

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

404, Devkunj Apartment, Road No :- 06, North Patel Nagar
(Near Baba Chowk), P.O. :- Keshri Nagar, Patna-800024 : Mobile : + 91 - 9431617320 /+91 - 9525622524,
E-mail : akancphy@gmail.com/aifucto.generalsecretary@gmail.com; Website : www.aifucto.org
(Regd. Under Act XXI of 1860)

09 th AUGUST, 2017

To
Shri Narendra Modi,
Hon'ble Prime Minister,
Govt. of India,
New Delhi.

Sub: Request to intervene for implementation of 7th UGC Pay scale University and College Teachers of India

Esteemed PM Modiji,

Greetings from AIFUCTO!

We are writing to you on **behalf of the eight lakh university and college teachers** of the country. Sir, we need your intervention to mitigate and expedite the release and implementation of the 7th UGC Pay Scale which is pending before the central cabinet and already delayed due to unknown reasons. Sir, except college and university teachers, almost all sections of central government employees and also the many of states employees are getting the benefits of the 7th Pay Commission. This is the only time in the history of our country that the university and college teachers have been denied and delayed of their basic right of pay revision. **We have repeatedly written to MHRD and UGC to share the content of the 7th Pay Review Committee Recommendations, a practice that has been followed by all previous governments because AIFUCTO is the apex organization representing the university and college teachers in the country.** MHRD, however, maintained stoic silence though bits and pieces of the report are getting leaked to newspapers at regular interval, which in our opinion is not a healthy precedence. On May 10, 2017 we felt assured after our meeting with our HRD Minister Mr Javadekar who told us that the report would be out in a month's time. As yet no progress has taken place. With deep pain & anguish we want to inform you that university & college teachers of the country are on the path of peaceful & democratic agitation from last one year for their legitimate and justified demands. **On 24th July, 2017 thousands of teachers from across the country assembled at Jantar Mantar in Delhi and took out March to Parliament in support of their genuine demands. Further they have announced to observe "Black Day" on 22nd August, 2017 through out the country and will sit on 'Dharna' in every state capital simultaneously to express their protest against the apathy of the MHRD. If no solution comes, teachers will give Court Arrest in Delhi on Teachers' Day, 5th Sept' 2017.**

Sir we want your intervention following a report that came out in the national daily the Indian Express on 4th July, 2017 which said the Finance Ministry is not favourable towards the idea of 100% central assistance to states for implementation of the 7th Pay Review Committee

Recommendations. **Sir, AIFUCTO demands 100% central assistance in this regard, without which uniform and simultaneous implementation of the 7th PRC in all parts of the country will be seriously jeopardized.** According to the report published in the newspaper the Finance Ministry will extend only 50% support to the states for three years only for carrying out the recommendations of the 7th PRC. Such an approach mooted by the central government will seriously go against the teachers working in higher education as many state governments may refuse to implement the same citing financial difficulty, a situation that will inevitably give rise to stir among teachers, thereby affecting the teaching and learning process. Further such a decision will make the UGC recommendations redundant for the majority of the university and college teachers of the country. You are aware that Centre gave 80% financial support to the states. **This time we expect that the Central**

Nagpur University Teachers' Association**MEETING NOTICE : 1****DATED : 01.09.2017**

From :
Dr. Vilas Dhone
Secretary, NUTA
14, Samruddhi Nagar,
Sewagram Road,
Wardha-442 001

To,
All the members
of the Nagpur University Teachers' Association
Dear members,

I have the honour to inform you that the General Body meeting of the Nagpur University Teachers' Association will be held at 12.00 noon, on the Day and the Date mentioned below.

2. If you propose to move any resolution for the consideration of the General Body, you are requested to send such resolution to me, with a copy to Prof. P.B. Raghuvanshi, President NUTA, Buty Plot, Near Mahajan wadi, Rajapeth, Amravati 444 601 within a period of 10 days from the date of the posting of this Bulletin.

3. It will not be possible to include in the agenda, resolutions received after the due date. So please make it convenient to send such resolutions, if any, within the stipulated time. The place of the meeting will be intimated to you alongwith the agenda.

Thanking you.

Yours faithfully
Sd/- Dr. Vilas Dhone,
Secretary, NUTA.

Time, Day and Date of the Meeting
12.00 Noon on Sunday, the
26th November, 2017

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

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Circular No. 08/2016-17

2nd August, 2017

Friends,
 Greetings,

At the very outset let us extend our sincere thanks and congratulations to all of you for making both the programmes i.e. '**Justice Day**' on July 12 and rally and march to Parliament on 24 July, 2017 a grand success. We feel strengthened at the way our affiliates expressed their unity and solidarity. The movement witnessed teachers' solidarity rising to a level unheard of in recent times. The angst and exasperation of the teachers found expression in the huge turn up that took place at Jantar Mantar on July 24, 2017 followed by a march to Parliament Street. Teachers from all parts of India, from far flung North East to Gujarat, from Kanyakumari to Himachal Pradesh, assembled to protest against the apathy of the central government towards issues related to their basic livelihood demands and career options. Large turnout of teachers from neighbouring states like Punjab, Haryana, UP and Rajasthan helped turn the programme into a mega event. AIFUCTO felt emboldened to take up future

Government gives full 100% financial support for obvious reasons.

Sir, you appreciate the role of teachers in building the citizen body. Higher education in the country is seriously affected if teachers are not given their due recognition materially and otherwise. Teachers like others in central and state government jobs, must have the necessary pay revision to maintain the rising cost and standard of research and perform their duties well. **History has shown us that pursuit of knowledge is best carried out in peaceful conditions and teachers were specially patronised by the ruling classes.** This recognition allowed for healthy and free intellectual environment where knowledge was pursued for the sheer pleasure of it. **Times have changed; teaching still remains the noblest profession and teachers carry out the vital task of educating the nation.** However standards of research and higher studies will be severely compromised in the face of rising cost of living and stagnation in pay structure. Teachers across the country are anxiously waiting for the 7th UGC Pay Scale. **The newspaper report published a few days back on the 'tussle' between MHRD and Finance Ministry on the sharing of expenses has intimidated us.** There cannot be uniform and simultaneous implementation of the 7th UGC PRC unless Centre takes the entire responsibility of the additional expenses.

Sir, we earnestly request you to look into the matter and end the stalemate favourably for the teachers. We look up to you with great expectation.

Thank you

Regards,

Your's sincerely,



(Prof. Kesab Bhattacharya)
 President



(Dr. Arun Kumar)
 General Secretary

Email: aifucto.generalsecretary@gmail.com
 Mob: 09431617320

struggles and fight at the zeal and enthusiasm of the young teachers. **The programme saw teachers raising slogans in favour of 100% financial support of central government to states for uniform and simultaneous implementation of Seventh Pay UGC recommendations.** The teachers vehemently protested and expressed their concern on the recent central government moves towards corporatisation, bureaucratisation and privatisation of higher education; attempt to do away with the UGC and other longstanding institutions, categorisation of universities etc. It was evident from the mood of the teachers present at the gathering on July 24, 2017 that they are appalled and feel insecure about the present state of affairs prevailing in the higher education and research in India. AIFUCTO felt reassured by the support teachers from all over the country once again reposed on it. The Delhi rally and march was a huge success in the face of a claustrophobic situation where teachers are being denied any support from the central government which is continuously engaged in creating anti-teacher and student unfriendly measures.

Support by Political Parties and MPs:

The rally saw many MPs and leaders of different political parties, expressing their concern for the teachers' cause. The MPS included D. Raja (CPI), A. Sampath, CPI(M), Ali Anwar, (JDU), T. Meinya, (Congress), Prabhash Singh, (BJD), A. V. Swami, (Independent), Sadhu Singh, (AAP). CPI General Secretary Com. S. Sudhakar Reddy, Com. Nilotpal Basu Ex-MP and AITUC Secretary Com. Amarjeet Kaur also expressed their solidarity with teachers' struggle. AIFUCTO expresses its gratitude to FEDCUTA and AIFRUCTO for rendering full support and cooperation to the movement.

Meeting at Jantar-Mantar:

The meeting was presided over by AIFUCTO President Prof. Kesab Bhattacharya. AIFUCTO General Secretary Prof. Arun Kumar, FEDCUTA & DUTA President Prof. Nandita Narayan, Prof. D. Kumar, Treasurer, AIFUCTO, Prof. G. Parthasarthy, GS, AIFRUCTO, Prof. Asok Barman, Prof. Tarun Patra, Prof. Shrutinath Praharaj, Prof. Vivek Dwivedi, Prof. Mahadeo Desai, along with all other important leaders from all the states addressed the gathering.

March to Parliament:

The meeting was followed by a march by the teachers to Parliament. Teachers of different states with their banners & posters started march to parliament at 2pm. They presented a real spectrum of unity in diversity of India. Participation of large number of women teachers were the main attraction of the Rally & March. Teachers were shouting slogans for publication and implementation of 7th UGC pay revision recommendations, 100% financial assistance for uniform & simultaneous implementation, Regularisation of Temporary/Adhoc teachers, Scrapping of API and Extension of dates for RC/OC, Old pension scheme for all teachers, Removal of anomalies in 6th pay scale, No budget cut on education, Strengthen UGC & AICTE, Stop commercialisation, corporatisation and centralisation of education and regular dialogue with AIFUCTO and FEDCUTA. However the march could not be completed as teachers were stopped near parliament police station. The teachers sat on Dharna for two hours on the main road and addresses by dozen of teacher leaders were going on while a delegation comprising of

Prof. Kesab Bhattacharya, Prof. Arun Kumar, Prof. Nandita Narayan and Prof. G.Parthasarthy met Shri K K Sharma, Secretary, MHRD and submitted a memorandum citing their demands.

NEC Meeting and Decisions:

AIFUCTO National Executive Committee met on 24th July, 2017 in evening at Gandhi Peace Foundation in New Delhi and expressed satisfaction over the historical rally and march to Parliament. NEC noted the massive presence of teachers from almost all states of the country and was overwhelmed by the support they lent to the programme. The NEC of AIFUCTO criticised the anti-teacher and non-academic attitude of the Government and criticised the HRD Minister for not sparing even half an hour time to meet and hear the delegation. It was unanimously decided at the NEC that the agitation against central

government would continue unabated.

Followings are the decisions taken by the NEC:

1. University & College teachers of the country shall observe "**Black Day**" on **22 August 2017**. They will either sit on Dharna or take out procession in every state capital against the apathetic attitude of the government.

2. On **5th September, 2017**, on "**Teachers Day**", teachers from all over India will assemble in Delhi for Court Arrest. Teachers in large number from every state will assemble at Jantar Mantar in Delhi. After meeting they will take out a procession for court arrest. AIFUCTO appeals to its affiliates / teachers from adjoining states of Delhi to turn up in large number for making the programme effective & successful.

3. After NEC, Secretariat of AIFUCTO discussed in details the different proposals for Statutory Conference of AIFUCTO to be held at the end of this year and finalised the proposal given by Savitribai Phule Pune University & College Teachers' Organisation (SPPUCTO). The venue of the Statutory Conference will be at Shirdi (Maharashtra). Other details of the conference with dates will be conveyed very soon after Organising Committee meeting.

4. NEC decided that in the meantime if any notification would come regarding 7th UGC pay scale, a meeting of AIFUCTO office bearers would be called immediately to analyse the notification and also to take appropriate decisions for future.

5. NEC also decided to grant affiliation to :

a. Inder Kumar Gujral Punjab Technical University Welfare Teachers' Association, (IKGPTUWTA), Jalandhar (Punjab).

b. Central Institute for Buddhist Studies Teachers' Association (CIBSTA), Leh- Ladakh (J&K)

NEC once again expresses its gratitude for the full solidarity and cooperation extended by FEDCUTA and AIFRUCTO to our movement. AIFUCTO also extends heartfelt thanks to different political parties and trade unions for supporting AIFUCTO's agitation programmes.

Appeal for funds:

NEC makes earnest appeal to its affiliates/ members for sending struggle fund and membership for strengthening the agitation and struggle in future.

Friends, we are at a critical juncture. Government is trying all out to throttle the autonomy of higher education. It is the intention of the government to make complete centralisation of higher education and turn higher education a lucrative field of investment of corporate capital, a move that will only deprive many students and teachers towards pursuing higher education. The changes are clearly aimed to put an end to the public funded education system in India. In such dark and gloomy times, our solidarity alone can help us achieve our legitimate demands and save Indian higher education from imminent collapse.

AIFUCTO once again appeals to its members/affiliates and teachers' fraternity to implement the decisions of NEC with utmost sincerity so that we can strive for a better future.

With warm regards and thanks,

Yours friendly,



Prof. Kesab Bhattacharya
President



Prof. Arun Kumar
General Secretary

Urgent Communication No. 4 of 2017

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE
TEACHERS' ORGANISATIONS

Thousands of teachers of the
country will assemble
in Delhi for
**Court Arrest On 5th
September, 2017 i.e
" Teachers Day "**

Friends,

AIFUCTO National Executive Committee met on 24th July, 2017 in evening at GPF, in Delhi and expressed satisfaction over the historical Rally & Parliament March. NEC noted the massive presence and solidarity of thousands of teachers from almost all states across the country. NEC of AIFUCTO criticised the anti teacher & anti education attitude of the Central Govt. NEC unanimously decided to continue and accelerate the agitation in future. Followings are the decisions taken by NEC:

1. University & College teachers of the country shall observe "Black Day" on 22nd August, 2017 and they will sit on Dharna/take out procession in every state capital against the apathetic attitude of the govt. and also in favour of our demands.

2. On **5th September, 2017 i.e " Teachers Day "**, thousands of teachers of the country will assemble in Delhi for Court Arrest.

3. After NEC secretariat of AIFUCTO discussed in details on the different proposals for statutory conference of AIFUCTO to be held in the end of this year and finalised the proposal given by Savitribai Fule Pune University & College Teachers' Organisation (SPPUCTO). The venue of the Statutory Conference will be at Shirdi (Maharashtra).

4. NEC decided that in the mean time if any notification would come regarding 7th pay scale, a meeting of AIFUCTO office bearers would be called immediately to analyse the notification and also to take appropriate decisions for future.

NEC expressed gratitude for the full solidarity and cooperation extended by FEDCUTA and AIFRUCTO to our movements.

AIFUCTO also extended heartfelt thanks to different political parties and trade unions for supporting AIFUCTO agitational programmes.

26/07/2017

Prof. Arun Kumar,

11:24

General Secretary, AIFUCTO

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION : (1) Urgent Communication No. 4 of 2017 :- URGENT Communication dated 26.07.2017, received at 11.24 am on 26.07.2017, from Arun Kumar General Secretary, AIFUCTO regarding (**Thousands of teachers of the country will assemble in Delhi for Court Arrest, on 5th September, 2017 i.e " Teachers Day "**) was uploaded under "Urgent Communications" at "www.nuta.in" on 26.07.2017 at 04.30 pm which is now circulated on page 151 of 2017 NUTA Bulletin.

- Dr. Vilas Dhone, Secretary, NUTA

THE HIGH COURT OF JUDICATURE AT BOMBAY : CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5402 OF 2012

Shri. Pandurang Abhimanyu Patil & Ors. ..Petitioners Vs. State of Maharashtra & Ors. ..Respondents

WITH WRIT PETITION NO.8020 OF 2016

Prakash Vasudeo Amate & Ors. ..Petitioners Vs. State of Maharashtra & Ors. ..Respondents

Mr. Yashodeep Deshmukh with Mr. P.R. Patil for petitioners in both petitions. Mr. V.N. Sagare, AGP for respondent nos.1, 2 & 5 in W.P. No.5402/12 and for respondent nos.1 & 3 in W.P. No.8020/16. Mr. G.S. Godbole i/b. Mr. S.S. Kothari for respondent nos.7 to 9 in W.P. No.5402/12 and for respondent nos.5 & 6 in W.P. No.8020/16.

CORAM : B.R. GAVAI AND RIYAZ I. CHAGLA, JJ.

DATE : 17th JULY 2017

ORDER

1. By an order dated 5th February, 2013, Rule in Writ Petition No.5402 of 2012 has already been issued. Rule in Writ Petition No.8020 of 2016, returnable forthwith. Mr. V.N. Sagare, AGP, waives service for respondent nos.1 and 3 and Mr. G.S. Godbole, learned counsel, waives service for respondent nos.5 and 6. Heard learned counsel for the parties.

2. The present petitioners seek a direction to the respondents to ensure that respondent no.7 management shall implement the pay scale of Sixth Pay Commission as applied by the State of Maharashtra to the teachers with effect from 1st January 2006 and for consequential benefits for the period from 1st January 2006 upto 31st December 2011.

3. The facts in the present case are undisputed. **The petitioners were appointed as Assistant Professors by respondent no.7 management.** The State of Maharashtra on the basis of recommendation made by the All India Council for Technical Education has issued a Government Resolution dated 20th August 2010 by which the benefit of Sixth Pay Commission has been given with retrospective effect from 1st January 2006. The said Government Resolution further provides that those of the teachers working as Assistant Professors and Lecturers (Selection Grade) and who have completed 3 years in the pre-revised scale of Rs.12000-18300 as on 1st January 2006, are to be placed automatically in the pay scale of Rs.37400-67000 with Annual Grade Pay of Rs.9,000/- and shall be re-designated as Associate Professor.

4. We find that the controversy in the present petitions is no more res-integra. The Division Bench of this Court at Aurangabad in Writ Petition No.6001 of 2013 (Sanjay Shrirangrao Surwase & Ors. Versus The State of Maharashtra & Ors.) had an occasion to consider the Government Resolution dated 20th August 2010 and the notification issued by A.I.C.T.E. dated 8th November 2012. The Division Bench after applying the principal of harmonious construction has observed thus:

“Perusal of all the aforesaid clauses of the notification and the Government Resolution it is crystal clear that all Assistant Professors who have completed three years of service will be entitled to pay band of Rs.37400-67000 and for increase in the Academic Grade Pay they will have to satisfy the other conditions that may be prescribed by the AICTE. Clause 12 of the notification as well as of the Government Resolution will have to be read as limited to the extent of the higher AGP of Rs.9000. Unless the petitioners satisfy the compliance of other conditions as laid down by the AICTE, they will not be entitled for the AGP of Rs.9000. However for moving to the pay band of Rs.37400-67000 clause 10 of the Government Resolution nowhere prescribes that the petitioners/Assistant Professors should satisfy the other conditions prescribed by the AICTE. If clause 12 is read in a manner as has been sought to be read by the respondents it would render clause 10 nugatory and superfluous. The same is not permissible under any rules of interpretation.

Reading all these clauses succinctly it is clear that the satisfaction of the other conditions of eligibility is with regard to the different stages of Academic Grade Pay whereas the pay of the teachers is to be fixed in two pay bands – (1) 15600-39100 and (2) 37400-67000.

The notification dated 08/11/2012 issued by the AICTE and relied by the respondents is applicable only for the purpose of benefit in the carrier advancement scheme. We are not concerned with the same in

the present matter.”

5. After observing the aforesaid, the Division Bench has directed thus:-

“It is held that the petitioners on completion of the three years in service as Assistant Professors shall be entitled for the pay band of Rs.37400-67000, however for grant of AGP of Rs.9000 they will have to satisfy the other conditions laid down by the AICTE. The petitioners may file an application for grant of AGP of Rs.9000 with the respondents, which the respondents shall consider and decide about the entitlement of the petitioners of AGP of Rs.9000 on its own merits within a period of three (3) months from the date of receipt of representation from the petitioners. However respondents shall pay the petitioners pay band of Rs. 37400-67000 on completion of their three years of service from the date of their appointment as Assistant Professors through proper selection process.”

6. The aforesaid judgment came up for challenge before Their Lordships of the Apex Court. Their Lordships vide judgment delivered in the case of **Secretary Mahatma Gandhi Mission & Another v. Bhartiya Kamgar Sena & Others**, reported in **2017 SCC OnLine SC 22**, though disagreed with the reasons given by the Division Bench, has upheld the view taken by the Division Bench of this Court **and dismissed the appeals.**

7. Mr. Godbole, learned counsel appearing on behalf of the respondent-management, states that the management proposes to challenge Clause 53 of the notification dated 4th January 2016 and, therefore, the present petitions should be adjourned.

8. We find that Clause 53 of the said notification has nothing to do with the applicability of the Sixth Pay Commission. It only deals with the issue as to whether the Assistant Professors who were not able to complete the Ph.D. in 7 years are required to be reverted or as to whether their increment is to be stopped. **We find that no purpose would be served in adjourning the matters wherein the issues are clearly covered by the decision of the Division Bench of this Court and the conclusions of this Court having been upheld by the Apex Court, though on different grounds.**

9. In that view of the matter, we are not inclined to adjourn the matters as requested by Mr. Godbole. However, we observe that the orders passed by this Court would have no effect on the petition of the management, if they desire to challenge clause 53 of the notification.

10. In the result, we find that the present petitions also deserve to be allowed in terms of the operative part of the order passed by Aurangabad Bench of this Court.

11. Rule is, therefore, made absolute in terms of paragraph 12 of the judgment dated 10th February 2015 passed by the Division Bench of this Court at Aurangabad in Writ Petition No.6001 of 2013. Needless to state that except the aforesaid issue, the judgment would not come in the way of rival parties, if they have any rival claims beyond the scope of this judgment. The respondents are directed to clear the arrears within a period of six (6) months. No order as to costs.

[RIYAZ I. CHAGLA J.]

[B.R. GAVAI, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY : BENCH AT AURANGABAD

WRIT PETITION NO. 6001 OF 2013

(1) Sanjay Shrirangrao Surwase, Age: 40 years, Occu.: Service, R/o "Padmashri Nivas" House No. 1 / 464, Ramnagar, Osmanabad 413 501 (2) Mahesh Narayan Karanjkar, Age : 36 years, Occu. : Shivganga Nagar, No. 1, Jule Solapur, Solapur - 413 04 (3) Shamrao Narayanrao Doijode, Age : 48 years, Occu. : Service, R/o C/o Digambarrao Khamitkar, House No. 7/1218, Mazade Nagar, Behind Maharashtra College, Latur (4) Adekar Ravindra Harishchandra, Age : 42 years, Occu. : Service, R/o Saraswati Nivas, Near Jijamata School, Behind Jagadale Complex, Osmanabad Road, Tuljapur- 413 601 (5) Mrs. Ghadge Chhaya Arjun, Age : 49 years, Occu. : Service, R/o Near Gholave Kirana Stores, Bombale Hanuman Road, Osmanabad 413 501 (6) Tatyasaheb Narsingrao Jagtap, Age : 49 years, Occu. : Service, R/o Staff Quarter No. C 4/2, Near Circuit House, Tuljapur - 413 601 (7) Dattatraya Maruti Dalwe, Age : 47 years, Occu. : Service, R/o 10-A, Adhyapak Nagar, Vaijapur Road, Solapur- 413 004 (8) Sanjeev Dadarao Bhosale, Age : 44 years, Occu. : Service, R/o Near Borgaonkar Complex, Naldurg Road, Tuljapur - 413 601 (9) Namdev Devidas Pergad, Age : 49 years, Occu. : Service, Kutval Nivas, Near Lohiya Mangal Karyalay, Tuljapur - 413 601 (10) Pradeep Tatyrao Suryawanshi, Age : 37 years, Occu. : Service, R/o Tambri Vibhag, Near Old Gas Godown, Osmanabad-413 501 .. Petitioners **VERSUS** (1) The State of Maharashtra, Through Secretary, Department of Technical Education Mantralaya, Mumbai-32 (2) Joint Director of Technical Education, Railway Station Road, Aurangabad (3) Chairman (Collector), Osmanabad (4) Shri Tulja Bhawani Temple Trust, Tuljapur, Office of the Collector, Osmanabad (5) Principal, Shri Tulja Bhawani Temple Trust, Shri Tulja Bhawani College of Engineering, Naldurga Road, Tuljapur, Tq. Tuljapur, Dist. Osmanabad .. Respondents Shri S. R. Choukidar, Advocate for Petitioners. Smt. M. S. Patni, A. G. P. for Respondent Nos. 1 and 2. Shri P. V. Mandlik Senior counsel i/b Mr. Amol Gandhi Advocate for the respondent Nos. 3 to 5

CORAM

S. V. GANGAPURWALA AND V. K. JADHAV, JJ.

Closed for Judgment on : 03rd December, 2014

Judgment Pronounced on : 10th February, 2015

JUDGMENT (Per S. V. Gangapurwala, J.) :-

(1) Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties taken up for final hearing.

(2) The petitioners assail the order dated 24th May, 2013 passed by the respondent No. 3 Chairman (Collector) of respondent No. 4 Trust, **thereby the pay scale of Rs. 37,400 – 67,000 granted to the petitioners on 1st March, 2012 is withdrawn and the petitioners are placed in the pay scale of Rs. 15,600 – 39,100 so also recovery is directed** for excess payment of the salary paid between 1st March, 2012 to 30th October, 2012.

(3) Mr. Choukidar the learned counsel for the petitioner strenuously contends that -

[A] The petitioners are appointed as Assistant Professors by following due selection process. The services of the **petitioners are also approved by the University by issuing approval orders.**

[B] The Government of Maharashtra has issued Government Resolution dated 20th August, 2010 revising the pay scale as per 6th Pay Commission. **The All India Council for Technical Education** has also issued notification dated 20th August, 2010 revising pay scale. The petitioners were initially paid as per 5th Pay Commission in the pay band of Rs.12,000–4200–18,300. **The joint director of technical education has also approved the note interalia approved that the petitioners are entitled for the pay band of Rs. 37,400–67,000 with AGP of Rs. 9000.** The said order was also implemented and the actual salary was paid in the pay band of Rs. 37,400 – 67,000 with AGP of Rs. 9,000 between March, 2012 to October, 2012. Without notice to the petitioners the impugned order is passed thereby ordering recovery of excess payment **and fixing the salary of the petitioners in the pay band of Rs. 15,600 – 39,100 with grade pay of Rs. 8,000.**

[C] The Government Resolution dated 20th August, 2010 would be applicable and on completion of three years on the post of Assistant Professor the petitioner would be entitled for pay band of Rs.37,400–67,000 and accordingly they shall be re designated as Associate Professors. The

learned counsel relies on clause 2 (a) (X) of said Government Resolution. The learned counsel submits that clause 2(a)(XII) is concerned only with regard to the AGP and not with regard to the pay band. According to the learned counsel all the petitioners have completed the refresher course as required by AICTE regulation. **On that count also the petitioners are entitled for the pay scale of Rs. 37,400–67,000 with AGP of Rs. 9,000.** Clause 1.2 of the said Government Resolution is inapplicable.

(4) Mr. Mandlik the learned senior counsel appearing for contesting respondents submits that -

[A] The petitioners were getting salary in the pay scale of Rs. 12,000–18,300 till February, 2012. Proposal was prepared by the petitioners and submitted through the principal for opinion in the office of Joint Director of Technical Education stating that petitioners are eligible and entitled to get higher pay scale of Rs. 37,400–67,000 with AGP of Rs. 9,000. At that time without verifying the provisions and norms prescribed by AICTE and UGC so also without verifying the fact that petitioners are not qualified for the said pay scale, **incorrect opinion was given that the petitioners are entitled for the higher pay scale.** On receiving the complaint the proposal was put before the Chairman/Collector of the Trust and on verification it was found by the Chairman of the Trust that petitioners are not qualified and eligible to receive the same. In the meanwhile the office of Joint Director also informed that petitioners are not qualified to receive such higher pay scale as per the norms laid down by the UGC and AICTE and therefore excess amount paid should be recovered from the petitioners.

[B] The petitioners are not appointed as Associate Professor as **they did not possess the qualification prescribed by the AICTE and UGC.** The petitioners have also not completed AICTE approved **refresher programme** and TEQUIP sponsored programme.

[C] The revision of pay scale has to be done as per AICTE scheme. The Government Regulation dated 20th August, 2010 also does not entitle the petitioners higher

pay scale in the pay band of Rs. 37,400–67,000 with AGP of 9,000. For the said purpose the learned senior counsel relies on sub clauses 10, 12 and 18 of clause 2(a) of Government Resolution dated 20th August, 2010. **The petitioners did not qualify the said conditions.**

[D] Its is the selection committee of AICTE that considers the candidates for higher pay band and designation after applying parameters and standards laid down in the notification dated 08th November, 2012 read with the Government Resolution dated 20th August, 2010 and AICTE notification dated 05th March, 2010. The selection committee has not yet decided the eligibility of the petitioners for getting higher pay band. The petitioners have not completed two AICTE approved refresher programme of not less than two weeks duration and two TEQUIP sponsored programme. **They were not posted as Associate Professor.** The petitioners have not approached the court with clean hands. According to the learned senior counsel the petitioners have alternate remedy available, the writ petition be dismissed.

(5) We have considered the submissions canvassed by the learned counsel for respective parties. Before we proceed to deal with the contentions as raised by the learned counsel for respective parties it would be appropriate to refer to the relevant clauses of the notification and the Government Resolution relied by the respective parties.

UNIVERSITY GRANTS COMMISSION

Ministry of Human Resource Development,
Govt. of India
Bahadurshah Zafar Marg, New Delhi-110 002
Phone : 011-23231055, e-mail : pkthakur.ugc@nic.in

No. F.1-2/2017 (EC/PS) : 3rd August 2017

Dear Sir,

A Committee has been constituted to discuss the proposed *UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measure for the Maintenance of Standards in Higher Education* and make its recommendations to the Commission.

The Composition of the Committee is as under

(S.No.) Name (Contact details) Remarks

(1) Prof. Sunil Kumar Gupta Former VC Himachal Pradesh University (M-09418008537 Email : guptasunil57@yahoo.co.in) ... Chairperson

(2) Dr. Murlidhar Govindrao Chandekar Vice-Chancellor, Sant Gadge Baba Amravati University, Amravati (M-9822567712 Email : vc@sgbau.ac.in) ... Member

(3) Prof. R. C. Kuhad Vice-Chancellor Central University of Haryana (M-09871509870 Email : vc@cuh.ac.in) ... Member

(4) Prof. Battu Satya Narayana Department of Chemistry, Osmania University, Hyderabad (M-09440065576 Email : satyambchem@yahoo.co.in) ... Member

(5) Prof. Shri. Prakash Singh Department of Political Science, Delhi University (M-09899400737 Email : spsinghdu@gmail.com) ... Member

It is, therefore, requested to kindly accept the membership of the Committee and benefit the Commission with your expertise and experience. The date of the meeting of the Committee would be communicated by the Secretary, UGC in consultation with the Chairman of the Committee.

TA/DA for attending the meeting would be paid as per UGC norms. A line in confirmation would be highly appreciated.

Yours faithfully,
(P. K. Thakur)
Financial Advisor
M: 9868129021

“Government Resolution dated 20th August, 2010:-

Clause 2 (a) :

(X) Incumbent Assistant Professor and Incumbent Lecturers (Selection Grade) who had not completed three years in the pay scale of Rs. 12000–18300 on 1.1.2006 shall be placed at the appropriate stage in the Pay Band of Rs. 15600–39100 with AGP of Rs. 8000 till they complete 3 years of service in the grade of Lecturer (Selection Grade), and thereafter shall be placed in the higher Pay Band of Rs. 37400–67000 and accordingly re-designated as Associate Professor.

(Xii) Assistant Professors completing 3 years of teaching in the AGP of Rs. 8000 shall be eligible, subject to other conditions, that may be prescribed by AICTE as applicable, to move to the Pay Band of Rs. 37400–67000 with AGP of Rs. 9000 and to be designated as Associate Professor.

(XVi) For initial direct recruitment at the level of Associate Professors and Professors, the eligibility conditions in respect of academic and research requirements shall be as may be or have been prescribed by the AICTE, through Regulations and as may be laid down by the AICTE.

(XViii) All advancements to higher grade pays in various cadres will be effected subject to completion of two AICTE approved refresher programs of not less than two weeks duration each and two TEQUIP sponsored programs, each of one week duration.”

“All India Council for Technical Education notification dated 05th March, 2010 :-

Clause (a) Assistant Professor/associate Professors/Professors in Technical Instituion:

(iii) Assistant Professors possessing Master's degree in the relevant branch/discipline as defined for technical

ALLINDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

Friends,

The news published in The Indian Express regarding tussle between Finance Ministry and MHRD on 7th UGC pay scale for 8 lacks university & college teachers of the country is nothing but a well thought drama of this Govt. Its preface was written on the same day when UGC & MHRD refused to share the recommendations of Prof Chouhan Committee's report with stake holders including AIFUCTO without any justified reason.

After a long and continuous struggle anyhow recommendations reached to the Central Cabinet. Now next episode has been started knowingly keeping teachers of the country in complete dark. MHRD is willing to save its skin cleverly in the eyes of the teachers of the country. By not sharing the report in public domain and with AIFUCTO & FEDCUTA, MHRD is supporting tactics of Finance Ministry to reduce the financial support to state universities.

ABRM friends are also kept in dark or know all things from beginning? If they are also in dark, they should come forward to support AIFUCTO stands for strengthening cause & issues of teachers fraternity of the nation.

This is phase of complete unity without any consideration of political affiliation. AIFUCTO is leading the teachers unity & movement in complete sense and agitating & raising the issues in totality from very beginning. AIFUCTO once again appeals university & college teachers across the country to come together, to think together, to agitate together to save the existences of HE in the country and for our legitimate demands. This is the prime time for the acid test of our unity. Our one united jerk of movement may break the artificial tussle of the MHRD & FM.

Arun Kumar, GS
AIFUCTO

education shall be eligible for the AGP of Rs. 7,000 after completion of 5 years service as Assistant Professor.

(Vii) Assistant Professors with completed service of 5 years at the AGP of Rs. 7000 shall be eligible, subject to other requirements laid down by the AICTE to move up to the AGP of Rs. 8000.

(Viii) Posts of Associate Professor shall be in the Pay Band of Rs. 37400-67000 with AGP of Rs. 9000. Directly recruited Associate Professors shall be placed in the Pay Band of Rs. 37400-67000 with an AGP of Rs. 9000 at the appropriate stage in the Pay Band in terms of the conditions of appointment.

(ix) Incumbent Assistant Professor and Incumbent Lecturers (Selection Grade) who have completed 3 years in the pre-revised pay scale of Rs. 12000-18300 on 1.1.2006 shall be placed in Pay Band of Rs. 37400-67000 with AGP Pay of Rs. 9000 and shall be re-designated as Associate Professor.

(X) Incumbent Assistant Professor and Incumbent Lecturers (Selection Grade) who had not completed three years in the pay scale of Rs. 12000-18300 on 1.1.2006 shall be placed at the appropriate stage in the Pay Band of Rs. 15600 - 39100 with AGP of Rs. 8000 till they complete 3 years of service in the grade of Lecturer (Selection Grade) and thereafter shall be placed in the higher Pay Band of Rs. 37400-67000 and accordingly re-designated as Associate Professor.

(Xii) Assistant Professors completing 3 years of teaching in the AGP of Rs.8000 shall be eligible, subject to other conditions, that may be prescribed by AICTE as applicable, to move to the Pay Band of Rs. 37400-67000 with AGP of Rs. 9000 and to be designated as Associate Professor."

"All India Council for Technical Education Notification dated 08th November, 2012:-

1. Short Title, Application and Commencement :

1.1 These Regulations may be called the All India Council for Technical Education (Career Advancement Scheme for the Teachers and Other Academic Staff in Technical Institutions) (Degree) Regulations, 2012.

1.2 They shall apply to all technical institutions approved by the AICTE and Universities including Institutions deemed to be Universities imparting technical education and such other courses/Programs and areas as notified by the AICTE from time to time."

(6) The dispute between the parties is in a narrow compass that is with regard to the pay band applicable to the petitioners and the Academic Grade Pay (AGP).

(7) **It is an admitted fact that the petitioners are appointed as Assistant Professors by following due selection process and at the time of their appointment as Assistant Professors they possessed the required qualification.** Petitioners 1 to 3 and 7 are appointed on 01/02/2008, petitioner number 4 is appointed on 01/07/2009, petitioner number 5 is appointed on 06/02/2008, petitioner number 9 is appointed on 15/06/2007 and petitioner number 10 is appointed on 01/07/2009. There appears to be some difference in the date of appointment of petitioners 4 and 10. According to the petitioner petitioner number 4 is appointed on 01/07/2009 and petitioner number 10 is appointed on 01/07/2009. According to the respondents petitioners 4 and 10 are appointed on 04/06/2010.

(8) It is also not disputed that all these petitioners were appointed in pay band of Rs. 12000-18300. The pay band and the AGP of the petitioners will have to be fixed in consonance and in tune with the Government Resolution dated 20th August, 2010 so also the notification issued by the AICTE dated 05th March, 2010. In fact reading the notification dated 05th March, 2010 issued by the AICTE and Government Resolution dated 20th August, 2010 it is manifest that both are replica of each other. They bear

FEDCUTA-AIFUCTO TO OBSERVE

BLACK DAY ON 22.08.2017

Dear Colleagues,

The FEDCUTA along with AIFUCTO has decided to observe a BLACK DAY on Tuesday, 22nd August, to protest against the non declaration of the Chauhan Pay Review Committee Report, and the Government agenda for privatisation and commercialisation by turning our Universities and Colleges into self-financing institutions through "Graded Autonomy" and "Autonomous Colleges".

We appeal to all teachers to wear BLACK BADGES ON TUESDAY 22ND AUGUST in solidarity with this country-wide action programme by College and University teachers.

*DECLARE CHAUHAN PAY REVIEW COMMITTEE REPORT NOW

*MAKE PERMANENT APPOINTMENTS IN ALL COLLEGES AND UNIVERSITIES

*NO TO CONTRACTUALISATION

*REGULARISE LONG-SERVING AD-HOC AND TEMPORARY TEACHERS

*ROLL BACK API AND ENSURE TIME-BOUND PROMOTIONS

*RESOLVE ANOMALIES OF VITH PAY REVISION INCLUDING STEPPING UP

*IMPLEMENT DB JUDGMENT ON PENSIONS

* ENSURE PENSION, GRATUITY AND OTHER BENEFITS FOR POST 2004 EMPLOYEES

*NO TO PRIVATISATION AND COMMERCIALISATION IN GARB OF GRADED AUTONOMY/AUTONOMOUS COLLEGES

* 100% FUNDING OF CENTRAL AND STATE UNIVERSITIES AND COLLEGES.

The Memorandum submitted by the FEDCUTA to the Chauhan Pay Review Committee in October 2016 is attached. All colleagues must go through it to see our legitimate demands in keeping with the Principle of Parity with All-India Services, already accepted by Government of India.

In solidarity,

Nandita Narain

Ayesha Kidwai

(FEDCUTA President)

(FEDCUTA Secretary)

6th UGC Scheme 2009

XXV AIFUCTO Statutory Conference held at Gujarat Vidyapith, Ahmedabad from 10-12, October 2009.

While observing the statements made by HRD Minister, GOI in piece meal manner, I remember the event happened at Gandhi Circle, Ahmedabad, Gujarat on 11th October, 2009 which have been in the minds of every teachers of the country. The demonstration was organised by AIFUCTO during its XXV Statutory Conference held at Gujarat Vidyapith, Ahmedabad from 10-12, October 2009.

The demonstration held in the Sunday's evening (11.10.2009) which protested against government of Gujarat for its anti-teacher notification implementing a down-scale pay (modified 6th pay revision) to the university and college teachers of the state, had shown the strength of teachers' unity under the banner of AIFUCTO. One of the slogans was We want UGC Scheme not Modi Scheme.

That was witnessed by the then Chief Minister of Gujarat and today's Prime Minister of India. Then, the Government had been compelled to rectify its own notification. Now, we are to see how with the 7th UGC Scheme/Pay Revision.

- Lokendro Singh (AIFUCTO)

the same clause with regard to the pay band and the AGP.

(9) While reading the notification of the AICTE and the Government Resolution all the clauses of the notification and the Government Resolution will have to be read in consonance with each other so that they are construed harmoniously. Each and every clause will have to be given its due credence. Head on collusion between two clauses of the said Government Resolution and the notification will have to be avoided. One clause can not be read in a manner so as to render another clause of the said resolution or notification a dead letter. Distinction will have to be made between pay band on one hand and AGP on another. Sub clause 10 of clause 2A of the Government resolution dated 20th August, 2010 and clause 3 and 10 of notification dated 05th March, 2010 issued by the AICTE specifically lays down that incumbent **Assistant Professors who had not completed three years in the pay scale of Rs. 12000 - 18300 on 01/01/2006 shall be placed at the appropriate stage in the pay band of Rs. 15600 -39100 with AGP of Rs. 8000 till they complete three years of service in the grade of lecturer (Selection Grade) and thereafter shall be placed in the higher pay band of Rs. 37400 - 67000.** Clause 12 deals with the pay band with AGP applicable to the Assistant Professor completing three years of teaching in the AGP of Rs.8000. The relevant conditions in the clause 12 which is subject to other conditions that may be prescribed by the AICTE will have to be made applicable for grant of AGP of Rs. 9000 to the Assistant Professor completing three years of service in the grade of lecturer (Selection Grade). The condition of satisfying other terms and conditions as laid down by AICTE is not detailed. Clause 1 of notification dated 5th March, 2010 issued by the AICTE and 2 A (i) specifically lays down that there shall be only three designations in respect of the teachers in the universities and colleges namely Assistant Professor, Associate Professor and Professor so also clause 3 further lays down that the pay of teachers and equivalent positions in technical institutions shall be fixed according to the designations in two pay bands 15600-39100 and Rs. 37,400 - 67000 with appropriate Academic Grade Pay. It further clarifies that each pay band shall have different stages of Academic Grade Pay which shall ensure that teachers and other equivalent cadres covered under the scheme subject to other conditions of eligibility being satisfied have multiple opportunities for upward movement towards their career.

Perusal of all the aforesaid clauses of the notification and the Government Resolution it is crystal clear that all Assistant Professors who have completed three years of service will be entitled to pay band of Rs. 37400-67000 and for increase in the Academic Grade Pay they will have to satisfy the other conditions that may be prescribed by the AICTE. Clause 12 of the notification as well as of the Government Resolution will have to be read as limited to the extent of the higher AGP of Rs.9000. Unless the petitioners satisfy the compliance of other conditions as laid down by the AICTE, they will not be entitled for the

AGP of Rs. 9000. **However for moving to the pay band of Rs. 37400 - 67000 clause 10 of the Government Resolution nowhere prescribes that the petitioners /Assistant Professors should satisfy the other conditions prescribed by the AICTE.** If clause 12 is read in a manner as has been sought to be read by the respondents it would render clause 10 nugatory and superfluous. The same is not permissible under any rules of interpretation.

Reading all these clauses succinctly it is clear that the satisfaction of the other conditions of eligibility is with regard to the different stages of Academic Grade Pay whereas the pay of the teachers is to be fixed in two pay bands - (1) 15600 - 39100 and (2) 37400 - 67000.

(10) **The notification dated 08/11/2012 issued by the AICTE and relied by the respondents is applicable only for the purpose of benefit in the carrier advancement scheme.** We are not concerned with the same in the present matter.

(11) The orders are also passed **without giving notice to the petitioners and without hearing to petitioners.** The same is also illegal. Considering the above the impugned order cannot be sustained and is quashed and set aside.

(12) **It is held that the petitioners on completion of the three years in service as Assistant Professors shall be entitled for the pay band of Rs. 37400 - 67000,** however for grant of AGP of Rs. 9000 they will have to satisfy the other conditions laid down by the AICTE. The petitioners may file an application for grant of AGP of Rs. 9000 with the respondents, which the respondents shall consider and decide about the entitlement of the petitioners of AGP of Rs. 9000 on its own merits within a period of three (3) months from the date of receipt of representation from the petitioners. However respondents shall pay the petitioners pay band of Rs. 37400 - 67000 on completion of their three years of service from the date of their appointment as Assistant Professors through proper selection process.

(13) Rule accordingly made absolute in above terms. No costs.

[V.K. JADHAV,J.] [S.V.GANGAPURWALA,J.]

. At this stage Mr. Gandhi, the learned counsel for respondent Nos. 3 to 5 seeks stay of the present judgment and order for a period of eight (8) weeks. Mr. Choukidar, the learned counsel opposes the said request.

2. Considering the request made, the present judgment and order is stayed for a period of four (4) weeks from today.

[V.K.JADHAV,J.] [S.V.GANGAPURWALA,J.]

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To,.....

