

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 26523-26524 OF 2012

IN THE MATTER OF :

Secretary,
Mahatma Gandhi Mission & Anr. ...PETITIONERS

Versus

Bharatiya Kamgar Sena & Ors. ...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENTS No.167 & 168:

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Shriwanku

Agdhar

I, Mahesh Dattopant Shivankar, Age 49 years, working as Incharge Joint Director, in the office of Respondent No. 168 above named, do solemnly affirm and state as under :-

1. That I am presently functioning as Incharge Joint Director in the office of Respondent No.168 in the aforesaid Special Leave Petition. I am aware of the facts of the case and competent to affirm the affidavit. I am filing this affidavit for and on behalf of Respondent No.167 and 168.
2. I am filing the present affidavit for the limited purpose of bringing to the notice of this Hon'ble Court the stand of the Respondents No.167 and 168 as regards the issues arising in the above S.L.P.
3. I say that as things stand today, the Government of Maharashtra has taken a policy decision to implement the recommendations of 6th Pay Commission to teaching and non-teaching staff of government-run and government-aided educational institutions only.
4. I say that the Government of Maharashtra has not taken any policy decision and/or issued any Government Resolution in respect of

Mahesh Shivankar

BEFORE ME

Chandrashekar V. Shivwanathrao Jadhav
Advocate & Notary, Govt of India
Regd. No. 6890



implementation of the recommendations made by 6th Pay Commission for teaching and non-teaching staff in un-aided private educational institutions. Therefore, the Management of the educational institution itself is solely responsible not only for appointments but also for their salaries, arrears, remuneration, bonus, gratuity and other legal dues etc. I say that neither Respondent No.167 nor Respondent No.168 are in any way responsible for the implementation of any Pay Commission recommendations, as contended by the Respondents No.1 to 166. I further say that, Government Resolution dated 21/05/1983 clearly stipulates that claims of grant-in-aid for non-recurring and recurring expenditure in a private unaided educational institution shall not be entertained by the Government at any stage and for any reason. (The copy of the Government Resolution dated 21/5/1983 issued by Higher & Technical Education Department to Government of

Shri. Anand

BEFORE ME

U. Chavhan

U. Chavhan, Jadhav
Jadhav, Govt. of India


10/1/83

Maharashtra is annexed herewith and marked as Exhibit Annexure-"1").

5. I say that insofar as reliance placed by the private Respondents on the judgment in Writ Petition No.333/2002, the same is given on the basis of facts and circumstances of that case. I say that perusal of the said judgment would vindicate the stand taken by this office. As a matter of fact that the order in the afore-mentioned matter was passed on the basis of provisions in the Maharashtra Non-Agricultural Universities and Affiliated Colleges Standard Code (revised pay of non-teaching employees) rules, 1999 read with section-8 of Maharashtra Universities Act, 1994.

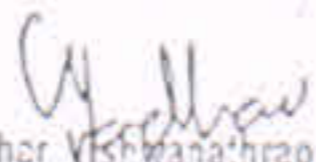
Hence this affidavit.

Deponent



(Mahesh Dattopant Shivankar)

BEFORE ME


Chandrashekhra Vishwanathrao Jadhav
Advocate & Honary. Court of India
Regd. No. 6699



VERIFICATION

I, Mahesh Dattopant Shivankar, age 49 years, Occupation Govt. Service at present working as I/c Joint Director, Technical Education, Regional office, Aurangabad do hereby solemnly affirm and state on oath that the contents of this affidavit from paras no. 1 to 5 are true to my personal knowledge and are based on official record, which I believe to be true and correct on legal advise and that I have not suppressed any material fact.

Hence verified at Aurangabad on this date 05th of April, 2013 at Aurangabad.

Deponent

(Mahesh Dattopant Shivankar)

Identified by :

(S.B. Pawar)
Presenting Officer,
Maharashtra Administrative Tribunal
Mumbai Bench at Aurangabad.

AFFIDAVIT

Solemnly Affirmed
BY Shri/Smt. Mahesh Dattopant Shivankar
R/o Aurangabad
Ta: Aurangabad Dist: Aurangabad
Who Identified by Adv.....
Whom Know he/She is Personally
Verified Aurangabad.
Date: 5-4-2013



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