

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13500 OF 2023

University of Mumbai
through its Registrar

.. Petitioner

Versus

Sunil Tanga Pagare & Ors.

.. Respondents

.....

- Mr. Rui A. Rodrigues a/w Mr. Jainendra Sheth for Petitioner
- Mr. S.C. Naidu a/w Mr. Sudeshkumar Naidu, Mr. Pradeep Kumar, T.R. Yadav and Mr. Abhishek Ingale i/by C.R. Naidu & Co for Respondents

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 22, 2023

P.C.:

1. Heard Mr. Rodrigues, learned Advocate for Petitioner and Mr. Naidu, learned Advocate for Respondents.

2. At the outset, Mr. Rodrigues would submit that Writ Petition is required to be amended to maintain a challenge to the interlocutory order dated 20.04.2023 passed by the learned Industrial Court in the Application filed below Exhibit U-13 in the pending Complaint (ULP) No. 215 of 2022 whereby there is a direction to the Petitioner University to deposit the arrears of salary of 16 months of the 108 employees and a further direction to deposit the wages of the Respondents in the Court (*emphasis supplied*) on or before 7th day of every month till disposal of the main Complaint. He would submit that Application dated 20.01.2023 filed below Exhibit U-13 was

adjudicated and decided by the learned Industrial Court by order dated 20.04.2023 whereby the Application was partly allowed by giving the aforementioned directions. He would submit that pursuant thereto, Respondents have filed Misc. Criminal Complaint Nos. 73/2022 & 74/2022 before the Labour Court, Mumbai wherein after taking cognizance, process / warrant has been issued. When this Writ Petition was heard by me in the first instance on 06.12.2023, after briefly hearing the learned Advocates, it was directed that no coercive steps be taken in respect of the execution of the warrant issued against the Petitioner and its officials in the Misc. Criminal Complaints. At that time, across the Bar submission was made that a considered attempt would be made by the Petitioner to resolve the issue without prejudice to the rights and contentions of both the parties. It appears that till date no reconciliation has been attempted.

3. Today when the matter is called out Mr. Naidu would submit that the grand total of arrears of salary for 16 months of the 108 employees is Rs. 2,04,58,832/-. The computation and calculation of arrears of salary for 16 months of the 108 employees is taken on record and marked “X” for identification. Hard copy of the same is handed over to Mr. Rodrigues in Court before me today. For reference and convenience, the said Computation and Calculation is scanned and reproduced below:-

Order : P. and M. Jadhav, J.
Dtd: 02/12/2023

ARREARS OF SALARY FOR 12 MONTHS

S. No.	Name of Employee	Wing/Department	Designation	CURRENT SALARY	Arrears of Salary Payable for 12 Months
1	SUNIL YANGA PAGARE	CARD UNIT	HAMAL	10000/-	17000/-
2	NILESH SARDHESHI MOOKS	COLLEGE TRIBUNAL	PROV	10000/-	17000/-
3	PLASRANT MURKAR	DEPARTMENT OF STUDENT WELFARE	PROV	10000/-	17000/-
4	SANTOSH DAGADU KAWDE	SCC	PROV CUM HAMAL	10000/-	17000/-
5	RAKSHA RAMAKANT SAWANT	EXAMINATION SECTION	DEPUTY CLERK	11250/-	19000/-
6	SANDEEP DIGAMBAR KAMBLE	EXAMINATION SECTION	DEPUTY CLERK	11250/-	19000/-
7	ROHIDAS B. YATCHE	EXAMINATION SECTION	PROV	11000/-	17000/-
8	SAMRAT HANDEKANT JADHAV	FOOT WATCHMAN GUARD	PROV	10000/-	17000/-

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9	RAVISH HADCHANDRA DESHMUKH	SCC	L. E. STENO	10000/-	20135/-
10	PRIVANKA BALA MOHANTAKAR	SCC	DEPUTY CLERK	11250/-	19000/-
11	PRAMILA DATTAGARH SAKAT	DEPARTMENT OF STUDENT WELFARE	SWEEPER	10000/-	17000/-
12	DOVANSHEWAR SHIVJIJI MADHUKAR	SCC	PROV CUM HAMAL	10000/-	17000/-
13	DHANIRATHI MAHESHWAR KAMBLE	EXAMINATION SECTION	DEPUTY CLERK	11250/-	19000/-
14	SHRUTI YATIS SHINDE	DEPARTMENT OF STUDENT WELFARE	SCC	10000/-	20135/-
15	SANTOSH SURESH RAMKUMAR	SCC	PROJECT ASSISTANT	14000/-	22135/-
16	SANJAY DUDHA DAPHALE	EXAMINATION SECTION	DEPUTY CLERK	11250/-	19000/-
17	SHABEH TOOTIQ BADSHAH	SCC	PROV	10000/-	17000/-
18	SHREELA SHANTARAM KAMBLE	DEPARTMENT OF STUDENT WELFARE	DEPUTY CLERK	11250/-	19000/-
19	NAGESH MAHADEV JADHAV	SCC	PROV CUM HAMAL	10000/-	17000/-
20	SACHIN DEVRAO SOMWANT	SCC	PROV	10000/-	17000/-

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21	YOGITA RAKESH KUMBLE	EMPLOYMENT OFFICE	JEKY CLERK	11296	18000
22	YOGESH PRKASH PATIL	DEPARTMENT OF STUDENT WELFARE	PEON	11000	15000
23	HIMANI HANMANT SALVI	LIBRARY	HANDAL	11000	15000
24	HANMANT HANMANT SHEDGE	GU	PEON	11000	15000
25	HANU PRATHANRISH DANDODAR	EXAMINATION SECTION	DRON LUM HANDAL	11000	15000
26	MALESH PRADEEUDAS GHAGARE	CAMPUS DEVELOPMENT	DRIVER	11296	18000
27	CHIRAK RAJESH SHETRE	DEPARTMENT OF STUDENT WELFARE	PEON	11000	15000
28	SUSHIL SURESH KALUSKAR	ACCIDENT SECTION HILL UNIT	JEKY CLERK	11296	18000
29	KIRAN SAMBHAJI PATIL	DEPT. OF LIFELONG LEARNING & EXTENSION	TECHNICAL ASSISTANT	14416	23376
30	VINOD HIRABHAI VORA	DEPARTMENT OF STUDENT WELFARE	HANDAL	11000	15000
31	VISHNU KASHINATH SONAWANT	DEPARTMENT OF STUDENT WELFARE	PEON	11000	15000
32	CHETAN ANAND GAWARE	EXAMINATION SECTION	PEON	11000	15000

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33	ANURAG SAMBHAJI DHOKAR	LIBRARY	PEON	11000	15000
34	ANURAG ANURAG DANDHAR	STUDENT SECTION	PEON	11000	15000
35	SHUBHA SHUBHAR RAMJI	OFFICE	PEON	11000	15000
36	PRAGATI RAJWANT PACHHARE	ATTENTION	DEU	14416	23376
37	MANOJAN RAJARAN GADGE	SECURITY OFFICE	SECURITY	12000	18000
38	GOPAL VITTHAL SUTAR	CAMPUS DEVELOPMENT UNIT	HELPER TO CARPENTER	11000	15000
39	PODIAJESHBH PAWAR	LIBRARY	PEON	11000	15000
40	CHHAYA VIJAY BHOGLE	SG	JEKY CLERK	11296	18000
41	POSHAKA MILIND NIMASE	CAMPUS	SWEEPER	11000	15000
42	RAMBHOJ RAMKUMAR CHAUDHAN	SECURITY OFFICE	SECURITY	12000	18000
43	GAYATHI ANIL MAYEKAR	DEPT. OF LIBRARY	JEKY CLERK	11296	18000
44	DEVA SHASHINRA DORHAL	SG	PEON	11000	15000

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42	DEEPAK HIRANM VIKRA	JOB	HAMAL	11000	17000
43	VISHAL DASHRATH J. MEHTA	INTERNATIONAL COOPERATION	PEON	11000	15000
44	SHILPA S. D. FURUS	EDS	PRODUCTION	25700	42500
45	PRASHANT KASHIRATH KUMAR	EDITOR	ASSISTANT	14200	21000
46	BHAVIK HINESH SOLANKI	DEPARTMENT OF STUDENT WELFARE	HAMAL	11000	17000
47	PANKAJ KANESHI KUMAR	J. N. MEHTA	SWITCHER	11000	17000
48	DANISHAAN KANDIKAR	J. N. MEHTA	HAMAL	11000	17000
49	GURU GAJANAN INDURKAR	DEPARTMENT OF PHILANTHROPY	PEON	11000	17000
50	ANURAG SHAMSHUDIN SAVANI	COLLEGE TRUST	PEON	11000	17000
51	SANJAY VISHWAKATH SAVANI	VC OFFICE	JR TY CLERK	11250	18000
52	SHRIYATREMEHEND KAMBLE	CAPCELL DEPARTMENT	SWITCHER	11000	17000
53	DHANASHREE SATYAMAN SHEDGE	COE	PROGRAMMER	20750	42500

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54	ANITA KADU WARGH	ACCOUNT SECTION	JR TY CLERK	11000	18000
55	NEETU GELAR DORANE	TRANSLATION	HAMAL CUM SWITCHER	11000	17000
56	ATISHA SAGUN KADANE	WOL	HAMAL	11000	17000
57	PRANISHA RAHENDRA SAVANI	HR-TECH DEPARTMENT	SWITCHER	11250	18000
58	ABHINAV VASANT BHITE	DEPARTMENT OF STUDENT WELFARE	JR TY CLERK	11250	18000
59	HARISH RAMCHANDRA BAGAVE	EDS	PEON CUM HAMAL	11000	17000
60	SUSHAMA LATKESH BANE	ELIGIBILITY	JR TY CLERK	11250	18000
61	VINAYAK MALIKARJUN GADKAR	CAP CELL	PEON	11000	17000
62	SUSHANT SHRIPAT GURAV	CAP CELL	JR TY CLERK	11250	18000
63	GAJANAN KUNDRA GAVATE	CAP CELL	OFFICE ASSISTANT	12150	20500
64	HARSHADA SUNIL PASTE	CAP CELL	JR TY CLERK	11250	18000
65	SANDEEP SHIVAJI PATE	TELE	PEON CUM HAMAL	11000	17000

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68	SAGAR KESHORJI SAWARE	CAP	JR TV CLERK	11250/-	18000/-
69	MULSHI SHIVAJIRAO SANDAWARE	CAP	JR TV CLERK	11250/-	18000/-
70	SITARAM BHRODI DODGE	ROYALTY DEPARTMENT	JR TV CLERK	11250/-	18000/-
71	AKSHAY SADA NARAYAN SINDHE	REGISTRATION DEPT	PEON	11000/-	17000/-
72	ANIKET RAMESH PATHI	G.A.D. KALINA	JR TV CLERK	11250/-	18000/-
73	AKSHAY ANIL TATHE	CAP	PEON	11000/-	17000/-
74	ARCHANA ASHOK RAGWAT	CAP	JR TV CLERK	11250/-	18000/-
75	DHANVAN MAHARAJ KATE	ESTABLISHMENT SECTION	JR TV CLERK	11250/-	18000/-
76	SANDEEP PANDURANG MAGAR	G.A.D. KALINA	HAMAL	11000/-	17000/-
77	RAJESH DADARSHI SALVI	G.A.D. KALINA	HAMAL	11000/-	17000/-
78	VHAY LAXMAN GHOSAN	G.A.D. KALINA	HAMAL	11000/-	17000/-
79	RAJENDRA PRADHAN KASHAP	HOOL	WITNESS TRAINER	11000/-	17000/-

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80	GAUR MAYUR NEHARWANI	SECURITY	JR. PROSECUTOR	12340/-	19750/-
81	ASHWINI NISHABANT MEHATRE	DEPARTMENT OF STUDENT WELFARE	JR TV CLERK	11250/-	18000/-
82	SANTOSH BHIKASHI SHIRWADKAR	SECURITY DEPT	SECURITY	12000/-	18200/-
83	SACHIN JAGAN SINGH	JR	HAMAL	11000/-	17000/-
84	VINAYAK BHAGWAN SAWANT	SECURITY	WATCHMAN	12000/-	19000/-
85	NARAYAN LALJI SINGH	SECURITY	HAMAL CUM WATCHMAN	12000/-	17000/-
86	SHRINATH SANJAY SINGH	SECURITY	PEON CUM HAMAL	11000/-	17000/-
87	PRIVANNA DATTASAHU LOHARE	SECURITY	JR. PROSECUTOR	12340/-	19750/-
88	HARISH DATTARAM GHANSHYAM	THANE SUB-CENTRE	HAMAL CUM WATCHMAN	11000/-	17000/-
89	ANIL LALJI SINGH	DEPARTMENT OF STUDENTS	HAMAL	11000/-	17000/-
90	MEHA APARNA CHOPRA	CONFUCIUS INSTITUTE UNIVERSITY OF GUJARAT	PEON	11000/-	17000/-

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32	SWAPNEE H WAGH	DEBATING SECTION	TECHN	10000/-	15000/-
33	POTANMAH EKNATH BUDKAR	COLLECTORIAL PORT	DRIVER	14200/-	18000/-
34	SANABHAN K. SARE	DEBATING SECTION	TECHN	11000/-	17000/-
35	ADITHYANBALIK VAREKAR	JOINT NT ACCT FORGALARY	JOINT CLERK	11225/-	18000/-
36	SHALISRENI DANKAR	DOO	JOINT CLERK	11225/-	18000/-
37	AKASH KHARAKAR MAGARE	DOO	PROG	10000/-	15000/-
38	SHADAYA NAGPUR BICHITE	STATISTICAL UNIT	JOINT CLERK	11200/-	18000/-
39	CHETAN SURESH PATEL	CAN CELL	TECHN	11000/-	17000/-
108	TISHAR GAJANAN MAHAJIK	RAJAWADI SUB CENTER	JOINT CLERK	11350/-	18000/-
109	SNEHA SARANAND JOURAT	RAJAWADI SUB CENTER	JOINT CLERK	11200/-	18000/-
110	SHAILASH BHANUKAR MORE	RAJAWADI SUB CENTER	SWAB PSH	11000/-	15000/-
111	SNEHALSUNAY BATHANDAR	MAHATKAMA GIRLS HOSPITAL	SECURITY	12000/-	18000/-

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114	SHUBRA ZUMDER BAMBLE	SECURITY OFFICE	SECURITY	12000/-	18000/-
115	POONA BARKHARANKAR	SECURITY OFFICE	SECURITY	13000/-	19000/-
116	VARSHA ANIL MAHE	DEPARTMENT OF FORENSIC	L.G STENOGRAPHER	14000/-	23000/-
117	NEELIMA MANOJ PATEL	DEPARTMENT OF FORENSIC	LAB ASSISTANT	10000/-	18000/-
118	SHWETA ANANTARAM BHOIRAPUR	DOO	PROG	20700/-	42000/-
Total					20458832

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4. It is seen that not only the aforementioned amount i.e. Rs. 2,04,58,832/- is required to be deposited in Court as per the order dated 20.04.2023 which is now sought to be challenged by way of amendment, a further direction contained in the said order calls upon the Petitioner to deposit the future wages of the Complainants i.e. 108 employees in the Court on or before the 7th day of every month till the disposal of the main Complaint.

5. In view of the above, I have impressed upon Mr. Rodrigues that there will be no impediment to allow the draft amendment which is proposed by the Petitioner but subject to a caveat. Petitioner will have to abide by the orders passed by the Industrial Court and more specifically the order dated 20.04.2023 and deposit the aforementioned amount of Rs. 2,04,58,832/-. This is so because, the original ULP Complaint is pending adjudication. Not only that, apart from the above arrears, the wages are also directed to be deposited on or before the 7th day of every month and Petitioner shall also deposit the same as directed. An undertaking to this effect shall therefore be filed by the Petitioner within a period of two weeks from today in this Court that the deposits will be made. The deposit of the above arrears shall be positively made with the Industrial Court within a period of four weeks from today. All contentions of the parties are then

expressly kept open and the present Petition can be disposed of with appropriate directions to dispose of the principal ULP Complaint.

6. After deliberating on the issue and hearing the learned Advocates, it is Mr. Rodrigues's submission that if this Court directs adjudication and disposal of the Complaint (ULP) No. 215/2022 within a time bound manner, it will enure to the benefit and interest of both the sides rather than continue with this Petition. In view of the interlocutory order dated 20.04.2023, there is a direction to the Petitioner to regularly deposit the amount of salary before the 7th day of each month in the Court. Mr. Naidu agrees that it is a fair suggestion but states that the order dated 20.04.2023 passed by the learned Industrial Court should then be complied with by the Petitioner during the interregnum in its true letter and spirit and the amounts be stood deposited in the Industrial Court. That is the precise reason as to why I have directed the Petitioner University to file the undertaking. Dr. Sunil Bhirud, I/C. Registrar, Mumbai University whose name and designation is given by Mr. Rodrigues is directed to file the undertaking to the effect that the entire arrears amount as per the above computation shall be deposited by the University unconditionally within a period of four weeks from today in the Industrial Court. Mr. Rodrigues after taking instructions agrees to the same. In view of this, the hearing in Misc. Criminal Complaint

Nos. 73/2022 & 74/2022 before the Labour Court shall stand deferred by a further period of four weeks from today and the protection granted by this Court to the Petitioner in the order dated 06.12.2023 shall also stand extended till four weeks from today.

7. In view of the above undertaking to be filed by Petitioner and deposits to be made as directed, Complaint (ULP) No. 215/2022 is directed to be disposed of finally within a period of 12 months from today. In respect of the deposited amount, it shall be open to the parties to make an appropriate application before the Industrial Court and if so made, the same shall be decided on its own merits strictly in accordance with law.

8. Liberty to the parties to apply in the event if any eventuality arises.

9. In view of the above directions, Writ Petition is disposed.

Amberkar

RAVINDRA
MOHAN
AMBERKAR

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signed by
RAVINDRA
MOHAN
AMBERKAR
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2023.12.22
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[MILIND N. JADHAV, J.]