



BEFORE GRIEVANCE REDRESSAL COMMITTEE,
SHIVAJI UNIVERSITY, KOLHAPUR

Complaint Application No. 14/2024

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| <p>1. Dr. Suryakant Babasaheb Pandit
Associate Professor, Kolhapur
Institute of Technology, Institute
of Management Education and
Research, Gokul Shirgaon, Kolhapur</p> | } | ...Complainant |
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VERSUS

- | | | |
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| <p>1. Kolhapur Institute of Technology,
Gokulshirgaon, Kolhapur (KIT)</p> <p>2. Institute of Management Education and
Research, Gokul Shirgaon, Kolhapur</p> | } | ... Respondents |
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• **NATURE OF COMPLAINT: -**

The Complainant has filed the complaint dated 30/12/2024 before Grievance Committee mainly 1) challenging the suspension order dated 18/12/2024 and to reinstate the complainant in the service, 2) To grant Salary as per 7th Pay Commission and to provide arrears of salary from February 2024, and 3) To provide the complainant copy of his updated Service book.

• **OPINION OF COLLEGE/MANAGEMENT: -**

Dipak L. Chougule, Secretary, Kolhapur Institute of Technology on 23/01/2025 has filed a detailed reply to the complaint application submitted by Complainant Dr. Suryakant Babasaheb Pandit. The Respondents have denied all the allegations and averments made against the Institute by the complainant. Para wise detailed reply is filed by the Institute Respondents requesting the Grievance Committee to reject the application filed by



Dr. Suryakant Babasaheb Pandit in its entirety and 2) uphold the suspension order dated 18/12/2024.

After perusing the complaint and the detailed reply along with the document submitted by both the parties and after hearing submissions of both sides the committee observes as follows,

• **OBSERVATIONS OF COMMITTEE: -**

Upon hearing the Complainant in person and Dr. Khadilkar, an authorized representative of the Respondent Management, this Committee is of the opinion that, this Complaint deserves to be partly allowed for the reasons to follow:

At the outset it must be made clear that the Respondents are contemplating to hold a departmental enquiry for some alleged lapses committed by the complainant. These lapses have been noted by a Preliminary Enquiry Committee/ a Fact Finding Committee which consists of one head of the department, one Jr. Administrative officer and one Advocate. It must be pointed out here that, the provisions of Section 216 (A) speak about the formation of the Preliminary Enquiry Committee and it mandatorily lays that such Committee shall consist of

- 1) Principal of recognized institution, who shall be the Chairman of the Committee,
- 2) The Head of the Department and
- 3) One teacher of the College/recognized institution nominated by the Vice-Chancellor of the University.

This provision is mandatory in nature and there cannot be deviation from it. The purpose of holding a preliminary inquiry at institute level through a fact finding committee in respect of particular alleged misconduct is only for the purpose of finding prima facie as to whether the alleged misconduct has been committed and on the basis of the findings of the such fact finding committee the management may take decision whether to initiate action against the teacher. The findings of such fact finding committee constituted at Institution level which has





no legal entity cannot be a basis of decision for suspension. Also the fact finding committee/ preliminary committee at Institute level consist of a member who is Junior Administrative Officer who holds the rank below Associate Professor. The inquiry should be conducted by an officer who is sufficiently senior to the teacher whose conduct is being inquired into. We have already pointed out above the Preliminary Enquiry Committee/Fact Finding Committee constituted by the Respondents which consisted of the Head of the Department who is nominated as the President of that Committee and one Junior Administrative Officer (who is holding rank below Associate Professor) and one Advocate who does not appear to have any concern with the Institution/ Respondents. So the very constitution of the Preliminary Inquiry Committee at Institution Level is illegal. It therefore follows that the report submitted by such committee is per se illegal and on that basis the respondent could not take a decision to suspend the complainant as contemplated by section 216 for the Statute. Therefore, this committee is of opinion that the suspension of complainant and the consequent decision of the respondents to hold the departmental enquiry against the complainant is illegal and it therefore needs to be struck down.

The Complainant is also claiming that the directions be issued the Respondent to fix his pay as per the recommendations of the 7th pay commission by following all the due process and the arrears thereof be paid. This committee is of the opinion that this prayer of the complainant is well justified in as much as no justifiable grounds have been put up before this committee by Respondents.

The complainant also claims that the copy of the service book should be ordered to be handed over to him by Respondents complete in all respects. The authorized representative of Respondents Dr. Khadilkar has made a statement before this committee that the Respondents are ready to issue the copy of service book of the complainant, complete in all respects. This Committee accepts the said





statement and holds that in the light of the said statement no formal orders are required to be passed in that behalf and therefore we hold the complaint deserves to be partly allowed. Consequently, we proceed to pass following orders:

ORDER

1. The Complaint is partly allowed.
2. The suspension order dated 18/12/2024 is hereby struck down. The Respondents are directed to reinstate the complainant to his original post with all benefits thereto. The decision of the Governing Body regarding holding departmental enquiry against the claimant is also struck down being illegal void-abinitio being based on the Preliminary Enquiry Committee Report submitted by illegally constituted Preliminary Enquiry Committee.
3. Respondents are directed to extend the benefits of 7th Pay Commission to the Complainant by following all due process of law and pay the arrears thereof.
4. The prayer of the Complainant for issue of service book is hereby rejected in view of the statement made by the authorized representative of Institution Dr. Khadilkar.

Date: 20 MAR 2025


Member Secretary
Smt.A.A.Kadam



Member
Dr.V.N.Shinde


Member
Prof.(Dr)S.S.Mahajan


Chairperson
Shri.A.V.Deshpande


Member
Smt.A.H.Kolekar


Member
Prof.(Dr)S.P.Hangirgekar


Member
Shri.S.U.Shinde

