

Most Immediate

No. F. 1-7/2010-U.II

Government of India
Ministry of Human Resource Development
Department of Higher Education New Delhi,
dated 14th August, 2012

To

All State Education Secretaries in charge of Higher Education

Subject:- Scheme of Revision of pay of teachers and equivalent cadres in universities and colleges following revision of pay scales of Central Government employees on the recommendations of the Sixth Central Pay Commission - **reimbursement of arrears- regarding.**

Reference:- (i) MHRD's letter No. 1-32/2006-U.II(I) dated 31.12.2008.

(ii) MHRD's letter No. 1-7/2010-U.II dated 11.05.2010.

Sir,

As you are aware, this Ministry had revised the pay scales of university and college teachers vide this Ministry's letter No. 1-32/2006-U.II/U.I (i) dated 31.12.2008. University Grants Commission has **also notified the UGC Pay Regulations, 2010 in this regard.**

2. Although this Scheme was essentially for teachers in Central Universities, provisions of the Scheme could be made applicable by State Governments to State Universities and Colleges coming under the purview of the State Government, provided the State Governments adopt and implement the scheme as a composite scheme, including the enhanced age of superannuation and the regulations laid down by the UGC in this regard. The age of superannuation for teachers in Central Universities had been enhanced to 65 years vide this Ministry's letter No. 1-19/2006-U.II dated 23.03.2007, for those involved in class room teaching.

3. **Central Government had decided to provide financial assistance, for the period 1.1.2006 to 31.3.2010, to the extent of 80% as reimbursement to those State Governments,** which may opt for these revised pay scales. The State Governments were to provide 20% of the arrears from its own resources. The assistance was subject to the condition that the entire pay revision package, together with all conditions laid down in this regard by the UGC by way of regulations and including enhancing the age of superannuation of teachers, would be implemented as a composite scheme by the State Governments without any modification except to the date of implementation (on or after 1.1.2006) and any higher scales of pay which the State Governments may decide after taking into consideration local conditions into consideration. However, **the Central assistance would be limited to the scales of pay as approved by the Central Government under the Scheme.**

4. After taking into consideration the views expressed by several State Education Ministers during the Conference held in 2010 the Central Government has now decided to de-link the condition of enhancement of age of superannuation from the payment of Central share of 80% arrears to the States.

5. Bearing in mind that the question of enhancement of age of retirement is exclusively within the domain of the policy making power of the State Governments, the issue of age of retirement has been left to the State Governments to decide at their level. **The condition of enhancement of age of superannuation to 65 years as mentioned in this Ministry's letter dated 31.12.2008 may be treated as withdrawn, for the purpose of seeking reimbursement of central share of arrears to be paid to State University and College teachers.** However, the others conditions as mentioned in the letters cited above shall continue to apply.

6. **State Governments may please note that reimbursement of 80% of central share of the additionality of payment of arrears, for the period from 1.1.2006 to 31.3.2010, will be made by the Central Government in 2-3 installments.** However, this would be by way of reimbursement only, after the State Government has made the payment. In this connection, this Ministry letter of even No. dated 11.05.2010 also refers {copy enclosed}.

7. It has been decided to seek the additional information from the State Governments in order to process release of central share of arrears. **State Governments are requested to provide the requisite information in the enclosed proforma.**

8. You are requested to kindly take further necessary action in this regard as detailed above and furnish the requisite information to this Department urgently **to enable us to process release of central share accordingly.**

9. Kindly acknowledge receipt of this letter.

Yours faithful-y,
(Rajender Kalwani)

Under Secretary to the Government of India

Encl: As above

Copy for information to:- (1) Chief Secretaries of all States (2) The Secretary I University Grants Commission, BSZ Marg, New Delhi (3) PS to HRM (4) PS to MOS(DP)/PS to MOS(EA) (5) Cabinet Secretariat with reference to communication No.23/CM/2012(i) dated 23rd July, 2012. (6) PSO to Education Secretary (7) JS(HE)/FA/DDG/JS(Pianning) (8) Shri Krishan Kumar, Director, PMO, South Block, New Delhi. (9) PAO/IFD/IF-1/P&M \$. CMIS Unit for placing it on the website of the Ministry.

CONSTITUTION THE MAHARASHTRA FEDERATION OF UNIVERSITY AND COLLEGE TEACHERS' ORGANIZATIONS (MFUCTO)

1) The name of the union shall be "Maharashtra Federation of University and College Teachers' Organizations" and it shall, in the following rules, be referred to as the "Union." The head office of the Union shall be at Bombay University, Club House, B Road, Churchgate Bombay-400 020.

OBJECTS

2) (A) The objects of the Union shall be-

(a) to organize and unite the persons employed as Teachers in the Higher education industry in the State of Maharashtra and to regulate their relations with their employers;

(b) to secure to the members fair conditions of life and service;

(c) to try to reduce their grievances;

(d) to try to prevent any reduction of wages and if possible to obtain an advance whenever circumstances allow;

(e) to endeavor to settle disputes between employers and employees amicably so that cessation of work may be avoided;

(f) to endeavour to secure Compensation for the members in cases of accident under the "Workmen"s compensation Act;

(g) to endeavor to provide against sickness, unemployment, infirmity, old age and death;

(h) to provide legal assistance to members in respect of matters arising out of or incidental to the employment;

(i) to endeavour to render aid to the members during any strike brought about with the sanction of the union or lockout;

(j) to obtain information in reference to Higher Education Industry in India and abroad;

(k) to cooperate with organisations (of labour), particularly those having similar objects in India and abroad;

(l) to help in accordance with Trade Union Acts, the working class in India and outside, for the promotion of the objects mentioned in these rules;

(m) generally to take such other steps as may be necessary to ameliorate the social, economic, civic and political conditions of the members;

(n) to promote corporate feeling among University and College Teachers working in the State of Maharashtra;

(o) to study Educational problems with special reference to Universities and Colleges in Maharashtra;

(p) to work for the advancement of the aims of University education such as teaching, research and the building up of character;

(q) to organise, conduct, run or take over educational or allied institutions; and

(r) to further national solidarity and integrity and promote international understanding.

(B) For the attainment of these objects the Union may organise centers in various localities of the Union in the State of Maharashtra.

ADMISSION OF MEMBERS

3) (A) Membership shall be associational and the basis of membership shall be the associational unit representing each non-agricultural University area, and the subscription fee shall be the same for each unit, whether there are more than one associations representing a University or two Universities are represented by one association. The name of

the constituent unit indicating the associational membership of the MFUCTO is mentioned in Column No. 2 of the **Appendix** and the organisations representing units is mentioned in column No. 3 of the said **Appendix**.

Provided that if any new University is established by law, before or after the commencement of this constitution, in any area the association representing that area before the establishment of the new University shall continue to represent the area of both the Universities in the Union and shall be considered as one unit for all purposes until the date at which that association decides to establish separate Associations at each University level and communicates the said decision to the Union.

~~(B) In case there exist more than one association/ Organisation within jurisdiction of university such associations/organisations shall come to a mutual understanding at the local level, which shall be communicated to the Federation and shall be binding upon the association/organisation concerned. In such cases all such association/organisation shall be deemed to be members of the Federation. All such association/organisation falling within the jurisdiction of each University shall form a constituent unit of the Federation. In all such cases the decision of the Executive Committee of the Federation shall be binding on the concerned Unions/Associations/Organisations;~~

Provided that hereafter the Federation shall not encourage a situation wherein one unit will be represented by more than one organisation.

(C) All such University-wide Unions/Associations/Organizations shall pay an admission fee of Rs. 100/- and the annual membership fee to be paid by each constituent unit within the jurisdiction of each University shall be Rs. 2000/- or any amount decided by the Executive Committee from time to time provided it agrees to abide by rules and bye-laws that may be made by the union, i.e. Federation from time to time.

ADMISSION OF HONORARY MEMBERS

4) Persons who are not eligible to become ordinary members of the General Council of the Union i.e. Federation, may be admitted as honorary members of the General Council of the Union for the purpose of being elected or co-opted to the Executive Committee and they shall be Honorary members of the General Council of the Union during the period of their office, subject to the provision of section 22 of the Trade Union Act. 1926 provided their number shall not exceed two.

FINES AND FORFEITURES

5) A member - constituent unit failing to pay its annual subscription for three years with the permission of the Executive Committee or two years without the permission of the said committee shall cease to be a member of the Union i. e. Federation. But it shall be entitled to rejoin the Union on paying its arrears.

BENEFITS

6) No member - constituent unit of the union shall be entitled to any benefits that the union may decide to give to its members unless it has been a member for at least one year and has paid all contributions.

7) A member of the union who is in arrears with its subscription or dues shall not be entitled to any benefits until all arrears have been paid and a period of one year has elapsed from the date of payment of such arrears.

8) Should the member of the member-constituent unit go on strike without the sanction or approval of the Executive committee they shall not be entitled to any benefits

whatsoever.

REGISTER OF MEMBERS

9) The Union shall keep a register of all its member-constituent units containing their names and particulars of their place of work, the residence of their office bearers etc.

10) The register shall be open to inspection by any member or an officer of the Union at the Head Office during the hours during which the office of the Union is open on any working day excluding holidays.

11) The Union shall have a President, one Vice President from each affiliated unit, a General Secretary, two Joint-Secretaries and a Treasurer. All of them shall be elected at the Annual meeting of the General Council of the Union i.e. Federation. They shall be eligible for re-election. The General Council shall also elect an internal Auditor who shall not be the member of the Managing Committee.

GENERAL COUNCIL

12) the General Council of the Union i.e. Federation shall consist of

(a) The President, General Secretary and Treasurer of each member-constituent unit;

(b) Nine other representatives of each member-constituent-unit to be nominated by the Executive Committee of the member constituent unit; and

(c) Not more than two honorary members.

THE EXECUTIVE COMMITTEE

12) (A) Subject to the provisions of section 21 of the Trade Union Act, 1926, the affairs of the Union, financial and otherwise shall be conducted by an Executive Committee, consisting of the Office Bearers and three other members from each affiliated unit elected at the meeting of General Council. The said Executive Committee will continue functioning till the new one is appointed.

(B) The term of the Office Bearers and members of the Executive Committee shall be two years.

(C) No Office Bearer shall hold the same office for more than two consecutive terms.

VACANCIES AND REMOVAL

13) Should a vacancy occur among the Office Bearers and of the members of the Managing Committee, it shall be filled by the executive committee, as and when it arises, by co-option if required.

14) Any office bearers of the Union or a Member of its Executive Committee can be removed by the General Council by three fourth majority, for committing any fraud or having acted against the interest of the Union, provided the Office Bearer or the member to be removed is given adequate opportunity to explain his conduct.

MEETING OF THE EXECUTIVE COMMITTEE

15) The Executive Committee shall meet once a month on such days and such place as may be fixed by the General Secretary in consultation with the President.

16) The presence of at least one third members of the Executive Committee shall be necessary to form quorum. No quorum is necessary for an adjourned meeting.

17) (A) At least fifteen days notice shall be given for the Executive Committee meeting.

(B) Meeting of Executive Committee can be requisitioned by a minimum of seven members. If the notice of such meeting is not issued by President in fifteen days from the date of receipt of such requisition, the requisitionists themselves shall have the authority to convene the meeting for the specific purpose thereafter.

(C) The Executive Committee shall

(i) have the power to call a meeting of the General Council when such decision is taken by a majority of its members

APPENDIX

(See para 3)

SHOWING CONSTITUENT UNITS OF THE MFUCTO AND THE ORGANISATIONS REPRESENTING THE UNITS

Sr.No. Name of the Units	Name of Organisation/s Representing the unit
1. Bombay University	Bombay University and College Teachers' Union (BUCTU)
2. S.N.D.T. Women's University	SNDT (Women's) University and College Teachers' Union (SNDTWUCTU)
3. Nagpur University	Nagpur University Teachers' Association (NUTA)
4. Poona University	Poona University and College Teachers' Organisation (PUCTO) and Poona University Teachers' Association (PUTA)
5. Shivaji University	Shivaji University Teachers' Association (SUTA)
6. Marathwada University	Marathwada University and College Teachers' Association (MUCTA)
7. Amravati University	Nagpur University Teachers' Association (NUTA)
8. North Maharashtra	North Maharashtra University and College Teachers' University Organisation University (NMUCTO)
9. Swami Ramanand Tirth Marathwada Uni. Nanded	Swami Ramanand Tirth Marathwada University & College Teachers' Association, Nanded
10. Solapur University, Solapur	Solapur University Unit of Shivaji University Teachers' Association Solapur, (SUTA- Solapur)

FOR DETAILS : 1. See page 43 and 59 of 1992 MFUCTO-GS— FILE 2. See pages 60,61,62 and 73 of 1992 MFUCTO-GS— File 3. See minutes of the General Council meeting Dt. 28.6.1992

present at a meeting and voting,

(ii) submit the annual report and financial statement of the Federation to the General Council;

(iii) consider the reports and audited accounts of the State Federation submitted to it by the respective Office Bearers and

(iv) admit the honorary members to the General Council.

DUTIES OF THE OFFICE BEARERS

18) THE PRESIDENT AND THE VICE PRESIDENT : The President shall preside over all meetings of the Union and the Executive Committee, preserve orders, sign all minutes and shall be allowed to give a casting vote only. The President shall have the power, if necessary to call special meeting of the Executive Committee or of the Union whenever necessary. One of the Vice Presidents shall function in place of the President in his absence.

19) THE GENERAL SECRETARY : The General Secretary shall take minutes of all union and committee meetings, conduct all correspondence, convene all meetings, keep all accounts, exercise a supervision over the affairs of the union and shall also keep a correct account of all receipts and expenditure. He shall prepare a balance sheet annually showing clearly every item of receipt and expenditure. He shall be responsible for submitting to the Registrar of the Trade Union all returns and notices that should be sent to that officer under the Trade Union Act, 1926. He shall have the power to engage, in consultation with the President and subject to the approval of confirmation of Executive Committee, any assistants for organising and clerical purposes he considers necessary and all such assistants shall be under

the control of the General Secretary.

20) THE JOINT SECRETARY : The Joint Secretary shall generally help the General Secretary in his work. One of them shall perform duties of the General Secretary in his absence.

21) THE TREASURER : The Treasurer shall be responsible for all sums of money which may from time to time be paid into the union and for duly banking them. He shall make the payments towards all the expenditure sanctioned by the Executive Committee. He shall not have the power to draw money from the bank without first having the cheques signed by the President or the General Secretary.

GENERAL COUNCIL MEETING :

22) There shall be held in the month of January or February an annual General meeting of all the General council members of the Union, to transact the following business:

(a) to adopt the report of the work done by the Union and the audited statements of accounts

(b) to elect the office bearers and other members of the executive committee;

(c) to transact such other business as may be brought forward with the permission of the chairman and

(d) to make bye laws for the furtherance of the objects of the Union i.e. Federation.

23) The President or the General Secretary may call a meeting of the General Council of the Union whenever he thinks necessary and shall call it on a requisition signed by the one fifth of the total strength of the General Council of

महाराष्ट्र शासन

शिक्षण संचालनालय, (उच्च शिक्षण)

महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे ४११ ००१ : फोन नं. ०२० २६१२२११९, २६०५१५१२, २६१३०६२७, २६१२४६३९

दिनांक ०६.०८.२०१२ : आदेश

विषय :- याचिका क्रमांक ९०५४/२०१० व २८६८/२०११ या याचिकेवरील मा. उच्च न्यायालयाच्या आदेशानुसार विद्यापीठ व संलग्न महाविद्यालयातील शिक्षक कर्मचारी यांच्या कुठित वेतनवाढीची वसूल केलेली रक्कम व्याजासह अदा करण्याबाबत.

शासन निर्णय उच्च व तंत्र शिक्षण विभाग क्रमांक न्यायाप्र-२०१२/(२१४/१२)/मशि-३ दिनांक ३ ऑगस्ट, २०१२ अन्वये मा. उच्च न्यायालय खंडपीठ औरंगाबाद येथील याचिका क्रमांक ९०५४/२०१० व २८६८/२०११ या याचिकेवर मा. उच्च न्यायालयाने दिलेल्या आदेशानुसार पाचव्या वेतन आयोगातील सुधारित वेतनश्रेणीच्या कमाल वेतनावर कुठित झालेल्या याचिकाकर्त्या महाविद्यालयातील शिक्षकांची कुठित वेतनवाढीची वसूल केलेली रक्कम व्याजासह अदा करण्यासाठी रुपये १,०२,७१,१२८/- (अक्षरी रुपये एक कोटी दोन लक्ष एकाहत्तर हजार एकशे अष्टावीस फक्त) इतक्या रकमेस मंजूरी दिलेली आहे.

या आदेशानुसार खाली नमूद केलेली रक्कम सन २०१२-२०१३ या आर्थिक वर्षात खर्च करण्यास मान्यता देण्यात येत आहे.

अ. क्र.	विभागाचे नांव	महाविद्यालयाची संख्या	अधिव्याख्यात्यांची संख्या	कुठित वेतनवाढी संदर्भात देय होणारी अतिरिक्त रक्कम	व्याजाची रक्कम	एकूण रक्कम
१	२	३	४	५	६	७
१	नांदेड	३	८	३४५७०१	१३१३९७	४७७०९८
२	औरंगाबाद	०	५७	३५७२३००	१२८६०००	४८५८३००
३	पुणे	२	२	४९९६३	१८३४८	६८३११
४	जळगांव	१	५	१८१८२१	३२७२४	२१४५४५
५	कोल्हापूर	२७	४७	३२०७६५२	८७५५१५	४०८३१६७
६	सोलापूर	४	६	४३६४५१	१३२२५६	५६९७०७
	एकूण		१२५	७७९३८८८	२४७७२४०	१०२७११२८

सदरची रक्कम ही मागणी क्रमांक डब्ल्यु २ २२०२, सर्वसाधारण शिक्षण ०३, विद्यापीठीय व उच्च शिक्षण, १०४ अशासकीय महाविद्यालयांना व संस्थांना सहाय्य (०१) अशासकीय महाविद्यालयांना सहाय्य (०१) (०१) अशासकीय कला, विज्ञान वाणिज्या व विधी महाविद्यालयांना अनुदाने (२२०२०८७२) ३६ सहाय्यक अनुदाने (वेतन) या लेखाशिर्षाखाली सन २०१२-२०१३ या वार्षिक वर्षामध्ये मंजूर असलेल्या तरतुदीमधून भागविण्यात यावा.

(**डॉ. प्र.रा.गायकवाड**)

प्र. शिक्षण संचालक, उच्च शिक्षण, महाराष्ट्र राज्य, पुणे-१

the Union within twenty days of the receipt of the requisition. In case, the President or the General Secretary fails to convene such a meeting, the requisitionists themselves shall call a meeting after due notice and proceedings of the meeting shall be binding on the union.

24) At least 21 days notice shall be given to the members for the General Council Meeting.

25) The presence of at least one third members shall be necessary to form a quorum of General Council meeting. No quorum is necessary for the adjourned meeting.

GENERAL FUNDS

26) The General funds of the Union shall consist of the subscription from members, donations etc. They shall be deposited in the banks approved by the Executive committee in the name of the Union and the account shall be operated by the Treasurer and any one of the President or the General Secretary. The General Secretary or the Treasurer shall not keep more than Rs. 100/- with him for current expenses.

OBJECTS ON WHICH THE GENERAL FUNDS CAN BE EXPENDED

27) Subject to the provisions of section 15 of the Trade Unions Act, 1926 the General Funds of the Union shall not be spent on any other objects than the following viz.

(a) The payment of salaries, allowance to office bearers of the union;

(b) The payment of expenses for the administration of the Union including audit of the accounts of the General Funds of the Union.

(c) The prosecution or defence of any legal proceeding to which the union or any member thereof is party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the units as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs.

(d) To conduct Trade dispute on behalf of the Union or any member thereof;

(e) Compensation to member for any loss arising out of trade disputes;

(f) The compensation to members or their dependents on account of death, old age, sickness, accident or unemployment of such members;

(g) The issue of or the undertaking of liability under policies insuring members against sickness, accident or unemployment.

(h) The provision of educational social or religious benefits for members (including the payments of the expenses of funeral or religious ceremonies for the deceased members) or for the dependents of members;

(j) The up-keep of a periodical published mainly for the purpose of discussing questions affecting employer/s or workman/s as such;

(i) The payment in furtherance of any of the objects on which general funds of the union may be spent, of contributions to any cause intended to benefit workman in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of the one fourth of the combined total of the gross income which has upto, that time accrued to the general funds of the union during that year and of the balance at the credit of those funds at the commencement of that year and;

(k) Subject to any conditions contained in the notification any other object notified by the appropriate Government in the official gazette.

ANNUAL AUDIT

28) The union shall make due provision for the annual audit of the accounts of the union by competent auditors

appointed by the Executive Committee in accordance with the rule 18 of the Bombay Trade Union Regulations, 1927. Calendar year shall be the financial year of the Union.

INSPECTION OF BOOKS OF ACCOUNTS

29) The books of accounts of the union shall be open to the inspection by any member or officer at the head office of the union during the hours during which the office of the union is open on any day excluding holidays.

AMENDMENTS OF RULES

30) The rules may be amended, altered, replaced, rescinded or added to at any time by the majority of the members present at a General Council meeting provided previous notice of at least 21 days is given to the members of the proposed alterations.

DISSOLUTION OF THE UNION

31) The union shall not be dissolved except by the vote of majority of three fourth members present at General Council Meeting called for the purpose, provided the total number of votes cast at such a meeting is not less than two thirds of the total members then on the roll of the General council of the union.

32) The funds of the union after meeting all the liabilities shall be disposed off in accordance with the decision of dissolution meeting.

(Dipa Mahanwar) General Secretary
Maharashtra Federation of University & College
Teachers' Organizations (MFUCTO)

Accepted with effect from 5th September 1984

Sd/- (Dipa Mahanwar) General Secretary
Sd/- (E.N.Manjrekar) President
Date 16th December 1984 Date : 16th December 1984

(E.H.Kathale) Sd/- General Secretary
Sd/- (C.R.Sadasivan) President
Mumbai, 18th December 2007

उपनिबंधक, श्रमिक संघ
कोकण विभाग/जिल्हा मुंबई, १६.१०.२००९

जा.क्र. श्रसंअ/२००९/घ.ब./कार्यासन - १७

अपर कामगार आयुक्त यांचे कार्यालय, कॉमर्स सेंटर, ६/७ वा मजला,
ताडदेव, मुंबई-४०० ०३४ दिनांक : १६ ऑक्टोबर २००९

प्रति,

सरचिटणीस, महाराष्ट्र फेडरेशन ऑफ युनिव्हर्सिटी अँड
कॉलेज टिचर्स ऑर्गनायझेशन, विद्यापीठ विद्यार्थी भवन, बी रोड,
चर्चगेट, मुंबई-४०० ०२०.

विषय : श्रमिक संघ अधिनियम, १९२६ अंतर्गत घटना बदलाबाबत.
महोदय,

उपरोक्त विषयाच्या आपल्या दिनांक २८.१२.२००८ च्या पत्रास
अनुसरून आपणांस कळविण्यात येते की, आपल्या घटनेतील नियम
क्रमांक ३ (C), वाढीव १२ (B) आणि वाढीव १२ (C) फक्त यांत
सुचविलेला बदल श्रमिक संघ अधिनियम, १९२६ च्या कलम २८ (३)
नुसार दिनांक १६.१०.२००९ रोजी नोंद करण्यात आला आहे.

आपला विश्वासू

उपनिबंधक,

श्रमिक संघ अधिनियम, १९२६, मुंबई.

1. Sub para (B) of Para 3 does not appear in the certified copy.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CONTEMPT PETITION NO. 518 OF 2011**

Association of College and University Superannuated Teachers (Maharashtra) ...*Petitioner*
Versus

The State of Maharashtra and others ...*Respondents*
Mr. S.V. Adwant, advocate for the petitioner : Mr. K.M. Suryawanshi, AGP for the respondents

CORAM : S. S. SHINDE, J. DATED : 8th AUGUST, 2012

PER COURT :-

1. Pursuant to the order dated 20.7.2012, passed by this Court, a common additional affidavit in reply, **in both the contempt petitions, is filed by Shri Sanjay Kumar, working as Principal Secretary of Higher and Technical Education Department, Mantralaya, Mumbai.** Paragraph Nos. 7 and 8 of the said affidavit in reply read thus:-

"7. I say and submit that based on the **G.R. dated 3rd August 2012** the Director of Higher Education has issued order directing all Regional Joint Directors to disburse the amount as directed by the Hon'ble High court. Hereto annexed and marked as Exh. R-II is the **copy of the order issued by the Director of Higher Education M.S. Pune dated 6.8.2012 for kind perusal.**

8. I further say that after dismissal of the SLP by the Hon'ble Apex Court some time was required to the Government to work out and issue necessary orders in consultation with the Finance Department of the State Government as per the administrative process. **Therefore it was prayed for granting six month time for compliance of the order passed by this Hon'ble High Court.** The request of the Respondent was bonafide and there was no any deliberate or intention to disregard the

orders passed by this Hon'ble Court or to prolong the compliance of the order passed by the Hon'ble High Court."

2. Learned AGP appearing for the State, on instructions from Dr. Mohammad Fayyaz, Joint Director, Higher Education Department, makes a statement that the amount mentioned in the G.R. dated 3.8.2012 and in the order of the Director of Higher Education, Maharashtra State, Pune-1, **would be disbursed to the petitioners on or before 27th August, 2012.**

3. In the light of the above circumstances, the contempt petitions stand disposed of.

4. Since the petitions are disposed of, there is no question for the Principal Secretary of Higher and Technical Education Department, Mantralaya, Mumbai to remain personally present before this Court on 9th August, 2012, as directed by this Court, by order dated 20.7.2012.

5. After disbursement of the amount, as stated in the affidavit in reply/G.R./order issued by the Director of Higher and Technical Education, Maharashtra State, liberty to the respondents to apply for withdrawal of the amount deposited by them in the registry of this Court.

(S. S. SHINDE, J.)

** AF : P 82 **

याचिका क्रमांक १०५४/२०१० व २८६८/२०११ या याचिकेवरील मा. उच्च न्यायालयाच्या आदेशानुसार विद्यापीठ व संलग्न महाविद्यालयातील शिक्षक कर्मचारी यांच्या कुंठीत वेतनवाढीची वसूल केलेली रक्कम व्याजासह अदा करण्याबाबत.

महाराष्ट्र शासन : उच्च व तंत्र शिक्षण विभाग,

शासन निर्णय क्रमांक :- न्यायाप्र- २०१२/(२१४/१२)/मशि-३ : मंत्रालय विस्तार भवन, मुंबई ४०० ०३२

दिनांक ३ ऑगस्ट, २०१२

पहा : संचालक, उच्च शिक्षण, पुणे यांचे क्र. युएनआय/या.क्र.१०५४/२०१०/औवि/विशि-१ दिनांक २४.०७.२०१० चे पत्र.

प्रस्तावना :-

शासन पत्र क्रमांक : एनजीसी-२००९/(४०१/०९) विशि-१, दिनांक १८ मार्च २०१० नुसार पाचव्या वेतन आयोगातील सुधारित वेतनश्रेणीच्या कमाल वेतनावर कुंठीत झालेल्या, विद्यापीठ व संलग्न महाविद्यालयातील शिक्षक कर्मचाऱ्यांना कुंठीत वेतनवाढ योजना लागू नसल्याचे कळविले व अशा प्रकारे कुंठीत वेतनवाढी यापूर्वी दिल्या असतील तर त्यांची वसुली तात्काळ करण्याचे आदेश दिल्यामुळे प्रस्तुत विभागातील विद्यापीठे व संलग्नित महाविद्यालयातील सेवानिवृत्त अधिव्याख्यात्यांच्या संघटनेने मा. उच्च न्यायालय, खंडपीठ औरंगाबाद येथे याचिका क्रमांक १०५४/२०१० व २८६८/२०११ दाखल केलेली होती.

सदर याचिकेवर दिनांक २२.०८.२०११ रोजी झालेल्या अंतिम सुनावणी दरम्यान मा. उच्च न्यायालयाने आदेशात असे नमूद केले आहे की, दोन्ही याचिकेतील सहपत्र 'क' मधील सेवानिवृत्त संघटनेच्या सदस्यांनी कुंठीत वेतनवाढ देण्याबाबत शासनास कोणतेही चुकीचे निवेदन सादर केलेले नव्हते. त्यामुळे कायद्याप्रमाणे अशा कर्मचाऱ्यांच्या वेतन/सेवानिवृत्ती वेतनातून वसुली करता येत नाही.

सदर आदेशाविरुद्ध शासनाने मा. सर्वोच्च न्यायालयात विशेष अनुमती याचिका (क्रमांक सी.सी. ८३९९-८४००/२०१२) दाखल केली होती. सदर याचिकेवर मा. सर्वोच्च न्यायालयात झालेल्या सुनावणी दरम्यान याचिका खारीज करून मा. उच्च न्यायालयाने दिनांक २२.०८.२०११ रोजी दिलेला निकाल कायम ठेवला आहे.

मा. उच्च न्यायालयाने दिलेल्या आदेशाची पूर्तता ३ महिन्यांमध्ये करावयाची होती. तथापि, उपरोक्त कालावधीत मा. उच्च न्यायालयाने दिलेल्या आदेशाची

अमलबजावणी न झाल्याने याचिका कर्त्यांनी अवमान याचिका क्र. ५१८/२०११ व ५१९/२०११ दाखल केल्या आहेत. **सबब याचिकाकर्त्या शिक्षकांची कुंठीत वेतनवाढीची वसूल केलेली रक्कम व्याजासह अदा करणे आवश्यक आहे.**

शासन निर्णय

मा. उच्च न्यायालय, खंडपीठ औरंगाबाद येथील याचिका १०५४/२०१० व २८६८/२०११ या याचिकेवर मा. उच्च न्यायालयाने दिलेल्या आदेशानुसार पाचव्या वेतन आयोगातील सुधारित वेतनश्रेणीच्या कमाल वेतनावर कुंठीत झालेल्या याचिकाकर्त्या महाविद्यालयीन शिक्षकांची कुंठीत वेतनवाढीची वसूल केलेली रक्कम व्याजासह अदा करण्यासाठी रुपये १,०३,०३,९९४/- (रुपये एक कोटी तीन लक्ष तीन हजार नऊशे चौन्याणव फक्त) इतक्या रक्कमेस मंजुरी देण्यात येत आहे.

२. यासाठी होणारा खर्च मागणी क्रमांक डब्ल्यु २ "२२०२, सर्वसाधारण शिक्षण ०३, विद्यापीठीय व उच्च शिक्षण, १०४ अशासकीय महाविद्यालयांना व संस्थांना सहाय्य (१) अशासकीय महाविद्यालयांना सहाय्य (०१) (०१) अशासकीय कला, विज्ञान, वाणिज्य व विधी महाविद्यालयांना अनुदाने (२२०२ ०८७२) ३६ सहाय्यक अनुदाने (वेतन)" या लेखाशिर्षाखाली खर्च टाकण्यात यावा.

३. हे आदेश वित्त विभागाच्या अनौपचारिक संदर्भ क्र. ३७५/सेवा-३, दि. २६.०७.२०१२ अन्वये मिळालेल्या सहमतीने निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(ग.स.कचरे)

कार्यासन अधिकारी, महाराष्ट्र शासन

** AF : P 78 **

No. F. 1-7/2010-U.II

MOST IMMEDIATE

Government of India
Ministry of Human Resource Development
Department of Higher Education New Delhi,
dated 11 th May, 2010

The Education Secretaries of all State Governments

Subject- Reimbursement of financial burden due to implementation of Revised Pay Scales on the basis of 6th Pay Commission recommendations for Teachers and equivalent Cadres in Universities and Colleges from 1.1.2006

Sir,

I am directed to say that it has been decided by the competent authority that reimbursement of 80% of the additional requirement of the State Governments consequent on revision of pay scales of the teachers in universities and colleges under the State Government, in pursuance of this Ministry's letter No.1-3212006-U.II/U1(i) dated 31.12.2008, would be applicable only when State Governments implement this Ministry's Scheme of revision of pay of teachers and equivalent cadres in universities and colleges as contained in this Ministry's letter dated 31.12.2008 as a composite package, the applicability of which has been indicated in para 8 (p) (v) of this Ministry's letter dated 31.12.2008, which, inter alia, provides that the Scheme may be extended to universities, colleges and other higher educational institutions coming under the purview of the State Governments receiving substantial financial assistance for its maintenance and operations from the State Governments, provided State Governments wish to adopt and implement the Scheme subject to the following terms and conditions:

(a) Financial assistance from the Central Government to those State Governments opting to revise pay scales of teachers and other equivalent cadre covered under the Scheme shall be limited to the extent of 80% (eighty percent) of the additional expenditure involved in the implementation of the revision of pay scales.

(b) The State Government opting for revision of pay shall meet the remaining 20% (twenty percent) of the additional expenditure involved in revision of pay scales from its own sources.

(c) Financial assistance referred to at (a) above shall be provided for the period from 1.1.2006 to 31.3.2010

(d) The entire liability accruing with effect from 1.4.2010 on account of revision of pay scales etc. of university and college teachers shall be met by the State Government opting for revision of pay scales.

(e) Financial assistance from the Central Government shall be restricted to revision of pay scales in respect of only those posts which were in existence and filled up as on 1.1.2006.

(f) State Governments, taking into consideration other local conditions, may also decide in their discretion, to introduce scales of pay higher than those mentioned in this Scheme, or may give effect to the revised bands/ scales of pay from a date on or after 1.1.2006; however, in such cases, the details of modifications proposed shall be furnished to the Central Government and Central assistance shall be restricted to the Scheme of pay scales as approved by the Central Government and not to any higher scale of pay fixed by the State Government(s). Further the Central assistance shall be from the actual date of giving effect of revised pay scales

(g) Payment of Central assistance for implementing this Scheme is also subject to the condition that the entire Scheme of revision of pay scales, together with all the conditions to be laid down by the UGC by way of Regulations and other guidelines shall be implemented by State Governments and Universities and Colleges coming under their jurisdiction as a composite scheme without any modification except in regard to the date of implementation and scales of pay mentioned herein above.

3. Fixation of pay of each category of posts may be done in

accordance with the guidelines given in the revised pay rules notified by this Ministry for teachers in Universities and Colleges vide communication No. 1-32/2006~ U. 11/U.f(i) dated 31.12.2008 and the fixation formula circulated by this Ministry vide communication No. F. 3~1/2009~U.I dated 4th June, 2009.

4 Thus as per the terms and conditions of the Ministry's letter dated 31.12.2008, the State Governments are required to Implement the scheme as a composite one, including the age of superannuation (mentioned in para 8 (f) of this Ministry's letter dated 31.12.2008), together with all the conditions specified or to be specified by University Grants Commission (UGC) by regulations and other guidelines.

5. Therefore, the State Governments shall have to adopt the scheme including the regulations as may be specified by UGC, for being eligible for appropriate Central assistance. However, it is mentioned that the various allowances other than pay scales, applicable to teachers and equivalent cadres in State Governments shall be governed by the respective State Government rules. The reimbursement will be restricted to payment of 80% arrears of the revised pay in the pay band applicable plus Academic Grade Pay (AGP) for the period 1~1~2006 to 31~3~2010. No allowances or pension would be admissible for reimbursement for the above period.

6. This arrear component would be the difference between the pay + DA/additional DA + interim relief, if any, existed prior to 1~1~2006 and the revised pay admissible in the pay band plus AGP in terms of revised pay rules notified by this Ministry for teachers in Universities and Colleges, based on the CCS (Revised) Pay Rules, 2008.

7 It is provided in Para 8 (p) (v) (f) of this Ministry's letter dated 31.12.2008, that the State Governments taking into consideration other local conditions may also decide in their discretion, to introduce scales of pay higher than those mentioned in this Scheme. This implies that State Governments cannot make modifications lowering the pay package prescribed by this Ministry. Also after adoption of the Central Scheme as a composite package, the State Government shall be required to furnish detailed calculations in support of its claim for central assistance, in the enclosed proforma.

8. Release of the Central assistance shall be considered by this Ministry in accordance with the provisions of the Scheme only after the State Government have adopted and implemented the scheme as a composite scheme, including adoption of the age of superannuation for those engaged in 'inclass' teaching; and **have disbursed the salary based on revised pay scales**, and after scrutiny of the detailed proposal as may be received from the State Government.

9. It shall be necessary for the Universities and Managements of colleges to make appropriate changes in their statutes, ordinances, rules, regulations, etc to incorporate the provisions of this Scheme and a copy each of the same may also be furnished to UGC.

10 The detailed proposal for implementation of the Scheme on the lines indicated above, may kindly be formulated immediately and sent to this Department for examination so that Central assistance to the extent indicated above can be sanctioned for the implementation of revised scales of pay.

11. The Scheme applies to teachers in all Universities (including Agricultural Universities) and colleges (excluding Agricultural, Medical and Veterinary Science Colleges) admitted to the privileges of the Universities.

Yours faithfully,
(V. Umashankar)
 Director Tel: 23074159

स्मृतिग्रंथ

“प्रा.संभाजीराव जाधव

शैक्षणिक चळवळीचा मानदंड”

उपरोक्त मथळ्याच्या कै. प्रा.संभाजीराव जाधव स्मृतिग्रंथाचे प्रकाशन रविवार, दिनांक २ सप्टेंबर, २०१२ रोजी सकाळी १०.०० वाजता प्रा.बी.टी.देशमुख माजी अध्यक्ष, महाराष्ट्र प्राध्यापक महासंघ यांच्या हस्ते कोल्हापूर येथे “डॉ. व्ही.टी.पाटील स्मृतिभवन, कमला कॉलेज” च्या सभागृहामध्ये समारंभपूर्वक पार पडले. या प्रकाशन समारंभाच्या अध्यक्षस्थानी प्रा. डॉ.एन.जे.पवार, कुलगुरू, शिवाजी विद्यापीठ हे होते. या समारंभाला प्रा. मृण्मय भट्टाचार्य, माजी महासचिव, जागतिक प्राध्यापक महासंघ, प्रा.बी.विजयकुमार, महासचिव, जागतिक प्राध्यापक महासंघ, प्रा.सी.आर. सदाशिवन, माजी अध्यक्ष, महाराष्ट्र प्राध्यापक महासंघ, प्रा. अशोक बर्मन, महासचिव, अखिल भारतीय प्राध्यापक महासंघ, ज्येष्ठ सामाजिक विचारवंत कॉम्रेड अॅड. गोविंदराव पानसरे आदी मान्यवर उपस्थित होते.

ग्रंथाचे स्वरूप

शिवाजी विद्यापीठ शिक्षक संघाच्या (सुटा) वतीने प्रकाशित करण्यात आलेला हा ग्रंथ ४१० पृष्ठांचा असून त्याशिवाय संभाजीरावांच्या शिक्षक चळवळीतील कार्याशी संबंधित ५० रंगीत छायाचित्रे यात समाविष्ट आहेत. त्याशिवाय ८ रंगीत छायाचित्रे त्यांच्या कौटुंबिक परिचयाशी संबंधित आहेत. व्यावसायिक प्रकाशकाच्या तोडीची अत्यंत सुबक छपाई व मुद्रणदोष-मुक्त प्रकाशन हे तर या ग्रंथाचे वैशिष्ट्य आहेच पण ४१० मुद्रित पृष्ठांमध्ये निरनिराळ्या ७७ मान्यवरांचे लेख समाविष्ट आहेत. लेख लिहिणाऱ्या मान्यवरांमध्ये जागतिक प्राध्यापक महासंघाचे, अखिल भारतीय प्राध्यापक महासंघाचे, महाराष्ट्र प्राध्यापक महासंघाचे अनेक नेते समाविष्ट आहेत. दोन माजी कुलगुरू व अखिल भारतीय मराठी साहित्य सम्मेलनाचे एक माजी अध्यक्ष व अनेक सामाजिक व राजकीय विचारवंतांचा या लेखांमध्ये समावेश आहेत. त्यांच्या अनेक सहकाऱ्यांनी जवळून पाहिलेले संभाजीराव शब्दबद्ध केलेले आहेत. हा स्मृतिग्रंथच असल्यामुळे हे सर्व लेख प्रा.संभाजीराव जाधव यांच्या नेतृत्वगुणांशी संबंधित आहेत हे तर खरेच पण त्याचबरोबर हेही खरे की, महाराष्ट्र प्राध्यापक महासंघाच्या स्थापनेपासूनचे एक ज्येष्ठ नेते हे त्यांचे स्थान लक्षात घेता १९७० ते २०११ या काळातील महाराष्ट्रातील प्राध्यापक चळवळीच्या इतिहासाचे धावते दर्शन असे काहीसे स्वरूप या ग्रंथाला प्राप्त झाले आहे.

ग्रंथाची उपलब्धता

प्रत्येक प्राध्यापकाने आपल्या संग्रही ठेवावा व प्रत्येक महाविद्यालयाच्या ग्रंथालयात ज्याच्या प्रति उपलब्ध असाव्या असा हा ग्रंथ सुटाने त्याच दिवशी अत्यंत अल्प अशा किमतीला (छपाई मुल्य १०० रुपये) त्या समारंभानंतर समारंभ स्थळीच उपलब्ध करून दिला. “रेखांकित धनादेशाद्वारे “शिवाजी विद्यापीठ शिक्षक संघ (सुटा)” या नावे छपाई मुल्य पाठविल्यास सुटातर्फे हा ग्रंथ पाठविण्याची व्यवस्था केली जाईल.

एका प्रतिसाठी छपाईमुल्य १०० रुपये अधिक २० रुपये टपालखर्च असा हा १२० रुपयाचा धनादेश असावा. १०

किंवा त्यापेक्षा जास्त प्रति पाहिजे असल्यास टपालखर्च सुटातर्फे केला जाईल. रेखांकित धनादेश राष्ट्रीयकृत

बँकेचा (Payable at par) असावा व तो “शिवाजी विद्यापीठ शिक्षक संघ (सुटा) १७३५ सी,

हत्तीमहाल रोड, कोल्हापूर-४१६ ००२” या पत्त्यावर पाठविण्यात यावा”

असे समारंभानंतर सुटातर्फे जाहिर करण्यात आले.

-सर्वांच्या माहितीसाठी प्रकाशित- संपादक

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