

(2013) 09 KAR CK 0021

In the Karnataka High Court

Case No : Writ Petition Nos. 81647 to 81650 and 81961 to 81974 of 2013 (S-KAT)

A.S. Khore and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 18-09-2013

Acts Referred:

Citation : (2014) 2 KarLJ 174

Hon'ble Judges : K.L. Manjunath, J;A.N. Venugopal Gowda, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

K.L. Manjunath, J.—By consent, the writ petitions are heard on merits. It is the case of petitioners that they were appointed in the Revenue Department between 1994-1997. Respondents 4 to 21 are also working as Village Accountants and First Division Assistants in the Office of Tahsildar of different Taluks. They filed a petition before the Karnataka Administrative Tribunal contending that their seniority has to be maintained from the date of their initial appointments as daily wagers, since they were working prior to 1-7-1984 as daily wagers and whose appointments were regularised by the State Government pursuant to the decision of Hon'ble Supreme Court in the case of The Dharwad Distt. P.W.D. Literate Daily Wages Employees Association and others, etc. Vs. State of Karnataka and others etc., and thereafter, they were posted to different Departments and that the respondents 4 to 21 are posted to Revenue Department and working with the petitioners. According to them, the services of respondents 4 to 21 were regularised subsequent to the appointment of petitioners in the Revenue Department by creating supernumerary posts. Respondents 4 to 21 approached the Karnataka Administrative Tribunal contending that their seniority for the purpose of promotion shall be considered from the date of their initial appointment to the Revenue Department by creating supernumerary posts.

2. The Karnataka Administrative Tribunal by its order dated 11-7-2013 allowed the applications of respondents 4 to 21 directing respondents 1 to 3 to count their services from the date of their regularisation in supernumerary posts and assign proper rankings to them in the seniority list and directed the respondents to redo the seniority list within two months and also held that any promotion given to the post of First Division Assistants or Revenue Inspectors or those who were working in independent charge shall be reviewed in accordance with the Karnataka State Civil Services (Regulation of Promotion, Pay and Pension) Act, 1973 and the Karnataka State Civil Services (Regulation of Promotion, Pay and Pension) Rules, 1978.

Aggrieved by the directions issued by the Karnataka Administrative Tribunal, these writ petitions are filed. A Co-ordinate Bench of this Court in identical circumstances had an occasion to consider the same question in W.P. Nos. 5134 to 5143 of 2012 between M.K. Mallikarjunappa and Others v. State of Karnataka and Others, on 3-9-2012, dismissed the writ petition confirming the order passed by the Karnataka Administrative Tribunal and the aforesaid case is also concerning the employees who were posted by creating supernumerary posts to the Revenue Department and the petitioners are also serving in the same Department.

The case of M.K. Mallikarjunappa squarely applies to the facts and circumstances of the case. In view of the judgment of the Co-ordinate Bench of this Court in the aforesaid decision, we do not see any merit in these writ petitions. Accordingly, the petitions are dismissed.