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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9195 OF 2016

Beena Pramod Kalambate

.. Petitioner

Vs.

R. P. Gogate College of Arts & Science
and R. V. Jogalekar College of
Commerce and Ors.

..Respondents

Ms. Devyani Kulkarni I/by Sarnath for petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w Mr. M. M. Pabale, AGP for
State.

Mr. Sachin Deokar I/by R. D. Suryavanshi for respondent No.2.

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

JULY 02, 2019.

P.C.

1. As per letter offering appointment, dated 13 July 1992, the petitioner was appointed as a part time lecturer in Psychology by Gogate-Jogalekar College, Ratnagiri, in the pay-scale of ₹ 1100-374-1400-50-2000 with starting pay at ₹ 1100/-. The appointment was on temporary basis. The

appointment continued. Approval to the appointment was accorded by the University of Mumbai.

2. The case of the petitioner is that notwithstanding appointment being on part time basis, workload assigned to the petitioner was more than that of a full time lecturer and since the college was governed by the statute of the University, the petitioner made a grievance to the Grievance Committee of the University. Needless to state the grievance was that appointed as part time lecturer and paid salary accordingly, but full time work was being taken from the petitioner, entitling the petitioner to be paid salary in the scale applicable to a full time lecturer.

3. A very funny decision was taken by the Grievance Committee at the meeting held on 26 August 2010. The decision is reflected in the letter dated 25 November 2010 addressed by the Registrar of Mumbai University to the Principal of the College. The decision reads as under :-

“As per the resolution passed in the last meeting held on 21.4.2010 the Principal and the

Management of the concern College were absent where as Smt. Beena Kalambate was present. Hence it is resolved that as an exparty decision is taken. The Principal and Management is hereby directed to resolve all the grievances a.b.c.d. and the said demands be fulfilled with immediate effect. It is also directed that as per Mumbai University Act article 57 Grievance Committee is a statutory body of the University. Smt. Kalambate being a working employee of the University of the College has attended the meeting of the Grievance committee and her leave application for duty leave must be sanctioned.”

4. The petitioner desires implementation of the decision taken by the Grievance Committee.

5. A perusal of the decision taken by the Grievance Committee shows that the decision is that the Principal and the Management should resolve the grievance of the petitioner and the demands be fulfilled immediately.

6. Now, this is no decision.

7. The case of the petitioner was, as noted above, that though appointed on part time basis, workload assigned was of full time basis and thus salary should be paid as a full time lecturer. The Grievance Committee had to consider the demand and the documents filed by the petitioner showing the work assigned to the petitioner. The decision had to be taken whether the petitioner had made good the claim.

8. The decision of the Grievance Committee delegates the task to the Principal and the Management of the College.

9. Thus, we dispose of the petition directing the Grievance Committee of the University of Mumbai to decide the dispute referred to it. The Committee would take a decision and not delegate the decision to the Management of the college. The Grievance Committee shall hear the petitioner and the Management of the College and take a reasoned decision. If the decision is in favour of the petitioner, the University shall ensure its compliance subject to legal

remedies which may be availed by the college. Needless to state if the decision is against the petitioner, he would be entitled to remedies as per law. The Grievance Committee shall take the decision within eight weeks from the receipt of an authenticated copy of the present order.

N. M. JAMDAR, J.

CHIEF JUSTICE