

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

WRIT PETITION NO.3361 OF 2022

Renuka College through its Principal Jyoti P. Patil, and another .Vs. Rashtrasanta
Tukadoji Maharaj University, Nagpur through Registrar and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.J. Topale, Advocate for the petitioners.

Shri R.D. Bhuibhar, Advocate for the respondent Nos.1 and 2.

Shri A.B. Mahajan, Advocate for the respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED : 20/02/2023

1. Heard.
2. The order of the Grievance Committee directing the petitioners Management to pay Rs.7,06,631/- towards arrears of salary along with interest @9% p.a. on 26.05.2017 to the respondent No.3 vide order dated 24.11.2021, is under challenge in this writ petition.
3. The challenge is raised on the ground that contradictory stands were taken by the respondent No.3 before the remand of the matter and after the remand of the matter. It is submitted that initially it was the case of the respondent No.3 before the Grievance Committee that no amount was paid towards the salary. However, after the remand, the stand was changed and stated that some amount was received by the respondent No.3.
4. Even if the said contradictions are accepted, it is not pointed out by the petitioner that how it will vitiate the impugned order particularly when the order is based on

the material available before the Grievance Committee and not merely on the statement made by the respondent No.3 in the complaint. Thus, I do not find any merit in first submission of the learned counsel for the petitioners and accordingly it is rejected.

5. As far as the second submission is concerned, the petitioners have not pointed out any direction issued by the Government to the University to pay amount salary to the employees. As per the rules, the salary has to be paid through Bank.

6. In the circumstances, the possibility of the fact that, no amount was paid and under the threats of termination, the signatures were obtained cannot be ruled out. Thus, receipts showing that the amount of salary was paid cannot be accepted. Hence, in my opinion, the Grievance Committee has rightly discarded such evidence. In such circumstances, I do not find any merit in the second submission. Accordingly, the writ petition is **dismissed**.

7. The amount deposited by the petitioners to show bonafide, the said amount was towards arrears of salary as directed by the grievance committee same shall be permitted to be withdrawn by the respondent No.3.

JUDGE