385 OF 2013** Dr Vilas Bapurao Aghav VS The State of Maharashtra and others * **In both petitions** : Mr N. T. Bhagat, Advocate for petitioner, Mrs S. A. Dhumal, AGP for respondent/State, Mr Alok Sharma, AGP for respondent No. 4

CORAM : R. M. BORDE & N. W. SAMBRE, JJ.
DATE : JANUARY 13TH, 2014

PER COURT :- (1) Perused the order passed by the Supreme Court in Special Leave to Appeal (Civil) No. 34118 of 2013, dated 18.11.2013. (2) Rule. (3) Respective Counsel for respondents waive service of Rule. (4) In view of the notification dated 9th August, 2007 issued by the University Grants Commission, the petitioners, who have not passed NET/SET examination, but who have completed six years of service as on the date, should be entitled to benefits of Career Advancement Scheme only for the purpose of pay scales. **The respondents shall release the monetary benefits accruable to the petitioners in terms of above, as expeditiously as possible, preferably within a period of 12 weeks from today.** (5) The above interim order shall be subject to final outcome of the writ petitions as well as the decision of the Supreme Court in above referred Special Leave Petition.

(N. W. SAMBRE) JUDGE

(R. M. BORDE) JUDGE

'4. We are of the view that following the UGC Notification/ Letter dated 4-11-2008, those teachers who have not passed NET/SET examination but who have completed six years of service as on that date should be entitled to the benefits of career advancement scheme only for the purpose of pay-scales. According to us such an interim order for that limited purpose will meet ends of justice.

5. The impugned orders passed by the High Court will remain stayed subject to the order as above.'

Upon being mentioned by the Counsel for the State on 27-11-2013, the Honb'le Court added the following line to the Order 'The above Order will be subject to the final orders to be passed in these appeals'.

Referring to the Supreme Court ruling, the Aurangabad Bench of High Court in W. P. No. 8316 of 2013 passed on 12th of December, 2013 the similar order based on Supreme Court ruling further saying that '**The monetary benefits accrued, as a result of interim order, shall be disbursed as expeditiously as possible, preferably within a period of six months from today**'. The cases already pending in the Court are most likely to be decided along the same lines.

Besides, the MFUCTO has also filed a Writ Petition at Bombay on 19th July, 2013 challenging the State Government decision to apply new defined contribution pension scheme to these teachers.

(B) The State Government had also withheld the salary of the teachers in the State who had participated in the agitation from 4-2-2013 to 10-5-2013. On this issue, the Honb'le High Court in its Order of 10 May had preferred to express no opinion except expecting that the issue may be discussed with the respondent no. 2 Association. On 27th May, 2013 MFUCTO had sent a communication to the State Government explaining

what had happened in the past in similar circumstances and the position of law on this issue. It was stated in the communication that not releasing salaries for the months of March and April 2013 to teachers who have attended to their college level duties by remaining present and signing the muster, amounts to an act which was unsupported by any law and/or Statute and/or rules. Under the circumstances, MFUCTO prayed that (A) The government be good enough to immediately direct the Joint Directors of Higher Education to release the withheld salaries without any further loss of time and (B) Alternatively government grants time to the MFUCTO for holding discussion on this subject as directed by the Honb'le High Court.

The Dept. of Higher Education then sent a communication dated 17 September, 2013 to MFUCTO to attend a meeting on the 25th September to discuss the issue of agitation period salary with the Grievances Committee. The Govt. had constituted a Grievance Redressal Mechanism in the form of a committee under the chairmanship of the Minister for Higher Education vide G. R. of 25th July, 2013 comprising Principal Secretaries of Higher Education, Service, Finance, Planning, Law and Justice and Joint Secretary (Vishi) besides Minister and State Minister of Higher Education. MFUCTO not only rejected the Grievance Redressal mechanism but also refused to attend the meeting saying that the creators of grievances were assigned the role to act as arbitrators through the said committee. Since the Govt. didn't appear to be interested in discussing this issue in right earnest, it was decided to seek legal remedy and a petition was filed in Bombay High Court which is in progress.

(C) The Association of Colleges & University Superannuated Teachers had filed a Writ Petition in Division Bench of Bombay High Court challenging the G. R. dated 21st August, 2009 raising the Gratuity Ceiling from 5.00 lakhs to 7.00 lakhs with effect from 1st September, 2009 being arbitrary and discriminatory. The Petition was dismissed by the High Court.

(14)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY BENCH AT AURANGABAD WRIT PETITION NO.1129 OF 2014

Dr. Suresh Bhaskar Dhake & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.10370 OF 2013* Rajendra Rakhamaji Dandwate & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.1556 OF 2014* Bipinchandra Narayan Shinde and anr. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.7605 OF 2013* Raju Sitaram Pawar & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.1547 OF 2014* Anil Narayanrao Kalyankar & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.1531 OF 2014* Dayanand Ramrao Mane & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.1472 OF 2014* Sanjeev Machindra Reddy & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.1484 OF 2014* Sanjay Nivratarao Kadam & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * WITH WRIT PETITION NO.10346 OF 2013* Sanjay Ratan Khairnar & ors. ...*PETITIONERS VERSUS* The State of Mah. & ors. ...*RESPONDENTS * Mr Pradeep Deshmukh, Advocate holding for Mr H.A. Joshi for petitioners; Mr V. H. Dighe & Mrs. A.V. Gondhalekar, Asstt. Govt. Pleaders for respondents no.1 to 3; Mr Alok Sharma, Asstt.Solicitor General for respondent University Grants Commission*

CORAM : R.M.BORDE & N.W. SAMBRE, JJ.
DATE : 21ST FEBRUARY, 2014

PER COURT: Liberty to add the Management as party Respondent.

2. Perused the order passed by the Supreme Court in Special Leave to Appeal (Civil) No.34118 of 2013, dated 18.11.2013.

3. **Rule.**

4. Learned Counsel for respective Respondents waive service of Rule.

5. In view of the notifications dated 2.6.2009, 22.3.2010, 23.3.2010, 26.3.2010 and 26.8.2011, respectively, issued by the University Grants Commission, petitioners, who have not passed NET/SET examination but who have completed six years of service as on the date, should be entitled to be benefits of Career Advancement Scheme only for the purpose of pay scales.

6. The Respondents shall release monetary benefits accruable to the petitioners in terms of above, as expeditiously as possible, preferably **within a period of twelve weeks from today**.

7. The above interim order shall be subject to final outcome of the writ petitions as well as decision of the Supreme Court in above referred Special Leave Petition.

8. Liberty to respondents to apply for modification of the order, if deemed necessary.

N.W. SAMBRE, JUDGE

AF:P263

R.M.BORDE, JUDGE

Hence the Association moved the Supreme Court which while allowing the appeal declared the cut-off date, i. e. 01-09-2009 specified in G. R. dated 21-08-2009 as unconstitutional and passed the following order:- 'As a sequel to the above, we direct that within three months from the date of receipt/production of copy of this order, State Government shall pay to the members of the appellant and other similarly situated employees difference of the gratuity already paid and enhanced gratuity payable in terms of G. R. dated 21.08.2009'. And hence the meeting of the similarly situated teachers in Nagpur and Amravati region was held at Shikshak Bhavan Amravati on the 3rd August, 2013 in which it was decided to file Writ Petitions in the High Court. Accordingly, two petitions No. 5807 of 2013 of teachers in Nagpur region and No. 5811 of 2013 of teachers in Amravati region have been filed in Nagpur High Court in which notices have been issued to the respondents.

(D) The Hon'ble High Court has delivered judgements in respect of the benefit of 14940/- in several petitions. On 8-8-2012 the Court had given a decision in W. P. No. 1960 of 2012 in favour of the petitioner. However, since the Govt. did not implement the decision, the petitioner filed Contempt petition no. 296 of 2012 in which the Court has ordered on 30th April, 2013 the service of show cause notice to the respondents.

(14) I am happy to inform this August body that the teachers from Rashtrasant Tukdoji Maharaj Nagpur University, Sant Gadge Baba Amravati University and Gondwana University participated in large numbers in all the programmes of agitation and made them successful. Nevertheless, the struggle has not ended. The Association is keeping a vigilant eye on the developments at all levels leaving nothing to chance. I have absolutely no doubt that the success will come our way since our demands are lawful and are based on strong legal footing.

ISSUES OF SOCIAL WORK COLLEGE TEACHERS

(15) Although 100% arrears on account of sixth pay revision have been disbursed to the teachers under the Department of Higher Education, it remains a fact that no arrears have so far been disbursed to the teachers under the Department of Social Justice. Consequently the present Secretary of NUTA & 37 other teachers in R. T. M. Nagpur University area have filed a petition in the High Court of Judicature at Bombay Nagpur Bench and the notice to the Government has been issued to file reply which the Government has not so far done.

However, a major breakthrough has been achieved in respect of the long pending demand of pension to the teachers of Social work colleges. 49 teachers including the present Secretary of

NUTA had filed a petition No. 682 of 2012 in the High Court of Judicature at Bombay, Nagpur Bench on 27 January 2012. Prior to this the Colleges of Ayurved & others had also filed a petition in 2011 praying for the direction to the Government to make the Pension cum Gratuity scheme applicable. The Court clubbed both the petitions along with the third petition and a common judgement came to be delivered on 10 June, 2013. In its 100 page well-reasoned and well-worded judgement the Court has passed directions in terms of para 37 & 40 of the judgement. The Government of Maharashtra, however, approached the Supreme Court of India by filing Special Leave petitions. Upon hearing, the Court made the order '**The Special Leave petitions are dismissed**' on the 10th of January, 2014. Although the 10 June 2013 order mentions that '*The monthly pension due to them from 1.1.2014 shall be released regularly along with others. Any default or delay in payment after stipulated period shall attract interest as per prevailing policy of the State Government.*', the possibility of being required to file contempt petition cannot be ruled out and the petitioners will have to be prepared for the same.

GOLDEN JUBILEE YEAR OF NUTA

(16) This year was the Golden Jubilee year of NUTA completing fifty years of its fruitful existence. The Association came into being on 17th March, 1963 in a meeting of teachers held at Nagpur in which the Constitution of the Association was adopted and an Interim Committee was constituted under the convenorship of Prof. R. V. Ranade with Prof. M. G. Vaidya, Prof. M. G. Bokare, Prof. P. W. Urdhwareshe and Prof. S. G. Kolarkar as members to conduct the elections. Accordingly the elections were held on 24th August, 1963 and Prof. S. A. Deshpande and Prof. R. V. Ranade were elected as the first President and Secretary respectively. Earlier it was the University Teachers' Club which was functioning. The idea of making it an Association appears to have been mooted as early as in 1957 when Prof. Ranade addressed a communication dated 4th October, 1957 to the President of the Club in which he mentioned that "*At the general body meeting of the University Teachers' Club held on the 28th September, 1957 in the Independence Hall of the Nagpur Mahavidyalaya, a committee was appointed, with power to co-opt additional members, to ascertain the views of the members regarding the 'nature and future' of the University Teachers' Club and make recommendations with a view to making it an effective and living organization*". But the idea finally materialized in 1963, thanks to ceaseless efforts and immense contribution made by Prof. Ranade in the formative years of the Association. In 1974 Prof. B. T. Deshmukh took over as the President and brought

(15)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY BENCH AT AURANGABAD WRIT PETITION NO.8316 OF 2013

Idriskhan s/o Goharkhan Pathan and others Petitioners **VERSUS** The State of Maharashtra & others Respondents * Mr.V.J.Dixit, Senior Counsel i/by Mr.A.N.Nagargoje, advocate for petitioners., Mr.D.B.Bhange, A.G.P. for Respondents No.1 to 3., Mr.Alok Sharma, Assistant Solicitor General, for Respondent No.4., Mr.A.B.Girase, advocate for Respondent No.5., Mr.S.S.Dixit, advocate for Respondent No.6.* **WITH WRIT PETITION NO.8279 OF 2013** Vishwas s/o Nimba Koli and others Petitioners **VERSUS** The State of Maharashtra & others Respondents * Mr.V.J.Dixit, Senior Counsel i/by Mr.A.N.Nagargoje, advocate for petitioners., Mr.D.B.Bhange, A.G.P. for Respondents No.1 to 3., Mr.Alok Sharma, Assistant Solicitor General, for Respondent No.4., Mr.A.B.Girase, advocate for Respondent No.5., Mr.S.S.Dixit, advocate for Respondents No.6 to 8.

CORAM : R.M.BORDE & A.I.S.CHEEMA, JJ.
DATE : 12TH DECEMBER, 2013.

PER COURT :- (1) Heard. Rule. Learned Counsel waives notice for respective Respondents. **(2)** Perused the order passed by the Hon'ble Supreme Court in Petition for Special Leave to Appeal (Civil) No.34118/2013. **(3)** Having regard to the interim order passed by the Supreme Court in the Petition for Special Leave to Appeal, referred to above, we pass following order: Following the UGC Notification/Letter dated 23.03.2010, those teachers, who have not passed NET/SET examination but who have completed six years of service as on that date should be entitled to the benefits of career advancement scheme only for the purpose of pay scales. The monetary benefits accrued, as a result of interim order, shall be disbursed as expeditiously as possible, **preferably within a period of six months from today.** **(4)** The interim order, passed above, shall be subject to the outcome of Petition for Special Leave to Appeal (Civil) No. 34118/2013.

A.I.S.CHEEMA , JUDGE

R.M.BORDE, JUDGE

about a complete metamorphosis in the functioning and character of the Association. Those were the days of insecurity of service, less and irregular payment of salaries, and virtually no service conditions. Prof. B. T. Deshmukh rendered fighting spirit to the Association and led many struggles and had several achievements for teachers which resulted in bettering their professional life. After his entry into the Legislative Council in 1980 as the official candidate of the Association the redressal of grievances became easier and faster. He led the Association as its President for 37 years to make it what it is today and the Association will always be grateful and remember his unique contribution and services to the teaching community.

(17) Coincidentally All India Federation of University and College Teachers' Organisations (AIFUCTO) also completed 50 years of its purposeful existence in the previous year. AIFUCTO had come into existence 50 years ago at Uday Pratap college, Varanasi on 24th April 1962. With a view to celebrate Golden Jubilee Year of both the Associations, it was decided to hold two functions, one at Amravati and another at Nagpur. Accordingly, the first function was held at Amravati on 29th September, 2013 in the presence of the Present General Secretary of AIFUCTO Prof. Asok Barman who delivered the Golden Jubilee address. In an impressive function some of the past office bearers of the Association were felicitated and a special issue of NUTA Bulletin designed as 'OUR SECRETARY'S REPORTS' was published on the occasion. Second function was scheduled to be held on 16th March, 2014 at Nagpur.

DISTRICT UNIT ELECTION & DISTRICT CONVENTIONS

(18) The programme of District Unit election was notified in the Bulletin vide notice dated 1st July, 2013. Accordingly, as per para 6 of the District Unit Bye-laws the election of all the District Units was held between 14-7-2013 and 25-8-2013.

(19) The District level conventions of members were held on 1st December, 2013 at 3.30 p. m. at all district headquarters in which the Office-bearers of the District Units addressed the issues of review of the developments in respect of Net-Set teachers, the Govt's Application for Special Leave petition in Supreme Court and measures to be taken and the status regarding the disbursement of sixth pay arrears and the measures to be initiated. The conventions at all the districts were largely attended by teachers.

ELECTION TO MFUCTO EXECUTIVE COMMITTEE

(20) The biennial election of the MFUCTO Executive

Committee was held at the General Council meeting held at Kolhapur on the 6th October, 2013. Prof. Shivajirao Patil and Prof. Tapati Mukhopadhyay were reelected as the President and Secretary respectively. The following office-bearers from NUTA were elected to the MFUCTO executive. :

Nagpur Region:-

Dr. Anil Dhage Vice President

Dr. Vilas Dhone Executive Committee member

Dr. Nitin Kongare —do—

Dr. Avinash Sahurkar —do—

Amravati Region:-

Dr. Vivek Deshmukh Vice President

Dr. P. B. Raghuvanshi Joint Secretary

Dr. Satishwar More Executive Committee Member

Dr. Nitin Changole —do—

Dr. Vilas Thakare —do—

Since Prof. Shivajirao Patil resigned as the President of MFUCTO, Prof. A. T. Sanap was unanimously co-opted as the President by the Executive Committee in its meeting held at Mumbai on 19th October, 2013 in exercise of the power vested in it by clause 13 of the Constitution of MFUCTO.

(21) I congratulate all these representatives who were elected to the MFUCTO Executive Committee. In another development MFUCTO has adopted the following amendment to its Constitution at its meeting at Pune held on 5th November, 2012: "(B) Notwithstanding anything in this constitution, a person who has served as an office bearer of the organization and is a member or an Ex-member of the Legislative Council of Maharashtra either from the teachers or Graduates Constituency shall be the member of the Executive Committee and General Council". In accordance with this provision, Prof. B. T. Deshmukh will be the permanent member of the Executive Committee and General Council of MFUCTO.

AIFUCTO PROGRAMMES

(22) AIFUCTO had organized a Massive Rally in New Delhi on 20th September, 2013 to (1) oppose the Amended UGC Regulations 2013 (2) demand strengthening public funded education (3) demand control of private educational institution

(16)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH : NAGPUR. WRIT PETITION NO. 6309 OF 2013

(Lemchand S. Durge and ors. Vs. The State of Mah. thr. Principal Secretary, Higher and Technical Education Dept. and ors.) * WITH WRIT PETITION NO. 5025 OF 2013 (Tikaram S/o Dewaji Kose and ors. Vs. The State of Mah. thr. Principal Secretary, Higher and Technical Education Dept. and ors.) * WITH WRIT PETITION NO. 6325 OF 2013 (Dr. Anil Shivrangji Dahat and ors. Vs. The State of Mah. thr. Principal Secretary, Higher and Technical Education Dept. and ors.) * Shri A. I. Sheikh, Advocate h/f Shri Firdos Mirza, Advocate for petitioners, Shri N. R. Patil, AGP for respondent nos. 1 to 3, Shri Patil, Advocate for respondent no. 4 in w.p. 6309/2013, Shri P. V. Bhojar, Advocate for respondent no. 4 in w.p. 5025/2013, Shri N. Khubalkar, Advocate for respondent no. 4 in w.p. 6325/2013, Shri B. G. Kulkarni, Advocate for respondent no. 5 in w.p. 6325/2013

Coram : B. P. DHARMADHIKARI AND P. R. Bora, JJ
Date : 5 th MARCH, 2014 .

Heard. Respective counsel appearing for petitioners as also respondents do not dispute that issue involved has been looked into by this Court on 30.1.2014 in Writ Petition No. 6473/2013. In view of the joint statement, rule.

Hearing expedited. Learned AGP waives notice on behalf of respondent nos. 1 to 3. Learned counsel appearing for respondent no. 4 in respective writ petitions waive notice for respondent no. 4 whereas Shri Kulkarni, learned counsel appearing for respondent no. 5 waives notice for respondent no. 5 in Writ Petition No. 6325/2013.

In the light of interim orders passed by Hon'ble Apex Court, we also pass similar orders as interim orders. Following the UGC Notification/Letter dated 4.11.2008, those teachers who have not passed NET/SET examination but who have completed six years of service as on that date should be entitled to the benefits of career advancement scheme only for the purpose of payscales. The said exercise be completed **within a period of six months**. Same shall be subject to further orders in the matter.

Judge

AF:P279

Judge

(4) oppose new pension scheme (5) demand democratization of management of educational institutions. The UGC has brought out UGC Amendment Regulations 2013 amending Regulations of 2010. They are extremely disappointing as the Regulations in the present form will not allow teachers CAS benefit. Caps introduced in the Regulations will make it impossible for teachers. The requirements cannot be fulfilled by the teachers as the clauses like guiding research & conducting projects are not practicable for all teachers. The rally was largely attended with sizable attendance of NUTA representatives.

(23) This year's 27th AIFUCTO Statutory Conference was organized by Association of Mangalore University College Teachers (AMUCT) in association with Federation of University & College Teachers' Association of Karnataka (FUCTAC) at Loyola Hall, St. Aloysius College Campus, Mangalore, Karnataka on November 30 and 1 & 2 December, 2013. This being the Statutory Conference, the election of Office-bearers of AIFUCTO also took place. Prof. Tarun Patra and Prof. Asok Barman were reelected President and Secretary respectively for a term of 2 years.

On the occasion of the Conference, the National Seminar on '*Changing Paradigms of Higher Education-XII Five Year Plan Initiatives*' was also held on the 1st of December, 2013. The Conference and the Seminar were a huge success because of the meticulous planning, an appropriate action plan and its execution with precision. The Secretary NUTA attended the

Conference and the Seminar.

TASKS AHEAD

(24) Friends, it is true that some of our demands are nearing fulfillment because of the struggle of NUTA under the able leadership of MFUCTO. However, some of the old issues have remained to be resolved and in the meantime new issues have been thrown up which the teachers have to face such as contractual appointments, commercialization of education, starting of self-financing courses and institutions and exploitation of teachers and non-teaching staff in the system. You are aware that NUTA is committed to taking up the problems of every section of the teaching community irrespective of their number and strength in the organization. NUTA has therefore several tasks ahead viz.

a) Justice to Net-Set affected teachers for which the struggle is almost at its fag end

b) To ensure implementation of the High Court Order dated 10 June 2013 and Supreme Court Order of 10 January, 2014 in respect of pension and gratuity benefit to the teachers of Social Work and Ayurved Colleges.

c) Payment of arrears to the teachers in colleges of Social Work and Physical Education

d) Issuance of GR implementing sixth pay revision for the

IN THE HIGH COURT OF KARNATAKA AT BANGALORE ON THE 11TH DAY OF OCTOBER 2013

BEFORE THE HON'BLE MR.JUSTICE RAVI MALIMATH WRIT PETITION Nos.46155-46158/2013 (S-R)

BETWEEN (1) K.SAROJA W/O. S.VENKATARAMAIAH AGED ABOUT 71 YEARS RETD.SELECTION GRADE LIBRARIAN MOUNT CARMEL COLLEGE PALACE ROAD BANGALORE R/AT NO.80/5, 6TH MAIN BETWEEN 18TH & 19TH CROSS, MALLESHWARAM BANGALORE - 560 055 (2) NISAR AHMED S/O. MOHAMMED GHOUSE AGED ABOUT 68 YEARS RETD.SELECTION GRADE LIBRARIAN GFC COLLEGE SIRI, TUMKUR DISTRICT R/ AT 3RD MAIN, 1 ST BLOCK KUVEMPU NAGAR TUMKUR - 572 103 (3) J. BASAVEGOWDA S/O. JAVAREGOWDA AGED ABOUT 65 YEARS RETD, SELECTION GRADE LIBRARIAN V.V.PURA COLLEGE OF SCIENCE K R ROAD, BANGALORE 560 004 R/AT NO 613, 13TH CROSS 14TH MAIN J P NAGAR 2ND PHASE BANGALORE 560 078 (4) SHRIKANT VENKAPPA BISANAKOPP S/O VENKAPPA BISANAKOPP AGED ABOUT 65 YEARS RETD PHYSICAL EDUCATION DIRECTOR RANI PARVATI DEVI COLLEGE OF ARTS AND COMMERCE TILAKWADI BELGAUM 590 006 R/AT A 17, CHINPPA LAYOUT BESIDES MTB KALYANA MANTAPA MADHAVA PURA BANGALORE 560048 ... **PETITIONERS** (BY SRI: K R BHAVANI SHANKAR & COMPANY, AND K.B.MURALIDHAR, ADVS..) **AND** (1) STATE OF KARNATAKA BY ITS PRINCIPAL SECRETARY TO GOVERNMENT EDUCATION DEPARTMENT (HIGHER EDUCATION) M S BUILDINGS, BANGALORE 560 001 (2) THE COMMISSIONER FOR COLLEGIATE EDUCATION IN KARNATAKA BANGALORE 560 001 (3) THE JOINT DIRECTOR OF COLLEGIATE EDUCATION, BANGALORE 560 001 (4) THE JOINT DIRECTOR OF COLLEGIATE EDUCATION, DHARWAD 580 001 (5) THE ACCOUNTANT GENERAL IN KARNATAKA PARK HOUSE, BANGALORE 560 001 ... **RESPONDENTS** (BY SRI RAGHAVENDRA G GAYATHRI, AGA)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO EXTEND THE UGC PAY SCALES OF 1996 TO THE PETITIONERS & FIX THEIR PAY-SCALE AT RS.14940 WITH EFFECT FROM 1.1.1996 IN TERMS OF THE GOVT. ORDER DT.15.11.1999, VIDE ANN-F, AS CLARIFIED BY THE UNIVERSITY GRANTS COMMISSION, VIDE LETTER DT.19.10.2006, VIDE ANN-H, & AS PER THE ORDER OF THIS HON'BLE COURT DT.13.2.2009, PASSED IN WP.NO.5855/08(S) OF SRI.N.RAMESH VIDE ANN-J & GRANT ALL CONSEQUENTIAL BENEFITS.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Heard the learned counsel appearing for the petitioners and the learned AGA appearing for the respondents.

2. Both the counsels submit that these petitions are covered by the earlier judgment of this court disposed off in terms of the order dated 2.9.2013 passed in W.P.No.35267 /2011 (S-Res) which reads as follows :-

"ORDER

This writ petition has been filed to direct the respondents to .fix the pay-scale of the petitioners at Rs.14, 940/-, in terms of clause-9(g) as clarified by the University Grants Commission (for short ('UGC'), vide letter dated 19.10.2006, and consequential reliefs.

2. The learned counsel for the petitioner submits that identical issues were considered by the learned Single Judge in WP.No.5855/2008, by an order dated 13.08.2009 and by an order dated 26.08.2009 passed in W.P.No.15594/2007, wherein the learned Single Judge extended the revised UGC pay-scale with all consequential benefits.

*3. Aggrieved by similarly ,granted orders, W.A.No,30112/2013 and W.A.No,30118/2013 were filed, which were dismissed by an order dated 14.02.2013. Aggrieved by the same, SLP (Civil) Nos.21786-787/2013 was filed wherein by order dated 05.08.2013, **the Special Leave Petitions were dismissed.***

4. Hence, it is pleaded that the law declared in the aforesaid petitions and appeals stands applicable to the petitioners herein. In view of the submissions made by both the counsels, the writ petitions are disposed off based on the judgments passed in the aforesaid cases."

In view of the submissions made, these petitions are disposed off in terms of the order dated 2-09-2013 passed in WP.No.35267 /2011.

Sd/-JUDGE

teachers in unaided colleges of Engineering in the state.

e) Stopping arbitrary functioning at the office of the Joint Directors.

f) Compelling the government to withdraw orders on contractual appointments and till such withdrawal pay them the salary on par with their counterparts in Government colleges.

g) To take up the problems of engineering college teachers including the issue of withdrawal of their arrears for 55 months from 1-1-1996 to 31-7-2000.

h) Fight against anti-teacher attitude of the Government.

i) Enactment of suitable legislation for providing penalties for non-compliance of the university Grievance committee recommendations.

j) Oppose the move of the Central Government towards privatization of Pension and Gratuity and extend old triple benefit scheme to those appointed after 1-1-2004 as recommended by UGC.

k) Making SET examination more transparent including unambiguous minimum percentage of marks.

l) Ensure that all the benefits which teachers are given under the central orders are extended to Librarians and Directors of Physical Education.

m) Faithful implementation of the central 'package scheme'.

n) To take all the ongoing cases in the Courts to their logical end

MEMBERSHIP OF NUTA

(25) The NUTA membership has reached **5435** by the end of the year. This year the increase in membership is **68**. I am glad to announce that NUTA Bulletin has completed 38th year of its purposeful existence. This year we have circulated 252 pages of NUTA Bulletin almost double the last year's pages. On going through the pages of the NUTA Bulletin one finds that the Executive Committee has made an attempt to include relevant developments and documents and keep the members updated about the issues concerning their professional life.

(26) I am grateful to the media and their representatives from Nagpur, Amravati and Gadchiroli areas for the coverage of various events, programmes and the press-notes issued from time to time. This report shall not be complete unless I acknowledge the active cooperation and support of all the members of NUTA and other colleagues as well as the members of teaching profession at different levels to the activities of the Association and response given by them to the various calls given by NUTA from time to time.

Yours,
(Dr. Anil Dhage)
Secretary, NUTA

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR**

Contempt Petition No.296 of 2012

in

Writ Petition No.1960 of 2012 (D)

(Prakashchandra Hiralalji Pathak VS. The State of Maharashtra and others) * *Mr. G.G. Mishra, Counsel for the Petitioner. Mrs. K.R. Deshpande, A.G.P. for the Respondents.*

CORAM : PRASANNA B. VARALE, J.

DATE : FEBRUARY 13, 2014.

Heard Mr. Mishra, learned Counsel for the petitioner and Mrs. Deshpande, learned A.G.P. for the respondents. Perused the order passed by this Court dated 20/01/2014. It is submitted by the learned A.G.P. that an affidavit in reply on behalf of respondent no.3, the Director of Higher Education, Maharashtra State, is ready and same was to be filed Yesterday only i.e. 12th February, 2014, but the copy of reply could not be served to Mr. Mishra, learned Counsel for the petitioner, as he was not available, the same remained to be filed. Mrs. Deshpande, the learned A.G.P. undertakes to file the reply in the office as soon as the copy of reply is served to the learned Counsel for the petitioner. Mrs. Deshpande further submits that the costs of Rs.1,000/ is also paid to the learned Counsel for the petitioner and the receipt to that effect is annexed to the Pursis. The Pursis is placed on record today and marked as "X" for identification. Mrs. Deshpande further submits that respondent no.3 personally present before this Court and in view of this fact, now the positive steps are taken by the learned A.G.P. on behalf of respondent no.3. She further submits that the order passed by this Court dated 08/08/2012 in Writ Petition No.1960 of 2012, of which the contempt is alleged in the present petition, is challenged by the State of Maharashtra by filing Special Leave Petition before the Hon'ble the Apex Court. She also submit that as per her instructions, the Special Leave Petition may be placed before the Hon'ble the Apex Court in the next week.

In view of the submission of learned A.G.P., stand over to 27th of February, 2014. As respondent no. 3 is present in the Court and the positive compliance is shown by the learned A.G.P making payment of costs to the learned Counsel for the petitioner and affidavit in reply on behalf of respondent no.3, which is ready, the personal presence of respondent no.3 is dispense with until further orders.

JUDGE

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

(B.P.T.A. Regn. No. F-1564 & Soc. Regn. Act)

[Regn. No. MAH/15/73 (NAG)]

Dr. Anil Dhage

Secretary, NUTA Sankalp Sahaniwas,
Khare Town, Dharampeth, Nagpur-444 010

Ph. No. : (0712) 2539852

Letter No. Nil : Date: 2nd April 2014

To,

The Deputy Charity Commissioner,
Nagpur Region, Nagpur

Sub: Submission of Statements of Accounts of Nagpur University Teachers' Association, Nagpur for the year ending on 31st March, 2013.

R/Sir,

Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2013 were approved by the Executive Committee in its meeting held on 15th December 2013 vide item No. 44, Agenda on page 113, Minutes on page 128, Enclosure on pages 102 to 104 of 2013 Ex-File.

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2013 were approved by General Body in its meeting held on 19th January 2013 vide item No. 609. Agenda on page 01, Minutes on page 74, Enclosures on page 02 & 03 of 2014 NUTA Bulletin.

(3) Please find herewith enclosed original audited Statements of Accounts of Nagpur University Teachers' Association, Nagpur for the year ending on 31st March 2013.

(4) Kindly do the needful at your end and oblige.

Yours faithfully,

(Dr. A.W. Dhage)

Copy to: (1) Dr. P. B. Raghuwanshi, President, NUTA, Amravati (2) Dr. B.T.Gawande, Treasurer, NUTA, Amravati (3) Prof. B. T. Deshmukh, Amravati for publication in NUTA Bulldtin.

Note: This letter (alongwith enclosure) was sent to the Deputy Charity Commissioner by Registered Post from Hanuman Nagar Post Office, Nagpur 440024 A-RM 442745332 IN Counter No. 1, OP code: SPS Wt 56 grams, Amount 35.00 on 02.04.2014.

अमरावती उच्च शिक्षण सहसंचालकांच्या कार्यालयाने सभ्यपणे व सुसंस्कृतपणे वागायला सुरुवात केली हे योग्यच झाले!

- डॉ. प्रवीण रघुवंशी, अध्यक्ष, नुटा

३१ मार्च २०१४ रोजी संपलेल्या आर्थिक वर्षाच्या शेवटच्या आठवड्यामध्ये सहसंचालक उच्च शिक्षण अमरावती विभाग, अमरावती यांच्या कार्यालयाने बराच सभ्य व सुसंस्कृत व्यवहार केलेला आहे असे दिसून येते. एका बाजूला शिक्षकांना कारणे दाखवा नोटीस न देता, त्यांचे म्हणणे ऐकून न घेता, त्यांच्या 'रिकव्हर्न्या' काढणे हा अत्यंत असंस्कृत व असभ्यपणाचा व्यवहार होय. दुसऱ्या बाजूला पडताळणीच्या नावाखाली थकवाकी नाकारणे हा सुद्धा निव्वळ रानटीपणाचा असभ्य व्यवहार होय. गेली अनेक वर्षे या कार्यालयातील 'दोन बडे बाबू' हे 'रिकव्हरी व पडताळणी' या दोन परवलीच्या शब्दांच्या आडून असा असभ्य व रानटी गैरव्यवहार करण्यासाठी चटावलेले आहेत.

२. पडताळणी ही निरंतर चालणारी प्रक्रिया आहे. त्यासाठी थकवाकी अदा करण्याचे काम पाडून ठेवण्याचे कोणतेही कारण नाही, हे जेवढे खरे तेवढेच तेही खरे की, वस्तुतः कोणत्याही शिक्षकाकडून रिकव्हरी काढायची असेल तर त्याची कायदेशीर, सभ्य व सुसंस्कृत पद्धती ठरलेली आहे. ती पुढील प्रमाणे :-

“सहसंचालकांनी एखाद्या शिक्षकाच्या “सहीशिक्षक्यानिशी मान्य करून दिलेल्या अस्तित्तीय वित्तलब्धी”मध्ये रिकव्हरी काढण्याची गरज आहे असे वाटल्यास ज्या पूर्वीच्या अधिकाऱ्यांनी सहीशिक्षक्यानिशी ती उपलब्धी मान्य करून दिली होती, त्या अधिकाऱ्याला विद्यमान सहसंचालकांनी “ही जादा रक्कम कोणत्या नियमानुसार दिली?” याबाबतची कारणे दाखवा नोटीस प्रथम दिली पाहिजे. आजच्या सहसंचालकांनी दिलेली कारणे दाखवा नोटीस व पूर्वीच्या अधिकाऱ्यांनी त्या कारणे दाखवा नोटीसला दिलेली उत्तरे ही सर्व कागदपत्रे संबंधित शिक्षकांकडे पाठवून “त्याने कोणती असत्य माहिती देऊन ही जादाची वित्तलब्धी पदरात पाडून घेतली” ते कागदपत्रासह त्याचेकडे पाठवून 'रिकव्हरी' बाबतची कारणे दाखवा नोटीस त्याला देण्यात यावी व संबंधित शिक्षकांचे म्हणणे ऐकून घेतल्यावरच रिकव्हरीबाबतचा निर्णय सहसंचालकांच्या कार्यालयाला घेता येईल.” हीच याबाबतची कायदेशीर प्रक्रिया आहे.

३. उपरोक्त कायदेशीर पद्धतीचा अवलंब न करता ध्व्योटपणे काही रिकव्हरी काढणे किंवा पडताळणीच्या नावाखाली कोणतेही औपचारिक रिकव्हरीचे पत्र न देता आपणच तयार केलेल्या तृतीयपत्रकातून एखाद्या दुसऱ्या तृतीयपत्र पेन्सिलने खुणा करून “ह्या तृट्या दूर करून आणा” असा तोंडी आदेश देवून पडताळणीच्या नावाखाली पेन्सिलने खुणा करून “तुमची फार मोठी रिकव्हरी निघेल” असा व्यवहार हे बडे बाबू शिक्षकांशी करीत होते. आपल्या असे करण्यामुळे सहसंचालक कार्यालयाची व खुद्द सहसंचालकांची शैक्षणिक क्षेत्रामध्ये केवळी वेअब्रु होत आहे याचे भानसुद्धा त्यांना राहिलेले नाही. आपला हा 'गोरखधंदा' फार मोठ्या तेजीने चालविण्यासाठी या बड्या बाबुंनी दोन प्रमुख तीर्थस्थळांची निवड केली होती. एक म्हणजे 'वेतन आयोग लागू करतांनाचे तीर्थस्थळ' व दुसरे म्हणजे वेतन आयोगाची 'थकवाकी अदा करतांनाचे तीर्थस्थळ'. तीर्थस्थळ म्हटले की तिर्थावरोवर प्रसादाची अपेक्षा ही ओघानेच आली. पहिल्यांदा वेतन आयोग लागू करतांना या बड्या बाबुंनी केलेले प्रताप लक्षात आणून देणे मला आवश्यक वाटते.

४. महाराष्ट्रात १२ ऑगस्ट २००९ रोजी निघालेल्या शासन निर्णयाने

विद्यापीठीय व महाविद्यालयीन शिक्षकांना सहावा वेतन आयोग लागू करण्यात आला. त्यावेळेला या दोन बड्या बाबुंनी केलेले प्रताप हे लक्षात घेण्यासारखे आहेत. बेकायदेशीरपणे अशा अनेक तृटी काढून एक तृटीपत्र त्यांनी तयार केले. तत्कालीन उच्च शिक्षण सहसंचालकांचा 'ताबा' घेवून शासन निर्णयात नसलेला एक नवीनच 'प्रोफार्मा' तयार केला व आपला हा आवडता धंदा सुरू केला. त्यावेळेला संघटनेचा सहसचिव या नात्याने मी उच्च शिक्षण संचालक पुणे यांना दिनांक १५ फेब्रुवारी २०१० रोजी एक निवेदन, सहसंचालक, अमरावती विभाग अमरावती यांचे मार्फत, पाठविले होते. त्या निवेदनाचा पहिलाच परिच्छेद पुढील प्रमाणे होता :-

“अमरावती विभागातील उच्च शिक्षण सहसंचालक हे महाराष्ट्र शासनाच्या उच्चशिक्षण विभागाने विद्यापीठीय व महाविद्यालयीन शिक्षकांना सहावा वेतन आयोग लागू करण्यासाठी निर्गमित केलेल्या दि. १२ ऑगस्ट २००९ च्या शासन निर्णयाला पायदळी तुडवून स्वतःच्याच स्तरावर नवीन शासन निर्णय काढून त्यानुसार अमरावती विभागातील विद्यापीठीय व महाविद्यालयीन शिक्षकांना सहाव्या वेतन आयोगाच्या वेतन निश्चिती मध्ये भ्रष्ट हेतुने वेठीस धरीत असल्यामुळे या भागातील शिक्षकांमध्ये तीव्र असंतोष निर्माण झालेला आहे. हे आपल्या लक्षात आणून देण्यासाठी मुद्दाम हे निवेदन सादर करीत आहे.”

५. या दोन बड्या बाबुंनी तृट्या काढण्याचे हे काम किती निर्लज्जपणे केले होते व ते सहसंचालकांच्या गळ्यात कसे मारले होते. हे मी माझ्या निवेदनाच्या परिच्छेद ७ मध्ये नमूद केले होते. ते पुढील प्रमाणे :-

“याच सहसंचालकांनी ब्रिजलाल विद्यापीठ विज्ञान महाविद्यालयाच्या प्राचार्यांना पाठविलेल्या (पत्र क्र. ससं / उशि/ अनुदान / वेतननिश्चिती /०९ / २९५ दिनांक २२.१.२०१०) पत्राचे काळजीपूर्वक अवलोकन केल्यास अनेक विस्मयजनक बाबी समोर येतात.

(१) या प्रपत्रामध्ये श्री.ए.के. शेंडे यांचे प्रकरणी तृटी प्रपत्रात “रु. ३७००-५७०० या वेतनश्रेणीत वेतन निश्चिती करतांना ती ४.८.२००६ ची करण्यात येऊन त्यानंतर दिनांक १ जुलै २००७ ची वेतनवाढ वेतननिश्चिती प्रपत्रात दर्शवावी ” असे नमूद केलेले आहे. रु. ३७००-५७०० ही वेतनश्रेणी चवथ्या वेतन आयोगाची असून सहाव्या वेतन आयोगातील वेतनश्रेण्याशी तिचा कुठलाही संबंध नसतांना अशी तृटी काढणे यावरून त्यांची कार्यपद्धती किती पोरकटपणाची आहे हे लक्षात येते. “ही तृटी नशापाणी न घेता तयार केली आहे” असे प्रमाणपत्र त्याखाली जोडले असते तर या एकूणच अशोभनीय कामाचा दर्जा 'शोभनीय' झाला असता.

(२) पत्रासोबत जोडलेल्या डॉ. एन.एच. सहारे यांचे प्रकरणी तृटी प्रपत्राच्या अनुक्रमांक २५ वर, “दिनांक ८.१.२००९ रोजी निवडश्रेणीतील वेतन निश्चिती चुकीची आहे”असे नमूद केले आहे. जेव्हा की, श्री सहारे यांची निवड श्रेणीत वेतन निश्चिती खुद्द याच सहसंचालक महोदयांनी अलिकडच्या काळात म्हणजे दिनांक ११.६.२००९ रोजी केलेली आहे. यावरून त्यांची कार्यक्षमता (?) लक्षात घेण्यासारखी आहे. १ जानेवारी २००६ रोजीच्या अस्तित्तीय वित्तलब्धीवर एकदा विनचूकपणे वेतननिश्चिती केली की, ८ जानेवारी २००९ रोजीच्या वेतननिश्चितीत समजा चूकीने उणे अधिक काही झाले असेल तर त्याचे

चवताळलेल्या बड्या बाबुंना सांभाळण्यात सहसंचालकांना बरेच कष्ट घ्यावे लागतील असे स्पष्टपणे दिसून येत आहे. शिवाय प्रश्न असा निर्माण होतो की कार्यालयातील 'दोन बड्या बाबू'ना आवरणे एवढेच काम सहसंचालकांनी करावे काय?

(परिच्छेद १७ पहा)

आपोआपच समायोजन होते, एवढा “कॉमन सेन्स” या कार्यालयातील कोणाकडूनही वापरला जाऊ नये हे मोठे आश्चर्य म्हटले पाहिजे. भ्रष्ट हेतू डोळ्यासमोर ठेवून असंबद्ध तृट्या काढण्याचे पेवच त्या कार्यालयात फुटले आहे.

(३) तृटी क्रमांक २७ आपण पाहिल्यास ज्या न्यायालयीन निर्णयात ते स्वतः पार्टी होते तो न्यायालयीन निर्णय त्यांना इतरांनी आपण घावा, असे त्यांनी कळविले आहे. शासननिर्णयाप्रमाणे वेतननिश्चिती करतांना ज्या कागदपत्रांची गरज नाही अशी गेल्या २० - २५ वर्षातील कागदपत्रे गोळा करण्याचे शासननिर्णयवाह्य काम त्यांनी सुरु केले असे त्यांच्या तृटी पत्राचे वरवर अवलोकन केले तरी आपल्या सहज लक्षात येईल.”

६. साऱ्या महाराष्ट्रात सहावा वेतन आयोग लागू झाला व फक्त अमरावती विभागामध्येच या दोन बड्या बाबुंच्या पराक्रमामुळेच सहावा वेतन आयोग लागू करण्यात आला नव्हता. उद्धटपणाची कमाल मर्यादा अशी की कोणतेही अधिकार नसतांना विद्यापीठाला आदेश देण्याचा उद्दामपणा सहसंचालकांच्या कार्यालयाकडून घडला होता. त्यावर अत्यंत कठोर टीका करणारा १४ परिच्छेदांचा एक ठराव त्यावेळी संत गाडगे बाबा अमरावती विद्यापीठाच्या व्यवस्थापन परिषदेने दिनांक १० फेब्रुवारी २०१० च्या बैठकीत पारित केला होता. त्या ठरावातील १४ वा परिच्छेद मी मुद्दाम नमूद करीत आहे. तो पुढील प्रमाणे :-

“सहसंचालकांच्या कार्यालयातर्फे ब्रिजलाल विद्याणी महाविद्यालयातील शिक्षकांच्या वेतन निश्चिती प्रकरणांमध्ये सहसंचालकांनी त्या महाविद्यालयाच्या प्राचार्यांना पाठविलेले पत्र क्रमांक ससं/उशि/अनुदान/वेतननिश्चिती/९/२९५ दिनांक २२.१.२०१० चे अवलोकन व्यवस्थापन परिषदेने केले. पाठविल्यात आलेल्या या तृटीपत्राचे काळजीपूर्वक अवलोकन केले असता त्यात तृटी क्रमांक २२ मध्ये “रुपये ३७०० - ५७०० या वेतन श्रेणीत केलेली स्थाननिश्चिती करतांना ती दिनांक ४.८.२००६ ला करण्यात येवून पुढील वेतनवाढ १ जुलै २००७ ला वेतन निश्चिती प्रपत्रात दर्शवावी” असे नमूद केले आहे. वास्तविक ही वेतनश्रेणी चवथ्या वेतन आयोगातील वेतन श्रेणी असून सहाव्या वेतन

आयोगातील वेतनश्रेणीत सदर श्रेणीचा उल्लेख नाही असे असतांना सहसंचालक कार्यालयातर्फे मात्र ती तृटी दर्शविण्यात येणे ही बाब त्या कार्यालयात कामकाज किती शुद्धीवर राहून केल्या जात आहे हे दर्शविणारे आहे. संपूर्ण तृटी पत्रक अशाच नमुन्यांनी भरले असून नेमके सहाव्या वेतन आयोगाच्या शासननिर्णयाप्रमाणे सोपविलेले वेतन निश्चितीचे काम सहसंचालकांनी बाजूला ठेवले आहे व शासननिर्णयानी न सांगितलेले काम सहसंचालकांच्या कार्यालयात जोरात सुरु आहे असे दिसून येते. त्यांनी शेकडो प्रकरणे महाविद्यालयांकडे परत पाठविली आहेत व त्यामुळे या शेकडो शिक्षकांमध्ये तीव्र असंतोष निर्माण झाला आहे व ते सतत विद्यापीठात चौकशी करीत आहेत. या स्थितीत त्यांनी या ठरावाच्या परिच्छेद ६ व ७ मध्ये नमूद केलेली कार्यवाही शासन निर्णयातील तरतुदीनुसार पार पाडावी अशी सूचना त्यांना या ठरावाद्वारे करावीशी वाटते.”

७. नुटाचे तत्कालीन अध्यक्ष व विधानपरिषद सदस्य प्रा. वी.टी.देशमुख यांच्याकडे विद्यापीठाचा ठराव व माझे दिनांक १५ फेब्रुवारी २०१० रोजीचे निवेदन मिळाल्यावर, त्या दोन दस्तऐवजांच्या आधारे दिनांक १७ फेब्रुवारी २०१० रोजी प्रा.वी.टी.देशमुख यांनी संचालक उच्च शिक्षण यांना सहसंचालक अमरावती यांचे मार्फत एक निवेदन सादर केले होते. त्यातील परिच्छेद २ पुढील प्रमाणे होता. :-

“दोनही पत्रांचे अवलोकन केल्यास असे दिसून येते की, शासननिर्णयाप्रमाणे कार्यवाही न करणे, नवीन दुरुस्त्यांचे शासननिर्णय सहसंचालकांनी त्यांच्या स्तरावर त्यांनीच निर्गमित करणे, विद्यापीठाला परस्पर आदेश देण्याचा सहसंचालकांनी केलेला औद्धत्याचा प्रकार, वेतन निश्चितीसाठी शासननिर्णयाप्रमाणे विहित केलेल्या Proforma पेक्षा वेगळ्या Proforma ची फक्त अमरावती विभागासाठी त्यांनी केलेली निर्मिती, सहसंचालकांनी स्वतःच निश्चित करून दिलेली पूर्वीची वेतन निश्चिती त्यांनी स्वतःच्या स्तरावर स्वतःच चुकीची ठरविणे, ३७००-५७०० च्या वेतन श्रेणीत सहाव्या वेतन आयोगाची वेतन निश्चिती करण्याचे त्यांनी दिलेले विक्षिप्त आदेश, शासन निर्णयामध्ये नमूद

| BUDGET FOR THE FINANCIAL YEAR - 2014-2015 | | | |
|--|------------------------|--|----------------------|
| OFFICIAL ACCOUNTING YEAR OF THE TRUST : 2013-2014 (AS PER SCHEDULE VII-A OF THE B.P.T.A. 1950) | | | |
| Name of the Trust : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION. | | | |
| Regn. of the Trust : B.P.T.A. Regn. No. F-1564 & Soc. Regn. Act. Regn. No. MAH-15-73(NGP) | | | |
| ESTIMATED RECEIPTS | RS. P. \| | ESTIMATED DISBURSEMENTS | Rs. P |
| I. OPENING BALANCE : | | A) NON-RECURRING : | |
| i) Cash in hand ... .. | ... .. | i) Major Repairs or rebuilding of the assets etc. ... .. | ... .. |
| ii) Cash in Bank | 50,000.00 | ii) Net purchase of immovable property | ... .. |
| II. ESTIMATED RECEIPTS : | | B) RECURRING : | |
| (A) NON RECURRING | | i) Rents, rates taxes etc. ... | 10,000.00 |
| i) Ordinary Donations to be received for specific earmarked objects (permanent subscription to NUTA Bulletin) ... .. | ... .. | ii) Administrative Expenses ... | ... .. |
| ii) Ordinary Donations ... | | a) Stationery, Typing , Cyclostyling & Printing | 4,50,000.00 |
| (B) RECURRING : | | b) Travelling Expenses | 30,000.00 |
| i) Rent etc. on immovable property | ... .. | c) Postage and Telephone. ... | 15,000.00 |
| ii) Interest on Fixed Deposits | 6,25,000.00 | d) Misc. expenses ... | 15,000.00 |
| iii) Dividend shares etc ... | ... .. | e) Bank commission ... | 2,000.00 |
| iv) Income from Agri. land ... | ... .. | f) Meeting Expenses ... | 10,000.00 |
| v) Other revenue Receipt ... | ... .. | g) Audit fees ... | 5,515.00 |
| vi) Legal Aid Fund ... | ... .. | h) Affiliation fees ... | ... .. |
| III. REALISATION FROM DISPOSAL OF ASSETS : | ... .. | i) MFUCTO ... | 40,000.00 |
| IV EXCESS OF EXPENDITURE OVER INCOME : | ... .. | ii) AIFUCTO ... | 7,000.00 |
| | | iii) Contribution to public trust\ admn. Fund ... | ... .. |
| | | vi) Books Library ... | ... .. |
| | | ii) Payment of Salaries ... | 60,000.00 |
| | | iv) Transfer of Depreciation Fund | ... |
| | | v) Special & Current repairs of building Furniture etc ... | 10,000.00 |
| | | vi) Excess of income over expenditure .. | 20,485.00 |
| TOTAL Rs. | \| 6,75,000.00 \| | TOTAL Rs. | \| 6,75,000.00 |
| NOTE : Estimated enrolment of members during the year is expected to be 20. On this account the Association will receive an estimated amount of Rs. 2,00,020/- However this amount cannot be included in the estimated receipts because this amount is to be invested in fixed deposit receipts or any other Govt. Securities as per Article III of the Constitution . - Sd. B. T. Gawande, Treasurer.NUTA | | | |

नसतांना वेतन पुनर्निश्चितीचा प्रस्ताव विद्यापीठाकडे परत पाठविण्याचा निर्णय त्यांनी स्वस्तरावर घेणे, तसेच शासननिर्णयानुसार व संचालकांनी ठरवून दिलेल्या Proforma नुसार विद्यापीठाने केलेल्या कार्यवाहीवर पुढे कार्यवाही न करता नवीनच Proforma तयार करण्याचे काम सहसंचालकांनी करणे या सर्व बाबी आश्चर्यकारक असल्या तरी खऱ्या आहेत व त्यामुळेच त्या गंभीरही आहेत.”

८. या मुद्यांना धरून उपरोक्त दोन दस्तऐवजावर आधारित प्रा.बी.टी.देशमुख यांची एक लक्षवेधी सूचना त्यावेळी विधानपरिषदेत स्वीकृत झाली होती. एका बाजूला संघटनेच्या वतीने सहसचिव या नात्याने मी मा. संचालकांना निवेदन दिलेले, दुसऱ्या बाजूला अमरावती विद्यापीठाच्या कार्यकारी परिषदेने संमत केलेला ठराव तिसऱ्या बाजूला प्रा.बी.टी.देशमुख यांनी संचालकांना पाठविलेले निवेदन व चौथ्या बाजूला विधानपरिषदेमध्ये उपस्थित झालेली लक्षवेधी अशा चौफेर कोंडीमुळे सहसंचालक कार्यालयामध्ये मोठीच खळबळ उडाली. अशा या गुंतागुंतीच्या परिस्थितीमध्ये सर्व कागदपत्रांचा अभ्यास करून तत्कालीन उच्च शिक्षण सहसंचालकांनी अत्यंत योग्य पावले उचलली व “तुट्या काढण्याच्या काड्या करणारी” सर्व पत्रे व त्यासोबतची प्रपत्रे दिनांक १७ फेब्रुवारी २०१० च्या आदेशान्वये रद्द केली व पुढील चार दिवसांमध्ये वेतन निश्चितीचे काम सहसंचालक कार्यालयाने पूर्ण केले. या दोन बड्या बाबुंचे हे प्रताप तत्कालीन उच्च शिक्षण सहसंचालक श्री. भोजराज चौधरी यांच्या लक्षात आल्यानंतर एवढ्यावरच न थांबता या दोन बड्या बाबुंची सहसंचालक कार्यालयातून त्यांनी हकालपट्टी केली. बदली झाल्यामुळे सहसंचालक कार्यालय सोडून बदलीच्या ठिकाणी नवीन कार्यालयामध्ये जातांना “आज आम्ही जात आहोत, पण चार सहा महिन्यात परत येवू, आता वेतन निश्चिती तर झाली, पण थकवाकी अदा करण्याच्या वेळी आम्ही पाहून घेतल्याशिवाय रहाणार नाही” अशी भीष्मप्रतिज्ञा या दोन बड्या बाबुंनी केल्याचे अनेक प्राध्यापकांनी त्यावेळी ऐकले होते.

९. आता थकवाकी अदा करण्याची वेळ जेव्हा आली त्यावेळेला हे दोनही बडे बाबू नाना हिकमती करून पुन्हा याच कार्यालयात परत आलेलेच होते. सहावा वेतन आयोग लागू करण्याच्या तीर्थस्थळावर ‘बांडी’ गेल्यामुळे थकवाकी अदा करण्याच्या तीर्थस्थळाचा चांगला हंगाम करण्याचा पक्का निर्धार करूनच

हे बडे बाबू याच कार्यालयात मालकी हक्काने परत आलेले होते व थकवाकी अदा करतांना आपला फणा वर काढण्याचा निर्धार त्यांनी केला होता. खरे म्हणजे थकवाकी अदा न करणे हा आता न्यायालयीन अवमानाचा विषय झालेला होता. महाराष्ट्र प्राध्यापक महासंघाने प्रधान सचिव उच्च शिक्षण यांना २२ ऑक्टोबर २०१३ रोजी अवमान याचिकेची नोटीस संघटनेच्या विधिज्ञामार्फत दिलेली होती. त्यातील परिच्छेद २ पुढील प्रमाणे :-

“My client states that on 10th May 2013 an Additional Affidavit was filed by Dr. Tapati Mukhopadhyay on behalf of MFUCTO which was taken on record by the Hon ble Court and proceeded to dispose of the Petition based on the issues highlighted in the said Affidavit. In the Judgment and Order, in respect of release of arrears of teachers arising out of the sixth pay commission recommended scales of pay, it was stated in para. 2 as under :

(2) So far as the first demand is concerned, Dr. Mukhopadhyay has given the past events. We do not propose to go into the dates and events referred to in the affidavit but we record the statement being made by Mr. Saluja, learned A.G.P. under instructions of Mr. G. S. Rasal, Joint Secretary to the Government of Maharashtra, Higher Education and Technical Education Department, that the arrears of salary on the basis of 6th Pay Commission recommendations have partly been paid in March 2013 and that the balance amounts will be released by 31 July 2013”

९.१ त्याच नोटीसच्या परिच्छेद ५ मध्ये पुढील प्रमाणे नमूद करण्यात आले होते.

“My client therefore instructs me to call upon you as the representative of the State of Maharashtra to immediately release the entire amount of arrears to the University and

Action to be taken when the decision of High Court is adverse to the State and is not stayed by Hon'ble the Supreme Court of India.

GOVERNMENT OF MAHARASHTRA

Law and Judiciary Department

Government Circular No.: 820-2014/Misc./E Branch

MADAM CAMA ROAD, HUTATMARAJGURU CHOWK MANTRALAYA, MUMBAI - 400032.

Date: 2nd APRIL, 2014 : CIRCULAR

1. It is noticed that there is a general perception that filing of appeal/SLP in the Hon'ble the Supreme Court against the judgment and order passed by the Hon'ble the High Court itself Would amount to stay to the execution/implementation of such judgment and order. However, such perception is not legal, proper and correct. When the decision of the Hon'ble the High Court is adverse to the state, the officer and/or the Department concerned should take necessary steps immediately for filing of appeal/SLP against such order of the Hon'ble High Court before the Hon'ble the Supreme Court of India. It is further necessary to take prompt action for obtaining stay to the orders of Hon'ble the High Court.

2. If the appeal/SLP is filed by the State against the order of the Hon'ble the High Court, but no stay is granted to the implementation and enforcement of the order of the Hon'ble the High Court, such orders would have to be implemented failing which the concerned officer/department may face the action for contempt of Court. The order against which no stay has been granted will have to be complied with/implemented subject to the final decision of the Hon'ble the Supreme Court.

3. All the Administrative Departments in Marytralaya are, therefore, requested to ensure that in appropriate cases steps are taken as quickly as possible for filing

appeal/ SLP and further efforts are made to obtain stay to the implementation/enforcement of the orders of Hon'ble the High Court.

4. The departments are also requested to bring this circular to the notice of all the officers working therein and their subordinate offices.

This Government circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no.for this is 201404021712156212.This order, has been signed digitally.

By order and in the name of the Governor of Maharashtra.

Digitally signed by sangitrao.
Shamrao Patil
DN : c=IN, o=Government of Maharashtra, ou=LNJD, postal Code=400 032, st=Maharashtra,cn=sangitrao.
Shamrao Patil
Date : 2014.04.02
17:13:52+05'30'

Sangitrao. Shamrao Patil
I/c Principal Secretary & R.L.A. to Government

College teachers in all the non-Agricultural Universities in the State within a period of 14 days failing which my clients would be compelled to claim the entire amount with interest at the rate of 15 per cent per annum from the date the amount was due till payment. **My client will also be compelled to take out contempt proceedings against you as representative of the State in the Hon'ble High Court at Bombay.** My client would wish to avoid such a contingency but it will entirely depend on the action of the State. "

१०. ऑक्टोबर २०१३ च्या शेवटच्या आठवड्यात उपरोक्त अवमान याचिकेची नोटीस प्राप्त झाल्यानंतर उच्च शिक्षण विभाग खडबडून जागा झाला व संबंध महाराष्ट्रात थकवाकी अदा करण्यात आली. अमरावती विभाग सोडून महाराष्ट्रातील सर्व भागामध्ये थकवाकी अदा करण्यात आली व त्याबाबत कोणाचीही कोणतीही तक्रार शिल्लक राहिली नाही. मात्र अमरावती विभागामध्ये पडताळणीच्या नावाखाली व तृतीयाच्या नावाखाली या बड्या बाबुमार्फत शेकडो प्रकरणे पाडून ठेवण्यात आली व शेकडो शिक्षकांची थकवाकी अदा करण्यात आली नाही. हा उपकार फक्त अमरावती विभागामध्येच करण्यात आला होता व त्याच्या मुळाशी हे दोन बडे बाबुच होते ही गोष्ट निर्विवाद आहे.

११. सहसंचालक कार्यालयातील या बड्या बाबुंच्या प्रतापामुळे अमरावती विद्यापीठ क्षेत्रातील विद्यापीठीय व महाविद्यालयीन शिक्षकांमध्ये तीव्र असंतोष पसरला. स्वाभाविकपणे विद्यापीठाच्या कार्यकारी परिषदेमध्येसुद्धा ही अस्वस्थता

प्रगट झाली. दिनांक २० जानेवारी २०१४ रोजी झालेल्या संत गाडगेबाबा अमरावती विद्यापीठाच्या कार्यकारी परिषदेमध्ये हा मुद्दा उपस्थित झाला. त्याबाबतचा कार्यवृत्तातील सुरुवातीचा मजकूर पुढील प्रमाणे :- "सन्माननीय सदस्य डॉ. राजेश सिंग यांनी पॉईंट ऑफ इन्फर्मेशन द्वारे विचारणा केली की, विद्यापीठ शिक्षकांना सहाव्या वेतन आयोगाची थकवाकी अजूनपर्यंत प्राप्त झाली नाही, याची कारणे काय आहेत?" त्यावर "जोपर्यंत सहसंचालक, उच्च शिक्षण यांचे कार्यालयाकडून सेवा पडताळणी होत नाही तोपर्यंत थकवाकी देण्यात येत नाही अशी माहिती प्राप्त झाली आहे." असे कार्यालयातर्फे सांगण्यात आले.

१२. डॉ. राजेशसिंग यांनी उपस्थित केलेल्या मुद्याला कार्यालयाने त्यांच्याजवळ असलेली माहिती दिली. संघटनेचा अध्यक्ष या नात्याने व राज्यस्तरीय संघटनेत काम करीत असल्याने राज्यस्तरावरची स्थिती जवळून माहिती असल्याने मी कार्यकारी परिषदेत काय सांगितले याची आज मी माझ्या शब्दात माहिती देण्यापेक्षा कार्यवृत्तातील आवश्यक तो मजकूर उद्धृत करणे हे मला जास्त योग्य वाटते. तो मजकूर पुढील प्रमाणे :-

"उपरोक्त बाबीच्या अनुषंगाने सन्माननीय सदस्य डॉ. पी.बी.रघुवंशी यांनी निदर्शनास आणून दिले की, महाराष्ट्रातील इतर विद्यापीठांच्या व त्यांचेशी संलग्नित महाविद्यालयाच्या सर्व शिक्षकीय कर्मचाऱ्यांना सहाव्या वेतन आयोगाची थकवाकी मिळालेली आहे. फक्त संत गाडगे बाबा अमरावती विद्यापीठातील व संलग्नित महाविद्यालयातील शिक्षकीय कर्मचाऱ्यांना सहाव्या वेतन आयोगाची थकवाकी अजूनपर्यंत प्राप्त झालेली नाही. याचे कारण जे सांगण्यात येते ते असे

NOTICE OF LEGAL ACTION UNDER THE PROVISIONS OF THE CONTEMPT OF COURTS ACT N O T I C E

To,

- (1) Shri. Sanjay Kumar, The Principal Secretary, Higher and Technical Education,
- (2) Mr. G. S. Rasal, The Joint Secretary, Higher and Technical Education,
- (3) Dr. P. R. Gaikwad, The Director, Higher and Technical Education,
- (4) Smt. Sangeeta Shrikrishna Yawale, The Joint Director of Higher Education, Amravati Division, Amravati.

Under the instructions and authority given by my client Shri Pravin Balisingh Raghuvanshi, the president of Nagpur University Teachers Association (NUTA), R/o. Buty Plot, Near Mahajanwadi, Rajapeth, Amravati I am serving you with the following notice.

1. That, you noticees are officers of the Maharashtra Government responsible for the working of Higher Education Department at State and Amravati Divisional level respectively. The State of Maharashtra was party to W.P. (Lodging) No.1326/2012 decided by the Hon'ble High Court of judicature at Bombay, having ordinary original civil jurisdiction on 10.05.2013.

2. That, the Hon'ble High Court in its judgment considered the issue of the release of arrears of salary of the University Teachers in the State of Maharashtra, and was pleased to record undertaking given by the State of Maharashtra in this regards through you noticee no.2 as follows :-

Para 2 : "So far as the first demand is concerned, Dr. Mukhopadhyay has given the past events. We do not propose to go into the dates and events referred to in the affidavit but we record the statement being made by Mr. Saluja, learned A.G.P. under instructions of Mr. G. S. Rasal, Joint Secretary to the Government of Maharashtra, Higher Education and Technical Education Department, that the arrears of salary on the basis of 6th Pay Commission recommendations have partly been paid in March 2013 and that the balance amounts will be released by 31 July 2013."

3. That, despite of the above undertaking given by you, till this date the Lecturers of Sant Gadge Baba Amravati University have not received arrears of the salary on the basis of 6th Pay Commission recommendations.

4. That, the above act of yours of not fulfilling the solemn undertaking given to the Hon'ble High Court amounts to wilful and deliberate contempt of the Hon'ble High Court and makes you liable for the appropriate action under the provisions of the Contempt of Courts Act.

5. That, you noticee being High Rank Officers and considering the effects of contempt proceedings on your careers, this notice is issued to you in order to bring to your notice the contempt committed by you and to grant you an opportunity to correct yourselves.

6. That, by this notice you are called upon to immediately pay the arrears of salary of the Lecturers calculated on the basis of 6th Pay Commission recommendations within 7 days of receipt of this notice otherwise I am having standing instructions to initiate appropriate legal action against you more specifically under the provisions of the Contempt of Courts Act and in that event you shall be responsible for the costs and consequences arising thereof.

NAGPUR : DATE :14.03.14.

(ASHFAQUE I. SHEIKH) ADVOCATE

आहे की, सेवा पडताळणी झालेली नाही. अमरावती विभागामध्ये लेखाधिकारी कार्यालय आहे. सेवापडताळणी करणे ही निरंतर (continuous) बाब आहे. थकवाकी देण्याकरिता सेवापडताळणी करावी असे लेखाधिकारी आणि सहसंचालक, उच्च शिक्षण यांना संचालक, उच्च शिक्षण यांचे अथवा शासनाचे कुठलेही आदेश नसताना, सेवापडताळणी झाली नाही म्हणून थकवाकी देता येत नाही या कारणास्तव थकवाकी देण्याची कार्यवाही थांबविली असेल तर ती गंभीर बाब आहे. तेव्हा येत्या १५ दिवसांमध्ये सहसंचालक, उच्च शिक्षण विभागाने महाविद्यालय व विद्यापीठीय शिक्षकांच्या थकवाकी अदा करण्याची कार्यवाही करावी, असा ठराव या व्यवस्थापन परिषदेने पारित करावा.”

१३. मी माझे प्रतिपादन संपविल्यानंतर कार्यकारी परिषदेमध्ये एकमताने अशी भावना व्यक्त करण्यात आली की, उपरोक्त प्रतिपादनाच्या आधारे एक ठराव संमत करून तो शासनाकडे पाठविण्यात यावा. याबाबतचा कार्यकारी परिषदेच्या कार्यवृत्तातील भाग पुढील प्रमाणे :-

“डॉ.पी.बी.रघुवंशी यांनी सुचविल्यानुसार परिषदेने सर्वानुमते खालीलप्रमाणे ठराव पारित केला :-

विद्यापीठ व महाविद्यालयीन शिक्षकीय कर्मचाऱ्यांची सहाव्या वेतन आयोगाची थकवाकी देण्याकरिता शिक्षकांची सेवापडताळणी करावी असे लेखाधिकारी आणि सहसंचालक, उच्च शिक्षण यांना संचालक, उच्च शिक्षण अथवा शासनाचे कुठलेही आदेश नसताना, सेवापडताळणी झाली नाही म्हणून थकवाकी देता येत नाही याकारणास्तव थकवाकी देण्याची कार्यवाही प्रलंबित आहे ही बाब सचिव, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई आणि शिक्षण संचालक, उच्च शिक्षण, पुणे यांचे निदर्शनास आणून देण्यात यावी. त्याचप्रमाणे सहसंचालक, उच्च शिक्षण, अमरावती विभाग यांनी कुठल्या अधिकारांतर्गत शिक्षकांची सहाव्या वेतन आयोगाची थकवाकी अद्यापपर्यंत अदा केलेली नाही. याबाबत सचिव, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई आणि शिक्षण संचालक, उच्च शिक्षण, पुणे यांना विचारणा करण्यात यावी आणि येत्या १५ दिवसात

सहसंचालक, उच्च शिक्षण, अमरावती विभाग यांनी विद्यापीठ व महाविद्यालयीन शिक्षकीय कर्मचाऱ्यांची सहाव्या वेतन आयोगाची थकवाकी देण्याची कार्यवाही करण्यात यावी. यासंदर्भात निर्देश देण्यास्तव शिक्षण संचालक, उच्च शिक्षण, पुणे आणि सचिव, उच्च व तंत्र शिक्षण, मंत्रालय, मुंबई यांना कळवावे.”

१४. पुढे हा ठराव जसाच्या तसा विद्यापीठाच्या वतीने कुलसचिवांनी पत्रासह (क्र.संगाबाअवि/१/१०१/२-२६१/२०१४) शासनाकडे पाठविला. त्या पत्रामध्ये त्यांनी प्रधान सचिव उच्च शिक्षण यांना पुढील प्रमाणे विनंती केली होती. :- “उपरोक्त प्रमाणे व्यवस्थापन परिषदेचा निर्णय व कार्यालयीन वस्तुस्थिती विचारात घेता याबाबत कृपया वेतन निश्चिती पडताळणीच्या अधीन राहून थकवाकीची रक्कम संबंधीत शिक्षकांना त्वरीत अदा करण्याबाबत सहसंचालक, उच्च शिक्षण अमरावती विभाग यांना निर्देश देण्यात यावेत, ही विनंती”

हा ठराव शासनाकडे गेल्यावर प्रधान सचिवांनी त्यावर काही कारवाई केली किंवा नाही? केली असल्यास काय केली? हे काही कळू शकले नाही. पण सहसंचालक कार्यालयातील ‘बड्या बाबू’चे वेटोळे मात्र पक्के होते. हे तीर्थस्थळ ‘सुके’ जावू द्यायचे नाही. असा त्यांनी निर्धार केला होता.

१५. प्रताप बड्या बाबुंचा असला तरी तांत्रिक दृष्ट्या ती जबाबदारी सहसंचालक उच्च शिक्षण अमरावती विभाग अमरावती यांची होती. अमरावती सहसंचालकांच्या कार्यालयाचे हे कृत्य उघड उघड न्यायालयाचा अवमान करणारे होते. अवमान याचिकेची स्वतंत्र नोटीस अमरावती सहसंचालकांच्या स्तरावर देण्याचा निर्णय घेण्यात आला. संघटनेचा अध्यक्ष या नात्याने, संघटनेच्या अधिवक्त्यांच्या मार्फत, अशी नोटीस ही दिनांक १४ मार्च २०१४ रोजी देण्यात आली. महाराष्ट्र प्राध्यापक महासंघाच्या वतीने दिनांक २२ ऑक्टोबर २०१३ रोजी दिलेली नोटीस ही एकट्या प्रधान सचिव, उच्च शिक्षण यांना देण्यात आली होती. (P3 of NB 2014) अमरावती विभागामध्ये सुरु असलेल्या अपप्रकाराच्या बंदोबस्तासाठी आता १४ मार्च २०१४ रोजी जी नोटीस देण्यात आली होती ती

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दूरध्वनी क्रमांक ०७२१ -२५३१२३५ : e-mail-jdheamt@yahoo.com, jdheamt@gmail.com

क्रमांक ससं/उशि/अनु-४/२०१४/१४६२ : दिनांक ०५.०४.२०१४

आदेश

विषय :- सहाव्या वेतन आयोगाची प्राध्यापकांना ८० टक्के रोखीने द्यावयाच्या रक्कमे बाबत.

संदर्भ :- १. मा. शिक्षण संचालक, उच्च शिक्षण यांचे आदेश क्रमांक अर्थस १३-१४//८० टक्के वाटप/लेखा-७९४४, दिनांक २५.०४.२०१३

२. मा. शिक्षण संचालक, उच्च शिक्षण यांचे आदेश क्रमांक अर्थस १३-१४//८० टक्के वाटप/लेखा-२/७९४४, दिनांक ३१.१०.२०१३.

३. कार्यालयीन आदेश क्रमांक ससं/उशि/२०१४/१०७३.दिनांक ०६.०३.२०१४.

४. वित्त व लेखाधिकारी यांचे पत्र क्रमांक सं.गा.वा.अवि/२/F-४१७/२०१४, दिनांक ०५.०४.२०१४.

५. लेखाधिकारी, उच्च शिक्षण यांचे पत्र क्रमांक लेअ/उशि/अमवि/अम./४५, दिनांक ०६.०३.२०१४.

उपरोक्त संदर्भीय पत्र क्रमांक ४ नुसार वित्त अधिकारी यांनी सहाव्या वेतन आयोगाची वेतन निश्चितीची पडताळणी करून सेवा पुस्तकानुसार त्यांनी या कार्यालयास सादर केलेल्या यादी प्रमाणे सोबत जोडलेल्या यादीतील प्राध्यापकांचे सहाव्या वेतन आयोगाचे ८० टक्के देय रक्कम कुलसचिव यांचे वेतन खाती जमा करण्याकरिता मंजुरी रक्कम रुपये २४५१६०००/- देण्यात येत आहे.

कुलसचिवांना सहाव्या वेतन आयोगाचे ८० टक्के देय रक्कम खालील अटिंच्या अधिन राहून अदा करण्यात येत आहे.

१. दिनांक १०.०५.२०१४ पर्यंत सर्वांचे सेवापुस्तक अद्यावत करून घेणे.

२. वसुल पात्र रक्कम निघाल्यास चलानद्वारे तात्काळ भरना करणे.

३. फरकाची रक्कम आपल्या स्तरावरून तपासून ती बरोबर आहे याची खात्री करून वितरीत करणे.

आपल्या विद्यापीठातील प्राध्यापकांचे न्यायप्रविष्ट प्रकरणे आहेत त्यांची रक्कम कुलसचिवांनी मा. न्यायालयाचे निर्णयाचे अधिन राहूनच अदा करावी. यामध्ये भविष्यात काही अडचणी निर्माण झाल्यास कुलसचिव स्वतः जबाबदार राहतील. याची नोंद घ्यावी.

सहसंचालक, उच्च शिक्षण
अमरावती विभाग, अमरावती.

प्रत :- कुलसचिव, संत गाडगे बाबा, अमरावती विद्यापीठ, अमरावती.

निरनिराळ्या चार अधिकाऱ्यांना देण्यात आलेली असली तरी त्यात मुख्य अधिकारी म्हणजे सहसंचालक अमरावती विभाग हेच होते. ती नोटीस याच अंकात प्रसृत करण्यात आली आहे. या नोटीसमधील परिच्छेद ३ व ४ पुढील प्रमाणे आहे :-
 “That, despite of the above undertaking given by you, till this date the Lecturers of Sant Gadge Baba Amravati University have not received arrears of the salary on the basis of 6th Pay Commission recommendations..... That, the above act of yours of not fulfilling the solemn undertaking given to the Hon ble High Court amounts to wilful and deliberate contempt of the Hon ble High Court and makes you liable for the appropriate action under the provisions of the Contempt of Courts Act.”

१६. फक्त अमरावती विभागामध्येच द्याव्या लागलेल्या या नोटीसच्या शेवटी परिच्छेद ६ मध्ये पुढील प्रमाणे नमूद केलेले आहे. :- “That, by this notice you are called upon to immediately pay the arrears of salary of the Lecturers calculated on the basis of 6th Pay Commission recommendations within 7 days of receipt of this notice otherwise I am having standing instructions to initiate appropriate legal action against you more specifically under the provisions of the Contempt of Courts Act and in that event you shall be responsible for the costs and consequences arising thereof.”

१७. वरिष्ठांकडून थकवाकी अदा करण्याचे आदेश फार पूर्वीच आलेले आहेत. ‘पडताळणीशिवाय थकवाकी देऊ नका’ असे कुठलेही आदेश नाहीत. महाराष्ट्रात सर्वत्र थकवाकीची रक्कम अदा करण्यात आलेली आहे. या व अशा उपरोक्त सर्व घटनाक्रमाचा विद्यमान शिक्षण सहसंचालक अमरावती विभाग यांनी काळजीपूर्वक अभ्यास केला व बड्या बाबुंना बाजूला सारून थकवाकी अदा करण्याचे काम मोठ्या प्रमाणात हातावेगळे केले, असे दिसून येते. वस्तुतः एका प्रकरणात प्रधान सचिव उच्च शिक्षण यांना दिवसभर न्यायालयात उभे राहून न्यायालयाची क्षमा मागावी लागली होती. तशी पाळी अमरावतीच्या सहसंचालक कार्यालयावर आली नाही याबद्दल विद्यमान सहसंचालकांना निश्चितच धन्यवाद दिले पाहिजेत. या निमित्ताने का होईना अमरावती विभागाच्या उच्च शिक्षण सहसंचालकांच्या कार्यालयाने धच्चोटपणा सोडून दिला व ते कार्यालय सभ्यपणे व सुसंस्कृतपणे वागायला लागले हे योग्यच झाले असेच म्हणावे लागेल. चवताळलेल्या बड्या बाबुंना सांभाळण्यात सहसंचालकांना बरेच कष्ट द्यावे लागतील असे स्पष्टपणे दिसून येत आहे. शिवाय प्रश्न असा निर्माण होतो की कार्यालयातील ‘दोन बड्या बाबु’ंना आवरणे एवढेच काम सहसंचालकांनी करावे काय?

RULES FOR PROPOSING AMENDMENTS

(Reproduced from page 97 of 1977 NUTA Bulletin)

1. Any proposal before the meeting may be amended (a) by leaving out a word or words or (b) by leaving out a word or words in order to add or insert a word or words or (c) by adding or inserting a word or words.

2. An amendment to be in order shall : (a) not constitute a direct negative to the original resolution : (b) be relevant to and within the scope of the resolution to which it is moved.

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१८. अवमान याचिकेची नोटीस निर्गमित झाल्यानंतर घटनाक्रमाने चांगलाच वेग घेतला असे दिसून येते. हा वेग इतका की कोणाला किती थकवाकी द्यायची याची कागदपत्रे सहसंचालक कार्यालयात सापडत नव्हती म्हणून म्हणा किंवा चूक होऊ नये यासाठी त्यांना ‘ताजी’ माहिती पाहिजे होती म्हणून म्हणा, ती यादी पुन्हा विद्यापीठातून मागविण्यात आली. दिनांक ५ एप्रिल २०१४ रोजी विद्यापीठातील वित्त व लेखा अधिकाऱ्यांनी आपल्या पत्र क्रमांक संगवाअवि/२/ एफ-४१७/२०१४ या पत्रान्वये खुद्द विद्यापीठातील ७५ शिक्षकांची ८० टक्क्याची रूपये २,४५,१६,००० एवढी रक्कम देणे असल्याचे कळविले व त्याच तारखेला म्हणजे ५ एप्रिल २०१४ या दिवशीच्याच पत्रान्वये (क्रमांक ससं/अशि/ अनु-४/२०१४/१४६२) सहसंचालक कार्यालयाने तेवढ्या रकमेला मंजूरी दिल्याचे विद्यापीठाला कळविले. अवमान याचिकेची नोटीस पृष्ठ १०२ वर व सहसंचालक कार्यालयाचे पत्र पृष्ठ १०३ वर याच अंकात प्रसृत केले आहे.

१९. हा उपरोक्त सर्व घटनाक्रम सर्व कागदपत्रानिशी नुटाच्या कार्यकारी मंडळाने दिनांक २० एप्रिल २०१४ रोजी झालेल्या बैठकीत विचारात घेतला व याबाबत संताप व्यक्त करणारा एक ठराव आमसभेसमोर मांडण्याचे ठरविले. तो ठराव पुढील प्रमाणे :-

“मा. सहसंचालक, उच्च शिक्षण अमरावती विभाग, अमरावती यांच्या कार्यालयातील काही ‘बडे बाबू’ अत्यंत उच्च पणे वागत असून राज्य शासनाचे, शिक्षण संचालकांचे, सहसंचालकांचे, तसे कोणतेही आदेश नसतांना “पडताळणी झाली नाही म्हणून व होत नाही तोपर्यंत थकवाकी अदा करणार नाही” असा शासननिर्णय त्यांनी त्यांच्याच पातळीवर काढला व अमरावती विभागात ‘त्या’शासननिर्णयाची गेले अनेक महिने ते अंमलबजावणी करीत आहेत. अमरावती विद्यापीठाच्या कार्यकारी मंडळामध्ये दिनांक २० जानेवारी २०१४ च्या बैठकीत संघटनेचे अध्यक्ष, डॉ. पी.वी.रघुवंशी यांनी मांडलेला ठराव मंजूर झाल्यानंतर त्याबाबत खुद्द विद्यापीठातर्फे शासनाकडे तक्रार करण्यात आली. फक्त अमरावती सहसंचालकांच्या कार्यक्षेत्रात जणूकाही हे स्वतंत्र राज्य आहे असे समजून या बड्याबाबुंची ही मस्तवाल वागणूक मा. उच्च न्यायालयाचा अवमान करणारी होती. जुलै २०१३ पर्यंत सर्व थकवाकी अदा करण्यात येईल असे स्पष्टपणे न्यायालयात कबूल केल्यानंतर हा पोरखेळ फक्त अमरावती विभागातच नोव्हेंबर २०१३ नंतरही सुरू राहीला याचे सारे श्रेय या बड्या बाबुंनाच आहे. शेवटी संघटनेच्या अध्यक्षांनी, अध्यक्ष या नात्याने “न्यायालयामध्ये अवमान याचिका दाखल करण्याची नोटीस” संघटनेच्या वकिलामार्फत दिल्यानंतरच या बड्याबाबुंची मस्ती उतरली. सुदैवाने नव्याने आलेल्या सहसंचालकांनी सर्व बाबींचा अभ्यास करून अत्यंत सूझपणाची भूमिका घेतली. अन्यथा दिवसभर न्यायालयात उभे राहून न्यायालयाची क्षमा मागण्याची जी पाळी उच्च शिक्षण सचिवांवर आली तशी ती सहसंचालकावर सुद्धा आली असती. बड्या बाबुंचा हा उपद्रव किती तीव्र होता याची कल्पना यावी म्हणून असे नमूद करण्यात येत आहे की, न्यायालयात कबूल करूनसुद्धा अमरावती विद्यापीठातील सर्वच्या सर्व शिक्षकांना ८० टक्क्यापैकी एक रुपयाची सुद्धा थकवाकी अदा करण्यात आली नव्हती. अवमान याचिकेची नोटीस मिळाल्यावर दिनांक ५ एप्रिल २०१४ च्या पत्रान्वये २ कोटी ४५ लक्ष रुपयाच्यावर रक्कम असलेली ही थकवाकी एकट्या अमरावती विद्यापीठामध्ये एप्रिलच्या पहिल्या आठवड्यात अदा करण्यात आली. याच काळात संलग्न महाविद्यालयातून अंदाजे २० कोटी रुपये थकवाकीपोटी अदा करण्यात आले. सामंजस्याची भूमिका घेतल्याबद्दल सहसंचालकांना धन्यवाद देत असतांनाच त्यांच्या राज्यातील बड्याबाबुंच्या या निंदास्पद वर्तनाचा तीव्र निषेध करण्यात येत आहे व या ‘बड्याबाबु’ंच्या अशा अपकृत्यांवर संघटीतपणे लक्ष ठेवण्याचा व अशी अपकृत्ये संघटीतपणे हाणून पाडण्याचा निर्धार व्यक्त करण्यात येत आहे.”

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To,.....