

MAHARASHTRAFEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (MFUCTO)

सेवानिवृत्त प्राध्यापकांच्या संघटनात्मक सहभागाबाबत धोरणात्मक निर्णय

महाराष्ट्र प्राध्यापक महासंघाच्या कार्यकारी मंडळाच्या रविवार, दिनांक २८ जानेवारी २०१८ रोजीच्या
बैठकीत संमत झालेला ठराव

Considered and Approved by the General Body Meeting of MFUCTO held
on Sunday, the 18th February 2018

महाराष्ट्र प्राध्यापक महासंघाची स्थापना झाली त्यावेळी कोणत्याही स्वरूपात सेवानिवृत्ती वेतन व्यवस्था ही विद्यापीठीय व महाविद्यालयीन शिक्षकांना उपलब्ध नव्हती. महासंघाची स्थापना झाल्यानंतरच्या पहिल्या दहा वर्षांमध्ये महासंघाने विद्यापीठीय व महाविद्यालयीन शिक्षकांच्या व्यावसायिक जीवनाला स्पर्श करणारे अनेक महत्त्वाचे प्रश्न तडीस नेले. महासंघाच्या सततच्या पाठपुराव्यामुळे व विधानपरिषदेतील महासंघाच्या भूमिकेला पाठींबा देणाऱ्या शिक्षक प्रतिनिधींच्या प्रयत्नामुळे सेवानिवृत्ती वेतनाविषयीचा प्रश्नसुद्धा मार्गी लावण्यात महासंघाला यश आले व दिनांक २१ जुलै १९८३ रोजीच्या शासननिर्णयाने सेवानिवृत्ती वेतन व्यवस्था ही १ ऑक्टोबर १९८२ रोजी किंवा त्यानंतर निवृत्त होणाऱ्या विद्यापीठीय व महाविद्यालयीन शिक्षकांना लागू करण्यात आली.

२. ही सेवानिवृत्ती वेतन व्यवस्था अस्तित्वात आल्यानंतर निरनिराळे प्रश्न उपस्थित झाले, (१) १ ऑक्टोबर १९८२ च्या पूर्वी सेवानिवृत्त झालेल्या शिक्षकांना या योजनेपासून वंचित ठेवण्यात आले होते. मुंबई उच्च न्यायालयाच्या नागपूर खंडपीठाने १.१०.१९८२ ही 'कट ऑफ डेट' रद्दबादल ठरविली. प्रकरण सर्वोच्च न्यायालयापर्यंत गेले व या शिक्षकांना न्याय मिळाला. (२) दुसरा महत्त्वाचा प्रश्न म्हणजे सेवानिवृत्ती वेतन व्यवस्था लागू झालेली असली तरी स्वेच्छा निवृत्ती व्यवस्था ही विद्यापीठीय व महाविद्यालयीन शिक्षकांना लागू असणार नाही अशी शासनाची भूमिका होती. या प्रश्नावर महाराष्ट्र विधानपरिषद सभागृहामध्ये चांगलाच संघर्ष झाल्यानंतर हा प्रश्न मार्गी लागला. (३) तिसरा एक प्रश्न हा पाचव्या वेतन आयोगाच्या अंमलबजावणीच्या वेळेला समोर आला. १.१.१९९६ या दिवशी ज्यांनी पाच वर्षे निवडश्रेणीमध्ये अधिव्याख्याता म्हणून सेवा केलेली आहे अशा सर्व अधिव्याख्यात्यांना १२०००-१८००० या वेतनश्रेणीमध्ये १४९४० वर वेतन निश्चिती देण्यात यावी असा शासननिर्णय निर्गमित झाला. मात्र १.१.१९९६ पूर्वी सेवानिवृत्त झालेले जे शिक्षक आहेत त्यांनी निवडश्रेणीमध्ये पाच वर्षे सेवा पूर्ण केलेली असली तरी सेवानिवृत्ती वेतन निश्चित करण्याच्या प्रयोजनार्थ रुपये १४९४० ही वेतन निश्चिती अनुज्ञेय न धरता त्यांच्या वेतनश्रेणीतील तळ पातळीवरील १२ हजार रुपये एवढीच वित्तलब्धी निवृत्ती वेतनाच्या निश्चितीसाठी अनुज्ञेय धरण्यात यावी असा शासननिर्णय निर्गमित झाला. खूप विलंबाने का होईना पण हा प्रश्न न्यायालयातूनच मार्गी लागला. सहाव्या वेतन आयोगाची अंमलबजावणी होईपर्यंत उपरोक्त तक्रारींमुळे लगोलग प्रभावित झालेल्या व होणाऱ्या शिक्षकांची संख्या फार मोठी नसल्यामुळे व महाराष्ट्र प्राध्यापक महासंघाच्या घटक संघटनांनी काही बाबतीत कारवाई केल्यामुळे संघटनात्मक बांधणी विषयीचा फारसा ऊहापोह त्या काळात झाला नाही. पण सहाव्या वेतन आयोगाच्या अंमलबजावणीत अनेक प्रकारचे अन्याय सेवानिवृत्त शिक्षकांवर करण्यात आलेले आहेत, येत आहेत ही गोष्ट प्रकर्षाने जाणवू लागली.

३. दिनांक १ जानेवारी २००६ पासून सहाव्या वेतन आयोगाच्या वेतनश्रेण्या अंमलात आल्या, त्यावेळी सेवानिवृत्त शिक्षकांच्या संदर्भात अनेक प्रश्न निर्माण झालेत. प्रत्यक्षात अंमलबजावणी करतांना तीन बाबतीत सेवानिवृत्त कर्मचाऱ्यांचे, शिक्षकांचे तसेच विद्यापीठीय व महाविद्यालयीन शिक्षकांचे दोन गट करून त्यांना वेगवेगळी व भेदभावपूर्ण वागणूक देण्यात आली. त्या तीन बाबी पुढीलप्रमाणे

:- (१) ग्रॅज्युईटी प्रदान करण्याच्या प्रयोजनार्थ पहिला गट १ जानेवारी, २००६ ते ३१ ऑगस्ट, २००९ या काळात सेवानिवृत्त झालेल्या अधिव्याख्यात्यांचा व दुसरा गट १ सप्टेंबर, २००९ नंतर सेवानिवृत्त झालेल्या अधिव्याख्यात्यांचा. (२) पूर्ण सेवानिवृत्तीवेतनासाठी पात्र एकूण सेवा ३३ वर्षांऐवजी २० वर्षे धरण्याची सुविधा लागू करतांना पहिला गट १ जानेवारी, २००६ ते १ सप्टेंबर, २००९ या काळात सेवानिवृत्त झालेल्या अधिव्याख्यात्यांचा व दुसरा गट १ सप्टेंबर, २००९ नंतर सेवानिवृत्त झालेल्या अधिव्याख्यात्यांचा. (३) सेवानिवृत्ती वेतन निश्चित करण्याच्या प्रयोजनार्थ अनुज्ञेय वेतन निश्चितीच्या संदर्भात निवडश्रेणीमध्ये ३ वर्षे किंवा त्यापेक्षा जास्त सेवा झालेल्या अधिव्याख्यात्यांचा पहिला गट १ जानेवारी, २००६ ते २७ फेब्रुवारी, २००९ या काळात सेवानिवृत्त झालेल्या अधिव्याख्यात्यांचा व दुसरा गट म्हणजे २७ फेब्रुवारी,

Nagpur University Teachers' Association MEETING NOTICE : 1

DATED : 01.03.2018

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
29th April, 2018

२००९ नंतर सेवानिवृत्त झालेल्या अधिव्याख्यात्यांचा. (४) सहाय्या वेतन आयोगाच्या अंमलबजावणीत करण्यात आलेला आणखी एक अन्याय नमूद करण्यासारखा आहे. निवडश्रेणीत ३ वर्षे किंवा त्यापेक्षा जास्त सेवा होवून दिनांक १ जानेवारी, २००६ पूर्वी निवृत्त झालेल्या विद्यापीठीय व महाविद्यालयीन शिक्षकांचे निवृत्तीवेतन निर्धारण करतांना ते ज्या वेतनश्रेणीत निवृत्त झाले त्या वेतनश्रेणीच्या समतुल्य नव्या वेतनश्रेणीच्या सुरुवातीच्या किमान तळपातळीच्या ५० टक्के पेक्षा त्यांचे सेवानिवृत्तीवेतन कमी असता कामा नये, या विद्यापीठ अनुदान आयोगाच्या व केंद्राच्या योजनेतील तरतुदीचा महाराष्ट्रात उघड उघड भंग करण्यात आला.

४. गेल्या पाच-दहा वर्षांमध्ये सेवानिवृत्त शिक्षकांच्या संघटनात्मक बांधणीतील सहभागाची स्थिती काय असावी? याबाबतचा विचार मोठ्या प्रमाणात सुरू झाला. या विचारामध्ये एक म्हणजे विद्यमान संघटनांनी आपल्या कामाचा भाग समजून सेवानिवृत्त प्राध्यापकांचे प्रश्न सोडविले पाहिजेत व त्या सोडवणुकीमध्ये त्या प्राध्यापकांनासुद्धा सहभागी करून घेतले पाहिजे, असा एक विचारप्रवाह असून दुसरा विचारप्रवाह म्हणजे सेवानिवृत्त झालेल्या प्राध्यापकांची वेगळी संघटना काढावी व त्या संघटनेमार्फत सेवानिवृत्त प्राध्यापकांचे प्रश्न सोडविण्यात यावे, असा विचार मांडला जाऊ लागला. या दोन मुख्य विचारांच्या संदर्भात फार दिवसपर्यंत गोंधळाची परिस्थिती राहणे योग्य आहे असे या सभागृहाला वाटत नाही. ठामपणे निर्णय घेऊन याबाबत महाराष्ट्र प्राध्यापक महासंघाने निश्चित धोरणात्मक निर्णय घेण्याचे ठरविले आहे.

५. हा निर्णय घेत असतांना मुख्यत्वे पुढील बाबी विचारात घेण्यात आल्या आहेत. प्राध्यापक या व्यवसायामध्ये प्रवेश करतांना व केल्यानंतर ज्या निरनिराळ्या महत्त्वाच्या बाबी व्यावसायिक जीवनासाठी आवश्यक समजल्या जातात त्या पुढीलप्रमाणे नमूद करता येतील :- पात्रतेच्या अटी, निवड होण्याची पद्धती, नेमणुकीची पद्धती, प्रोबेशनचा कालावधी, कन्फर्मेशन बाबतच्या तरतुदी, वेतनश्रेण्यांची व्यवस्था, पदोन्नतीची व्यवस्था, रजा प्रवास सवलत, वैद्यकीय प्रतिपूर्ती इत्यादी सुविधांची उपलब्धता, सेवानिवृत्ती उपरांत सेवानिवृत्ती वेतन व्यवस्था.

(१) व्यावसायिक जीवनाशी संबंधित असलेल्या इतर सर्व बाबींची काळजी मुख्य संघटना घेत असते. त्यातून फक्त सेवानिवृत्ती विषयीचा भाग तेवढा संघटनेने वगळून टाकावा ही गोष्ट योग्य वाटत नाही.

(२) उभी हयात ज्या शिक्षकांनी संघटनेचे कार्यकर्ते, सहकारी किंवा नेते म्हणून खर्च केलेली आहे त्यांनी सेवानिवृत्तीनंतर एकदम वेगळे होऊन नवी संघटना स्थापित करावी ही गोष्ट अयोग्य वाटते.

(३) अनेक वर्षांच्या मेहनतीने संघटनेने कायदे, नियम व शासननिर्णय याबाबत मिळविलेली माहिती व त्या माहितीचा यथायोग्य उपयोग करण्यासाठी बांधलेल्या संरचना ह्या सान्या बाजूला ठेवून सेवानिवृत्त व्यक्तींच्या समुहाला 'तुमचे तुम्ही पहा' असे सांगून वेगळ्या संरचना बांधायला सांगणे हेसुद्धा योग्य वाटत नाही.

(४) सेवानिवृत्त व्यक्तींचे प्रश्न तुलनेने कमी असतात शिवाय बऱ्याचदा ते कायदेशीर स्वरूपाचे असतात. अशा कायदेशीर प्रश्नांची उठावेत करण्यासाठी मूळ संघटनांनी बांधलेल्या संरचना व यंत्रणा यापासून त्यांना वंचित ठेवणे अनुचित होय.

(५) सेवानिवृत्त शिक्षकांनी त्यांच्या प्रश्नांसाठी वेगळी संघटना काढावी असा विचार मांडणे म्हणजे आज कार्यरत असलेला प्रत्येक प्राध्यापक हा उद्याचा सेवानिवृत्त प्राध्यापक असतो या बाबीचा विसर पडण्यासारखे होय.

(६) आजच्या सेवानिवृत्तांसाठी पदरी पडणाऱ्या धोरणात्मक निर्णयाचा लाभ हा अनेक पिढ्यांना होत असतो याचाही विसर पडता कामा नये. जुन्या पेन्शन योजनेच्या जागी २००५ पासून अस्तित्वात आलेल्या नव्या पेन्शन योजनेला सर्वत्र स्तरातून तीव्र विरोध होत असून ती हाणून पाडण्याच्या संघर्षामध्ये कार्यरत प्राध्यापकांच्या विद्यमान पिढीलाच प्रयत्न करावा लागणार आहे. मात्र त्यामुळे मिळणाऱ्या यशाने सेवानिवृत्तांच्या पुढच्या अनेक पिढ्या लाभाचिंतित होतील.

६. उपरोक्त सर्व बाबींचा विचार करून "सर्व सेवानिवृत्त प्राध्यापकांना सोबत घेऊन सेवानिवृत्त प्राध्यापकांचे सर्व प्रश्न संघटनात्मक कामाचा भाग म्हणून महाराष्ट्र प्राध्यापक महासंघ व महासंघाच्या घटक संघटनांनी हाताळावे व मार्गी लावावेत" असा निर्णय घेण्यात आला आहे. घेतलेल्या निर्णयाची परिणामकारक रीतीने अंमलबजावणी करावयाची असेल तर त्यासाठी महाराष्ट्र प्राध्यापक

महासंघ व त्याच्या घटक संघटनांना आपल्या संघटनात्मक रचनेमध्ये घटनादुरस्ती करून काही आवश्यक बदल करावे लागतील. हे बदल मुख्यत्वेकरून पुढीलप्रमाणे असतील :-

घटक संघटनांच्या पातळीवर करावयाचे बदल : (१) महाराष्ट्र प्राध्यापक महासंघाच्या प्रत्येक विद्यापीठ स्तरीय घटक संघटनेच्या पातळीवर सेवानिवृत्त शिक्षकांचे एक मंडळ स्थापन करण्यात यावे. "There shall be a council of superannuated teachers consisting of a every superannuated teacher-member in that area of University level Organization." अशा स्वरूपाची तरतूद घटक संघटनांनी आपल्या घटनेमध्ये करावी असे प्रस्तावित करण्यात येत आहे. 'आजिवन सदस्य' ही व्यवस्था ज्या घटक संघटनांमध्ये अस्तित्वात आहे तेथे याबाबत कोणतीही अडचण येणार नाही. अशी व्यवस्था नसलेल्या घटक संघटनांना सदस्यत्व शुल्क आकारून सेवानिवृत्त सदस्यांना सहभागी करून घेता येईल.

(२) अशा प्रकारच्या सेवानिवृत्त शिक्षकांच्या मंडळाची वर्षातून किमान एक बैठक होईल. अशा बैठकीमध्ये घटक संघटनेचे अध्यक्ष हे अध्यक्षस्थानी राहतील. त्या घटक संघटनेचे पदाधिकारी या सभेला उपस्थित राहतील व अशा बैठकीमध्ये "सेवानिवृत्त सदस्यांच्या समोरील समस्येचे व समस्या निर्मूलनार्थ करावयाच्या संभाव्य उपाययोजनाबाबतचे निवेदन" कोणत्याही सदस्याला सादर करता येईल. निवेदन ज्या कागदपत्रावर आधारित आहे ती कागदपत्रे सोबत जोडलेली असावी. अशा एका निवेदनामध्ये एकाच समस्येचा समावेश असेल. दुसऱ्या समस्येचे वेगळे निवेदन करावे लागेल.

(३) दरवर्षी होणाऱ्या या सभेमध्ये तीन सदस्यांची निमंत्रक (Convenor) म्हणून निवड केली जाईल.

(४) घटकसंघटनांनी आपआपल्या घटनेमध्ये दुरुस्ती करून सेवानिवृत्त प्राध्यापकांपैकी किमान एका शिक्षकाला कार्यकारी मंडळाचे संमिलित सदस्य (Co-opted Member) म्हणून घटक संघटनेच्या कार्यकारी मंडळामध्ये सामावून घ्यावे अशी व्यवस्था करण्यात यावी.

७. महासंघाच्या पातळीवर करावयाचे बदल :- महासंघाच्या पातळीवर घटनेमध्ये तरतूद करून सेवानिवृत्त शिक्षकांचे एक मंडळ स्थापन करण्यात येईल. प्रत्येक विद्यापीठाच्या स्तरावरील अशा घटक संघटनेचे तीन निमंत्रक या मंडळाचे सदस्य असतील. महाराष्ट्र प्राध्यापक महासंघाचे अध्यक्ष या मंडळाचे अध्यक्ष असतील व सर्व पदाधिकारी या बैठकीला उपस्थित असतील. मंडळाची जी बैठक होईल त्या बैठकीमध्ये सेवानिवृत्त शिक्षकांच्या प्रश्नांच्या संबंधात चर्चा केली जाईल.

(१) महाराष्ट्र प्राध्यापक महासंघाच्या पातळीवर "There shall be a council of superannuated teachers consisting of three convenors from each constituent unit and will be presided over by the President of MFUCTO. It shall be lawful for each office bearer of MFUCTO to attend and participate in this meeting."

(२) अशा मंडळाची वर्षातून किमान एक बैठक होईल. "सेवानिवृत्त शिक्षकांसमोरील समस्येचे निवेदन व समस्या सोडविण्यासाठीच्या संभाव्य उपाययोजनांचे निवेदन" विचारात घेणे व त्याबाबत महासंघाच्या कार्यकारी मंडळाकडे पुढील कारवाई साठी प्रस्ताव पाठविणे हे या मंडळाचे मुख्य काम असेल.

(३) महाराष्ट्र प्राध्यापक महासंघाच्या कार्यकारी मंडळाला त्या मंडळातील किमान एका सेवानिवृत्त सदस्याला कार्यकारी मंडळात संमिलित सदस्य (Co-opted Member) म्हणून सहभागी करून घेता येईल.

८ महासंघाच्या घटक संघटनांच्या विद्यमान व्यवस्थेमध्ये या ठरावात नमूद केलेल्यापेक्षा जास्त सहभाग सेवानिवृत्त शिक्षकांना देण्यात आलेला असेल किंवा त्यांना संघटनेचे नियमित सदस्य समजल्या गेले असेल किंवा जात असेल तर उपरोक्त प्रस्तावामुळे त्यास कोणतीही बाधा येणार नाही.

(डॉ. तापती मुखोपाध्याय)

(डॉ. एस. पी. लवांदे)

अध्यक्ष

सचिव

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

Binding Regulations of UGC with non binding pay scales and 50% funding

Suggestions & Objections Regarding

"Draft UGC Regulations on minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018"

Considered and approved by the General Council of MFUCTO in its meeting held at Bombay on Sunday, the 18th February 2018.

1.1 It is for the first time that at the initial stage of implementation of the pay package pay scales are also proposed to be a part of Regulations. Unfortunately matter is included in the mandatory Regulations in such a manner that it has resulted into a recommendatory provision, in as much as a dilutory prescription is injected into Subpara (iv) of Para 16 of the Appendix I on page 65 of the Draft Regulations, which is as follows :-

“(iv) This Scheme may be extended to the universities, Colleges and other higher educational institutions coming under the purview of State legislatures, **provided State Governments wish to adopt and implement the Scheme.....”**

1.2 The net result is that by this option giving clause it is open for the State Governments to agree to implement the UGC pay package or refuse to so implement. This option giving clause will generate multiple decision making centres regarding implementation of UGC Pay Package, resulting into dividing the University and College teachers into two artificial groups and they will be getting violently discriminatory treatment, one group representing the States opting to implement the UGC Pay Package and another of the States not so opting.

1.3 Further such option giving clause violates the Constitutional mandate given to the Union of India by the Constitution of India towards Coordination and determination of Standards in Higher Education. Determination of Standards will be represented by the UGC Pay Package and total absence of coordination will be represented in a very ugly manner in as much as it will be implemented differently in different states and in some States it may not be implemented at all.

1.4 Net result of non shouldering of the Constitutional responsibility by the UGC and Union of India in this manner will create a diarchy. Some

States not opting to implement the Pay Package because of reduced Financial Assistance from the Central Government and teachers agitating and unhappy because of non implementation of the Pay Package may disturb the peace and order at the campuses of the Universities and Colleges in such states.

1.5 Hence, We are totally opposed to option giving clause. (subpara (iv) of para 16 of Appendix I of the Draft Regulations) We demand that it must be replaced by a provision of compulsory and simultaneous implementation of the UGC pay package in all the States.

2.1 Subclause (a) of subpara (iv) of para 16 of the Appendix I on page 64 of the Draft Regulations is as follows:-

“(a) Financial assistance from the Central Government to State Governments opting to revise pay scales of teachers and other equivalent cadre **covered under the Scheme shall be limited, by way of reimbursement, to the extent of 50% (fifty percent) of the additional expenditure involved in the implementation of the pay revision**, for the universities, colleges and other higher educational institutions funded by the State Government.”

2.2 Such a provision represents the attitude of the Union Government which reflects using the powers conferred by the Constitution on it, without fulfilling the obligation and responsibility expected of a provision enshrined in the Constitution. This provision is totally opposed to the recommendations of every PRC.

2.3 The **fourth Pay review committee** under the chairmanship of Professor R.C. Meherotra had in its report made the following recommendations for bearing 100% difference at para 6.1.6 :-

“The Central Government should meet the

We are totally opposed to the option giving clause. *(subpara (iv) of para 16 of Appendix I of the Draft Regulations)* We demand that it must be replaced by a provision of compulsory and simultaneous implementation of the UGC pay package in all the States. *(See para 1.1 to 1.5)*

We demand 100 percent financial assistance for uniform and simultaneous implementation of Seventh Pay Scale package of UGC. *(See para 2.1 to 2.9)*

Issuance of a clear declaration that the 7th UGC Pay revision scheme is also applicable to unaided institutions and Well-regulated Salary scheme be framed for disbursement of salaries through managements of unaided institutions as per para 89 of Hon'ble SC Order in CA 115 – 116 of 2017. *(See para 3.1 to 3.4)*

Not providing pension provisions in the draft Regulations or providing pension provisions by separate instrument is totally unacceptable. Pension provisions must form the part of the main Regulations. *(See para 4.1 to 4.8)*

(A) "Draft UGC Regulations on minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018" are issued by the University Grants Commission in the month of February 2018.

(B) These drafts Regulations will be finally issued by the UGC as Regulations in accordance with the powers conferred on it by clause (e) and (g) of sub section 1 of section 26 of the University Grants Commission Act 1956. As per the legal provisions UGC can issue such regulations with the approval of the Government of India and after issuance, these will have to be published in the Gazette of India.

(C) These Regulations are issued in supersession of the UGC Regulations on Minimum Qualifications For Appointment Of Teachers And Other Academic Staff In Universities And Colleges And Measures For The Maintenance Of Standards In Higher Education 2010, issued by University Grants Commission hereinbefore.

(D) It has been tested time and again that these Regulations are in the form of a subordinate legislation and having a mandatory implications. Hereinbefore Regulations issued by the UGC never initially included pay scales part in it and were issued to implement matters, other than pay scales, regarding the service conditions and for maintenance of standards in Higher Education.

additional expenditure on revision of scales of pay of teachers **on 100 percent basis** for five years so that all the State Governments implement these scales uniformly from the stipulated date."

2.4 In the year 1997 the University Grants Commission published the report of the **fifth pay review committee** headed by Dr R.P.Rastogi set up in 1994. This pay review committee also reiterated that 100% difference be paid by the Central Government and gave elaborate justification for this recommendation. Further the UGC recommended that "**the Central Government share in the financial liability, arising out of pay revisions, should be 100% in the first year, 95% in the second year, 90% in the third year, 85% in the fourth year and 80% in the fifth year.**" **Justification given by the UGC was thus :-** "This recommendation is made keeping in view the reservations expressed by the State Secretaries of Higher Education that the State Governments will not have sufficient funds to meet the expenditure on the Pay increase. Since the pay scales should be required to be implemented uniformly throughout the country, on the same date that is 1.1.96, this recommendation of the UGC is likely to ensure such uniform implementation."

2.5 In the year 2007, **the 6th PRC headed by Prof. J.P.Chaddha** was constituted. A very important recommendation of Committee was that "**hundred per cent assistance to the state governments towards the additional expenditure involved in implementing the recommendations of the Pay Review Committee** in toto as a package uniformly throughout the country. Such assistance should be made available to states for a period of five years." **Additional Assistance on Successful Implementation of the Package** was also proposed for a period of next five years.

2.6 So far as **the 7th PRC headed by Prof. V.S. Chauhan** is concerned it may appear at first sight, that the committee has recommended 80% difference to be borne by the central government, and it is also true that this has been mentioned in para 5.13. However the close scrutiny shows that in para 7.6, the Committee goes on to say that "Hence the Committee recommends that the UGC Regulations on pay and allowances should be implemented uniformly throughout the country in Central and State Universities, **with grants to be given to the Institutions being linked to the implementation of the UGC Regulations.**"

The wording in the Committee's report that "**with grants to be given to the Institutions being linked to the implementation of the UGC Regulations.**" has no scope for a contrary interpretation.

2.7 The present Union Cabinet on 11th October 2017 took a decision that "**The Central Government will bear the additional burden of the States on account of revision of pay scales.**"

This was announced by HRD Minister on the same day by official Statement. Now it is not open for the UGC and HRD to define "Additional Burden" as "Fifty percent or Seventy percent of the Additional Burden"

2.8 Cabinet decision as communicated by the Hon'ble HRD Minister reads :- "**The decision will benefit 7.58 lakh teachers** and equivalent academic staff in the 106 Universities / Colleges which are funded by the UGC/MHRD **and also 329 Universities which are funded by State Governments and 12,912 Govt. and private aided colleges affiliated to State Public Universities.**" The words chosen by the Cabinet are "**The decision will benefit 7.58 lakh teachers**" It is now not open for the MHRD to convert the said decision into "getting benefited without getting any benefit"

2.9 In view of the above background we demand **100 percent financial assistance for uniform and simultaneous implementation of Seventh Pay Scale package of UGC.**

3.1 It is greatly surprising and shockingly regrettable that the Draft Regulations chose to totally ignore the non grant Universe which is an inseparable part of the Universe that is constitutionally under the jurisdiction of the University Grants Commission. Regarding the institutions managed by non state Actors i.e. Private managements, responsibility of the Union Government and the UGC is authoritatively stated by the Highest Court of the land in many Judgments.

3.2 Responsibility of the Union Government emanating from entry 66 of Union List and article 246 is further increased by entry 25 in the Concurrent List of the Seventh Schedule. Paras 51, 52 and 53 of the landmark Judgment dated 05/01/2017 of the **Hon'ble Supreme Court** in Civil Appeal Nos. 115-116 of 2017 are as follows :-

"51. The expression 'education' occurring under Entry 25 of List III to the Seventh Schedule of the Constitution takes within its sweep the authority to legislate with respect to every aspect of education including establishment and administration of educational institutions such as schools, colleges etc. Administration of an educational institution has mainly two facets (i) imparting of knowledge, and (ii) maintaining the necessary infrastructure for providing the venue and other facilities for imparting of knowledge. To perform the twin functions, manpower is required. Such manpower consists of two classes of persons, teaching staff and non-teaching staff."

“52. Therefore Entry 25 must necessarily take within its sweep inter alia the power to regulate the activity of employment by educational institutions, whether they are established by the State, or its instrumentalities or non-State actors.

53. In view of the fact Entry 25 occurs in the Concurrent List of the Seventh Schedule, both the Parliament and State legislatures are competent to make laws regulating inter alia the establishment and administration of colleges either by the governments (Union or State) or their instrumentalities or by non-State actors (private sector).”

3.3 Education, including technical education, medical education and universities, is the Subject at Entry 25 of the Concurrent List. But the UGC Act essentially intended **to make provisions for the coordination** and determination of standards in universities and that it stood squarely covered under entry 66 of List I. While legislating for a purpose germane to the subject covered by that entry establishing a University Grants Commission, using powers granted by Entry 66 in the Union List, UGC Act, 1956 was enacted and it came into force with effect from 05.11.1956. Very important finding is recorded by the Apex Court regarding entry 66 in the Union List. Three Judges bench headed by C.J.I. In a Judgment delivered on 11th February 2005 in **Prof. Yashpal and another, Petitioners v. State of Chattisgarh and others...Respondents.** (AIR 2005 SUPREME COURT 2026) One can see that finding in para 20 :-

“20. The consistent and settled view of this Court, therefore, is that in spite of incorporation of Universities as a legislative head being in the State List, the whole gamut of the University which will include teaching, quality of education being imparted, curriculum, standard of examination and evaluation and also research activity being carried on will not come within the purview of the State legislature on account of a specific Entry on co-ordination and determination of standards in institutions for higher education or research and scientific and technical education being in the Union List for which the Parliament alone is competent. It is the responsibility of the Parliament to ensure that proper standards are maintained in institutions for higher education or research throughout the country and also uniformity in standards is maintained.”

3.4 In view of the Constitutional law as laid by the Apex Court necessary amendments be carried out in the Draft Regulations. In that view of the matter we demand **Issuance of a clear declaration that the 7th UGC Pay revision scheme shall also be applicable to unaided institutions and Well-regulated Salary scheme be framed for disbursement of salaries through managements of unaided institutions as per para 89 of Hon'ble SC Order in CA 115 – 116 of 2017.**

4.1 Exclusion of the pension provisions in respect of superannuated teachers from the main draft of the regulations is unacceptable. It never happened hereinbefore. For example We quote the instance of 2006 Pay Revision.

4.2 For the implementation of the Sixth PRC Report Government of India, Ministry of Human Resource Development Department of Higher Education, Notification No.1-32/2006-U.II/U.I(i) was issued on 31st December, 2008. In Subpara (g) of para 8 following are the relevant provisions regarding pension :-

“(g) Pension: (i) For teachers and other cadres in UGC maintained institutions in receipt of pension, the Central Government rules for pension and gratuity as applicable to Central Government employees shall be applicable.”

4.3 Apart from High Constitutional Functionaries there are provisions in the Constitution of India in respect of the some groups of employees. Mainly these three groups and provisions in the Constitution related to them are as follows :-

(A) First Group is of Persons belonging to Central Civil Services. It is provided in article 309 of the Constitution of India that service conditions of the Civil Servants working under the Union Government shall be prescribed by law and the rules framed thereunder by the President of India. i.e. Government of India.

(B) Second Group is of Persons belonging to State Civil Services. It is provided in article 309 of the Constitution of India that service conditions of the Civil Servants working under the State Government shall be prescribed by the Act of the State Legislature and by the rules framed thereunder by the Governor of the State i.e. Government of State.

(C) Third Group is of University and College Teachers. Service Conditions of University and College Teachers are closely related to the “Co-ordination and determination of standards in institutions for higher education” which according to the Constitution of India is a matter strictly within the jurisdiction of Legislative and Administrative Authority of the Government of India. That the Pay Scales and Service Conditions of the teachers working in the Universities and Colleges shall be the same throughout the nation and hence uniform and simultaneous implementation is the natural corollary. This group is governed by the Regulations framed by the UGC with the approval of Union Government.

4.4 During the implementation of the Sixth Pay revision, attempt was made in some States to refuse the benefit of the **Standard pension formula** prescribed by the UGC with the approval of Government of India. The formula was “The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than **fifty percent of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale** from which the pensioner had retired.”

4.5 Haryana Government refused to implement **standard pension formula.** Single Judge Bench of the Punjab and Haryana High Court Ruled in this matter in favour of University and College teachers. Matter was taken to the Division Bench of this court by Haryana Government.

(A) In LPA 1955 of 2012 the Division Bench headed by Chief Justice of this Court decided the matter on 14.01.2013 and ruled :-

“After hearing learned counsel for the parties, we are in full agreement with the aforesaid observations of the learned Single Judge and find no error in the impugned order by which the order passed by **the Higher Education Commissioner, Haryana dated 07.09.2010 has been quashed.**”

(B) Haryana Government preferred SLP in the Apex Court. (*“State Of Haryana & Anr Petitioner(s) Versus Satya Pal Yadav & Anr Respondent(s) With SLP(C) No. 26908-26911 / 2013.”*) In this case all SLPs were **dismissed** by the Supreme Court on 10th July 2014 with the following order :-

“Heard Mr. Neeraj Jain, learned senior counsel for the petitioners and Mr. Bharat Sangal, learned

counsel for the respondents. We are convinced that there is no substance in these special leave petitions and they are accordingly **DISMISSED** without any order as to costs."

4.6 The benefit of aforesaid **standard pension formula** of UGC and Union of India was refused to the Superannuated University and College teachers in Rajasthan.

(A) Single Judge Bench of the Rajasthan High Court allowed the Writ Petitions of these teachers. **Being dissatisfied with the decision of the learned Single Judge, the State of Rajasthan and its functionaries preferred Intra-Court appeals** before the Division Bench. Division Bench also ruled in favour of the teachers.

(B) Rajasthan Government preferred SLP in the Supreme Court. **The SLP** (*in the Supreme Court of India Civil Appellate Jurisdiction : Civil Appeal No. 1123 of 2015 (Arising out of SLP(C) No.321 of 2015) State of Rajasthan and others versus Mahendra Nath Sharma and others*) **was dismissed** by the Apex Court on 1st July 2015. In the opening para of this Judgment following is the description of the Superannuated teachers in this SLP :-

"It is not in dispute that all of them were appointed in different years from 1950 to 1976 and **all of them retired between 1991 to 2004. It is also not in dispute that all of them had been granted Lecturers (Selection Scale) on or before 1.1.1986. Thus, all of them had completed three years of service in the said pay-scale prior to 1.1.2006.**"

4.7 Similarly inferior treatment was given to

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY

CIVIL APPELLATE JURISDICTION CIVIL APPLICATION
NO.1 OF 2018 IN

CONTEMPT PETITION NO.238 OF 2016

The State of Maharashtra and another ..Applicants In
Contempt Petition No.238 Of 2016 Bombay University and
Teachers Union Vidyapeeth Vidyarthi Bhavan and others
..Petitioners

VERSUS

The State of Maharashtra and others ..Respondents

Mr. Abhinandan B. Vagyan, GP a/w Ms. Nisha Mehra,
AGP for the Applicants. Mr. Mihir Desai, Senior Advocate
i/by Mr. S. M. Kamble, Advocate for the Petitioners in
Contempt Petition. Ms. Rimi Jain i/by Mr. R. A. Rodrigues,
Advocate for Respondent Nos.3 and 4.

CORAM :

B.R.GAVAI & B.P.COLABAWALLA, JJ.

DATE : 12th JANUARY, 2018

P.C. (1) The application is preferred for modification of the order dated 4th December 2017. The learned GP appearing on behalf of the State submits that the Review Petition filed by the Applicants seeking review of the order of the Hon'ble Apex Court upholding the judgment of the Division Bench of this Court at Aurangabad is likely to be heard shortly. It would be in the interest of justice until further orders, the State be permitted to deposit the amount in this Court.

(2) We do not find it necessary to pass such an order. In the event the State succeeds in its Review Petition before the Apex Court and it is held that the teachers are not entitled to enhance payment as per the judgment and order of the Aurangabad Bench of this Court, the excess amount if paid to the teaching employees can always be adjusted from the subsequent pension payable to such of the employee. In the facts and circumstances, the period which was fixed by this Court by order dated 4th December 2017 is extended by four weeks from today.

(B. P. COLABAWALLA, J.) (B. R. GAVAI, J.)

superannuated University and College teachers in the State of Gujrat.

(A) The matter was decided by the Division Bench of the High Court of Gujrat at Ahmedabad on 20th June 2017. (*LPA No. 1175 of 2014/Prabhudas C. Barot and twelve others versus State of Gujrat*) In this detailed Judgment of 30 paragraphs, in para 6.3 the **say** of Gujrat Government is recorded in following words :-

"6.3 It is contended that the State has adopted uniform formula and applied it to nearly 3,86,000 pensioners within the State of Gujarat. The petitioners are also given the same treatment and that there is no discrimination whereas if the interpretation of the petitioners is adopted, **it may create discrimination insofar as other employees of the State are concerned.**"

(B) In para 19 of this Judgment the Hon'ble High Court recorded their order in the following words :-

"This submission in our view is untenable as it is an unfortunate attempt to equate two unequal groups namely the pensioners not governed by the guidelines and directions of the University Grant Commission and Government of India and the pensioners like the present petitioners, who have been all along given benefits on the basis of the UGCs recommendations in line with Govt. Of India's instructions and guidelines. They form an independent class by themselves and therefore, in their case if the UGC guidelines and GOI's resolutions are not followed then, rather it would create anomaly and would result into depriving them of their right to receive revision in pension, based upon their original scale which was selection scale."

(C) The SLP of the Government of Gujrat was dismissed by the Supreme Court of India. *in Petition(s) for Special Leave to Appeal (C) Nos.25810-25811/2017 (Arising out of impugned final judgment and order dated 20-06-2017 in LPA No.1175/2014 20-06-2017 in LPA No. 32/2015 passed by the High Court Of Gujarat At Ahmedabad) The State of Gujarat & Ors. Petitioner(s) Versus Prabhudas C. Barot & Ors. Respondent(s) on 23-10-2017.* Upon hearing the counsel the Court made the following Order :- "In the facts and circumstances of these cases, we are not inclined to interfere with the impugned order passed by the High Court. The special leave petitions are accordingly **DISMISSED**. Pending applications stand disposed of."

4.8 Any attempt to throw superannuated teachers, without any jurisdiction, out of the class to which they rightfully and lawfully belong, needs to be opposed vehemently. **Not providing pension provisions in the draft Regulations or providing pension provisions by separate instrument is totally unacceptable. Pension provisions must form the part of the main Regulations.**

5. Para 12 of the Appendix I on page 64 of the Draft Regulations is as follows :-

"12. Superannuation and Reemployment : The existing provisions on superannuation and reemployment of teachers shall continue."

It appears that the matter at present will be regulated by the proposal approved by the Union Cabinet on 20th July 2012. We request that matter may be discussed with AIFUCTO before taking any Final decision.

Dr. Tapti Mukhopadhyay

President

(MFUCTO)

Dr. S. P. Lawande

Secretary

NOTE

Considered and approved by the empowered committee of MFUCTO
in it's meeting held at Amravati on Sunday,
the 4th February 2018.

Whereas now the following documents are within the public domain :-

(1) Government of India : Ministry of Human Resource Development Press Information Bureau : 11-October-2017 19:44 IST : Cabinet approves revised pay scales of teachers and equivalent academic staff in Universities/Colleges & centrally funded technical institutions.

(2) No.1-7/2015-U.II (1) Government of India Ministry of Human Resource Development Department of Higher Education New Delhi, dated the 2nd November, 2017.

(3) Report of the 7th PRC.

(4) University Grants Commission (Ministry of Human Resource Development, Govt. of India) F.No.23-4/2017(PS) : 30th January, 2018 Subject :- Scheme of revision of pay of teachers and equivalent cadres in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission (CPC).

(5) University Grants Commission (Ministry of Human Resource Development, Govt. of India) F.No.23-4/2017 (PS) 31st January, 2018 Subject :- Scheme of revision of pay of (a) teachers and equivalent cadres and (b) administrative posts in univenities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission (CPC).

Now therefore after careful consideration of the above referred documents it is necessary to record our observations about some highly objectionable, unconstitutional and illegal matters included therein such as (1) Non Observance of Constitutional responsibility of the Government of India regarding issuance of a Mandatory Regulations (2) Refusal to 100 percent financial assistance.

(A)

MANDATORY PROVISIONS

(1) The MOVEMENT RESOLUTION adopted by the All India Federation of university and college teachers organisations (AIFUCTO) at Shirdi on 18-20 December 2017 in para 1 (b) has expressed as follows:

"(b) the Central government has completely shrugged off **the obligation placed on it by the Constitution and the UGC ACT 1956 to bring mandatory provisions** for implementation of 7 PRC in the country and left it to the "wish" of the states;"

(2) In the memorandum submitted to Honourable Prime Minister of India by the President and the General Secretary of the AIFUCTO on 16th November 2017 it is stated that We demand arrangement of Mandatory Provisions issued by UGC in accordance with the powers conferred on it by the Constitution of India and UGC Act."

(3) Now, the Pay Review Committee for the Seventh Pay Commission has recommended as follows in para 7.6 of its report:

"7.6 Uniform Implementation

An overall improvement of infrastructure of academic institutions across the country will help and encourage a voluntary lateral movement of teachers from one institution to another. **This will also have to be supported by pay parity across states on basis of the UGC rules and regulations regarding pay and allowances which has been an issue for long.** Though most states do accept

the UGC recommended pay structures, there is disparity when it comes to allowances. Difference in overall emoluments becomes a deterrent for talented individuals from joining universities and colleges that do not have parity with the central government scales and allowances. Hence the Committee recommends that **the UGC Regulations on pay and allowances should be implemented uniformly** throughout the country in Central and State Universities, **with grants to be given to the Institutions being linked to the implementation of the UGC Regulations."**

(4) Prior to this at the time of Implementation of the Sixth Pay Commission it should be remembered that even though the central government had so directed, the Pay Structure was not incorporated in the regulations.

(A) **UGC totally ignored the directions of the Government of India :-** AIFUCTO every now and then and particularly at the time of every pay revision, is requesting the Government of India to direct UGC for issuance of a Mandatory Regulation wherein Pay Scales will be included alongwith other matters related to the pay revision. This request of AIFUCTO was accepted by the Government of India at the time of the implementations of the 6th Central Pay Commission's recommendations.

(B) Letter dated 31.12.2008 (No.1-32/2006- U.II/U.I(i)) was addressed by Ministry of Human Resource Development, Department of Higher Education, Government of India to the UGC. Following is the extract from the opening para of this letter :-

"The revision of pay scales of teachers shall be subject to various provisions of the Scheme of revision of pay scales as contained in this letter, and **Regulations to be framed by the UGC in this behalf in accordance with the Scheme given below.** The revised pay scales and other provisions of the Scheme are as under:-"

(C) Plain and simple reading of the paragraph above shows that UGC was directed to frame and issue "Regulations in this behalf in accordance with the Scheme given below" including "the revised Pay Scales and other provisions of the scheme." But Regulations issued subsequently by the UGC were relating to the matters excluding the Pay Scales. It is another matter that UGC acted otherwise.

(D) We are of the considered opinion that this direction of the Government of India to the UGC was to fulfil the Constitutional responsibility of satisfying the Constitutional Mandate of Coordination and determination of standards in institutions for higher education.

(5) Now, the central government itself has stated in its notification dated second November 2017 in para 16 (i) that the University Grants commission should issue Regulations for implementation of the pay revision scheme in the following words:

"The implementation of the revised scales shall be subject to the acceptance of all the conditions mentioned in this letter as well as Regulations to be framed by UGC and amendments thereof in this behalf. **Universities implementing this Scheme shall be advised by UGC to amend their relevant statutes and ordinances in line with the UGC Regulations within three months from the date of issue of this letter.**"(P175NB2017)

An identical mention about the issuing of regulations is

also to be found in the same notification at para 16(iv)(4).

(6) In this context it also needs to be emphasised that Regulations promulgated by The University Grants Commission exercising powers under S. 26 of the University Grants Commission Act, 1956 are binding in law. Therefore, the exercise of option giving” or “Request making” is uncalled for. Indeed making such a request or giving option to the state governments of either accepting or not accepting the scheme would be abdication of the authority vested in the Union Government and the University Grants Commission by law.

(7) The decisions taken by the central government on the scheme of the revision of payscales finalised by the Pay Commission, of payscales finalised by the Pay Commission, becomes applicable to the central government officers and employees as a binding scheme. . When the respective state governments so decide, the scheme of

pay revision becomes binding and applicable to the employees of that state government. Because article 309 of the Constitution makes such a specific provision for the same. Is it the case of the Central Government that there is no such similar binding provision in the Constitution in respect of college and university teachers? This question needs to be answered directly. The moment exercise of powers conferred under Entry 66, of the First List in the Seventh Schedule of the Constitution is done with due process of law by the Central Government and the University Grants Commission, the chaotic situation prevailing in the states will come to an end. And that is precisely the recommendation of the Pay Review Committee. This is also being put forward as a firm demand of the AIFUCTO.

(9) It is hoped that the teachers nationwide will not have to resort to agitation to demand exercise of powers conferred under the Constitution for implementation of the

UNIVERSITY GRANTS COMMISSION

(Ministry of Human Resource Development, Govt. of India)

Bahadur Shah Zafar Marg, New Delhi-110002

Ph. 011-23236288/23239337 Fax : 011-2323 8858 email : pkthakur.ugc@nic.in

F.No.23-4/2017(PS) : 30th January, 2018

P. K. Thakur, IP & TAFS, Secretary

To

The Vice-Chancellor of all Central Universities (40) and UGC maintained Deemed to be Universities (8) as per list attached.

Subject :- Scheme of revision of pay of teachers and equivalent cadres in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission (CPC).

Sir/Madam,

The Commission has received orders from the Government of India, Ministry of Human Resource Development, Department of Higher Education, New Delhi vide order No.F.1-7/2015- U.II (1) dated 2nd November, 2017 and subsequent corrigendum dated 8th November, 2017 regarding revision of pay of teachers and equivalent cadres in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission (CPC). The revision of pay scales of teachers and equivalent academic staff shall be subject to various provisions of this Scheme of revision of pay scales as contained in the enclosed letters and Regulations issued by UGC and amendments thereof from time to time in this behalf.

2. The Scheme shall be applicable to teachers and other equivalent academic staff in all the Central Universities and Colleges there-under and the Institutions Deemed to be Universities whose maintenance expenditure is met by the UGC. Universities implementing this Scheme shall amend their relevant statutes and ordinances in line with the UGC Regulations.

3. The scheme of revision of pay of teachers and equivalent cadres in Universities and Colleges following the recommendations of the 7th Central Pay Commission (CPC) is subject to the following:-

(i) The Scheme is subject to the **guidelines issued by the Ministry of Finance (Department of Expenditure) vide OM No.1/1/2016-E.III (A) dated 13th January, 2017.**

(ii) The decision on allowances of teachers and other equivalent academic staff of Universities and Colleges would be issued separately.

(iii) Since, the order dated 13.01.2017 is only for pay scales and not pension, **therefore, it may be ensured that no revision of pension is done at this stage, on account of the revision of pay.**

In addition to the above, the following conditions may also be kept in view :-

(i) The revised Pay and revised rates of Dearness Allowance under this Scheme shall be effective from 01.01.2016.

(ii) Payment of arrears may be released by Central Universities and centrally funded Deemed Universities after funds for the purpose is provided by the UGC.

(iii) An undertaking shall be taken from every beneficiary under this Scheme to the effect that any excess payment made on account of incorrect fixation of pay in the revised Pay Level or grant of inappropriate Pay Level and Pay Cells or any other excess payment made shall be adjusted against the future payments due or otherwise to the beneficiary, in the same manner as **provided in Ministry of Finance (Department of Expenditure) OM NO.1-5/2016-IC dated 29th July, 2016.** A specimen form of undertaking is also enclosed at Annexure-I.

(iv) The revised pay in the relevant Level and Cell together with the applicable allowances including arrears of salary as mentioned above shall be paid to all eligible beneficiaries under this Scheme pending issue of Regulations by the UGC.

4. Anomalies, if any, in implementation of this Scheme may be brought to the notice of the UGC for clarification/ decision of the Government.

5. The University may initiate immediate action with regard to the above and ensure that the action is taken in a time bound manner.

Yours faithfully
(P.K.Thakur)

Encl: As above.

Copy to :- (1) Secretary, Department of Higher Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-1 10 001 (2) PS to Chairman/PS to Secretary/PS to Financial Advisor (3) JS (CU) (4) JS (DU) (5) JS (DC) (6) PO (Website), UGC for publication on the website of the UGC.

legal and binding provisions of law.

(B)
100 PERCENT
FINANCIAL ASSISTANCE

(1) The movement resolution adopted by the Statutory All India conference of the AIFUCTO held at Shirdi, Maharashtra from 18-20 October 2018 adopted the movement resolution which contains at sub-para (2) of para 3 the following demand:

"2) **100 percent financial assistance** for uniform and simultaneous implementation of 7th UGC Pay- revision."

(2) The memorandum submitted by the president and the secretary of the Federation to Honourable Prime Minister of India the following matter was brought to the notice of the Honourable Prime Minister.

"4. The GOI wilfully reduced the assistance from 80% for 51 months to 50% for only 39 months. Considering the reduction in share of percentage, early period of assistance (01.01.2016 to 31.03.2019), the central assistance will be worked out to only 1/3 of the assistance meted out during the earlier pay revisions. Even when the assistance was 80%, many states could not implement the scheme of pay revision citing financial crunch. Now the decision of the Central Government to reduce the funding to 1/3rd will certainly pave way for denial of pay scales to teachers in many states. **We, therefore, stick to our demand of 100 percent financial assistance for uniform and simultaneous implementation of Seventh Pay Scale. You may please note the Centre's role in the previous Pay Commissions:**

In 1974, 3rd pay scale 80 percent for 6 years.

In 1986, 4th pay scale 80 percent for 5 years.

In 1996, 5th pay scale 80 percent for 5 years.

In 2006, 6th pay scale 80 percent for 4 years 3 months.

In this scale from 2016, only 50 percent for 39 months.'(P102NB2017)

(2) The terms of reference of the Pay Review Committee for the Seventh Pay Commission contained the following points:

"(i) To review the implementation of the previous decision of the Government/UGC under the scheme of Revision of Pay Scales approved for University and College Teachers, Librarians, Physical Education Personnel and other academic staff in Universities and Colleges, and in the process, to evaluate the extent to which the earlier recommendations in relation to qualifications, service conditions and pay-scales etc. have been implemented."

"(vi) To look into the cases of anomalies, if any, in the matter of pay structure and/or career advancement opportunities for any categories of academic staff, consequent on revision of pay scales based on the recommendations of the preceding Pay Review Committee and to suggest remedial measures."(P103NB2016)

(3) The Pay Review Committee has devoted one full section to this matter. The heading of the third section is "Status of Implementation...PRC. This reviews do ask recommendations of the past committees and enumerates which of them have all have not been implemented or were of the past committees and enumerates which of them have all have not been implemented or were, implemented

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F.No.23-4/2017(PS) : 31th January, 2018

P. K. Thakur, IP & TAFS, Secretary

To
The Education Secretary
All the State Governments (As per list attached)

Subject :- Scheme of revision of pay of (a) **teachers and equivalent cadres** and (b) administrative posts in univenities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7'n Central Pay Commission (CPC).

Sir/Madam,

The Commission has received orders from the Government of India, Ministry of Human Resource Development, Department of Higher Education, New Delhi vide (a) letter No.F.1-7/2015-U.II (1) dated 2nd November, 2017 and subsequent corrigendum dated 8th November, 2017 regarding revision of pay of teachers and equivalent cadres in universities and colleges, (b) letter No.F.1-7/2015-U.II (2) dated 2nd November, 2017 and subsequent corrigendum dated 8th November, 2017 (copies enclosed) regarding revision of pay for the posts of Registrar, Deputy Registrar, Assistant Registrar, Controller of Examination, Deputy Controller of Examination, Assistant Controller of Examination, Finance Officer, Deputy Finance Officer and Assistant Finance Officer following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission (CPC) and to say that the State Government may take action to adopt the

above Government of India scheme for State Universities and Colleges. The Commission is in the process of finalizing Regulations in consultation with the stakeholders.

2. **An undertaking shall be taken from every beneficiary** under this Scheme to the effect that any excess payment made on account of incorrect fixation of pay in the revised Pay Level or grant of inappropriate Pay Level and Pay Cells or any other excess payment made shall be adjusted against the future payments due or otherwise to the beneficiary, in the same manner as provided in Ministry of Finance (Department of Expenditure) OM NO.1-5/2016-IC dated 29th July, 2016. A specimen form of undertaking is also enclosed at Annexure.

3. The State Governments may initiate immediate action so that the implementation of this scheme may be done in a time bound manner.

Yours faithfully,
(P.K.Thakur)
Secretary

Encl : As above

Copy to: The Secretary (HE), Ministry of Human Resource Development, Department of Higher Education, Shastri Bhawan, New Delhi-110001*Additional Secretary-I, UGC, New Delhi.*PS to Chairman, UGC, New Delhi.* The Publication Officer, UGC, New Delhi for uploading on UGC website. - **(P.K.Thakur), Secretary**

partially. Unfortunately, one particular recommendation that had been made by all the previous committees is has been overlooked in this enumeration; viz. payment of 100% difference by the Central Government. The organisation considers it its duty to bring this to the notice of the government.

4th PRC

(4) The fourth Pay review committee under the chairmanship of Professor R.C. Meherotra had in its report made the following recommendations for bearing 100% difference at para 6.1.6

"The Central Government should meet the additional expenditure on revision of scales of pay of teachers on 100 percent basis for five years so that all the State Governments implement these scales uniformly from the stipulated date (6.1.6)""(P141NB2008)

5th PRC

(5) In the year 1997 the University Grants commission published the report of the fifth pay review committee headed by Dr R.P.Rastogi set up in 1994. This pay review committee also reiterated that 100% difference be paid by the central government and gave elaborate justification for this recommendation, in para 18 reproduced below:

ITEM NO.1002

SECTION IX

SUPREME COURT OF INDIA

Record of Proceedings

R.P.(C) No. 460-471/2018 in SLP(C) No. 13140-13151/2015

THE STATE OF MAHARASHTRA & ORS.etc. Petitioner(s)
VERSUS
SAVITRIBAI NARSAYYA GUDDAPA etc. Respondent(s)
(For Admission)

Date : 22-02-2018

This petition was circulated today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M.
SHANTANAGOUDAR

By Circulation

UPON perusing papers the Court made the following
ORDER

The Review Petition are dismissed in terms of
Signed Order.

(Neelam Gulati) (Jagdish Chander)
Court Master (Sh) Branch Officer
(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION(C) Nos. 460-471 OF 2018
IN

SPECIAL LEAVE PETITION (C) Nos. 13140-13151 OF 2015

The State Of Maharashtra & Ors. ETC. Petitioner(s)
VERSUS
Savitribai Narsayya Guddapa Etc. Respondent(s)

ORDER

We have carefully gone through the Review Petitions and the connected papers. We find no merit in the Review Petitions and the same are accordingly **DISMISSED.**

Arun Mishra...J Mohan M. Shantanagoudar...J
New Delhi February 22, 2018

""**Recommendations of the Pay Review Committee :** The Committee recommended that the date of implementaion of the revised pay scales should be January 1,1996, or the same as is decided upon by Central Government in respect of their employees. Further, the pay scales and their implementation in all aspects may be reviewed at the end of every five years (Para 6.25)

Views of the Commission : 1. Accepted. The date announced by the Government of India is 1.1.96 which should be made applicable to the Universities also . The Commission reiterated that this date should be the required **date for implementation uniformly in all the universities in the country.**

2. The Commission recommended that **the Central Government share in the financial liability, arising out of pay revisions, should be 100% in the first years, 95% in the second year, 90% in the third year, 85% in the fourth year and 80% in the fifth year.** Thereafter, the State Government will have to take over the entire liability.

(C) Justification/Reasons for the Views : This recommendation is made keeping in view the reservations expressed by the State Secretaries of Higher Education that the State Governments will not have sufficient funds to meet the expenditure on the Pay increase. Since the pay scales should be required to be implemented uniformly throughout the country, on the same date that is 1.1.96, this recommendation of the UGC is likely to ensure such uniform implementation. (P29NB1998)

6th PRC

(6) In the year 2007, the Committee to consider scales equivalent to 6th Pay Commission scales of pay, the PRC headed by Prof. J.P.Chaddha was constituted. A very important recommendation of this Committee has been ignored thus far. It is as follows:

"5.5.2 Full Funding for Five Years

The Pay Review Committee Recommends that the central government provide **hundred per cent assistance to the state governments towards the additional expenditure involved in implementing the recommendations of the Pay Review Committee** in toto as a package uniformly throughout the country. Such assistance should be made available to states for a period of five years.

5.5.3 Additional Assistance on Successful Implementation of the Recommendations Package

The Pay Review Committee recommends further that those states that implement its recommendations fully as a package in toto within a reasonable time frame, may be given additional assistance to the extent of fifty percent of the additional expenditure for a further period of five years. For this, the Pay Review Committee recommends that the University Grants Commission monitor and review the progress of implementation in the fifth year and make a recommendation in this regard to the central government."

7th PRC

(7) The following recommendation has been made in paragraph 5.13 of the report presented by the seventh Pay review committee.

"5.13 Financial support for the Implementation of the Pay Review Committee Recommendations

In its interactions with stakeholders across the country, the Committee was informed that often State Governments do not implement in toto the UGC Rules, Regulations and Guidelines regarding appointments, promotions and service conditions. Often the state governments have been unable to implement some of the recommendations because of their inability to bear the additional financial burden. After the implementation of the recommendation of the PRC (2008), the Central Government had provided assistance

to the State Governments 80% of the additional liability for five years. The Committee recommends that Government of India may extend support to the State Governments for five years to the extent of 80% of the additional liability occurring due to implementation of the recommendations of the Committee. However, this will be conditional to the State Government and the State Universities/ Colleges adopting and implementing all Rules and Regulations notified by UGC that are to do with pay, appointments and promotions. Also, states should be encouraged to implement the same from the date Government of India makes the recommendations effective for central universities.

(8) At first sight, it would appear that the committee has recommended 80% difference is to be borne by the central government. And it is also true that this has been mentioned in para 5.13. However close the scrutiny shows that in para 7.6, the Commission goes on to say that Grant to be paid for implementation of the seventh pay commission scales and to those who bear the cost of this implementation in the following words:

“Hence the Committee recommends that the UGC Regulations on pay and allowances should be implemented uniformly throughout the country in Central and State Universities, **with grants to be given to the Institutions being linked to the implementation of the UGC Regulations.**”

The wording of the Committee's report that states **with grants to be given to the Institutions being linked to the implementation of the UGC Regulations.** has no scope for a contrary interpretation.

(9) Taking into consideration the report submitted by the committee appointed by the University Grants Commission and the recommendations made there on by the commission, the central cabinet has taken decisions regarding implementation of the Revised Scales of Pay for college and university teachers which were made public by the HRD Minister, through an official communication on 11th October 2017 at 19.44 hrs. This official communiqué titled Press Information Bureau : Government of India : Ministry of Human Resource Development : Cabinet approves revised pay scales of teachers and equivalent academic staff in Universities/Colleges & centrally funded technical institutions” has categorically stated the following in its last paragraph: “The Central Government will bear the **additional burden** of the States on account of revision of pay scales.” This decision of the central government is precisely the acceptance and implementation of the recommendations of the 17 revision committee report stating **“with grants to be given to the Institutions being linked to the implementation of the UGC Regulations.”**

(10) 7.58 lakh teachers in 106 centrally funded universities and colleges as also 329 universities and 12192 colleges funded by the state governments **will benefit from this, has been announced in para 2 of this PIB is a matter of great satisfaction.**

(11) However, the statement in the official press release that “For the State Govt. funded institutions, the revised pay scales will require adoption by the respective State Governments.” is extremely unfortunate. By so doing, the central government has summarily sought to shake off the responsibility placed on it by the constitution and also the obligation on the University Grants Commission by the U.G.C. Act of 1956. The central government cannot be allowed to do so.

“Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.”As already stated above this matter has squarely been placed within the jurisdiction of the central government by virtue of entry 66

in the First List of the seventh schedule.

Education, including technical education, medical education and universities,” because of the constitutional amendment which placed the matter of education in the concurrent list, The administrative, legislative powers, as well as the responsibility of implementation of schemes which are binding falls squarely on the shoulders of the central government as per the Constitution. Pleading before the state governments in this regard, is not only wholly inappropriate but also unconstitutional and illegal.

(12) One more aspect that needs to be specifically mentioned, is that while issuing detailed Regulations, the meaning of **“Additional Burden”** as stated in the decision of the Central Government, has been sought to be altered as **“80% of the Additional Burden” or 50% of the Additional Burden”** by the officials of the Central Government and/or the University Grants Commission is rejected altogether by the AIFUCTO.

(C) PAY SCALES AND MAINTENANCE OF STANDARDS IN HIGHER EDUCATION

It has been repeatedly admitted by the Government of India and the University Grants Commission that the revision of scales of pay of University and College teachers has an important bearing on the maintenance of standards of higher education. Following are few instances :-

(A) Parliamentary Secretary to the Minister of Education introduced a Bill (The UGC Bill) in Parliament on September 30, 1954 to make provision for the coordination and determination of standards in universities and for that purpose, to establish a University Grants Commission as a statutory body. Earlier Hon'ble Shri. Maulana Azad introduced the statement of object and reasons on September 24, 1954. Following is the extract from that statement:-

“The Constitution of India vests Parliament with **exclusive authority in regard to coordination and determination of the standard in institution for higher education** or research and scientific and technical institutions. It is obvious that neither coordination nor determination of standards is possible unless the central government has some voice in the determination of standards of teaching and examination in universities, both old and new.”

(B) Following is the opening para of letter dated 17th June, 1987 addressed by Government of India Ministry of Human Resource Development Department of Education No. F. 1-21/87-UT to the Education Secretaries of all the States/UTs on the subject : Revision of pay scales of teachers in Universities and College and other measures for maintenance of standards in Higher Education. “I am directed to say that in fulfillment of the constitutional responsibility for coordination, determination and maintenance of standards in higher education, the Central Government and the University Grants Commission have taken from time to time several measures. As a part of these efforts the Central Government have revised the pay scales of teachers in Universities and College in order to attract and retain talent in the teaching profession. The National Policy on Education-1986 envisages efforts to reach the desirable objective of uniform emoluments, service conditions and grievance removal mechanism for teachers throughout the country.”

(C) The views of University Grants Commission in this respect, needs to be taken into consideration. On page 32 and 33 of the “University Grants Commission Report for the year 1973-74 presented to the Government of India in compliance with Section 18 of the UGC Act, 1956” It is clearly mentioned as follows :-

“Revision of Salary Scales of Teachers :- The

revision of scales of pay of university and college teachers has an important bearing on maintenance of standards of higher education as without attractive remuneration and conditions of service, it is difficult to attract and retain talented and well qualified teachers in the profession. The Commission has continued to revise salary scales of university and college teachers from plan to plan.”

(D) Education, including technical education, medical education and universities, is the Subject at Entry 25 of the Concurrent List. But the UGC Act essentially intended to make **provisions for the coordination and determination of standards** in universities and that it stood squarely covered under entry 66 of List I. While legislating for a purpose germane to the subject covered by that entry establishing a University Grants Commission, using powers granted by Entry 66 in the Union List, UGC Act, 1956 was enacted and it came into force with effect from 05.11.1956. Very important finding is recorded by the Apex Court regarding entry 66 in the Union List. Three Judges bench headed by C.J.I. In a Judgment delivered on 11th February 2005 in Prof. Yashpal and another, Petitioners v. State of Chattisgarh and others...Respondents. (AIR 2005 SUPREME COURT 2026) recorded the following finding in para 20 :-

20. The consistent and settled view of this Court, therefore, is that in spite of incorporation of Universities as a legislative head being in the State List, the whole gamut of the University which will include teaching, quality of education being imparted, curriculum, standard of examination and evaluation and also research activity being carried on will not come within the purview of the State legislature on account of a specific Entry on coordination and determination of standards in institutions for higher education or research and scientific and technical education being in the Union List for which the Parliament alone is competent. It is the responsibility of the Parliament to ensure that proper standards are maintained in institutions for higher education or research throughout the country and also uniformity in standards is maintained.

It is also mentioned in the beginning of the para 21 of this Judgment that **In order to achieve the aforesaid purpose, the Parliament has enacted the University Grants Commission Act.**

**(D)
LETTERS FROM UGC TO STATE
GOVERNMENTS & CENTRAL
UNIVERSITIES**

(1) By letter dated 31 January 2018, the University Grants Commission to the Secretaries of State Governments, has requested that “The State Governments may initiate immediate action so that the implementation of **this scheme may be done in a time bound manner.**”

Even though the Constitution as well as the legislation has authorised the Commission to issue Regulations, it is laughable and pitiable, that the UGC is writing a letter

requesting States in this manner. Even more laughable is the mention in the same letter that “the work of finalising Regulations is in its final stage” as reproduced below:

“the State Government may take action to adopt the above Government of India scheme for State Universities and Colleges. The Commission is in the process of finalizing Regulations in consultation with the stakeholders.”

That the childishness of requesting that you implement our scheme first, and we will issue Regulations incorporating the scheme later on, should escape the Commission, is most unfortunate.

(2) The University Grants Commission has written letter dated 30 January 2018, explicitly stating the following:

“The Scheme is subject to the guidelines issued by the Ministry of Finance (Department of Expenditure) vide OM No.1/1/2016-E.III (A) dated 13th January, 2017.”

The statement by the Commission that only 70% grant will be provided for the revised salaries of the teaching and non-teaching staff of central universities is reprehensible.

(E)

The Pay Review Committee (PRC) has made the following recommendation in para 2.6.2 of its report:

“The present PRC recommends that grants to universities and colleges be linked to the condition of filling up vacant posts. The universities should fill up vacant posts in a planned manner (in a maximum period of three years)”

The afore quoted recommendation is welcomed wholeheartedly as it would stop the practice of keeping posts vacant to the detriment of students.

(F)

The seventh Pay review committee (PRC) in its report at paragraph 2.6.3 has strongly opposed the practice of contractual appointments and has made recommendations about temporary and ad hoc teachers at paragraph 10.6.3.

(G)

(1) The present revision committee in its recommendations at paragraphs 3.3 and 4.4 has stated that implementation of recommendations of the previous 6th Pay Commission Pay Review committee has been completely ignored. This was the recommendation regarding the filling up of all vacant posts of teachers in colleges and universities. Failure to do so as resulted in large numbers of teachers being appointed on contract basis as can be seen in para 3.3.

(2) It had also been recommended that the scales be implemented uniformly in all states; however this still has not been achieved is what has been stated in paragraph.

(H)

Paragraph 5.10 of the **7th PRC** contains recommendations regarding pension.

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