

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8424 OF 2026

1. Annasaheb Chudaman Patil
College of Engineering,
through its Principal,
Plot No.17, Sector-4,
Opp. Kharghar Railway Station,
Navi Mumbai-410210.

2. Jawahar Education Society,
through its Chairman,
having office at :
Plot No.17, Sector-4,
Opp. Kharghar Railway Station,
Navi Mumbai-410210.

...Petitioners

Versus

1. University of Mumbai,
through the Registrar,
Fort Campus, M. G. Road,
Mumbai – 400032.

2. The Grievance Redressal Committee,
University of Mumbai,
through its Chairman,
Fort Campus, M. G. Road,
Mumbai – 400032.

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SANJAY
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3. Mrs. Ranjana Jitendra Mahajan
B-406, Ajanta Sea Breeze CHS,
Sector – 14, Airoli,
Navi Mumbai – 400708.

4. Ms. Anagha Vijay Malkapurkar
103, Raliya Residency,
Pt. No. 179D, Sector-30,
Kharghar, Navi Mumbai.

5. Shri Sachin Dewaji Chaure

Mahalaxmi City, Type-E,
Bldg. No.04, Flat No.A-203,
Vihighar, New Panvel-410206.

6. Shri Pandit Tulshiram Yewale
Flat No.402, Sutar Tower CHS Ltd.,
Plot No.D-4, Sector-20, Airoli,
Navi Mumbai.
7. Shri Pundlik Narayanrao Ghate
202, Shree Shiv Sai CHS,
Plot No.50 & 51, Sector-19,
Kharghar, Navi Mumbai.
8. Mrs. Sandhya Ajay Awate
Himgiri Apts, C-6-9, O-4,
Sector-06, CBD Belapur,
Navi Mumbai – 400614.
9. Smt. Shital Abhishek Patil
B-4, Build. No.01,
Neelkanth Prerana,
Karve Road, Vishnu Nagar,
Dombivali (W) – 421202.
10. Shri Sandeep Nilkanthrao Zade
E-1404, Devdarshan CHS,
Sector-19, Kharghar,
Navi Mumbai – 410210.
11. Shri Ravindra Pandit Patil
B-104, Ashapura Sadan CHS,
Plot No.45/46, Sector-09,
Khanda Colony,
New Panvel (W) – 410206.
12. Shri Sandeep Wamanrao Matey
Mahavir Shraddha, B-606,
Plot No.12, Sector-14,
Kopar Khairane,
Navi Mumbai – 400709.
13. Shri Ratan Ramchandra Kamble

Shree Jai Ganesh CHS,
C-405, Sector-36, Plot No.34,
Kamothe – 410206.

14. Shri Sanjay Ambadas Patil
Flat No.501, Tower No.05,
New Satara CHS, Plot No.A/24-E,
Kharghar, Navi Mumbai – 410210.

...Respondents

Mr. Aadesh Konde Deshmukh, a/w Mr. Sainath Garade, Mr.
Yogesh Sukale, Ms. Shruti Pokale, Yuganter Goel, for the
Petitioners.

Mr. Mohd. Monis, i/b Rui Rodrigues, for Respondent No.1.

Mr. Avinash Belge, for Respondent Nos. 3 - 14.

CORAM : N. J. JAMADAR, J.
RESERVED ON : 10th SEPTEMBER 2026
PRONOUNCED ON : 30th SEPTEMBER 2026

JUDGMENT:

1. Rule.

2. Rule made returnable forthwith, and with the consent of
the learned Counsel for the parties, heard finally.

3. This petition under Article 227 of the Constitution of
India, calls in question the legality, propriety and correctness of
an order dated 20th June, 2024 passed by the Grievance

Redressal Committee, University of Mumbai (R-2) in the grievances filed by the Respondent Nos.3 to 14, whereby the petitioners have been directed to fix the salaries of the Respondent Nos.3 to 14 as per the 7th Pay Commission Report w.e.f. 01st January, 2016 and also pay the arrears of salary within a period of 9 months thereof, and furnish the copies of respective service books to Respondent Nos.3 to 14.

4. The background facts can be stated, in brief, as under :-

4.1 The Petitioner No.2 is a Public Charitable Trust registered under the provisions of Maharashtra Public Trust Act, 1950. The Petitioner No.2 runs Petitioner No.1 – College. The Petitioner No.1 is an Unaided Institution and the expenses incurred to run the College are met from the tuition fees and institutional income. The petitioners claimed, the Petitioner No.1 – College operates strictly on a no-profit-no-loss basis.

4.2 The Respondent Nos. 3 to 14 are the members of the teaching staff. In the year 2022, Respondent Nos.3 to 14 lodged their grievances with the Grievance Redressal Committee of the University of Mumbai (R-2), *inter alia*, seeking implementation of the 7th Pay Commission Pay Scales w.e.f. 01st January, 2016 and the arrears of pay.

4.3 By the impugned order, the Grievance Redressal Committee, University of Mumbai (R-2) allowed the grievance application observing, *inter alia*, that, the Government of Maharashtra has directed the Universities to implement the 7th Pay Commission Report w.e.f. 01st January, 2016 in case of employees working in the affiliated colleges; aided or unaided. The University of Mumbai has, in turn, directed all the affiliated colleges, including the Petitioner No.1, to pay salaries as per the 7th Pay Commission Report. Therefore, the Respondent Nos.3 to 14 were entitled to the pay scales as per the 7th Pay Commission Report and copies of their respective service books.

4.4 The Grievance Redressal Committee noted that, the representative of the petitioners has submitted that, the petitioners were in the process of implementing the 7th Pay Commission recommendations and a period of one year was required to fully implement the said recommendations. Thus, the Grievance Redressal Committee was persuaded to grant 9 months period from the date of communication of the said order to pay the salary, allowances and also the arrears as per the 7th Pay Commission recommendations.

4.5 Being aggrieved by and dissatisfied with the impugned order, the petitioners have preferred this Writ Petition. It was *inter alia* asserted that, despite the petitioners having brought to the notice of the Grievance Redressal Committee that, on account of the declining number of admissions, huge vacancies in the sanctioned student intake and the resultant financial stress, the Grievance Redressal Committee has directed the petitioners to implement the 7th Pay Commission recommendations retrospectively w.e.f. 01st January, 2016 and that would put an unbearable financial burden on the petitioners and thereby impair the very capacity of the petitioners to run the Petitioner No.1 – College. The petitioners have no qualm over the implementation of the 7th Pay Commission recommendations prospectively and have, in fact, extended the benefit thereof since the year 2025. The direction for implementation of the 7th Pay Commission recommendations w.e.f. 01st January, 2016, however, is extremely onerous.

5. I have heard Mr. Aadesh Konde Deshmukh, the learned Counsel for the petitioners, Mr. Mohammed Anis, the learned Counsel for Respondent No.1, and Mr. Avinash Belge, the learned Counsel for Respondent Nos. 3 to 14. With the

assistance of the learned Counsel for the parties, I have also perused the material on record.

6. Mr. Aadesh Konde Deshmukh, the learned Counsel for the petitioners, strenuously submitted that the Grievance Redressal Committee (R-2) did not correctly appreciate the consequences that would result from the implementation of the 7th Pay Commission recommendations w.e.f. 01st January, 2016. It was not the case that, there was willful omission to extend the benefit of the 7th Pay Commission recommendations. In fact, the petitioners have extended the pay scales in accordance with the 7th Pay Commission recommendations since the year 2025. That underscores the bona fide intent of the petitioners. In this backdrop, the Grievance Redressal Committee (R-2) could not have directed the implementation of the 7th Pay Commission recommendations from 01st January, 2016.

7. In the process, Mr. Konde Deshmukh would urge, the Grievance Redressal Committee (R-2) lost sight of the reasons ascribed by the petitioners for not extending the benefit of 7th Pay Commission recommendations since 01st January 2016. Laying emphasis on the fact that, the petitioners have consistently pleaded that, on account of reduction in the

student strength and diminished admissions, they were put to severe financial constraints, and, yet, the petitioners have implemented the 7th Pay Commission recommendations since January 2025, Mr Konde Deshmukh urged that, the direction for implementation of the 7th Pay Commission recommendations since 01st January, 2016 was wholly unwarranted and uncalled for.

8. At any rate, Mr. Konde Deshmukh would urge, the arrears of pay could not have been claimed and directed to be paid by the Grievance Redressal Committee (R-2) for a period preceding 3 years prior to the lodging of the grievances. Therefore, the impugned order warrants interference to the extent of the direction for the implementation of the 7th Pay Commission recommendations w.e.f. 01st January, 2016.

9. Mr. Avinash Belge, the learned Counsel for Respondent Nos.3 to 14, countered the submissions on behalf of the petitioners with equal tenacity. Mr. Belge submitted that, from the perusal of the impugned order passed by the Grievance Redressal Committee (R-2), it becomes evident that, the representative of the petitioners had only sought time of about one year to implement the 7th Pay Commission

recommendations. The grounds now sought to be urged before this Court, were not raised before the Grievance Redressal Committee (R-2). The entitlement of Respondent Nos.3 to 14 to the pay and allowances as per the 7th Pay Commission recommendations is incontrovertible. In fact, the petitioners claimed that, they have implemented the 7th Pay Commission recommendations w.e.f. January, 2025. In this view of the matter, the controversy sought to be raised with regard to the date of implementation of the 7th Pay Commission recommendations, need not detain the Court, urged Mr. Belge.

10. It was submitted that, this Court has repeatedly held that, the notifications issued by the State Government and the University of Mumbai, make it explicitly clear that, the pay scales as per the 7th Pay Commission recommendations was to be given from 01st January, 2016. The submissions like the one canvassed in this petition premised on the financial constraints and difficulties in the implementation of the 7th Pay Commission recommendations, have been repeatedly repelled by the Supreme Court and this Court.

11. To buttress this submission, Mr. Belge placed reliance on a judgment of the Supreme Court in the case of ***Secretary,***

*Mahatma Gandhi Mission & ors. Vs. Bhartiya Kamgar Sena & ors.*¹, and the Division Bench judgments of this Court in the cases of *Barun Kumar s/o Manmohan Choudhary & ors. Vs. The State of Maharashtra & ors.*², *Bhausahab Lakshman Kalunke Vs. The State of Maharashtra & ors.*³, and *Dr. Dinesh Kumar Omkarnath Agarwal & ors. Vs. State of Maharashtra & ors.*⁴.

12. To start with, it is necessary to note that, there is no controversy over the fact that the Respondent Nos. 3 to 14 are entitled to pay and allowances in accordance with the recommendations of the 7th Pay Commission. By and large, it is not in dispute that vide notification dated 01st March, 2019, the All India Council for Technical Education (“AICTE”) has revised the pay scales of the teaching staff employed in technical institutions as per the 7th Pay Commission recommendations w.e.f. 01st January, 2016. The Government of Maharashtra vide GRs dated 08th March, 2019 and 11th September, 2019 has resolved to implement the revised pay scales of the teachers appointed in colleges affiliated to the public universities. The

1 (2017) 4 SCC 449

2 WP/5134/2018+ dt.19/04/2022

3 WP/10652/2019 dt.17/10/2022

4 WP/2683/2021+ dt. 17/11/2022

petitioners, in fact, claimed to have extended the benefit of the revised pay scale since January, 2025. The controversy, thus, lies in a narrow compass; whether the implementation of the revised pay scales could be deferred to a date beyond 01 January, 2016 on account of purported financial difficulties ?

13. Mr. Konde Deshmukh, the learned Counsel for the petitioners, as noted above, made a strenuous effort to persuade the Court to hold that, the implementation of the 7th Pay Commission recommendations w.e.f. 01st January, 2016 would cripple the finances of the petitioners and would eventually affect the operation of the Petitioner No.1 – college. It was submitted that, over a period of time there has been a gradual decrease in the number of admissions and the revenue generated by the petitioners in the form of fees has considerably declined. Even the fee structure was revised on account of the reduction in number of the students. These factors, Mr. Konde Deshmukh would submit, ought to have been adequately considered by the Grievance Redressal Committee (R-2).

14. The edifice of the aforesaid submission was that, since the petitioners do not receive any grant-in-aid, an onerous

liability to pay the salary and allowances as per the 7th Pay Commission, cannot be fastened on the petitioners. I am afraid, it is too late in the day to canvass the aforesaid submissions.

15. In the case of *Secretary, Mahatma Gandhi Mission (supra)*, the Supreme Court repelled the precise submission sought to be canvassed on behalf of the petitioners. The Supreme Court in terms observed that, the institutions were obliged under law to pay the salaries and allowances in accordance with the governing pay commission recommendations which were ordered to be implemented by the AICTE, the State Government and the University to which the institutions were affiliated, and it was for the institutions to work out their remedies and find out ways and means to meet the financial liability arising out of the obligation to pay the revised pay scales.

16. It is judicially recognized that, the financial constraint is the first line of defence to the claim for revised pay scale. The standard objection is that, if the institution is compelled to pay the salary to the members of the staff, in accordance with the revised pay scales, the institution will have to close down. The Supreme Court, in the case of *Frank Anthony Public School*

*Employees Assn. Vs. Union of India*⁵, emphasized the inappositeness of the aforesaid line of objections in the following words :-

“23. We must refer to the submissions of Mr Frank Anthony regarding the excellence of the institution and the fear that the institution may have to close down if they have to pay higher scales of salary and allowances to the members of the staff. As we said earlier the excellence of the institution is largely dependent on the excellence of the teachers and it is no answer to the demand of the teachers for higher salaries to say that in view of the high reputation enjoyed by the institution for its excellence, it is unnecessary to seek to apply provisions like Section 10 the Delhi School Education Act to the Frank Anthony Public School. On the other hand, we should think that the very contribution made by the teachers to earn for the institution the high reputation that it enjoys should spur the management to adopt at least the same scales of pay as the other institutions to which Section 10 applies. Regarding the fear expressed by Shri Frank Anthony that the institution may have to close down we can only hope that the management will do nothing to the nose to spite the face, merely to "put the teachers in their proper place". The fear expressed by the management here has the same ring as the fear expressed invariably by the management of every industry that disastrous results would follow which may even lead to the closing down of the industry if wage scales are revised.”

(emphasis supplied)

5 (1986) 4 SCC 707

17. Indeed, this Court has repeatedly rejected the submissions on the part of the institutions premised on the financial constraints that, the recommendations may not be implemented from an anterior date, from which they became effective.

18. In the case of *Dr. Suryaprakash Dhaneria Vs. State of Maharashtra & ors.*⁶, a Division Bench of this Court did not approve of the objections rested in the purported delay in seeking the revised pay scale on the part of an employee. The Division Bench observed as under :-

“18. Once it is concluded that it was obligatory on the part of the management to make the payment of salary as per the Vth Pay Commission recommendations, refusal or denial to make the payment would not shift the blame to the petitioner. By refusing to make the payment, the management has committed a wrong and when the petitioner waited for the management to take a decision and approached this Court after he was exasperated and exhausted, accepting the contention of the management that delay would deprive him of the benefits, would amount to accepting the contention that delay would legalise an illegality. We are of this view since we are taking cognizance of the representations made by the

petitioner to the management, which would indicate that he was not sleeping over his rights.”

(emphasis supplied)

19. In the case of *Barun Kumar Choudhary (supra)*, after an exhaustive analysis of the previous precedents including the decision in the case of *Secretary, Mahatma Gandhi Mission (supra)* and *Dr. Suryaprakash Dhaneria (supra)*, another Division Bench enunciated the legal position as under :-

“89. Having considered the above position, it is clear that there is a liability cast upon the Management to pay the arrears of the 6th Pay Commission and other dues. It is not a matter of charity. At the time of seeking recognition/approval, the Management has to give an undertaking that all stating dues will be paid. The issue as to whether the 6th Pay Commission would apply to un-aided Institutions, such as present Management, was decided by the Supreme Court in the case of *Secretary, Mahatma Gandhi Mission (supra)*. This decision was rendered on 5 January 2017. The Employees and their Association had made representations to the Management. All the Petitioners in these petitions are appointees prior to the date of the decision of the Supreme Court. The Petitioners Employees filed the petitions once the Supreme Court rendered the decision and legal rights arose. There is no indication in the decision of the Supreme Court in the case of *Secretary, Mahatma Gandhi Mission (supra)*, that the dues need to be restricted to three years.

90. The Division Benches of this Court, having considered the legal position, have taken the view that if a representation is made, it will be unjust to deprive the teaching and non-teaching staff of the benefits of the 6th Pay Commission. There is no reason why we should take a different view. We, therefore, uphold the contention of the Employees that they are entitled to their dues as prayed for from the date of their entitlement and reject the contention of the Management that its liability to pay the Employees will be three years prior to filing of the petitions.”

(emphasis supplied)

20. It would be superfluous to multiply the pronouncements which have emphasized that, the employees who have been wrongfully deprived of the benefit of the revised pay scales, should not be deprived of the arrears of pay and allowances for the period preceding 3 years before the filing of the petition or grievance before the Tribunal/statutory Authorities.

21. In the case at hand, this Court finds that, the Respondent Nos.3 to 14 were diligent in pursuing their remedies. The Respondent Nos.3 to 14 had initially addressed their grievances to the office bearers of the Petitioner No.1, authorities of the University and AICTE. Eventually, the Respondent Nos. 3 to 14 filed grievances before the Grievance Redressal Committee (R-2) constituted under Section 79 of the

Maharashtra Public Universities Act, 2016. Thus, it cannot be said that, the Respondent Nos.3 to 14 were not agitating their claim for the revised pay scales, diligently.

22. The conspectus of the aforesaid consideration is that, the Grievance Redressal Committee (R-2) has correctly intervened in the matter and directed the petitioners to discharge their statutory obligations. In exercise of its supervisory jurisdiction, this Court does not find any justifiable reason to interfere with the impugned order which is in consonance with law.

23. The writ petition, therefore, deserves to be dismissed. Hence, the following order :-

:: O R D E R ::

- (i) The Writ Petition stands dismissed.
 - (ii) Rule discharged.
- No costs.

[N. J. JAMADAR, J.]