

## AGENDA

of the General Body Meeting of  
NAGPUR UNIVERSITY  
TEACHERS' ASSOCIATION

to be held at 12.00 noon on **SUNDAY, the  
28 th July, 2013 at  
LOK MAHAVIDYALAYA, WARDHA**

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, 28 th July, 2013 at Lok Mahavidyalaya, Wardha is as follows :-

### ITEM NO.585 :

#### **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 7 th October, 2012 at Shri Shivaji Arts, Com. & Science College, Near Rly Station, Akola

*Notes :- 1) Copy of the minutes was Circulated on pages 89 to 96 of 2012 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 7 th October, 2012 at Shri Shivaji Arts, Com. & Science College, Near Rly Station, Akola vide No.CIM/34 Dated 30th October, 2012 published on page 91 of 2012 NUTA Bulletin. No correction is received.*

### ITEM NO. 586 :

#### **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, 2012.

*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 88 to 92*

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

### ITEM NO. 587 :

#### **APPROVAL TO THE ANNUAL BUDGET :**

**TO APPROVE** the Annual Budget of the Association for the Financial year commencing on 1st April, 2013.

*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. 89 of 2013 NUTA Bulletin.*

### ITEM NO. 588 :

#### **APPOINTMENT OF THE AUDITORS :**

**TO CONSIDER AND APPROVE** the following resolution for the appointment of Auditors for the Finan-

cial year ending on 31st March, 2013 namely :-

**"C.R.Sagdeo & Co. Chartered Accountant  
"Prabha Niwas" Nagpur be appointed as auditor for  
the Financial year ending on the 31st March 2013"**

*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 2013) which is now placed before the General Body for its approval.*

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

### विषय क्रमांक ५८९ :

#### **आंदोलन काळातील घटनाक्रमाचा अहवाल**

महाराष्ट्र प्राध्यापक महासंघाच्या नेतृत्वाखाली झालेल्या आंदोलनाच्या ठरावापासून (दिनांक १६ सप्टेंबर २०१२) तर आंदोलनाच्या समाप्तीपर्यंतच्या (दिनांक १० मे २०१३) काळातील घटनाक्रमाचा 'नुटाचे अध्यक्ष व महासंघाचे उपाध्यक्ष डॉ. प्रविण रघुवंशी व नुटाचे सचिव व महासंघाचे सदस्य डॉ. अनिल

### **NAGPUR UNIVERSITY TEACHERS' ASSOCIATION MEETING NOTICE : 2**

**Date : 01.07.2013**

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  
**28 th July, 2013 at**

**LOK MAHAVIDYALAYA, WARDHA**

ढगे यांनी तयार केलेला अहवाल विचारात घेणे व सलमत करणे.

**टिप :-** महाराष्ट्र प्राध्यापक महासंघाच्या नेतृत्वाखाली झालेल्या आंदोलनाच्या ठरावापासून (दिनांक १६ सप्टेंबर २०१२) तर आंदोलनाच्या समाप्तीपर्यंतच्या (दिनांक १० मे २०१३) काळातील घटनाक्रमाचा 'नुटाचे अध्यक्ष व महासंघाचे उपाध्यक्ष डॉ. प्रविण रघुवंशी व नुटाचे सचिव व महासंघाचे सदस्य डॉ. अनिल ढगे यांनी तयार केलेला अहवाल सन २०१३ च्या नुटा बुलेटीनच्या पृष्ठ क्रमांक ७१ ते ८४ प्रसूत केलेला आहे.

## विषय क्रमांक ५९०

### कार्यकारी मंडळातील रिक्त पदे भरणे

(१) कार्यकारी मंडळाने दिनांक १६ जुन २०१३ रोजीच्या बैठकीत विषय क्रमांक ३० व ३१ अन्वये मंजूर केलेला पुढील प्रस्ताव विचारात घेणे व सलमत करणे :-

“प्रा.डॉ. सुभाष गवई यांनी नुटाच्या सहसचिव (अमरावती) पदाचा राजीनामा दिल्यामुळे रिक्त झालेल्या जागी नुटाच्या घटनेतील खंड ५ (ब) मधील तरतुदीनुसार प्रा. सतेश्वर मोरे यांना सहसचिव म्हणून तसेच प्राचार्य डॉ. सुभाष भडांगे यांनी सदस्यत्वाचा राजीनामा दिल्यामुळे रिक्त झालेल्या जागेवर प्रा.श्री. विवेक हिवरे यांना सदस्य म्हणून स्विकृत करावे असे ठरविण्यात येत आहे.”

**Note : (1) Article V (b) of the constitution of NUTA is as follows :- " b) Casual Vacancy : Vacancies on the Executive Committee shall be filled up by the Executive Committee by Co-option from among the members of the Association. Such co-opted member shall hold office till the next annual General Body meeting."**

(२) यापूर्वी आमसभेच्या दिनांक १ मे २००१ रोजी झालेल्या बैठकीत विषय क्रमांक २९३ अन्वये पुढील प्रमाणे निर्णय घेण्यात आला होता. :- **विषय क्रमांक २९३ : कार्यकारी मंडळातील रिक्त पदे भरणे** : नुटाच्या कार्यकारी मंडळाने दिनांक १ मे, २००१ रोजीच्या बैठकीत विषय क्रमांक ४७ अन्वये मंजूर केलेला पुढील प्रस्ताव विचारात घेण्यात आला व सलमत करण्यात आला.:-

“डॉ. अरुण सातपुतळे यांनी नुटाच्या उपाध्यक्ष पदाचा राजीनामा दिल्यामुळे रिक्त झालेल्या उपाध्यक्षपदी (नागपूर) नुटाच्या घटनेतील खंड ५ (ब) मधील तरतुदीनुसार प्रा. अनिल ढगे यांना उपाध्यक्ष म्हणून तसेच प्रा. अनिल ढगे यांच्या सहसचिव पदाच्या रिक्त झालेल्या जागेवर प्रा. व्ही.बी.ढोणे यांना सहसचिव म्हणून स्विकृत करावे असे ठरविण्यात येत आहे.”

## विषय क्रमांक ५९१ :

### स्थावर मालमत्तेची विक्री

कार्यकारी मंडळाच्या वतीने डॉ.बी.टी.गावंडे हे पुढील ठराव मांडतील :-

अमरावती महानगरपालिकेच्या हद्दीतील सब रजिस्ट्रार अमरावती कॅम्प यांचे कक्षेतील प्रगणे बडनेरा येथील “नझूल प्लॉट नं. ३६, शिट नंबर ६१३ मधील प्लॉट नं. ४ मध्ये असलेल्या गणेशभवन या बिल्डींगमधील पहिल्या माळ्यावरील ब्लॉक क्रमांक ४ ज्याचे एकूण क्षेत्रफळ ५०५ चौरस फुट” या वर्णनाची संघटनेच्या मालकीची असलेली मालमत्ता विकण्याचा निर्णय घेण्यात येत आहे. दुय्यम निबंधक अमरावती यांच्या कार्यालयात दिनांक ३० मार्च १९८९ रोजीच्या बुक नंबर १ मध्ये क्रमांक १२०८ वर नोंदविलेल्या दस्तऐवजानुसार ही जागा खरेदी खताद्वारे संघटनेच्या मालकीची आहे. शहरातील संघटनेचे कार्यालय म्हणून वापरण्यात येत असलेली ही मालमत्ता अनेक दृष्टीने गैरसोईची असल्याने हा निर्णय घेण्यात येत असून सोईची जागा उपलब्ध होण्याची वाट न पहाता या निर्णयाची अलमलबजावणी करण्याचे ठरविण्यात येत आहे.

## ITEM NO. 592 :

### SUBMISSION OF STATEMENTS OF AUDITED ACCOUNTS FOR THE YEAR ENDING ON 31ST MARCH 2012

**TO NOTE** 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

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

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2012 were approved by the Executive Committee in it's 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.

(3) 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.

(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, 2012 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, 2011 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. E.H. Kathale vide his letter No. 49/S/2011, Dated 18/11/2011 are as follows :-

(i) Copy of the letter No. 49/S/2011, Dated 18/11/2011 regarding Submission of Audited Accounts is circulated on page 30 of 2012 NUTA Bulletin.

(ii) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2011 i.e. were approved by the Executive Committee in it's meeting held on 16th October 2011 vide item No. 43. Agenda on page 77, Minutes on page 85, Enclosure on page 66, 67 & 68 of 2011 Ex-File.

(iii) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2011 were approved by General Body in its meeting held on 27th November 2011 vide item No. 549. Agenda on page 117, Minutes on page 133, Enclosures on page 118 & 119 of 2011 NUTA Bulletin.

(iv) After the approvals mentioned at notes ii & iii above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2011 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the Secretary as mentioned at note (5) (i) above.

## विषय क्रमांक ५९३ :

### 'गॅज्युईटी'ची वाढीव रक्कम

प्रा. एस.एस. खापरे हे पुढील ठराव मांडतील. :-

**ठराव :-** “१.६.२००६ ते ३०.९.२००९ पर्यंत सेवा निवृत्त झालेल्या विद्यापीठीय व महाविद्यालयीन शिक्षकांना ७ लाख रुपये Gratuity मंजूर करून कमी दिलेली फरकाची रक्कम महाराष्ट्र सरकारने ताबडतोब अदा करावी अशी मागणी करण्यात येत आहे.”

**टिप :-** या बाबतच्या उपाययोजनेला कार्यकारी मंडळाने निर्णय घेवून सुरुवात केलेली आहे. “शासनाकडून १५ दिवसात कारवाई न झाल्यास न्यायालयीन उपाययोजनेचा विचार करण्यात यावा असेही ठरविण्यात येत आहे.”

## विषय क्रमांक ५९४ :

### अवमान याचिकेच्या संदर्भात

प्रा. प्रमोद नामदेवराव मुलकलवार हे पुढील ठराव मांडतील.:-

**ठराव :-** “याचिका क्रमांक १३२६/२०१२ मा. उच्च न्यायालय मुंबई व अवमान याचिका क्र. १२५/२०१२ मा. उच्च न्यायालय नागपूर खंडपीठ, नागपूर या याचिकांमधील निर्णयावर चर्चा करून त्याबाबतची वस्तुस्थिती सभागृहाला अवगत करणे.”

**टिप :-** (१) मा. उच्च न्यायालयातील सन २०१२ च्या याचिका क्रमांक १३२६ वर झालेला मा. उच्च न्यायालयाचा निर्णय सन २०१३ च्या नुटा बुलेटीनच्या पृष्ठ क्रमांक ६१-६३ वर प्रसूत करण्यात आलेला आहे.

(२) दिनांक १५ एप्रिल २०१३ रोजी मा. उच्च न्यायालयाने सन २०१२ च्या अवमान याचिका क्रमांक १२५ मध्ये दिलेला निर्णय पुढील प्रमाणे आहे :-

**NAGPUR BENCH, NAGPUR.  
CONTEMPT PETITION No.125 OF 2012 IN  
WRIT PETITION No.4891 OF 2010**

(Lemchand Sambhaji Durge and others Vs. Shri Sanjay Kumar, Secretary, Higher and Technical Education Department, Mumbai and others) Shri A. Parchure, Counsel for the Petitioners., Shri Ambarish Joshi, AGP for the Respondents.

**CORAM : R.K. DESHPANDE, J. : DATE : 15 th APRIL, 2013 .**

It is not in dispute that the Cabinet has taken a policy decision on 6th March, 2013. If the petitioners are aggrieved by any such decision, they are at liberty to challenge the same in an appropriate proceedings. The contempt petition is, therefore, dismissed.

**JUDGE"**

(३) ठराव मांडणाऱ्या सदस्यांना आपल्या ठरावाच्या माध्यमातून आपले मत सभागृहासमोर ठेवता येते व ते सभागृहाला मान्य झाल्यास ते सभागृहाचे मत बनते. निश्चित स्वरूपाचे अभिकथन, अभिप्राय अथवा शिफारस यांना धरून ठरावामध्ये नेमकेपणाने व स्पष्टपणे मत व्यक्त होणे आवश्यक असते. अशा प्रकारच्या निश्चित मत प्रतिपादनाच्या अभावामुळे उपरोक्त ठराव हा स्विकारार्ह ठरत नाही. तथापि ठरावामध्ये अंतर्भूत असलेला विषय महत्त्वाचा असल्यामुळे ठराव आमसभेच्या कामकाजात समाविष्ट करण्याचा निर्णय घेण्यात येत आहे. तथापि ही बाब पूर्वोदाहरण म्हणून नमुद करता येणार नाही.

**विषय क्रमांक ५९५ :**

**नुटाच्या घटनेमध्ये दुरुस्तीचा ठराव**

प्रा. संजय काळे हे पुढील ठराव मांडतील.

**ठराव :-** "संघटनेच्या सेवानिवृत्त आजीव सदस्यांनासुद्धा नुटा संघटनेचे पदाधिकारी होण्यासाठी पुन्हा पात्र ठरवावे असे ही सभा ठरवित आहे."

**समर्थन :-** (१) नुटा संघटनेच्या दि. २७ फेब्रुवारी २०११ रोजी संपन्न झालेल्या आमसभेमध्ये संघटनेच्या आजीव सेवानिवृत्त सदस्यांना पदाधिकारी म्हणून राहता येणार नाही असा ठराव संमत करण्यात आला होता. (२) या ठरावाच्या अनुषंगाने सध्या कार्यरत असलेल्या कार्यकारीणीची निवड झालेली आहे. (३) गेल्या दोन वर्षांत सन २०१२ मध्ये झालेले ७२ दिवसाच्या मुल्यांकनावरील बहिष्काराचे आंदोलन व सन २०१३ मधील परीक्षेवरील ९६ दिवसाचे असहकार आंदोलन लक्षात घेता जेष्ठ/सेवानिवृत्त सदस्य पदाधिकारी म्हणून असावे ही निकड आता भासू लागली असून ती काळाची गरज सुद्धा आहे. (४) एमफुकटो संघटनेचे बहुतांश पदाधिकारी हे सेवानिवृत्त शिक्षक आहेत. देशाच्या राजकारणात, समाजकारणात, अर्थकारणात आणि विविध संस्था, संघटना, दबावगटांमध्ये सुद्धा पुढारी आणि पदाधिकारी हे देखील वयाने जेष्ठ आहेत. ही सर्व मंडळी त्यांच्या दिर्घ अनुभवाच्या आधारे त्या त्या क्षेत्रात पूर्णवेळ देत असलेले योगदान लक्षात घेता खालील तरतुद निर्माण करणे आवश्यक आहे.

**टिप :-** (१) उक्त प्रस्तावामध्ये सरळ सरळ घटनादुरुस्तीचा प्रस्ताव अंतर्भूत आहे. संघटनेच्या घटनेमध्ये दुरुस्ती करण्याची कार्यरिती घटनेमध्येच नमुद करण्यात आलेली आहे. ठरावाच्या माध्यमातून घटनेत दुरुस्ती प्रस्तावित करणे त्या कार्यरितीमध्ये वसणारे नाही. "प्रत्यक्ष किंवा अप्रत्यक्षपणे घटनादुरुस्ती अंतर्भूत असलेला प्रस्ताव घटनादुरुस्तीच्या मार्गानेच आणला जावा"

(२) **Article X of the Constitution of NUTA reads as follows:-**

**"ARTICLE X : Amendment :-** a) Proposal to amend the Constitution may come with fourteen clear days notice either from the Executive Committee or from one fifth of the total membership of the Association;

b) The Constitution shall stand amended if the proposal is approved by a majority of not less than two thirds of the members present and voting in its General Body Meeting. "

**विषय क्रमांक ५९६ :**

**अहवालात दुरुस्तीचा ठराव**

प्रा. डॉ. प्यारेलाल सुर्यवंशी हे पुढील ठराव मांडतील.

**ठराव :-** "आंदोलनाच्या ठरावापासून (दि. १६ सप्टेंबर २०१२) तर आंदोलनाच्या समाप्तीपर्यंतच्या (दि. १० मे २०१३) काळातील घटनाक्रमाचा अहवाल" या मथळ्याखाली जुन २०१३ च्या नुटा बुलेटीनच्या पृष्ठ क्रमांक ७१ ते ८४ वर प्रसृत केलेल्या अहवालास ही सभा खालील प्रमाणे दुरुस्ती सुचवित आहे.

(१) परिच्छेद ३१.१ मध्ये खालील उपपरिच्छेदांचा समावेश करावा. :-

"प्रत्यक्षात शासनाने मार्च २०१३ मध्ये अंशतः कुठलीही थकवाकी अदा केलेली नव्हती हे सर्व संबंधितांना विदीतच आहे. त्यामुळे या संदर्भात शासनाने मा. उच्च न्यायालयाची दिशाभूल केलेली आहे. नोकरशाहीने मांडलेल्या छळावादाचा जुना अनुभव लक्षात घेता शासनाने मा. उच्च न्यायालयासमोर जरी दि. ३१

जुलै २०१३ पुर्वी थकवाकी अदा करण्याचे भाष्य केले असले तरी ते प्रत्यक्षात कितपत खरे ठरेल हे ३१ जुलै नंतरच सांगता येईल व तसे न झाल्यास त्याबाबत संघटनेतर्फे योग्य ती विधिमय पावले उचलण्यात येतील.

(२) परिच्छेद ३१.५ मध्ये खालील मजकूराचा समावेश करावा. :-

(अ) मा. उच्च न्यायालयाच्या दि. १० मे २०१३ च्या निकालातील परिच्छेद (८) जसाच्या तसा मुद्रित करावा व त्याखाली खालील मजकूराचा नवीन उपपरिच्छेदाने समावेश करावा.

याचा अर्थ ज्या नेट-सेट मुक्त शिक्षकांना नेट-सेट मधून सुट दिल्या जाईल त्यांना नवीन सेवानिवृत्ती योजना लागू राहिल असे सरकारी वकीलांनी शासनाचे वतीने मा. उच्च न्यायालयासमोर नमुद केल आहे. **खरे म्हणजे दि. ६ मार्च २०१३ च्या मा. मंत्रीमंडळाच्या इतिवृत्तामध्ये जे महाराष्ट्र शासनाच्या संकेतस्थळावरून उपलब्ध झालेले आहे त्यामध्ये सेवानिवृत्ती योजनेसंबंधी कुठलाही मजकूर नाही.** यावरून नेट-सेट मुक्त शिक्षकांना नवीन सेवानिवृत्ती योजना लागू करण्याचा मोठा घाट शासनाने घातलेला आहे. असे निदर्शनास येते. याबाबत नजिकच्या काळात जो शासननिर्णय निर्गमित होणे अपेक्षित आहे त्यामध्ये नवीन सेवानिवृत्ती योजना लागू असल्याचा उल्लेख असल्यास हे सर्वात मोठे कौर्यपूर्ण विष त्यामध्ये शिल्लक राहिल. नेट-सेट मुक्त शिक्षकांच्यावर नव्याने लादलेल्या अनेक कौर्यकर्मापैकी सेवानिवृत्ती बाबतचे कौर्यकर्म मात्र मा. उच्च न्यायालयात वैकुंठवासी व्हावयाचे राहून गेले ही वस्तुस्थिती आहे. असे झाल्यास संघटनेतर्फे याबाबत योग्य ते पावले उचलण्यात येतील."

**DISTRICT UNITS OF NUTA  
ELECTION NOTICE**

From.

**Dr. A. W. Dhage**  
Secretary, NUTA.

**Nagpur**  
1st July, 2013

To,

All the members of NUTA.

**Subject :** Meeting Notice for the Elections of District Units.

Dear Members,

I have the honour to convene the meetings of the different District-Units to transact the following business on the day, date, time and place mentioned in the Schedule.

**AGENDA**

**ITEM NO. 1**

**ORGANISATIONAL MATTERS**

Matters of Agitation at State Level.

**ITEM NO. 2**

**ELECTION OF DISTRICT UNIT**

**OFFICE BEARERS.**

To elect the following office bearers of the District Unit of NUTA from amongst the members of the concerned District as per para 6 of the District Unit Bye-laws. :-

- One President,
- One Vice President,
- One Secretary,
- One Joint Secretary and
- Three members

All members whose names have been included in the NUTA life Members Register on the date of the posting of this Bulletin shall be eligible to attend and participate in the proceedings of the meeting. I therefore request all the members of the respective districts to kindly make it convenient to attend the meetings.

Yours faithfully,  
s/d **A. W. Dhage**  
Secretary, NUTA

Notes :- (1) District Units of NUTA; **BYE-LAWS** - 1976 are circulated on page 88 of this Bulletin

(2) **SCHEDULE** Giving Details of the Programme of District Meetings is circulated on page 92 of this Bulletin

## SECRETARY'S REPORT ON THE WORKING OF THE ASSOCIATION FOR THE YEAR ENDING ON 31ST DECEMBER, 2012

*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 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 2012.

(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 and had a few achievements. This particular year was the year of continuous struggle for major issues.

### **PARTICIPATION IN ACTION PROGRAMME:**

(3) The members of NUTA participated in various action programmes in response to the call given by AIFUCTO and MFUCTO from time to time to press for solutions to the pending problems of the teaching community. In the very beginning of the year, MFUCTO passed a movement resolution in its meeting of the Executive Council held at Jalgaon on 15th January, 2012 appealing to the State Government and the Hon'ble Minister for Higher and Technical Education to keep their word of fulfilling demands as reflected in the minutes of agreement dated 26 August, 2009. In its resolution, the MFUCTO included the

demands of Extension of the benefits of Career advancement scheme to the non-net/set teachers appointed between 19-09-1991 and 3-4-2000 since the U. G. C. had made its position clear through communications of 16 August 2011 and 26 August, 2011 and had asked the state government to count their services from the date of their appointment for all purposes, release of arrears on account of sixth pay revision as promised in the document of understanding of 26th August, 2009, stopping the arbitrary functioning at the offices of the Joint Directors in the State particularly in the matter of recoveries being effected on flimsy ground without following due process of law, faithful implementation of the 'package scheme' notified by the Human Resources Development Ministry on 31 December, 2008, removal of discrepancy in respect of the payment of arrears to the teachers of Social Work colleges and Colleges of Physical Education, extension of the sixth pay revision recommendations to the teachers of unaided Engineering colleges, extension of the benefits of placement in 14940/- and stagnation increments in accordance with the judgements given by the Hon'ble High Courts etc.

(4) MFUCTO announced its action programme as per which the 'Morcha' was taken out to the office of all the Universities in the state on 21st February, 2012; the demonstrations were held at the office of the Joint Directors in the state on every Monday after the 21st of February and state level Dharna at Azad Maidan Mumbai on the 1st March, 2012 was also

## DISTRICT UNITS OF NUTA; BYE-LAWS - 1976

### PROVIDING FOR THE ESTABLISHMENT OF DISTRICT UNITS OF NAGPUR UNIVERSITY TEACHERS' ASSOCIATION .

*(As required under para 'd' of Article IV of the constitution.)*

WHEREAS it is expedient to frame bye-laws providing for the establishment and functioning of the district units of the association and;

WHEREAS it is also necessary to determine the relationship of such units with other organs of the association;

NOW THEREFORE as required under the provisions of para 'd' of Article IV of the constitution, the following bye-laws are framed;

1) These Bye-laws may be called District Units Bye-Laws, of NUTA, 1976.

2) These bye-laws shall come into force after their acceptance by the General Body of the Association and on such date<sup>1</sup> as may be prescribed by the Executive Committee for this purpose.

3) The Association may have the following district units :-

1. Akola District.
2. Amravati District.
3. Bhandara District.
4. Buldhana District.
5. Chandrapur District.
6. Nagpur District (excluding city of Nagpur)
7. Nagpur City.
8. Wardha District.
9. Yavatmal District.
10. Gadchiroli
11. Washim
12. Gondia

4) District unit may be established in such a district where the total membership of the Association is 200 or half the number of the teachers (in that district) whichever is less.

5) For the purpose of para 4, total number of teachers in a given district shall be as is published in the latest

Annual Report of the Nagpur and Amravati University as the case may be

6) Each district unit shall have an Executive Committee consisting of one President, One Vice President, One Secretary, One Joint Secretary and Three members elected by the members of the association from that district from amongst themselves.

7) Notwithstanding anything contained in para 6, each member/Office bearer of the Executive Committee of the Association shall be an ex-officio member of the Executive Committee of his district.

8) President of district unit, wherefrom no member/office bearer is occupying a seat on the Executive Committee of Association, shall always be a special invitee to the meeting of the Executive Committee of the Association.

9) The Executive Committee of NUTA may make rules not contrary to the provisions of these bye-laws or the constitution of the Association, to facilitate effective functioning of the District Units.

\*\*\*\*\*

**NOTES :-** (1) The Executive committee of NUTA, in its meeting held on 29th July 1977 "Resolved that 15th August 1977 shall be the date on which district- Unit bye-laws shall come in to force" (Resolution No. 15 of 1977 on page 68 of 1977 Ex-file. (2) The district- Unit bye-laws, were approved by the General Body, vide item No. 2, in its meeting held on 29th November 1976. (3) These bye-laws were further amended by the proposal, printed on page 40 of 1980 Nuta Bulletin, approved by the General Body vide item No. 29 in its meeting held on 12th October 1980. (4) These bye-laws were originally printed on page 70 of 1976 Nuta Bulletin. (5) and were reproduced on page 4 and 5 of 1978 Nuta Bulletin. (6) further were again printed on page 51 of 1993 Nuta Bulletin and on page 95 of 1999 Bulletin. (7) These bye-laws were further amended by the proposal, printed on page 85 of 1999 Nuta Bulletin, approved by the General Body vide item No. 260 in its meeting held on 19th September 1999 and were printed as amended upto date on page 116 of 1999 NUTA Bulletin. (8) Reprinted on Page 66 of 2005 NUTA Bulletin. (9) Reprinted on Page 88 of 2013 NUTA Bulletin.

organised.

(5) In spite of the UGC communicating its decisions to Government of Maharashtra through its letters dated 16th and 26th August, 2011 to count the services of teachers for all purposes from the date of their regular appointment, and despite its own commitment, the Government failed to act thereon and hence MFUCTO was forced at the meeting of its Executive Committee held on 11-3-2012 to commence an Indefinite Boycott of Centralized Assessment Projects in all the universities from the date on which such CAP would start functioning sometime in March 2012 but taking care to ensure that the examinations were held so that students and parents would not be put to any inconvenience. After the agitation commenced, a one-day 'Hunger Strike' was staged before the office of the Collectors at the University Headquarter cities on 26th March, 2012 followed by massive 'Jail Bharo' at the University offices on 16 April, 2012. Several rounds of negotiations were held between the Hon'ble Minister for Higher and Technical Education Shri Rajesh Tope and MFUCTO including on 2nd May 2012 with the Hon'ble Chief Minister Shri Prithviraj Chavan but due to unsatisfactory nature of the negotiations MFUCTO could not withdraw the agitation.

(6) MFUCTO then received a document dated 15th May, 2012 from the Hon'ble Minister in continuation of the meeting held on 2nd May, 2012 making reference to the meetings that had taken place between the MFUCTO and the Government as also the communications that were sent by the government to the MFUCTO and the directions/clarifications received from the UGC through letters dated 15th March and 11th May, 2012 setting out the factual position viz., "The actual date of grant of exemption shall be the date when exemption was granted by the Universities to the candidates concerned appointed on regular basis during the period w. e. f. 19-9-1991 to 3-4-2000..... Further it may also be mentioned that UGC all along has been maintaining the aforesaid position."

(7) MFUCTO was extremely happy that through the said letter dated 15-5-2012 from the government, teachers were assured that "(i) Before the end of June 2012 decision will be taken by the Government through a meeting of the cabinet in

respect of granting placement benefits and fixation to teachers appointed from 19-9-1991 till 3-4-2000 on the basis of the UGC directions contained in their letters and also release of arrears in respect of the said placement and fixation, (ii) In respect of the 10 months' cash component from 1-4-2009 till 31-1-2010 to be paid by the Government, the same will be released as 100% cash in June 2012 being the first installment and April 2013 being the second installment, and; (iii) Further assurance given in para 5 of the minutes of the meeting held on 25th April, 2012."

(8) On the basis of the assurances contained in the said letter dated 15-5-2012 from the government MFUCTO resolved to withdraw the boycott of assessment of answer papers on the 18th of May in the expectation that the Government will fulfill promises made to the teaching community in the matter of resolving their pending demands. In spite of the given assurances that by the end of June GR would be issued in respect of NET/SET affected teachers in accordance with the clarifications received from the UGC through its communications, no GR was issued by the Government even till the end of August 2012. However, the first installment of the cash component which was to be released by the end of June 2012 was disbursed sometime later in the year.

(9) In the meantime in view of the demand of several State Governments including Maharashtra and also of the AIFUCTO that the age of retirement must be delinked from the composite scheme to get 80% of the total expenditure to the States from the central government, the Ministry of HRD through its Press Note issued by Government of India Press Information Bureau (Ministry of Information and Broadcasting), New Delhi, dated 29th July, 2012, Cabinet 20th July 2012 10:28 IST and MHRD letter No. F.1-7/2010-U.II dated 14th August 2012 addressed to all State Education Secretaries in charge of Higher Education, came out in clear terms in paras.4,6 and 8-

"4. After taking into consideration the views expressed by several State Education Ministers during the Conference held in 2010 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."

### BUDGET FOR THE FINANCIAL YEAR - 2013-2014

OFFICIAL ACCOUNTING YEAR OF THE TRUST : 2012-2013 (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-1594 & Soc. Regn. Act. Regn. No. MAH-15-73(NGP)

ESTIMATED RECEIPTS	RS. P.	ESTIMATED DISBURSEMENTS	Rs. P
<b>I. OPENING BALANCE :</b>		<b>A) NON-RECURRING :</b>	
i) Cash in hand ... ..	... ..	i) Major Repairs or rebuilding of the assets etc. ... ..	... ..
ii) Cash in Bank ... ..	25,000.00	ii) Net purchase of immovable property ... ..	... ..
<b>II. ESTIMATED RECEIPTS :</b>		<b>B) RECURRING :</b>	
<b>(A) NON RECURRING</b>		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 . ... ..	4,20,000.00
<b>(B) RECURRING :</b>		b) Travelling Expenses . ... ..	15,000.00
i) Rent etc. on immovable property ... ..	... ..	c) Postage and Telephone. ... ..	15,000.00
ii) Interest on Fixed Deposits ... ..	6,00,000.00	d) Misc. expenses ... ..	15,000.00
iii) Dividend shares etc ... ..	... ..	e) Bank commission ... ..	2,000.00
iv) Income from Agri. land ... ..	... ..	f) Meeting Expenses ... ..	20,000.00
v) Other revenue Receipt ... ..	... ..	g) Audit fees ... ..	5,515.00
vi) Legal Aid Fund ... ..	... ..	h) Affiliation fees ... ..	... ..
<b>III. REALISATION FROM DISPOSAL OF ASSETS :</b>	... ..	i) MFUCTO ... ..	40,000.00
<b>IV EXCESS OF EXPENDITURE OVER INCOME :</b>	... ..	ii) AIFUCTO ... ..	7,000.00
		iii) Contribution to public trust\ admn. Fund ... ..	... ..
		vi) Books Library ... ..	... ..
		iii) Payment of Salaries ... ..	20,000.00
		iv) Transfer of Depreciation Fund ... ..	... ..
		v) Special & Current repairs of building Furniture etc ... ..	10,000.00
		vi) Excess of income over expenditure ... ..	45,485.00
<b>TOTAL Rs.</b>	<b>6,25,000.00</b>	<b>TOTAL Rs.</b>	<b>6,25,000.00</b>

**NOTE :** Estimated enrolment of members during the year is expected to be 10. On this account the Association will receive an estimated amount of Rs. 1,00,010/- 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

“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.”

“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.”

(10) In view of this, the urgent need for the Government was to complete the fixation including grant of Placement benefits to the NET/SET affected teachers appointed between 19-9-1991 and 3-4-2000 and submit the claim to the central government for 80% of central share which during the fifth pay commission revision the government had lost having not implemented the benefits then.

(11) While 17 lakh government employees including those teachers who have retired from service have already been given the arrears arising from the implementation of the VI Pay commission revised scales of pay, in spite of the Understanding in writing dated 26th August, 2009 between the Government and the MFUCTO, nothing was released to the College teachers as arrears in spite of the fact that 80% of the additional expenditure was to be borne by the centre which was reiterated by HRD in its communication dated 14 November, 2012.

(12) The Government having failed to keep its written promises made to the MFUCTO except releasing one installment of the cash component later in the year, MFUCTO was compelled to pass a resolution at its meeting of the Executive Council at

Mumbai held on 16th September, 2012 to start the agitation afresh .MFUCTO announced a programme of state –level ‘dharna’ at Azad maidan Mumbai on the 10th of October, 2012, a ‘morcha’ to the office of the Director of Higher Education, Pune on the 5th November, 2012 and a state-level ‘morcha’ to the State Legislatures when they were in session at Nagpur on 10th December, 2012. The movement resolution was submitted by MFUCTO immediately to the Hon’ble Chief Minister, Hon’ble Minister for Higher Education, Hon’ble Minister of State for Higher Education and Hon’ble Minister for Social Justice and Special Assistance on the 24th September, 2012. The Organisation also asked for a meeting with the Minister; however, no such meeting took place except the short meeting with the Minister of State for Higher Education at the Vidhanbhavan Nagpur at the end of the morcha. As you know, since the Government persisted with its apathetic attitude towards our demands, the MFUCTO was required to intensify the agitation further and renew its call to the teachers for launching fresh agitation in the form of ‘Boycott of all University-related examination work’. During the course of agitation, several meetings of teachers were held at the University and district level to apprise them of the developments and keep them updated.

(13) 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 these programmes and made them successful. As far as Net/Set-affected teachers are concerned, I have absolutely no doubt that this section of teachers will ultimately get justice because their case is strongly based on lawful grounds. The struggle for other demands will also reach a logical end.

#### ISSUES OF SOCIAL WORK COLLEGE TEACHERS

(14) On the 24th September, 2012 MFUCTO’s notice of agitation was also served to the Minister of Social Justice and Special Assistance Shri Shivajirao Moghe along with the Hon’ble Chief Minister and Hon’ble Minister for Higher and Technical Education since the Charter of demands included an issue of arrears pertaining to the teachers of Social Work Colleges. As you know, the Department of Social Justice brought out a G. R. on 22 September, 2011 implementing the sixth pay revision from 1-1-2006 and the arrears for the period 1-1-2006 to 31-3-2012 had therefore become due. The Department of Social Justice vide a letter dated 19-10-2012 called the MFUCTO for a meeting on the 22nd October 2012 at 12.00 noon. The meeting took place at Mantralaya in the presence of the Minister when

राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना मंजूर करण्यात येणाऱ्या महागाई भत्त्याच्या दरात दिनांक १ जानेवारी, २०१३ पासून सुधारणा करण्याबाबत.....

#### महाराष्ट्र शासन : वित्त विभाग

शासन निर्णय क्रमांक मभवा-१११३/प्र.क्र.१८/सेवा- ९  
मंत्रालय, मुंबई ४०० ०३२ : दिनांक : १५ मे, २०१३

संदर्भ :- शासन निर्णय, वित्त विभाग क्रमांक मभवा-१११२/प्र.क्र.१५/सेवा-९, दिनांक ५ मार्च, २०१३

#### शासन निर्णय :

राज्य शासकीय कर्मचारी व इतर पात्र पूर्णकालिक कर्मचाऱ्यांना महागाई भत्त्याच्या दरात सुधारणा करण्याचा प्रश्न शासनाच्या विचाराधीन होता.

२. शासन असे आदेश देत आहे की, दिनांक १ जानेवारी, २०१३ पासून सुधारित वेतन संरचनेतील मूळ वेतनावरील (वेतनबॅंडमधील वेतन अधिक ग्रेड वेतन) अनुज्ञेय महागाई भत्त्याचा दर ७२ टक्क्यांवरून ८० टक्के करण्यात यावा. दि. १ मे, २०१३ पासून सदर महागाई भत्त्याच्या वाढीची रक्कम रोखीने देण्यात यावी. दि. १ जानेवारी, २०१३ ते दि. ३० एप्रिल, २०१३ या कालावधीतील महागाई भत्त्याच्या थकवाकीच्या आहरणाबाबत स्वतंत्रपणे आदेश निर्गमित करण्यात येतील.

३. महागाई भत्त्याची रक्कम प्रदान करण्यासंदर्भातील विद्यमान तरतुदी व कार्यपद्धती आहे त्याचप्रकारे यापुढेही लागू राहतील.

४. सदर आदेश सुधारित वेतनसंरचनेत वेतन अनुज्ञेय असलेल्या संस्थामधील कर्मचाऱ्यांना योग्य त्या फेरफारासह लागू राहतील.

५. यावर होणारा खर्च संबंधित शासकीय कर्मचाऱ्यांचे वेतन व भत्ते या लेखा शीर्षाखाली खर्ची टाकण्यात येतात. या लेखाशिर्षाखाली खर्ची टाकून त्याखालील मंजूर अनुदानातून भागविण्यात यावा. अनुदानप्राप्त संस्था व जिल्हा परिषद कर्मचाऱ्यांच्या वाबतीत, संबंधित प्रमुख लेखा शीर्षाखालील ज्या उप लेखा शीर्षाखाली त्यांच्या सहाय्यक अनुदानाबाबतचा खर्च खर्ची टाकण्यात येतो, त्या उप लेखा शीर्षाखाली हा खर्च खर्ची टाकण्यात यावा.

सदर शासन निर्णय महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध असून त्याचा संगणक संकेतांक २०१३०५१५११३१२८२००५ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(शि.म.म्हात्रे)

सहसचिव, महाराष्ट्र शासन

PR :- (7) NB 2011 P 130 (8) NB 2012 P 48 (9) NB 2013 P 08 (10) NB 2013 P 00

\*\* FS : P 21 \*\*

#### FOR CHANGE OF ADDRESS use e-mail only

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. 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](mailto:pbraghuwanshi@gmail.com)

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

3. 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.

01.07.2013

Dr.Pravin Raghuvanshi  
President, NUTA

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MFUCTO submitted a memorandum dated 22nd October, 2012 and put forth the demands viz. (a) Disburse the arrears in cash for the period 1-4-2010 to 31-3-2012 immediately and (b) Initiate the required process at the government level to pay arrears for the period 1-1-2006 to 31-3-2010 since the Govt. of India has agreed to reimburse the 80% share of arrears through its letter dated 14th August, 2012. However, no minutes of the meeting could become available and the fact remains that no arrears have so far been disbursed to the teachers in Social Work Colleges.

#### AIFUCTO PROGRAMMES

(15) AIFUCTO at its NEC meeting held in Patna on the 8th July, 2012 announced a programme of HUNGER STRIKE IN STATES AND DELHI. As per the programme, all affiliates were to observe Hunger strike in states on 25th August, 2012 and at National Capital on subsequent dates and 30th August, 2012 was allotted for Maharashtra. The demands were (a) Immediate payment of arrears by the Central and State Govts (b) Stop commercialization of higher Education (c) Remove anomalies in UGC Regulations (pay scales & Ph. D) & date extension of RC/OC (d) Notification of CAS by the State govts. (e) Payment of justified salaries following UGC & AICTE pay scales to contractual, Adhoc, part time, guest teachers by the state-funded universities, colleges, research institutes and self financing institutions. (f) Complete parity between teachers, librarians and DPEs regarding pay scales and retirement age (g) Withdrawal of new pension scheme and national debate on the educational bills.

(16) However, because of protracted follow-up by AIFUCTO, some important developments took place at Delhi. Accordingly, the Central Cabinet on 20th July, 2012 approved the proposal to delink the condition of enhancement of age of superannuation of teachers to 65 in state institutions for the implementation of the revised pay scales on the basis of 6th Pay Commission recommendations and become eligible for receiving central share of 80% of the arrears payment as also showed willingness to favourably consider other demands. In view of these

developments, AIFUCTO decided to cancel the Hunger Strike programme announced earlier.

#### GOLDEN JUBILEE YEAR OF AIFUCTO

(17) All India Federation of University and College Teachers' Organisations (AIFUCTO) had its Golden Jubilee celebrations at Sampurnanand Sanskrit Vidyapeeth, Varanasi from 15th to 17th December, 2012. AIFUCTO had come into existence 50 years ago at Uday Pratap college, Varanasi on 24th April 1962 with a view to organize teachers in Higher Education and address the issues concerning university and college teachers all over the country. Coinciding with the celebrations, AIFUCTO, had also organized XXVIIIth Academic Conference and the topic of the conference seminar was "Higher Education in 12th Five Year Plan-Agenda, Roles of teachers and Teachers' Movement". The topic of the seminar occupied significance and relevance since if India were to become a knowledge hub of the world, higher education should receive proper and comprehensive attention from the policy formulators in the ruling dispensation in an hour like this when the 12th Five Year Plan's contours are being worked out. Equal attention must also be given to primary and secondary education, for their symbiotic functioning, as the goals of faster and inclusive development crucially depend on the whole spectrum of education. And it is equally imperative that the only safe and secure route to inclusive education lies in strengthening public funded establishments, from primary to tertiary. The seminar attempted to understand the broad contours of higher education in India with vital policy prescriptions for all stakeholders. Four delegates of NUTA attended the Golden Jubilee function and the Academic conference. Prof. B. T. Deshmukh also presided over a session of the Life Members.

(18) Celebration of Golden jubilee year was a proud and historic moment for AIFUCTO as it marked a journey of achievements and purposeful existence. The years that have passed by have been arduous for the University and College teachers having to battle out from time to time in order to secure for the teachers a position of social status and dignity. AIFUCTO

निवृत्तिवेतन/कुटूंब निवृत्तिवेतनावरील महागाई वाढ दिनांक १ जानेवारी २०१३ पासून ८० टक्के

### महाराष्ट्र शासन : वित्त विभाग

निर्णय क्रमांक निमवा २०१३/प्र.क्र.४२/सेवा-४ मादाम कामा मार्ग, हुतात्मा राजगुरु चौक

मंत्रालय, मुंबई ४०० ०३२, : तारीख : २२ मे, २०१३

संदर्भ (१) शासन निर्णय क्रमांक, निमवा - २०१२/प्र.क्र.९०/सेवा-४, दिनांक ९ नोव्हेंबर, २०१२ व दिनांक : १६ मार्च, २०१३.

#### शासन निर्णय

शासन असा आदेश देत आहे की, राज्य शासकीय निवृत्तिवेतनधारक/कुटूंब निवृत्तिवेतनधारकांना त्यांच्या निवृत्तिवेतन/कुटूंब निवृत्तिवेतन आणि महागाई निवृत्तिवेतन/महागाई कुटूंब निवृत्तिवेतन (असल्यास) यांच्या एकूण रकमेवर दि. १ जानेवारी, २०१३ पासून अनुज्ञेय महागाई वाढीचा दर ७२ टक्के वरून ८० टक्के करण्यात यावा. दिनांक १ मे, २०१३ पासून सदर महागाई वाढीची रक्कम रोखीने देण्यात यावी. दि. १ जानेवारी, २०१३ ते दि. ३० एप्रिल, २०१३ या कालावधीतील महागाई वाढीच्या थकवाकीच्या आहरणाबाबत स्वतंत्रपणे आदेश निर्गमित करण्यात येतील.

२. प्रत्येक वैयक्तिक प्रकरणी देय होणाऱ्या महागाई वाढीच्या रकमेची परिगणना करण्याची जबाबदारी ही निवृत्तिवेतन संवितरण प्राधिकरण म्हणजे यथास्थिती, अधिदान व लेखा अधिकारी, मुंबई/कोपागार अधिकारी यांची राहिल.

३. शासन असाही आदेश देत आहे की ज्यांना निवृत्तिवेतन योजना लागू केलेली आहे अशा मान्यता व अनुदानप्राप्त शैक्षणिक संस्था, कृषित्तर विद्यापीठे व त्यांच्याशी संलग्न असलेली अशासकीय महाविद्यालये व कृषि विद्यापीठे यामधील निवृत्तिवेतनधारक/कुटूंब निवृत्तिवेतनधारक यांना वरील निर्णय योग्य त्या फेरफारांसह लागू राहिल.

४. महाराष्ट्र जिल्हा परिषदा व पंचायत समिती अधिनियम, १९६१ (सन १९६२ चा महाराष्ट्र अधिनियम क्रमांक पाच) च्या कलम २४८ च्या परंतुकांन्वये प्रदान केलेले अधिकार आणि त्यासंबंधातील इतर सर्व अधिकार यांचा वापर करून शासन असाही आदेश देत आहे की वरील निर्णय जिल्हा परिषदांचे निवृत्तिवेतनधारक/कुटूंबनिवृत्तिवेतन धारक यांनाही लागू राहतील.

५. ज्या राज्य शासकीय कर्मचाऱ्यांनी सरकारी क्षेत्रातील उपक्रमांमध्ये/स्वायत्त संस्थामध्य/स्थानिक संस्था इत्यादीमध्ये स्वतःला सामावून घेतल्यानंतर एक रकमी ठोक रक्कम स्वीकारलेली आहे, व जे निवृत्तिवेतनाचा १/३ इतका अंशराशीकृत भाग पुनःस्थापित करण्यासाठी तसेच शासन निर्णय, वित्त विभाग, क्रमांक निअंक-१०९९/३०६/सेवा-४, दिनांक १५ नोव्हेंबर १९९९ अनुसार अंशराशीकृत रकमेच्या सुधारणेस पात्र ठरले आहेत, अशा कर्मचाऱ्यांनाही शासन निर्णय, वित्त विभाग, क्रमांक निअंक १००१/५०/सेवा-४, दिनांक ९ एप्रिल २००१ च्या तरतुदीनुसार त्यांच्या पूर्ण निवृत्तिवेतनावर, वरील परिच्छेद -१ मध्ये विहित केलेल्या दिनांकापासून व विहित दराने महागाई वाढ अनुज्ञेय राहिल.

६. यासंबंधीचा खर्च वरील परिच्छेदांत नमूद केलेल्या निवृत्तिवेतनधारकांची निवृत्तिवेतने ज्या अर्थसंकल्पीय शीर्षाखाली खर्ची टाकण्यात येतात. त्या शीर्षाखाली खर्ची टाकण्यात यावा व तो त्या त्या शीर्षातर्गत मंजूर अनुदानातून भागविण्यात यावा.

७. शासनाने वेळोवेळी मंजूर केलेल्या निवृत्तिवेतनावर महागाई वाढी देण्याबाबतचे सध्या अस्तित्वात असलेले सर्व आदेश, योग्य त्या फेरफारांसह, आता मंजूर केलेल्या महागाई वाढीस देखील लागू राहतील.

८. सदर शासन निर्णय महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१३०५२२१२३८५५१५०५ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

९. या आदेशाची इंग्रजी प्रत सोबत जोडली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

र.आ.नागरगोजे  
अवर सचिव

has through its democratic governance established itself as a model trade union in the country surviving through the black days of emergency when attempts were made to crush democratic labour movements and trade union activities all over the country. Today the AIFUCTO has come to be recognized in every nook and corner of the country. The AIFUCTO has achieved this through cherishing and upholding the values of democracy, liberalism, secularism and science. In the last 50 years AIFUCTO has been responsible for achieving successive pay revisions, career advancement avenues and the positions of Reader and Professor in the affiliated colleges, upward mobility and research opportunities.

#### ANTI-TEACHER MOVES OF THE STATE GOVERNMENT

(19) It is indeed unfortunate that the govt. has persisted with its hostile attitude towards the teaching community in general and those in Higher education in particular. Even when the UGC had made its position regarding the date from which the services of non Net/Set teachers appointed between 19-9-1991 and 3-4-2000 were to be counted ostensibly at the request of the State Govt., the Department of Higher and Technical Education once again wrote to UGC on 2nd December, 2011 stating that it was absurd on the part of UGC to have taken such decision and had also appealed to revert the decision communicated through letter dated 26-8-2011. It had shown the same attitude in the matter of other issues like '14940' and 'stagnation increments' even when there were several judgements given by the Hon'ble High Courts and continued with the same attitude even at the cost of contempt of court.

#### TASKSAHEAD

(20) Friends, it is true that some of our demands have been met 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.

- Justice to Net-Set affected teachers
- Full release of arrears on account of sixth pay revision
- Payment of arrears to the teachers in colleges of Social Work and Physical Education
- Issuance of GR implementing sixth pay revision for the teachers in unaided colleges of Engineering in the state.
- Stopping arbitrary functioning at the office of the Joint Directors.
- 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.
- To take up the problems of social work college teachers including granting of pension to be brought into existence.
- 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.
- Fight against anti-teacher attitude of the Government.
- Enactment of suitable legislation for providing penalties for non-compliance of the university Grievance committee recommendations.
- 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.
- Making SET examination more transparent including unambiguous minimum percentage of marks.
- Ensure that all the benefits which teachers are given under the central orders are extended to Librarians and Directors of Physical Education.
- Faithful implementation of the central 'package scheme'.

#### MEMBERSHIP OF NUTA

(21) The NUTA membership has reached 5367 by the end of the year. This year the increase in membership is 60. I am glad to announce that NUTA Bulletin has completed 37th year

of its purposeful existence. This year we have circulated 104 pages of NUTA Bulletin. On going through the pages of the NUTA Bulletin one finds that the Executive Committee has made an attempt to include relevant developments and keep the members updated about the issues concerning their professional life.

(22) I am grateful to the media and their representatives from Nagpur, Amravati and Gadchiroli areas for the coverage of the 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

### SCHEDULE Giving Details of the Programme of District Meetings

अ.नं. व जिल्ह्याचे नांव, बैठकीचा दिवस व दिनांक, बैठकीची वेळ  
बैठकीचे ठिकाण, सभा संचालनार्थ निरीक्षक

१. अकोला : रविवार, १४.०७.२०१३ सकाळी, १०.०० वा.  
आर.एल.टी.सायन्स कॉलेज, अकोला. प्रा. प्रविण रघुवंशी, प्रा. संजय  
देशमुख, प्रा. अनिल ढगे, प्रा. विलास ढगे

२. वाशिम : रविवार, १४.०७.२०१३, दुपारी ४.०० वा. राजस्थान  
आर्यन कॉलेज, वाशिम. प्रा. प्रविण रघुवंशी, प्रा. संजय देशमुख, प्रा.  
अनिल ढगे, प्रा. विलास ढगे

३. भंडारा : रविवार, २१.०७.२०१३ सकाळी, १०.०० वा. जे.एम.  
पटेल महाविद्यालय, भंडारा प्रा. अनिल ढगे, नितिन कोंगरे, प्रा. विवेक  
देशमुख, प्रा. अविनाश साउरकर

४. गोंदिया : रविवार, २१.०७.२०१३ दुपारी ४.०० वा. डी.बी.सायन्स  
कॉलेज, गोंदिया. प्रा. अनिल ढगे, नितिन कोंगरे, प्रा. विवेक देशमुख,  
प्रा. अविनाश साउरकर

५. अमरावती : रविवार, ०४.०८.२०१३ सकाळी, १०.०० वा.  
केशरबाई लाहोटी महाविद्यालय, अमरावती. प्रा. अनिल ढगे, प्रा. विलास  
ढगे प्रा, अविनाश साउरकर, प्रा. एम.ओ. वानखडे

६. यवतमाळ : रविवार, ०४.०८.२०१३ दुपारी ३.०० वा. अणे  
महिला महाविद्यालय, यवतमाळ. प्रा. अनिल ढगे, प्रा. विलास ढगे प्रा,  
अविनाश साउरकर, प्रा. एम.ओ. वानखडे

७. वर्धा : रविवार, ११.०८.२०१३ सकाळी १०.०० वा. यशवंत  
महाविद्यालय, वर्धा. प्रा. बी.टी.गावंडे, प्रा. नितिन चांगोले, प्रा. पणिकर,  
प्रा. दुधपचारे

८. नागपूर शहर : रविवार, ११.०८.२०१३ दुपारी ३.०० वा. सी.पी.  
अॅन्ड बेरार कॉलेज, रविनगर, नागपूर. प्रा. बी.टी.गावंडे, प्रा. नितिन  
चांगोले, प्रा. पणिकर, प्रा. दुधपचारे

९. नागपूर ग्रामिण : रविवार, ११.०८.२०१३ दुपारी ३.०० वा. वा.  
सी.पी. अॅन्ड बेरार कॉलेज, रविनगर, नागपूर. प्रा. बी.टी.गावंडे, प्रा.  
नितिन चांगोले, प्रा. पणिकर, प्रा. दुधपचारे

१०. गडचिरोली : रविवार, १८.०८.२०१३ सकाळी १०.०० वा.  
एफ.ई.एस. गर्ल्स कॉलेज, चंद्रपूर. प्रा. विवेक देशमुख, प्रा. एम.ओ.वानखडे,  
प्रा. अनिल ढगे, प्रा. विलास ढगे, प्रा. बी.टी.देशमुख

११. चंद्रपूर : रविवार, १८.०८.२०१३ दुपारी ४.०० वा. प्रेस क्लब,  
धानोरा रोड, गडचिरोली. प्रा. विवेक देशमुख, प्रा. एम.ओ.वानखडे, प्रा.  
अनिल ढगे, प्रा. विलास ढगे

१२. बुलढाणा : रविवार, २५.०८.२०१३ सकाळी ११.०० वा.  
जिजामाता महाविद्यालय, बुलढाणा. प्रा. बी.टी. गावंडे, प्रा. विवेक देशमुख,  
प्राचार्य सांगळे, प्रा. नितिन कोंगरे



**IN THE SUPREME COURT OF INDIA**

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.908 OF 2013 : (Arising out of SLP(C)No.3700 OF 2012)

Association of College & University Superannuated Teachers .....*Appellant***VERSUS**Union of India and others .....*Respondents***O R D E R**

Leave granted.

Whether decision of the Government of Maharashtra to pay the enhanced retirement/death gratuity to the employees including the teachers of aided Educational Institutions, Non-Agricultural Universities, affiliated Non-Government Colleges and Agricultural Universities with effect from 1.9.2009 is discriminatory and violative of Articles 14 and 16 of the Constitution is the question which arises for consideration in this appeal filed against order dated 26.9.2011 passed by the **Division Bench of the Bombay High Court** vide which the writ petition filed by the appellant for issue of a mandamus to the respondents to give effect to Government Resolution dated 21.08.2009 with effect from 1.1.2006 and pay **difference in the amount of gratuity calculated as per the ceiling of Rs.7 lacs was dismissed.**

On the recommendations of the Sixth Pay Commission, the State Government decided to raise the ceiling of the retirement gratuity and death **gratuity from Rs.3.5 lacs to Rs.5 lacs** with effect from 01.01.2006. This was reflected in Government Resolution dated 05.05.2009. After three and half months, Government Resolution dated 21.8.2009 was issued and ceiling of retirement gratuity and death **gratuity was further raised from Rs.5 lacs to Rs.7 lacs** but the same was made effective **from 1.9.2009.**

The appellant, which has been espousing the cause of retired College and University Teachers of Maharashtra, represented to the State Government for change of the date

specified in Government Resolution dated 21.8.2009 from 1.9.2009 to 1.1.2006 but failed to elicit any response from the latter. **Thereupon, the appellant filed writ petition, which, as mentioned above, was dismissed by the High Court.**

The Division Bench of the High Court distinguished the judgments of this Court in D.S. Nakara v. Union of India (1983) 1 SCC 305, U.P. Raghavendra Acharya v. State of Karnataka (2006) 9 SCC 630, Union of India v. SPS Vains (Retd.) AIR 2008 SC (Supp) 598 and Atmaram G. Mohite v. State of Maharashtra 2004 (2) Mh.L.J. 729 by observing that those cases related to discrimination in grant of pension and not of raising the ceiling of gratuity. **The Division Bench further observed** that the Government's decision to raise the ceiling of gratuity had no nexus with the recommendations of the Pay Commission and **it was within the domain of the State Government to specify the particular date for determining the eligibility of the employees to get enhanced gratuity.**

We have heard learned counsel for the parties. Government Resolutions dated 5.5.2009 and 21.8.2009, which have bearing on the appellant's plea read as under:

**“GOVERNMENT OF MAHARASHTRA  
Finance Department  
Government Resolution No.PEN-1009/31/SER-4  
Mantralaya Mumbai-400032, dated 5th May 2009**

**Read:-** 1) Government Resolution, Finance, Department No.PEN 1005/115/Ser-4.

2) Government Resolution, Finance, Department No.Vepur 1209/C.R.20/Ser-9. Dated 27th February 2009

**RESOLUTION**

As per the recommendation of sixth pay commission, Government is decided to raise the ceiling on the maximum amount of Retirement Gratuity and Death **Gratuity from Rs.3.50 lakhs to Rs.5 Lakhs with effect from 1st January 2006.**

2. Government is also pleased to direct that above decision should, mutatis mutandis, apply to those employees of recognized and aided Educational Institutions, Non-Agricultural Universities and affiliated Non-Government Colleges and Agricultural Universities to whom the pension scheme (Maharashtra Civil Services (Pension) Rules, 1982) is made applicable.

3. In exercise of the powers conferred by the proviso to Section 248 of the Maharashtra Zilla Parishads and Panchayat Samities act, 1961 (Man. V of 1962) and of all the other powers enabling it in that behalf, Government is further pleased to decide that the above decision apply to the pensioners of Zilla Parishads.

4. This Government Resolution is available on the web site of Government of Maharashtra i.e. "www.maharashtra.gov.in" and its computer code number is 20090506122612001.

**GOVERNMENT OF MAHARASHTRA  
Finance Department  
Government Resolution No.PEN-1009/69/SER-4  
Mantralaya Mumbai-400032, dated 21st August, 2009.**

**Read:-** 1) Government Resolution, Finance, Department No.PEN 1005/115/Ser-4.

2) Government Resolution, Finance, Department No.PEN-1009/31/SER-4, dated 5th May, 2009

**RESOLUTION**

Government has decided to raise the ceiling on the maximum amount of Retirement Gratuity and Death **Gratuity from Rs.5.00 lakhs to Rs.7.00 Lakhs with effect from 1st September, 2009.**

2. Government is also pleased to direct that above decision should, mutatis mutandis, apply to those employees of recognized and aided Educational Institutions, Non-Agricultural Universities and affiliated Non-Government, Colleges and Agricultural Universities to whom the pension scheme (Maharashtra Civil Services (Pension) Rules, 1982) is made applicable.

3. In exercise of the powers conferred by the proviso to Section 248 of the Maharashtra Zilla Parishads and Panchayat Samities act, 1961 (Mah. V of 1962) and of all the other powers enabling it in that

ITEM NO.8

COURT NO.3

SECTION IX

**SUPREME COURT OF INDIA**

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)

No(s).3700/2012

(From the judgement and order dated 26/09/2011 in WP No.5284/2011 of The

**HIGH COURT OF BOMBAY AT  
AURANGABAD)**ASSN.OF COL.& UNIV.SUPERANNUATED  
TEACHER Petitioner(s) **VERSUS** UNION OF  
INDIA & ORS. Respondent(s) (With office report)**DATE: 30/01/2013**

This Petition was called on for hearing today.

**CORAM :**

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE

FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Amol Nirmalkumar  
Suryawanshi, Adv. For Respondent(s) Ms. Asha  
Gopalan Nair, Adv. Mr. Navin Prakash, Adv. UPON  
hearing counsel the Court made the following**O R D E R**

Leave granted.

The appeal is allowed in terms of the signed order.

(Satish K. Yadav)  
Court Master(Phoolan Wati Arora)  
Court Master

( Signed order is placed on the file )

behalf, Government is further pleased to decide that the above decision apply to the pensioners of Zilla Parishads.

4. This Government Resolution is available on the web site of Government of Maharashtra i.e. "www.maharashtra.gov.in" and its computer code number is 20090506122612001."

The reason why 1.1.2006 was fixed in G.R. dated 5.5.2009 for grant of enhanced gratuity to the employees was that the recommendations of the Sixth Pay Commission had been made effective from that date. **However, the respondents did not offer any tangible explanation before the High Court for fixing 01.09.2009 as the cut-off date for grant of benefit of further enhancement in gratuity from Rs.5 lacs to Rs.7 lacs.** The Division Bench of the High Court did notice that two different cut-off dates had been specified in the Government Resolutions but did not make any effort to ascertain the rationale or intelligible differentia for the decision of the State Government not to grant further enhancement in gratuity w.e.f. 1.1.2006 and negated the appellant's claim on the hypothesis that the Government has the power to fix the particular date for grant of gratuity.

In our view, in the absence of any rationale for fixing 01.09.2009 as the cut-off date for grant of enhanced gratuity to the employees, the decision of the Government is liable to be declared as discriminatory and violative of Articles 14 and 16 of the Constitution and the High Court committed an error by refusing relief to the appellant by distinguishing the judgments of this Court without any real distinction. **Like pension, gratuity is one of the retiral benefits payable to an employee. Therefore, the ratio of the judgments of this Court in which it was held that the cut off date fixed by the State/public employer for grant of higher pension is discriminatory has direct bearing on the appellant's claim.** In R.L. Marwaha v. Union of India, (1987) 4 SCC 31, this Court considered whether the services rendered by the appellant in Indian Council of Agricultural Research should be added to the service under the Central Government for the purpose of grant of pensionary benefits. He filed writ petition under Article 32 of the Constitution questioning the date specified in office memorandum dated 29.8.1984 for counting of the service in the autonomous bodies. After considering the rival contentions, this Court held:

"There is no dispute that such a person gets the benefit of the service put in by him under the Central Government for purposes of his pension. But another pensioner who has put in service under the Central Government during the same period will not get similar concession if he has retired prior to the date of the Government Order if para 7 of that order is applied to him. The result will be that whereas in the first case there is pensionary liability of the Central Government in the second case it does not exist although the period of service under the Central Government is the same. This discrimination arises on account of the Government Order. **There is no justification for denying the benefit of the Government Order to those who had retired prior to the date on which the Government Order**

**was issued.** The respondents have not furnished any acceptable reason in support of their case, except saying that the petitioner was not entitled to the benefit of the Government Order because the order says that it would not be applicable to those who had retired prior to the date on which it was issued. In the absence of any explanation which is worthy of consideration it has to be held **that the classification of the pensioners who were working in the government/autonomous bodies into two classes merely on the basis of the date of retirement as unconstitutional as it bears no nexus to the object to be achieved by the order.**

**We do not also find much substance in the plea that this concession being a new one it can only be prospective in operation and cannot be extended to employees who have already retired.** It is true that it is prospective in operation in the sense that the extra benefit can be claimed only after August 29, 1984 that is the date of issue of the Government Order. But it certainly looks backward and takes into consideration the past event that is the period of service under the Central Government for purposes of computing qualifying service because such additional service can only be the service rendered prior to the date of issue of the Government Order. By doing so the Government Order will not become an order having retrospective effect. It still continues to be prospective in operation. Whoever has rendered service during any past period would be entitled to claim the additional financial benefit of that service if he is alive on August 29, 1984 under the Government Order but with effect from August 29, 1984."

In T.S.Thiruvengadam v. Secretary to Government of India (1993) 2 SCC 174, this Court considered the question whether the service of the appellant under the Central Government should be added to his service in the public undertaking in which he was subsequently absorbed for the purpose of grant of pensionary benefits. After noticing the object of Memorandum dated June 16, 1967 issued by the Government, this Court observed:

"We do not, also, find substance in the contention that the revised benefits being new it could only be prospective in operation and cannot be extended to employees who were absorbed earlier. It is no doubt correct that the memorandum dated June 16, 1967 is prospective which only means that the benefits therein can be claimed only after June 16, 1967. The memorandum, however, takes into consideration the past event that is the period of service under the Central Government for the purposes of giving pro rata pension. **Whoever has rendered pensionable service prior to coming into force of the memorandum would be entitled to claim the benefits under the said memorandum.** Restricting the benefits only to those who were absorbed in public undertakings after June 16, 1967 would be arbitrary and hit by Articles 14 and 16 of the Constitution."

Likewise, in M.C.Dhingra v. Union of India (1996) 7 SCC 564, **the cut off date fixed for grant of pensionary benefits to the employees was held to be discriminatory and**

## दिनांक २२ मार्च २०१३ रोजी लक्षवेधी सूचनेवरील शासनाचे निवेदन

महाराष्ट्र विधानपरिषदेच्या शुक्रवार, दिनांक २२ मार्च २०१३ रोजीच्या दिवसाच्या कामकाजाच्या क्रमामध्ये विषय क्रमांक चार (५) वर सर्वश्री. वसंतराव खोटेरे, विक्रम काळे, डॉ.सुधीर तांबे यांची विद्यापीठ परीक्षांच्या कामाशी प्राध्यापकांचे असहकार आंदोलन या विषयावरील लक्षवेधी सूचना समाविष्ट होती. मा. उच्च शिक्षण मंत्र्यांनी केलेले ४ परिच्छेदांचे निवेदन शासनाच्यावतीने प्रसृत करण्यात आले होते. त्या निवेदनांतील परिच्छेद २ व ३ शब्दशः पुढील प्रमाणे :-

"२. शिक्षक संघटनेच्या दिनांक १९.०९.१९९९ ते ३.४.२००० या कालावधीत विगर नेटसेट अध्यापकांच्या सेवा नियमित करण्याबाबतच्या मागणी संदर्भात दिनांक ०६.०३.२०१३ रोजी मंत्रिमंडळाच्या बैठकीत खालीलप्रमाणे निर्णय घेण्यात आला आहे.

(अ) दिनांक १९.९.१९९९ ते ३.४.२००० या कालावधीतील ज्या विगर नेटसेट अध्यापकांनी त्यांच्या सेवा कालावधीत विद्यापीठ अनुदान आयोगाने अधिव्याख्याता पदासाठी वेळोवेळी विहित केलेली अर्हता /पात्रता /(नेटसेट, पीएच.डी., एम.फील) प्राप्त केली नाही. अशा अध्यापकांना त्यांच्या सेवा शासन निर्णय निर्गमित झाल्याच्या दिनांकापासून सर्व प्रयोजनार्थ ग्राह्य धरण्यास मान्यता देण्यात येत आहे.

(ब) सदर अध्यापकांना नवीन परिभाषित अंशदान निवृत्ती वेतन लागू राहिल.

३. शिक्षकांना सहाय्या वेतन आयोगानुसार वेतन श्रेणी लागू केल्यामुळे अनुज्ञेय असलेल्या थकीत रक्कमेच्या केंद्र शासनाच्या ८० टक्के हिश्याची एकूण रक्कम रु. १५२६.५० कोटी इतकी असून सदर रक्कम तीन हप्त्यात देण्यात येईल असा निर्णय मा. मुख्यमंत्री महोदयांसोबत दिनांक ०६.०२.२०१३ रोजी झालेल्या बैठकीत घेण्यात आला. त्यानुसार रु. ५०० कोटीचा पहिला हप्ता चालू अधिवेशनात अर्थसंकल्पीत करण्यात आलेला आहे. दुसरा हप्ता आगामी जुलै, २०१३ व उर्वरीत रक्कमेचा हप्ता डिसेंबर २०१३ च्या हिवाळी अधिवेशनात अर्थसंकल्पीत करून अदा करण्यात येणार आहे. सदर रक्कमेची प्रतिपूर्ती केंद्र शासनाकडून करून घेण्यात येईल."

**unconstitutional.**

In *V. Kasturi v. Managing Director, SBI, Bombay* (1998) 8 SCC 30, this Court examined various facets of discrimination in the matter of grant of higher pensionary benefits to the employees, referred to large number of precedents and carved out two categories of employees, one of which was held entitled to higher retiral benefits and the other was held not entitled to such benefit. The proposition laid down in that case is extracted below:

“From the aforesaid resume of relevant decisions of this Court spread over the years to which our attention was invited by learned counsel for the respective parties, the following legal position clearly gets projected.

**Category I**

**If the person retiring is eligible for pension at the time of his retirement and if he survives till the time of subsequent amendment of the relevant pension scheme, he would become eligible to get enhanced pension or would become eligible to get more pension as per the new formula of computation of pension subsequently brought into force, he would be entitled to get the benefit of the amended pension provision from the date of such order as he would be a member of the very same class of pensioners when the additional benefit is being conferred on all of them.** In such a situation, the additional benefit available to the same class of pensioners cannot be denied to him on the ground that he had retired prior to the date on which the aforesaid additional benefit was conferred on all the members of the same class of pensioners who had survived by the time the scheme granting additional benefit to these pensioners came into force. **The line of decisions tracing their roots to the ratio of Nakara case would cover this category of cases.**

**Category II**

However, if an employee at the time of his retirement is not eligible for earning pension and stands outside the class of pensioners, if subsequently by amendment of the relevant pension rules any beneficial umbrella of pension scheme is extended to cover a new class of pensioners and when such a subsequent scheme comes into force, the erstwhile non-pensioner might have survived, then only if such extension of pension scheme to erstwhile non-pensioners is expressly

made retrospective by the authorities promulgating such scheme; the erstwhile non-pensioner who has retired prior to the advent of such extended pension scheme can claim benefit of such a new extended pension scheme. If such new scheme is prospective only, old retirees non-pensioners cannot get the benefit of such a scheme even if they survive such new scheme. They will remain outside its sweep. The decisions of this Court covering such second category of cases are: *Commander, Head Quarter v. Capt. Biplabendra Chanda and Govt. of T.N. v. K. Jayaraman* and others to which we have made a reference earlier. If the claimant for pension benefits satisfactorily brings his case within the first category of cases, he would be entitled to get the additional benefits of pension computation even if he might have retired prior to the enforcement of such additional beneficial provisions. But if on the other hand, the case of a retired employee falls in the second category, the fact that he retired prior to the relevant date of the coming into operation of the new scheme would disentitle him from getting such a new benefit.”

**The appellant's case falls in Category I identified in the judgment of V. Kasturi's case because the retiring/retired teachers of Colleges and Universities were already getting gratuity and they were granted the benefit of higher gratuity in terms of Government Resolution dated 5.5.2009.** Thus, there is no justification, legal or otherwise, to deny them benefit of higher gratuity with effect from 01.01.2006.

In the result, the appeal is allowed and the impugned order is set aside. **The cut-off date, i.e. 01.09.2009 specified in G.R.dated 21.08.2009 is declared unconstitutional** and it is held that the employees governed by Government Resolution dated 5.5.2009 are entitled to the benefit of enhanced gratuity, i.e. Rs.7 lacs.

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.** The parties are left to bear their own costs.

**G. S.SINGHVI J.  
FAKKIR MOHAMED IBRAHIM KALIFULLA J.  
NEW DELHI; JANUARY 30, 2013.**

नागपूर व अमरावती विभागातील

## १ जानेवारी २००६ नंतर पण २१ ऑगस्ट २००९ पूर्वी सेवानिवृत्त झालेल्या विद्यापीठीय व महाविद्यालयीन प्राध्यापकांची सभा

१ जानेवारी २००६ नंतर पण २१ ऑगस्ट २००९ पूर्वी सेवानिवृत्त झालेल्या विद्यापीठीय व महाविद्यालयीन प्राध्यापकांना सेवानिवृत्ती समयी अदा करावयाच्या ग्रॅज्युईटी संदर्भात मा. सर्वोच्च न्यायालयाने दिनांक ३० जानेवारी २०१३ रोजी एक महत्वपूर्ण निकाल दिलेला आहे. हा निर्णय याच अंकात प्रसृत करण्यात आला आहे. (Circulated on pages 93 to 95 of 2013 NUTA Bulletin.)

२. या निर्णयामध्ये मा. सर्वोच्च न्यायालयाने स्पष्टपणे ग्रॅज्युईटी अदा करण्याबाबत २१ ऑगस्ट २००९ च्या शासननिर्णयाने ठरवून दिलेली १ सप्टेंबर २००९ ही “कट ऑफ डेट” पुढील शब्दात रद्दबादल ठरविलेली आहे. “ In the result, the appeal is allowed and the impugned order is set aside. The cut-off date, i.e. 01.09.2009 specified in G.R.dated 21.08.2009 is declared unconstitutional and it is held that the employees governed by Government Resolution dated 5.5.2009 are entitled to the benefit of enhanced gratuity, i.e. Rs.7 lacs.”

३. याच निर्णयात पुढे असेही नमूद करण्यात आलेले आहे की, “ 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. The parties are left to bear their own costs.”

मा. सर्वोच्च न्यायालयाने दिलेल्या उपरोक्त निर्णयाच्या संदर्भात पुढे करावयाच्या कारवाईबाबत विचार करण्यासाठी नागपूर व अमरावती विभागातील १ जानेवारी २००६ नंतर पण २१ ऑगस्ट २००९ पूर्वी सेवानिवृत्त झालेल्या विद्यापीठीय व महाविद्यालयीन प्राध्यापकांच्या सभेचे आयोजन करण्यात आलेले आहे. बैठकीचा दिवस, दिनांक वेळ व स्थळ खालील तक्त्यात दिल्याप्रमाणे आहे. उभय विद्यापीठ क्षेत्रातील सर्व संबंधित प्राध्यापकांनी उपस्थित रहावे अशी विनंती आहे.- डॉ. अनिल ढगे, सचिव, नुटा

तक्ता

सभेचे ठिकाण :	शिक्षक भवन, अमरावती विद्यापीठ परिसर, अमरावती
सभेचा दिवस व दिनांक :	शनिवार, दिनांक ३ ऑगस्ट २०१३
सभेची वेळ :	दुपारी ४.०० वाजता

## MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (MFUCTO)

Registered under the Trade Union Act 1926. No By II-8162 of 1985

Affiliated to the All India Federation of University and College Teacher's Organizations (AIFUCTO)

Vidyapeeth Vidyarthi Bhavan, 'B' Road, Churchgate, Mumbai - 400 020

### PRESIDENT

Prof. Shivajirao Patil  
SHIVAI 39 Rewu Nagar, Dheku Road,  
Amalner 425 401, District Jalgaon  
(9422278418)

### GENERAL SECRETARY

Dr. Tapati Mukhopadhyay  
Park Side 3, Wing, Flat No. 1308 Kulupwadi  
Road, Borivali (East) Mumbai 400 066  
(022-28871430, 9820319455)

27th May 2011

Shri Rajesh Tope  
Hon'ble Minister for Higher & Technical Education  
Maharashtra State  
Mantralaya, Mumbai.

Dear Sir:

1. You are aware that University and College teachers as per the decision of the MFUCTO had gone on an agitation of non-cooperation in the University-related examinations in the State. **The notice for the agitation was given to you as Hon'ble Minister and the Government of Maharashtra as early as on 16th September 2012 and further notice with the detailed charter of demands was served on you and the government on 15th January 2013** which indicated that the agitation would commence on 4th February 2013. The agitation was brought to a close on 10th May 2013 before the Bench of Hon'ble High Court at Bombay after the Government's stand on some of the important demands was made clear in the Hon'ble High Court in W.P. (L) No. 1326 of 2012 (Akhil Bharatiya Vidyarthi Parishad & Anr V/s. State of Maharashtra & Ors) on 10th May 2013.

2. During the period of agitation, salary for the months of March and April 2013 were not released by the Regional Joint Directors of Higher Education as per directions issued to them by the Principal Secretary in the Department of Higher & Technical Education through letter No. Bahishkar-2-13/Pr,Kr.71/Vishi-3 dated 6th March 2013. This issue was also before the Hon'ble High Court and in the Order it has been stated as under:

"20) As regards prayer of salary for the months of March and April 2013 not paid to the agitating teachers, it is submitted by learned counsel for respondent no.2 that remuneration for examination related work is separate and therefore, on account of non-co-operation for examination related work, their salary

and allowances for their regular work should not be withdrawn. Mr. Saluja learned A.G.P. states that during the months of February, March and April, 2013 the teachers duties are related more to examination work and therefore, teachers cannot be allowed to raise such contention.

"21) On this issue, we do not propose to express any opinion. **We are of the view that, this issue also respondent No.2 Association may discuss with the authorities for considering as to how much salary should be released to the teachers who have not extended their co-operation for the examination related work.**"

3. In connection with the issue of examination duty to be assigned to the teachers, we wish to point out the various historical developments. In 1975 when the Emergency declared by the central government was still operating, Government of Maharashtra had issued GR No. USG-1174/104287-II dated 4th October 1975 in which dealing with examination duty, it was in para.11 stated as under:

**"11. Remuneration for examinership: The revised pay-scales are inclusive of an element on account of remuneration for examination work.** Consequently, the University/College teachers getting the revised scale will not be entitled to any remuneration for examination work in any University/College within the State. Failure to do examination work allotted, will be taken to mean dereliction of duty and apart from any action which the University may take, **the teachers will make themselves liable to being denied the benefit of the revised scale.**"

Hereto and marked as EXHIBITA is a copy of the said Circular dated 4-10-1975.

Immediately thereafter, the Universities in the State came

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### MUMBAI, 5TH JUNE 2013 : P R E S S N O T E

#### UGC's EMERITUS FELLOWSHIP FOR

#### DR. TAPATI MUKHOPADHYAY (General Secretary, MFUCTO)

The MFUCTO is proud to know that its General Secretary, Dr. Tapati Mukhopadhyay is among the 129 teachers in the country who are awarded Emeritus Fellowship by the University Grants Commission (UGC) for 2012-13.

The Emeritus Fellowship is a scheme of UGC to provide an opportunity to superannuated teachers of all recognized universities and colleges approved under UGC Act, to pursue active research in their respective field of specialization. As an Adjunct faculty member from the PG Dept. of Geography of Nagindas Khandwala college, **Dr. Mukhopadhyay is the only candidate selected this year from University of Mumbai.**

Emeritus Fellowship is awarded on the basis of recommendation of the Expert Committee constituted by the UGC. The selection is made based on the quality of research and published work contributed by the teacher in his/her service career. Dr. Mukhopadhyay in her 40 years of research experience has contributed 24 research publications and 3 books (2 based on her visits to China as ICSSR fellow).

She has received the Emeritus fellowship for her proposed project "Land Administration and land use planning (selected case studies of Maharashtra)" with special emphasis on issues of land acquisition for infrastructural development in ecologically sensitive areas in South Konkan coast of Maharashtra.

The Executive Committee of MFUCTO congratulates Dr. Tapati Mukhopadhyay and places on record its appreciation of her academic contribution despite her heavy responsibilities as a leader of MFUCTO.

- PROF. SHIVAJIRAO PATIL, PRESIDENT

out with circulars in connection with examination duty and non-entitlement to examination remuneration. One such Circular was issued by the Vice Chancellor of the University of Bombay dated 13th October 1975 addressed to the Principals of Colleges and in its very first paragraph, it was stated as under:

“As you are aware, no payment for examination work will be made at the coming October examination. The Secretary Education Department has also duly intimate that failure to do the work assigned to a teacher shall be treated as dereliction of duty.”

Hereto and marked as EXHIBITA/1 is a copy of the said Circular dated 13-10-1975.

4. MFUCTO considers it necessary to point out that between MFUCTO and Government of Maharashtra meetings took place presided over by the Hon'ble Chief Minister in the presence of officials who included the Chief Secretary of the State and after protracted discussion took place leading to Consensus I, II & III came to be drawn up. **In the second consensus at para.4 the following agreement was reached on Examination Remuneration:**

“Examination Remuneration: In this regard, the U.G.C. and the Government of India had recommended that no remuneration will be payable in respect of examinations held by the institutions concerned. The State Government had, however, changed this in the Government Resolution of 4th October 1975 to the effect that no remuneration will be payable for examination work in any University College within the state. **Subsequently, the State Government had relaxed this and agreed that remuneration may be paid for examination work undertaken by a teacher from a University other than the University within whose jurisdiction that teacher's working.** The MFUCTO invited attention in this connection to the Sen Committee's recommendations. It was agreed that the final decision in this regard will be taken by the State Government after further examination of the issue in the light of the view expressed by the MFUCTO.”

Hereto and marked as EXHIBIT B is a copy of the said Consensus dated 23rd April 1977.

5. In view of such developments, the University and College Teachers in the State started agitation against the provisions of the GR including on the examination issues under the banner of MFUCTO. This later on moved into the Hon'ble High Court, Bombay (Appellate Side) being W.P. No.2630 of 1976 (Maharashtra Federation of University & College Teachers Organization v/s. State of Maharashtra & 12 Ors). This Petition was disposed of by the Hon'ble High Court by Order dated 22nd September 1977 after the parties had entered into consent terms which came to be filed in the Hon'ble High Court. **The terms of settlement which was reached after several hours of negotiation between the parties, is annexed hereto and marked as EXHIBIT C which was dated 22-9-1977.** Item No. 5 under the title 'Remuneration for Examinership' of the said settlement dealt with the issue of examination and payment of remuneration.

6. After the Hon'ble Court disposed of the Petition in terms of the Consent terms, Government came out with modified GR No.USG-1177/129387/XXXII(Cell) dated 25th October 1977. Under Item No. X, it was provided as under:

**X. Remuneration for Examinership: University/College teachers should be entitled to examination remuneration only in respect of external examinations conducted by the Universities.** For internal assessment/home examinations being conducted by the colleges/Universities at present or which may be introduced as a measure of examination reform (including

the semester system), no remuneration shall be payable to the University/College teachers irrespective of the fact whether the marks obtained by a student in such internal assessment/home examinations are decided to be taken into account while declaring the final result of the student.”

Hereto and marked as EXHIBIT D is a copy of the said revised GR dated 25th October 1977.

7. We wish to state that thereafter in some of the Universities including in Mumbai, University examinations of the first year and/or second year of degree courses came to be transferred directly to the colleges in view of the difficulties encountered by the Universities in conducting the same. While doing so, though the examinations were shifted to the colleges, the University decided to treat them as 'not home' but 'university-level examinations conducted by the colleges' and therefore remuneration was provided for performance of examination duties by teachers. However, purely home examinations such as terminal tests or preliminary examinations/preparatory tests etc., are purely internal and no remuneration is claimed by the teachers nor paid, even at present.

8. MFUCTO wishes to point out further that in most of the Universities new system of examinations has been introduced under the 'continuous evaluation system' or what is called the Semester System or Credit Based Grading System where each subject has one assignment/test in each semester which the teachers have to conduct and assess and the final result takes into account all the marks obtained in the internal examinations. This work continues throughout the year in all the Semesters. Teachers do not claim any remuneration for this work, nor are they paid. In fact teachers have conducted this year too all the internal examinations and only the University-level examinations have come under non-co-operation.

9. MFUCTO submits that thus such of the teachers as are required to be assigned examination duty are assigned the duty from time to time by giving to them letters for setting of question papers; translation of question papers from medium to another; moderation of question papers; proof reading; assessment of answer scripts; moderation of answer scripts, random checking of answer scripts; conduct of Practical/Sessional/Viva Voce examination; evaluation of dissertations, theses and/or project work; work relating to the conduct of University Examinations e.g. duties as Conductor/.Senior Supervisor/ Officer-in-charge of Junior Supervisor/Invigilator, etc.; settlement of marks; work on various committees in relation to examination work; and submission of Model Answers where required. **The said examination duties are separately remunerated which are prescribed by Ordinances and/or Statutes in the different universities.** It is necessary to point out that remuneration for examination related work is separate and therefore, on account of non-co-operation in examination related work, the salaries and allowances of teachers for their regular work cannot be withdrawn. In fact, the examination remuneration paid and payable to the teachers come from the fees collected from the students separately as 'examination fees' by the colleges and Universities for each examination and even for re-examination. It does not come from the government aid whereas salaries paid by the Government.

10. **There is no provision whatsoever in the Act and/or any other Rules and Regulations in the State of Maharashtra to prevent release of salaries of teachers for non-cooperation in the University-related examination duties.** The act of the Government in not releasing the salaries of teachers for the months of and March and April 2013 on account of their participation in the non-cooperation in examination duty is therefore totally illegal and improper. The teachers who were part of the MFUCTO call for non-cooperation in the University-related Examination have attended to their college level duties during the entire period having gone to the college, signed the muster roll daily and performed academic, co-curricular and extra-curricular activities. The attempt to apply the principle of 'No Work, No Pay' is unwarranted, not valid and legally untenable. **It is brought to your kind notice that even though University is conferred with the power of taking disciplinary action in respect of misconduct, if any, under Section 32(5)(g) of the Act, after the government's commitment before the Hon'ble High Court in respect of different demands and after the good gesture shown by MFUCTO in announcing the withdrawal of agitation, the Hon'ble High Court was pleased to direct as under:**

“22) Now finally coming to the question of show cause

### नुटाच्या आमसभेच्या वेळी करावयाच्या व्यवस्थेसंबंधी सूचना

आमसभा ठरलेल्या वेळी म्हणजे बरोबर दुपारी १२.०० वाजता सुरु होत असते, हे लक्षात ठेऊनच एकूण व्यवस्था असावी. सभा सुरु होण्याच्या पूर्वीच्या एक तासात सर्व सदस्य आपापल्या सोबत आणलेल्या जेवणाच्या डब्यांचा एकमेकासोबत आस्वाद घेत असतांना त्यांच्या बसण्यासाठी वगीच्यात, झाडाखाली, सावलीत किंवा उन असल्यास खोल्यातून स्वच्छतायुक्त व्यवस्था व सोबत पिण्याच्या पाण्याची निट व्यवस्था ही आमसभेच्या आयोजकांनी करावी एवढीच याबाबत अपेक्षा असते. - डॉ.अनिल ढगे, सचिव, नुटा

**notices which might have been issued by the University or the Colleges, learned Counsel for respondent No.2 association states that members of respondent No.2 Association will extend utmost cooperation for the examination work from tomorrow. In view of the above assurance from respondent No.2 Association, we direct the concerned teachers also to give individual undertakings that henceforth they will render co-operation for examination and other related work. We are of the view that Universities and the Colleges may not take any further action against the concerned teachers who give such undertakings."**

11. MFUCTO considers it pertinent to point that in 1994 Maharashtra legislature enacted new University legislation called Maharashtra Universities Act, 1994. This Act originally did not contain any provision to treat the examination duty as compulsory or mandatory on teachers and/or non-teaching staff members. This was introduced by way of amendment of Section 32 of the Act in the year 2000. The relevant provision of Section 32 is Section 32(5)(g) which is as under: 32 (5)(g):

"It shall be obligatory on every teacher and on the non teaching employee of the university, affiliated, conducted or autonomous college or recognized institution to render necessary assistance and service in respect of examinations of the university. If any teacher or non teaching employee fails to comply with the order of the university or college or institution, in this respect, it shall be treated as misconduct and the employee shall be liable for disciplinary action."

12. MFUCTO states that even when a teacher is placed on suspension for misconduct of a serious nature, the Statutes of all the Universities as also MCSR provide for subsistence allowance to be paid at 50% of the salary, to be enhanced by to 75% on completion of 120 days and in some cases full salary to be paid after 4 months. **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 is unsupported by any law and/or Statute and/or rules.**

13. MFUCTO wishes to point out that in the Hon'ble High Court on 10th May 2013 when the Writ Petition on the non-co-operation of examination work by teachers was disposed of, the Order in relation to the salary issue was under:

#### **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  
Ref. No. CC/1/2012 : Date: 29th August 2012

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, 2012.

R/Sir,

Please find herewith enclosed original audited Statements of Accounts of Nagpur University Teachers' Association, Nagpur for the year ending on 31st March 2012.

Kindly do the needful at your end and oblige.

Yours faithfully,  
**(Dr. A.W. Dhage)**

Copy to: (1) Dr. P. B. Raghuvanshi, President, NUTA, Amravati  
(2) Dr. B.T.Gawande, Treasurer, NUTA, Amravati (3) Prof. B. T. Deshmukh, Amravati

Note: This letter (alongwith enclosure) was sent to the Deputy Charity Commissioner by Registered Post from Hanuman Nagar Post Office, Nagpur 440024 EM257341016 IN Counter No. 1, OP code: VEL :52 grams, Amount 23.00 on 29.08.2012.

\*\*AF : P 18 \*\*

"21) On this issue, we do not propose to express any opinion. We are of the view that, this issue also respondent No.2 Association may discuss with the authorities for considering as to how much salary should be released to the teachers who have not extended their co-operation for the examination related work."

It is pertinent and relevant to point out that the Hon'ble Court in its Order has stated at para.23 as under:

23) We are constrained to make these observations because the teachers of respondent No.2-Association were of the view that they are entitled to certain demands and even if the State Government and the Universities were not inclined to accept all the demands in their entirety, nothing prevented the State Government from coming out with their decision and issuing a G.R. If such decision had been taken earlier and if respondent No.2-Association or teachers were not satisfied with the decision, they would have taken necessary legal proceedings for enforcement of their alleged rights. It appears that decision was not taken by the Government and, according to respondent No.2-Association, therefore, they were compelled to take recourse to non co-operation to the examination related work.

14. The Hon'ble Court had directed the MFUCTO to call upon the teachers to give the internal mark sheets to the Universities within a period of 3 days which the teachers have done immediately after the withdrawal of the agitation. The teachers have gone on to participate in the examination duties in all sincerity thereafter including reporting to the CAPs of the Universities. The work of assessment is going on at high speed and teachers have compensated for the loss.

15. MFUCTO states that there are rulings of the Hon'ble Supreme Court of India which are relevant to the issues between MFUCTO and Government of Maharashtra one of which is Khemchand V/s. Union of India (AIR 1963 SC 687 = 1963 Supp. I SCR 229) in which it is stated that, "Right to arrears of pension, Pay and Allowances constitute property". **Deprivation of such property would amount to penalty on the employee which without any authority or law in that behalf if imposed would be illegal.**

16. MFUCTO submits that the Hon'ble Chief Minister, Shri Prithviraj Chavan had through newspapers and mass media called upon the agitating college teachers to resume duties within two days. In the Hon'ble High Court MFUCTO had proposed withdrawal of the agitation with immediate effect and from 11th May 2013 the teachers have reported for duties. In the light of this MFUCTO hopes that Government of Maharashtra will honour the gentleman's promise given by no less a person than the Hon'ble Chief Minister of the State and issue directions for the release of salaries of teachers for the months of March and April 2013 which have been withheld.

17. MFUCTO therefore prays 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.

B. Alternatively government grants time to the MFUCTO for holding discussion on this subject as directed by the Hon'ble High Court.

Thanking you

Yours faithfully

Sd/- (Shivajirao Patil) Sd/- (TapatiMukhopadhyay)  
President (MFUCTO) General Secretary

#### **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.



**ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS**

**CIRCULAR: 01/12-13 : 15.01.2013**

**Dear Friends,**

**I wish all of you a very happy New Year- 2013.**

**SWAMY VIVIEKANANDA'S 150th BIRTHDAY**

We remember Swami Vivekananda, on his 150th birthday, one of the greatest thinkers of modern India. A humanist and patriot, this is what Mahatmaji said of him:- "I have gone through his works very thoroughly ,and after having gone through them, the love that I had for my country became a thousand-fold".

Swamiji said- "They only live who live for others". He wanted to free our countrymen from poverty, illiteracy and superstition. We need to remember and practice his message. We call upon our affiliates and members to hold meetings, seminars and exhibitions on the life and message of Swami Vivekanada.

**Golden Jubilee & 28th Academic Conference in Varanasi**

The Golden jubilee Program and the 28th Conference held in Sampurnanand Sanskrit University, Varanasi from 15th to 17th December, 2012 has been an outstanding success. The Conference was inaugurated by Sri Ram Govind Chawdhari, Hon'ble Minister, Uttar Pradesh Government and presided over by Prof. Binda Prasad Mishra, Vice Chancellor of Sampurnanand Sanskrit University. About one thousand five hundred delegates and observers paid glowing tributes to the wise founders of AIFUCTO who had assembled in this holy city fifty years back, in 1962, to form the great Organization which today proudly represents more than five lakh university & college teachers in the states and UTs. The leaders and members remembered and celebrated the scintillating successes of AIFUCTO down the years. Prof. Tarun Patra, President, in his address, observed that we are proud of our past and must fulfill our commitments in the days to come. Prof. Asok Barman, the General Secretary thanked the leaders and members for their stirring response to the NEC's calls during the last year, which helped resolve vexed issues. He expressed confidence that as in the past the AIFUCTO will maintain its monolithic unity and would continue to strive to uphold teachers' interests.

Prof. B. Vijay Kumar, General Secretary, FISE greeted the conference. He thanked the AIFUCTO for the support to the world teachers' movement. Prof. Vijay Kumar stressed the need for a strong international teachers' movement and the need for AIFUCTO to be in its forefront.

The Conference was addressed by our former leaders and members along with the present leaders from the centre and the states.

**Seminar**

A lively seminar on the topic- "*Higher Education in 12th Five Year Plan: The Agenda, roles of Teachers & Teachers Movement*" was held on 16th December, 2012. The seminar was presided over by Prof. Mrinmoy Bhattacharya, former General Secretary of AIFUCTO & FISE. He observed that the teachers and teachers' association must work for the society along with their professional demands. Prof. Sudhansu Bhusan, Head, Higher Education; NUEPA was the key note speaker. Prof. Bhusan, who has been a resource person in the preparation of the Plan document and actively involved in the process of preparing blue print for the higher education, emphasized the necessity of dispensing higher education guided by non-profit principles. He made very valuable suggestions for the orientation of future plan programs for inclusive and quality education. Prof. T. Meinya M.P and leader from Manipur presented a paper with an analysis of the 12th Plan program for inclusive and equitable higher education in India. Prof. K.K. Thekedath, our former President criticized the ongoing policies that are hurting the cause of education. He called for a strong united movement to nullify the new pension scheme as this will affect the teachers and all public funded employees in a severe manner.

**Felicitation to the former & the present leaders**

In a memorable program all the former leaders who were present were felicitated by AIFUCTO and the Organizers. On behalf of AIFUCTO, the General Secretary recorded deep

gratitude to them for their dedicated services to the AIFUCTO and for leading many struggles that resulted in the significant improvement of service conditions.

The Present leaders were also felicitated for their hard and dedicated work and their successes in clinching major demands.

The Organizers thanked the AIFUCTO General Secretary who often camped in Varanasi for many days and worked for the success of the Conference along with them.

**Felicitation to the organizers & our thanks to them**

The AIFUCTO expressed most sincere thanks to the organizing committee members for the hard and dedicated work, they did for a number of months for the success of the Conference & Golden Jubilee program. The team exhibited extra ordinary vigour and zeal to make the program a memorable one. The General Secretary thanked Prof. K.N Singh, Prof. H.C. Singh, Prof. Balbir Singh, Prof. D.C. Singh, the leaders who, along with a very energetic and efficient team, left no stone unturned for the success of the Conference. They have set a very high standard of organizational skill for the success of the program. We sincerely thank Prof. D. Nag, the Vice Chancellors of Mahatma Gandhi Kashi Vidyapith & Prof. B.M. Mishra, Vice Chancellor, Sampurnanand Sanskrit University for their cooperation.

The General Secretary expressed gratitude to Prof. Ghanashyam Singh, Vice President, FISE, and former Vice President, AIFUCTO and former President, UP Federation & Prof. J.N. Shukla, Vice President, AIFUCTO for their untiring work and constantly guiding the organizers with their vast experience.

**Life members meeting & AIFRUCTA developments**

A meeting of Life Members was held on 16th December, 2012 which was presided over by our veteran and respected leader Prof. B.T. Desmukh. The meeting was addressed by the AIFUCTO General Secretary who, on behalf of the Federation, recorded appreciations for their role in the past as well as in present. He pointed out that the AIFUCTO leadership pays most valuable attention to the interests of the retired teachers. You are aware that the Life Members Meetings held during our Conferences decided to form the federation for retired teachers and had given shape to it.

The leaders thanked the AIFUCTO leadership for their concern for the retired teachers. However the

Members present expressed shock at the most undemocratic and autocratic way the AIFRUCTA has been functioning. Prof. Parthasarathi, a veteran leader of AIFUCTO who was a former national Secretary of AIFUCTO narrated the most disturbing experiences at the last statutory Conference of AIRFUCTA held in Hyderabad. The meeting criticized the way the General Secretary has reduced the Federation by undemocratic means to an Andhra Pradesh -specific entity and destroyed its all India character. The members disapproved the action of AIRFUCTA & requested AIFUCTO General Secretary to write to the AIFRUCTA General Secretary to explain his actions. On the basis of the report of the AIFUCTO General Secretary and in the subsequent discussion, it was decided to convene a special meeting of Life Members to chalk out the next course of action. The General secretary has accordingly written to Prof. Venkatacharylu.

**Oath taken in the conference**

As suggested by Prof. Kanhaya Bahadur Sinha, Working President FUTAB the Conference took the following oath

"ON THIS HISTORIC OCCASION OF CELEBRATION OF GOLDEN JUBILEE YEAR, WE THE MEMBERS OF AIFUCTO TAKE AN OATH TO DEDICATE OURSELVES TO THE CAUSE OF EDUCATION & ENTHUSE THE YOUNG GENERATION TO ENDEAVOUR HARD TO TRANSFORM INDIA INTO A VIBRANT KNOWLEDGE SOCIETY OF THE WORLD".

**Movement Resolution**

The Conference adopted a Movement Resolution which will guide our activities in the next year. Please refer to website for the text. Also the same has been mailed to the available E-mail addresses & has been published in our journal-Teachers'

## Movement

**Valedictory session**

The valedictory session of the Conference was held on 17th noon with fitting solemnity. The session was chaired by Prof.D.Nag, Vice Chancellor, Mahatma Gandhi Kashi Vidyapith; he was also the Chairman of the Organizing committee. He talked about the quality education and hoped India will be in the front in teaching & research. Prof. B.M.Shuka, a former Vice Chancellor delivered the valedictory address. A great educationist himself Prof Shukla delivered an erudite speech and encouraged the teachers to take Indian higher education to a new height.

**Thanks to our affiliates for their great support to the Conference**

We are overwhelmed at the great and spontaneous support from our affiliates in the form of securing advertisements & donations.

**Thanks to Prof. K.S Sashtri, Prof.T.Meinya, and Prof. Mahaswari**

Our stalwart leaders Prof.K.S.Sashtry of Gujarat, Prof.T.Meinya, M.P. from Manipur and Prof.S.Mahaswari of Rajasthan have extended financial support to the holding of the Conference. We are deeply thankful to the great leaders.

**Vision 2016**

The Conference accepted the proposal of adopting "Vision 2016" of Prof.Subhash Garg President, RUCTA as strategic planning for the pay scale revision 2016. Prof.Garg also announced that AIFUCTO will be given a donation of Rs.one lakh. We thank Prof.Garg.

**Extension of date for RC/OC**

The UGC has issued the letter extending the date for Refresher and orientation course up to 31st December, 2013 following our persistent demand and movement. All affiliates are requested to take up the matter with the respective state governments and ensure the necessary orders are issued as early as possible.

**Payment of membership**

We have been requesting all affiliates to pay the membership for the year 2012. We are very disappointed that only a small number of affiliates have paid it so far. We shall publish the names of those who pay till the end of January, 2013 in our website. It has become practice of most affiliates to make the membership payment in the statutory conference only. This affects our functioning in the two years in between such conferences. I once again request all affiliates to make payments for 2012 immediately and pay for 2013 subsequently.

**Payment of Golden Jubilee**

It is also disappointing that the number of affiliates paying the golden jubilee fund @Rs.20 per head is also very less so far. The list of the units which have paid will be published in our website.

**All India Strike on 20th & 21st February, 2013**

The Varanasi Conference has decided to extend full support to & participate in the All India Strike on 20th and 21st February, 2013. All affiliates are requested to issue necessary circulars and instructions for the success of the strike program.

**Conferences & Golden Jubilee Program in states****AUT-Tamilnadu**

The 65th Annual Conference of Association of University Teachers (AUT) at Erode, Tamil Nadu on January 6, 2013 commenced with the **Flag Hoisting** by **Prof.G.S. Ananthanarayanan**. The Conference commemorated the Golden Jubilee of AIFUCTO. The Minister for Higher Education Tamil Nadu inaugurated the Conference. Two other Ministers of the State, Several Vice Chancellors and Educationists participated. Prof.Raghunathan, a veteran leader spoke at length on the role of AUT in AIFUCTO movement. Prof. Asok Kumar Barman delivered a **Special Address** in the plenary session. He said how the National Federation, AIFUCTO, and its affiliate, AUT, sustained each other in building a **strong Teachers' Movement**. He complimented the AUT for its outstanding participation in the AIFUCTO Golden Jubilee Conference at Varanasi. He

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

**WRIT PETITION NO. 5771 OF 2011 WITH WRIT PETITION NO. 682 OF 2012 AND WRIT PETITION NO. 3277 OF 2012**

**CORAM : B.P. DHARMADHIKARI & A.B. CHAUDHARI, JJ.**

**DATE OF RESERVING JUDGMENT : MAY 06, 2013. DATE OF PRONOUNCING JUDGMENT : JUNE 10, 2013.**

**JUDGMENT : (Per B.P. DHARMADHIKARI,**

The grievance and demand in all these writ petitions is in respect of superannuation pension. Writ Petition No. 5771 of 2011 seeks that benefit for the Teachers in NonGovernment aided Ayurvedic Colleges affiliated to NonAgricultural Universities/ Maharashtra University of Health Sciences, Nasik. Writ Petition No. 682 of 2012 seeks similar benefit for the Teachers in NonGovernment Aided Social Work Colleges being Education Colleges affiliated to NonAgricultural University viz., Rashtra Sant Tukdoji Maharaj Nagpur University. Writ Petition No. 3277 of 2012 is for similar benefit by the Teaching and Nonteaching staff of Social Work Colleges, who are joined as respondents therein. Writ Petition No. 185 of 2012 was also heard for some time with these matters but then because of need felt by the petitioners therein to produce more documents and to amend it, the same has been separated from this group.

*(Paras 2 to 36 Not Printed)*

**37. In the result, it follows that the Government decision dated 27.6.2001 refusing to extend the pensioncumgratuity scheme to Ayurvedic and Unani Colleges impugned in Writ Petition No.5771 of 2011 and similar decision dated 12.7.2010 about Social Work Colleges impugned in other two writ petitions are, therefore, unsustainable.** Submission that communication dated 12.7.2010 is only reiteration of basic decision of the State dated 11.7.2001 not to extend said benefit to Social Work staff and has been questioned after huge delay, also does not hold any water. There is nothing on record to show that this cabinet decision was communicated to any of the concerned parties. **These decisions dated 27.6.2001, 11.7.2001 and 12.7.2010 are quashed and set aside.**

**38.** The petitioners have urged that one Social Work College got benefit of Pension and Gratuity Scheme from 01.10.1982, hence, they seek similar benefit from that date only. The perusal of judgment in the case of **Retired Employees of Nongovernment Colleges Association, Nagpur vs. The State of Maharashtra and others** (supra) reveals that selection of date for such purpose is also dependent upon the facts and circumstances of each matter. The petitioners have in alternative pointed out that the date from which Colleges started receiving 100% salary grant i.e. 05.12.2003 has to be the said date in any case. The judgment of the Hon'ble Apex Court dated 07.04.1997 resulted into a decision dated 27.06.2001. **We have already noted that the some Colleges were extended benefit of Pension and Gratuity Scheme after its demand by the staff of Ayurvedic/Unani Colleges or Social Work Colleges.** Arts, Commerce and Science Colleges were also given said benefit from 16.07.1996. The Colleges of Physical Education got said benefit from 17.04.2000. These benefits flow from basic Government Resolution dated 21.07.1983. The petitioners got full salary grants from 05.12.2003 in terms of that policy decision. In this situation, we find that date from which College started receiving 100% salary grants i.e. 05.12.2003 could have been normally accepted as a date for asking the respondents to implement the Pension and Gratuity Scheme. The Government Resolution dated 22.09.2011 issued by Social Justice and Special Assistance Department is about Revision of Payscale of Teachers of Social Welfare Colleges as per UGC Scheme (6th Pay Commission). It is applicable to Colleges affiliated to Universities.



congratulated Dr. P.Jayagandhi, National Secretary of AIFUCTO and Dr. R. Sampath, Treasurer, AUT for leading the AUT team biting cold. Two papers on Identity Crisis in Higher Education and AUT-AIFUCTO vis a vis Teachers' Movement were presented at the Plenary Session. Prof. K. Pandiyan, President AUT outlined the Crisis of closure of courses funded by the State and the moves of the private managements to further Commodify Higher Education. Dr. C.Pichandy presented the Organizational report and Dr. R. Sampath proposed the vote of thanks specially to the hospitality arrangements by Erode comrades. A Souvenir was released on the occasion

#### ACTA-Assam

##### Golden Jubilee

Assam College Teachers' Association has celebrated the Golden Jubilee of AIFUCTO in a memorable day long function on 11th January, 2013 at B. Borooah College in Guwahati. The function was organized by Kamrup Metro Zone, ACTA in association with the B. Borooah College. A blood donation camp was organized on the occasion.

Sri Tarun Gogoi, Hon'ble Chief Minister of Assam was the Chief Guest. Dr. Himanta Biswa Sarma, Hon'ble Minister of Education, Health & Family Welfare was the Guest of Honour.

The Chief Minister highlighted the need for quality education for all and the need to widen the horizon of higher education keeping in mind the requirements in the contemporary world. He paid tribute to the teachers' movement in India & Assam and hoped that they would continue to work for the teachers as well country. Sri H.B. Sharma, Hon'ble Minister pointed out that teachers are the nation builders and the education must be student centric.

Prof. Asok Barman, AIFUCTO General Secretary, AIFUCTO narrated the glorious history & achievements of AIFUCTO and praised ACTA for its effective role. He reminded the audience that achievements were the fruits of hard labour and sacrifices of leaders and members. He expressed the hope that the strong relation between AIFUCTO & ACTA, which is one of the largest

body of AIFUCTO would be further strengthened. Prof. Vijay Kumar, General Secretary FISE greeted the meeting and highlighted the achievements of AIFUCTO. He also spoke on the world teachers movement.

All former office bearers of AIFUCTO from ACTA were felicitated. The meeting was followed by a beautiful cultural program.

We congratulate & thank Prof Rana Kuamr Changmai, the President & Prof. Biswajit Bhuyan, the General Secretary of ACTA & the executive of ACTA for such a memorable befitting program

#### Agitation program in Uttar Pradesh

Three day rally hunger strike was observed on 20th-22nd of December, 2012 before Uttar Pradesh assembly in Lucknow on the call of Federation of Uttar Pradesh University College Teacher's Association. Large numbers of teacher representatives from different universities participated in the hunger strike. A meeting of executive committee of federation was held on the venue of hunger strike on 23rd Dec. Various stringent decisions were taken by the executive committee due to apathy, in-sensitiveness and deliberate delay by the UP Govt in the implementation of UGC Regulations 2010 in toto and payment of arrears from 1/1/2006.

Executive committee has decided to carry forward the agitation in 2 stages. In the first stage, march will be organised at University Headquarters through out the state along with mass casual leave on 20th Jan 2012 which will be followed by examination boycott. In the second stage, state level march will be organised before the UP Assembly at Lucknow on 22nd Feb 2012. All college teachers of Uttar Pradesh will join the march and will remain on mass casual leave.

Thanking you all

Regards

**Asok Barman**

General Secretary

39. Government of Maharashtra has on 31.10.2005 introduced a New Contributory Pension Scheme for Government servants who are recruited on or after 01.11.2005. This scheme is also applicable to employees recruited after the said date in services of recognized and aided educational institutions, NonGovernmental Universities and affiliated NonGovernment Colleges and Agricultural Universities etc. The petitioners have pointed out in their petition that all Social Work Colleges were under Higher Education Department of State of Maharashtra till 1964 and thereafter only there was bifurcation between the said department and Department of Social Welfare and staff of Colleges established prior to 1964, therefore, got / get pension. The perusal of Government Resolution dated 22.09.2011 issued by Social Justice and Special Assistance Department in this respect reveals that it has extended benefit of 6th Wage Revision to the Teachers in Social Welfare Colleges. As per appendix dated 31.12.2008 accompanying the Government Resolution dated 31.10.2005, it becomes clear that Teachers and other cadres in UGC maintained institutions, in receipt of pension, continue to get benefit thereof. The family pension facilities are also extended to other cadres in Central Universities and other UGC maintained institutions. The Scheme is made applicable to Teachers and other equivalent cadres of Library and Physical Education in all Central Universities and Colleges thereunder. State Legislature/ State Government can take a decision to extend said scheme to Universities, Colleges and other higher educational institutions subject to State Government shouldering 20% of the additional expenditure for first five years and 100% thereafter. The scheme is composite scheme for revision of pay scales and for pension/ family pension. It, therefore, cannot be severed. The staff of Social Work Colleges have also pointed out how teachers in Law Colleges have been conferred with said benefit. Though the writ petitions can not be dismissed on the ground of delay or laches, while selecting the date for grant of the relief and extension of the benefit, said factors and developments have a material bearing. The direction by this Court will definitely have impact on public revenue. Hence, the fact that this Court is not approached within reasonable time can not be ignored. More over, omission of State to utilize the chance granted by the Hon'ble Apex Court and refusal to implement pensioncumgratuity scheme in phased manner only in case of petitioners while extending it to others also can not be condoned. The staff members before us had been covered under contributory provident fund scheme and must have received its benefit.

40. In this situation, we feel that pension and gratuity from State exchequer for the past needs to be denied to all and said benefist can be directed to be extended to the respective petitioners/staff members only from the date of filing of these three petitions before this High Court. **Thus we hold that Staff of Petitioner Colleges and Hospital staff in Writ Petition No.5571 of 2011 is entitled to pension and gratuity in terms of GR dated 21.7.1983 from 21.11.2011 ie the date of filing of Writ Petition No.5771 of 2011. Similarly, the staff of Social Work Colleges is entiled to it from 27.1.2012 being the date on which first of writ petitions ie Writ Petition No.682 of 2012 has been filed.** This direction is applicable only to those who are not subject to new defined CPF scheme dated 31.10.2005. Those who are covered under later GR dated 31.10.2005 shall be extended its benefit in terms thereof also from the respective dates of filing already indicated above. Payments towards gratuity and of monthly pension as per these directions should be worked out as per law after requisite compliances by 31.12.2013 and shall be paid to the respective employees within next 6 months thereafter. 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.

41. We accordingly allow these three writ petitions and **make Rule absolute in terms of directions contained in paragraphs 37 and 40 above.** However, there shall be no order as to costs.

JUDGE

JUDGE

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# INDEFINITE STRIKE OF UNIVERSITY AND COLLEGE TEACHERS IN 1987 AND 1998

**Prof. Mrinmoy Bhattacharyya** (Former General Secretary, AIFUCTO) and  
**Prof. K.K.Theckedath** (Former President, AIFUCTO)

University and College teachers in India under the leadership of All India Federation of University and College Teachers (AIFUCTO) conducted two general strikes once in 1987 (which lasted for 34 days) and in 1998 (which lasted for 26 days). In both the instances we were General Secretary and President of AIFUCTO. In preparation, conduct of negotiations with the union Govt. and UGC and settlement at the end of the strike, naturally we played an important role. **Now that AIFUCTO is celebrating Golden Jubilee it is appropriate that we look back upon these two crucial periods** and analyse the events with historical objectivity and draw lessons. In the present article we shall deal with the 1987 strike only.

The constitution of India at the time of its adoption put entire education in the state list but provided that **"maintenance and coordination of standard of higher education"** in the central list. In 1975 during emergency in our country the constitution was amended to put education in the concurrent list. These constitutional provisions created a lot of problems. Historically the state Govt. with limited financial straight had to shoulder the main responsibility of the entire education system and quite often the state governments spent a high proportion varying between 25 % and 35 % of state expenditure on education. The Union Govt. on the contrary never spent more than 4% of the union budget. The education dept. which later on became a part of Human Resource Development has been treated as a minor portfolio. In the sphere of school education union Govt. provided for establishment and maintenance of schools only in union territories. The change in constitutional provision did not lead to any perceptible change in resource allocation by the union government. However since 1980 the union Govt. also created Nabodaya vidyalaya. Besides, it also started establishing central schools in different parts of the country under CBSE mainly to cater to educational needs of wards of central govt. servants. Similarly even in higher education the central share was limited to the central universities and colleges located at in union territories. But in accordance with the provisions of section 30 subsection 1 of the **Indian constitution which provided for exclusive jurisdiction of union govt. "on maintenance and coordination of standards of higher education"** UGC was established by parliamentary legislation. **The U.G.C. not only paid grants to all colleges and universities irrespective of their location, the statutes under which they were established, but prescribed qualifications of teachers their service conditions, age of retirement, broad structure of higher education etc.** But the grants of the Union Govt. were restricted to only development and specified for the plan period. The UGC enjoyed both mandatory and recommendatory authority and they were exercised judiciously for acceptance of the state

Governments. These provisions created a lot of controversy and discrepancy between the states and centre and also among the states. **This is the area in which AIFUCTO operated.**

AIFUCTO as an organization had been gaining strength in the 1980's By its very nature it could only be a loose organization. The constitution of AIFUCTO Provided that any university teachers' association could be its member. It meant unitary universities and deemed universities with few teachers could be its members. College teachers of a University area could be its member. Govt. college teachers' associations could be its member. Agricultural university teachers association could be its members. Central university teachers associations could be its members. State level federation of university and college teachers could be its members and every member association or federation could be entitled to send one member to the national Executive committee. **By early 80's practically all university and college teachers were organized under the banner of AIFUCTO and national executive committee had a membership exceeding 150. All important decisions were taken in this forum.**

Pay scales of university and college teachers were revised along with the pay revisions of central government employees. Traditionally this exercise was done after every 10 years. **The basic demand of AIFUCTO was parity with class 1 officers of the Government of India. Similarly in the matter of promotion, AIFUCTO demanded that every teacher should have at least two promotions in their service period as they were available to the Class 1 officers of the union government.** In 80's the existing situations in terms of pay scales and promotions were not uniform. Apart from securing satisfactory scales of pay and promotional opportunity from the center, AIFUCTO had to fight for their acceptance by the state Government. There were state Governments which offered lower scales of pay and promotional opportunities to their own employees. It was difficult for them to agree with payment of higher scales of pay and better promotion opportunities compared to their own employees. Similarly, problem existed with the age of retirement. Different state governments maintained different age of retirement. It varied from 55 to 65 years. The age of retirement of college and university teachers also similarly varied from 55 to 65 years. But AIFUCTO wanted uniform age of retirement and the demand was 65 years. **Delhi university teachers association was a component unit of AIFUCTO and college teachers in Delhi enjoyed better promotion opportunity compared to their counterpart in many states.**

**Like many other issues, structure of Higher education widely varied in our country.** Following the

In the result, it follows that the Government decision dated 27.6.2001 refusing to extend the pension cum gratuity scheme to Ayurvedic and Unani Colleges impugned in Writ Petition No.5771 of 2011 and similar decision dated 12.7.2010 about Social Work Colleges impugned in other two writ petitions are, therefore, unsustainable.

recommendations of National Commission on Education popularly called Kothari Commission the structure of education for entire country was prescribed as 10+2+3 it replaced the previous structure 10+2+2 Kothari Commission recommended that this +2 should be in schools. But this was not acceptable to many states. Besides, previously this +2 was termed intermediate education and belonged to colleges. Large number of students belonged to this level. Removal of I.A./I.Sc/ I Com. classes from colleges even after addition of the third year at degree state caused a serious drop in enrolment and fall in work load in colleges. On the other hand, in general secondary schools were ill equipped both in terms of qualified staff, laboratories, libraries and buildings to tackle this additional responsibility. The union government also was not serious about uniformity of this structure and left the matter to the convenience of states. Consequently, some states put entire +2 education in existing secondary schools. Some others created separate +2 colleges// higher secondary schools. Others put one year in schools and another year in colleges. Some continued with the old intermediate Boards. Some states continued with +2 degree stage instead of +3 in general all possible permutation and combination were tried.

In some states junior college teachers meaning +2 teachers after putting in satisfactory service for some years were promoted to degree colleges and so they became entitled to UGC scales of pay. But the UGC and the central government were not ready to recognize the past service at the +2 level.

Revision of scales of pay by the union government was infrequent (usually with a time gap of ten years) But some state governments did this exercise more frequently. Government college teachers in particular had the option to join the state exercise. And if the government college teachers are seen enjoying this benefit, others also like to go for it. In these states for some years college and university teachers got higher scales and liberal promotional opportunities compared to teachers in union territories, Against such a background we were struggling to achieve a uniform and secure service structure including scales of pay for college and university teachers.

AIFUCTO wanted uniformity and demanded that the Union Govt. Should take the necessary steps to persuade the state Governments to accept the central scales of pay. In short, problems were many and complicated. It was not easy to find the solution.

**Though not mentioned in the constitution of AIFUCTO, the President, General Secretary Treasurer and five national secretaries by convention constituted the secretariat.** The secretariat met and took necessary decisions between two meetings of the national executive committee. AIFUCTO leaders in 1987 had excellent rapport with the UGC specially its chairman Prof. Yaspal and Secretary Prof. S.K. Agrawal who subsequently became its vice chairman and still later became the chairman of AICTE. We had also good relationship with the union education secretary Mr. Anil Bordia. In all financial matters union education departments, had to take the decision. Therefore, even after discussion and negotiation with UGC we had to meet the union education secretary. In August 1987 the

discussion and negotiation reached a crucial stage. **The main hurdle was the provision of two promotional opportunities to all college and university teachers where there was none before. There were also special problems faced by senior teachers who in past did not get any promotion because there were no provision for the same and they did not have enough time to serve to entitle them for newly created promotional opportunity. It was a battle of attrition.**

**At this stage Mr. Bordia asked us the time needed for calling all secretariate members in Delhi and agreed to meet their cost of travel by air.** We were hesitant to accept this offer from the Govt. and we did not have money with us either, But Mr. Bordia explained that this was being done at the behest of the ministry not AIFUCTO. The union Government was keen to avoid total disruption of higher education since he understood that the failure of dialogue would lead to strike and AIFUCTO had the required organizational strength to conduct it. We accepted the offer and called those members of the secretariat, who were not already in Delhi. But the negotiation between AIFUCTO and the government failed to resolve the deadlock and as per our earlier decision the indefinite strike began.

The central office of AIFUCTO for the period of this strike were temporarily situated at Gomti Guest House of TNY. Some of our colleagues from DUTA and TNYTA ran the office. Five six rooms were occupied by the secretariats members. Dr. M.M.P. Singh the then president from DUTA and the north zonal secretary of AIFUCTO played a very active role. Prof. H.C. Narang of JNUTA and a national secretary of AIFUCTO also played a very active role. **Mainly because of these colleagues of Delhi our strike action got wide coverage in media. Organizationally however, there were many weak links, Andhra Pradesh and Karnataka were not in strike. In some other states, the strike was only partial. In some states, specially in Tamilnadu quite a large number of teachers were arrested and were refused bail.** Most of them had never been in jail before. And some of them were gazetted officers This was a period when the Union Government was facing severe criticisms alleging bribe taken in purchase of field guns from Bofors, a Swedish company. Entire opposition was demanding probe by a parliamentary committee. **For AIFUCTO, however the agenda was to gain our professional demands** and we lobbied to get support from all political parties whether in power or in opposition, Since we were on strike we were receiving full throated support from the opposition. This created some misunderstanding at the stage of final settlement.

We received help from many eminent persons. Sri. Nikhil Chakraborty the editor of the main stream, a prestigious political journal played a helpful role behind the scene, in negotiating the terms of settlement. All India Radio conducted a 30 min. dialogue for prime time broadcast Sri. Nikhil Chakraborty moderated this programma. General Secretary, AIFUCTO and a Joint Secretary from MHRD took part in it. Dr. M.M.P. Singh who was a zonal secretary in AIFUCTO but was the president of Delhi University Teachers Union also took part in this programma. Mrs. Najma Heptullah Deputy Chairman Rajya Sabha in her personal

Thus we hold that Staff of Petitioner Colleges and Hospital staff in Writ Petition No.5571 of 2011 is entitled to pension and gratuity in terms of GR dated 21.7.1983 from 21.11.2011 ie the date of filing of Writ Petition No.5771 of 2011. Similarly, the staff of Social Work Colleges is entitled to it from 27.1.2012 being the date on which first of writ petitions ie Writ Petition No.682 of 2012 has been filed.

capacity took interest in our demand. We held public convention in Delhi at Shapru House in which prominent statesmen like Shri H.N. Bahuguna took part Sri. Jyoti Basu, CM. West Bengal also wrote to the Govt. of India requesting them to settle the issues.

AIFUCTO leaders including we two, did not have any prior experience of conducting such a strike covering the entire country. We were all basically state leaders. We had called a mass Satyagraha on 5th of September, Teachers Day, on 3rd of Sept. Prof. Agrawal, then secretary of UGC came to our office at Gomti Guest House at night and requested us to go for negotiation at UGC office on the next day at 10.30 a.m. By the tone of his voice we understood that this talk might lead to final settlement. In fact this is the call which we were waiting for long time. We did not go to press because we were not fully sure about the outcome of this talk and in that charged atmosphere any leakage might jeopardize progress of the final terms. Anyway AIFUCTO secretariate went to UGC at the appointed time. **It was the recognition of past service of senior teachers entitling them to be put on the reader/selection grade lecturers. The Secretariat of AIFUCTO met in the UGC in a separate room and unanimously resolved to accept these terms of settlement.** The indefinite strike was called off and mass satyagraha programme was abandoned. But there was no time to call off the rally which was to be held on the following day. So we decided to hold the rally at jantar Mantar at Connaught place, Delhi But instead of court arrest programme at the rally we would celebrate victory. That was our decision. The National executive committee would meet one day later on 6th of Sept., at JNU auditorium at 35, Firoj Shah Rd. New Delhi 1 to endorse the terms of settlement agreed to by the national secretariat.

**We did not know the unpleasant surprise we had to face.** In fact in our secretariats then were different sets of opinion and we were all fully agreed that it was a good settlement that we could not continue the strike any longer and that we must ensure release of all teachers who were in jail because of their court arrest programme at our call. We needed the assurance of the union Government to secure their release. The problem was acute especially in Tamilnadu. **We would get more benefit and some would get less this would make at level condition to fight for further improvement in future.** It is said that it was difficult to ride a tiger but it is more difficult to getdown of it. Calling a strike and conducting it for us was difficult but call it off was more difficult on 5th of Sept. we went to jantar mantar, Many teachers come from long distance. Every one knew that the strike has been called off so also was the jail bhara programme. The newspaper of the day displayed this news prominently. We were surrounded by teachers from long distances, most of them spent their night in train or bus. There was a section of teachers who were not only typical but also hostile, They surrounded us and greeted us with nasty comments, some were actually hustle us. of course we had many friends also surrounded us to leave the place. Though not hurt so much physically it was a jarring experience. We came back to our office at Gomti Guest house. And here too, there was much criticism, of course

here, there was nobody who was personally unfriendly. The few were vociferous in support of the terms of settlement. Two members of secretariat Prof. K.K. Thekadath President and Prof. Satyasadhan Chakroborty national secretary tendered their resignation and submitted to the G.S. Now it was clear that even organizationally AIFUCTO could face real trouble. However both of them stated clearly that they stood by the agreement reached between AIFUCTO and the MHRD. **The rest of the secretariat met and unanimously resolved to stand by the agreement and decided to submit their resignation to the National executive.**

On 6th of Sept.. the National Executive Committee met. Since the president Prof. K.K. Thekadath had resigned and was not present at the meeting Prof. Dr. D.S.Awasti presided. The G.S.submitted resignation of all the members of the secretariat and requested the president to seek the opinion of the house. He explained that Dr. K.K.Thekadath and Prof. S.S.Chakraborty submitted their resignation on personal ground and the remaining 5 members including the G.S.tendered their resignation to ascertain the opinion of National Executive Committee. **The National Executive Committee by vote 85 in favour and 13 against endorsed the agreement that reposed confidence in the secretariat and asked them to continue in office and run the organization.** The G.S. said that a special conference of AIFUCTO would be held within the next 3 months at Baroda to review in depth the outcome of the movement and take appropriate decision thereafter.

**AIFUCTO faced criticisms from two quarters (1) central university teachers and (2) University teachers in general .** (1) the fact is that the central university teachers enjoyed some extra benefits besides vis a vis state university teachers, (II) University teachers enjoyed some benefits vis a vis college teachers. **The agreement in 1987 created a level situation for the first time the Government of India to create professorship and readership in colleges. While then benefitted a large number of teachers in the country those who were getting extra benefits felt that they got nothing.** AIFUCTO after that failed to assuage the ill feelings of central university teachers who went out of AIFUCTO and created FEDCUTA. But university teachers in general continued to be in AIFUCTO. Baroda University is a campus university and BUTA was an association of university teachers only it is in view of this we requested BUTA to host the special conference of AIFUCTO. We requested specially the central university teachers to come to Baroda and enter a dialogue with the AIFUCTO members. **But they did not respond. This has certainly to some extent weakened AIFUCTO but certainly did not benefit the teacher of central universities any way. As we all find that in the next round of pay revision in 1998 FEDCUTA was left in the cold and the Government of India negotiated only with AIFUCTO. With passage of time old leaders left in all organizations and the old bitterness passed away and new amicable relations developed.**

*(Courtesy AIFUCTO Golden Jubilee Souvenir pp 9-14)*

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