

(2012) 06 KAR CK 0009

In the Karnataka High Court

Case No : Writ Appeal No. 2230 of 2006 and Writ Appeal No. 1022 of 2007

Karnataka State Road Transport Corporation

APPELLANT

Vs

Speenivasashetty
 The Managing Director KSRTC Vs
K.H. Rajappa

RESPONDENT

Date of Decision : 04-06-2012

Acts Referred:

Citation : (2012) 06 KAR CK 0009

Hon'ble Judges : V. Suri Appa Rao, J;K.L. Manjunath, J

Bench : Division Bench

Advocate : H.R. Renuka in Writ Appeal No. 2230 of 2006, Writ Appeal No. 107 and 167 of 2007 and Mr. T. Hareesh Bhandary in Writ Appeal No. 1022 of 2007, for the Appellant; V.S. Naik, Advocate in Writ Appeal No. 2230 of 2006, Writ Appeal No. 107 and 167 of 2007 and Shri K. Srinivasa, Advocate in Writ Appeal No. 1022 of 2007, for the Respondent

Final Decision : Allowed

Judgement

Manjunath, J.—There is a delay of 160 days in filing Writ appeal No. 1022 of 2007. Being satisfied with the cause shown by the appellant, the delay is condoned. The Appellant-Corporation is challenging the legality and correctness of the order passed by the learned Single Judge in Writ Petition No. 10467 of 2003 dated 6th November, 2006; Writ Petition. No. 13501 of 2003 dated 6th November, 2006; Writ Petition 18469 of 2003 dated 23rd November 2006 and Writ Petition No. 12012 of 2006 dated 21st November 2006, respectively. The grievance of the respondent-writ petitioners in the writ petition was that they were appointed as badli conductors. Later their services were confirmed by the appellant-Corporation and while confirming their services, their claim for entitlement of time-scale pay on completion of 180 days from the date of their initial appointment; and to calculate their service for the purpose of terminal and pensionary benefits in respect of their initial entry into service, has not been taken into consideration. The learned Single Judge, relying upon the judgment of another learned Single Judge passed in Writ Petitions No. 25985-25986 of 1986

dated 2nd March 1998, which has been affirmed by the Hon''ble Supreme Court in SLP No. 606-610 of 1999 vide order dated 18th July 2001, allowed the writ petition of the respondents in part. Accordingly, it is held by the learned Single Judge that the respondents are entitled for time-scale of pay on completion of 180 days from the date of initial appointment on 16th March 1976 and further held that their initial entry into service and the number of years of service shall be taken into account for the purpose of calculating terminal/pensionary benefits payable to the employees. Being aggrieved by the order of the learned Single Judge, these appeals are preferred.

2. The main contention of the learned counsel for the appellant is that the learned Judge, while allowing the writ petition granting prayer No. 1, did not consider the order passed in Writ Petitions No. 25985-25986 of 1986, which has been affirmed by the Hon''ble Supreme Court, because in the aforesaid writ petition, time-scale of pay on completion of 180 days, has been specifically denied to the employees. But, the learned Single Judge, in the instant case, without properly looking into the aforesaid portion of the order has wrongly granted the relief. Therefore, the learned counsel for the appellant requests this Court to allow the writ appeals filed by the appellant-Corporation.

3. On perusal of the order of the learned Single Judge, we are of the view that granting time-scale of pay on completion of 180 days, in the first instance, is contrary to the order passed in the earlier writ petitions. This fact also cannot be disputed by Sri V.S. Naik, the learned Counsel, in view of the order of the learned Single Judge passed in Writ Petitions No. 25985-25986 of 1986, which has been affirmed by the Hon''ble Supreme Court. Accordingly, these appeals are allowed in part. The relief granted by the learned Single Judge to the respondent-employees in directing the appellant-Corporation to grant time-scale of pay on completion of 180 days, from the date of their initial appointment, is hereby set aside.