(2015) 10 KAR CK 0111

In the Karnataka High Court

Case No : W.P. Nos. 105687-105732/2015 (S-R)

Leela and Others APPELLANT

Vs

State of Karnataka and Others RESPONDENT

Date of Decision : 07-10-2015

Acts Referred:

Citation : (2015) 10 KAR CK 0111

Hon'ble Judges : K.N. Phaneendra, J.

Bench : Single Bench

Advocate : Suresh P. Hudedagaddi and V.S. Kalsoormath, Advocates, for the Appellant; K.S. Patil, Govt. Pleader, for the Respondent

Final Decision : Disposed Off

Judgement

K.N. Phaneendra, J.—In these petitions majority of the petitioners are Associate Professors and some of the petitioners are non-teaching staff of Government Aided Degree Colleges on UGC Pay Scales retired after 01.01.2006.

2. The petitioners submit that the UGC pay scales were introduced in the State of Karnataka in the year 1990 and would be revised once in 10 years. Accordingly, the pay scales came to be revised on 01.01.1996. UGC pay scale was also revised in the year 2006. Thereafter, the 4th respondent addressed a letter dated 31.12.2008 to the Secretary, University Grants Commission, New Delhi, requesting to sanction the revised pay scales to the teachers and equivalent cadres of universities and colleges with effect from 01.01.2006 providing 80% financial assistance to the State Governments for the period from 01.01.2006 to 31.03.2010.

3. The learned Counsel further submitted that, in implementation of the Scheme of Government of India, the 1st respondent passed an order dated 24.12.2009 revising the UGC pay scales of Teachers, Librarians and Physical Education Personnel of Universities, Government and Aided Degree Colleges and Government and Aided Law Colleges, etc. in the State. Thereafter, the 4th

respondent addressed a letter dated 11.05.2010 to Education Secretaries of all State Governments in the Country stating that release of Central Assistance shall be considered by the Central Government in accordance with the provisions of the scheme only after the State Governments have adopted and implemented the scheme as a composite scheme including adoption of the age of superannuation for those engaged in ''Inclass'' teaching and have disbursed the salary based on revised pay scales and after scrutiny of the detailed proposal as may be received from the State Government.

4. The learned Counsel further submitted that the 4th respondent addressed a letter dated 14.08.2012 to the Education Secretaries of all State Government in the Country stating that the issue of age of retirement has been left to the State Government to be decided at their level and the condition of enhancement of the age of superannuation to 65 years as mentioned in the letter dated 31.12.2008 as stated supra, may be treated as withdrawn for the purpose of seeking reimbursement of central share of arrears to be paid to State Universities and College teachers. It is also stated that other Retirement Benefit i.e., Earned Leave Encashment amount has been sanctioned to the petitioners in the pay scale existed as on 01.01.2006. Therefore, Karnataka State University and Degree Colleges Retired Teachers Association, Mysore Zone, representing the petitioners had preferred separate representations dated 31.01.2014 to the 1st and 3rd respondents requesting to re-fix the earned leave encashment in the Revised UGC Pay Scale of 2006 and release the arrears.

5. The learned Counsel also submitted that this court in Writ Petition No. 15175/2009 by its order dated 07.12.2010 directed the respondents to take steps with regard to the payment of arrears within three months. Since the said direction was not complied, Contempt Petition No. 1757/2011 was filed by the petitioner therein. The respondents in fact appeared in the Contempt Proceedings and have implemented the said order of this court and released some amount, which included the arrears of salary, etc. It is further submitted that, in similar matters viz., Writ Petition Nos. 112957-113040/2014 and connected matters disposed of on 05.02.2015, this court, after hearing both the parties, pleased to dispose of the petitions directing the State Government to pay the arrears of salary. Therefore, the petitioners, who are the senior citizens have made several requests through their association, but no action has been taken by Respondent Nos. 1 to 3. Even the arrears of salary and arrears of Earned Leave encashment, as ordered earlier, have not been released. Therefore, they approached this court for issue of a writ of mandamus directing the respondent-authorities to pay the arrears of salary and arrears of Earned Leave Encashment to the petitioners for the period from 01.01.2006 to 23.12.2009 in one installment, as has been paid to some other persons as per the order passed by this court in the above noted W.P. Nos. 112957-113040/2014 and connected matters, with interest at 8% p.a., in the interest of justice.

6. Under the similar set of facts and circumstances, this court in Writ Petition

Nos. 107539-107566/2015 disposed of on 31.07.2015, considering all the facts and circumstances, has observed that the respondents are liable to pay arrears of salary and other emoluments as per the revised pay scale to the petitioners therein for the period from 01.01.2006 to 23.12.2009 and the court has granted six months time to comply with its order and directed to release the arrears of salary and other emoluments by making it clear that in case of failure to make such payments, the petitioners would be entitled for interest at 8% p.a. till the date of payment.

7. The petitioners herein are also similarly placed as that of the petitioners in the above noted writ petitions. Therefore, in my opinion, they are also entitled for similar directions given in the above noted writ petitions. Therefore, following the order passed in the above noted W.P. Nos. 107539-107566/2015, these petitions are also deserve to be partly allowed.

8. In the result, the petitions are allowed. The Respondents 1 to 3 & 5 are hereby directed to pay all the arrears of salary and other emoluments as per the revised pay scale to the petitioners herein for the period from 01.01.2006 to 23.12.2009 in stages within six months from the date of receipt of a copy of this order and if any failure on the part of the respondent-authorities in making such payment, the petitioners are entitled to interest on such amount at 8% p.a. till the date of payment.

It is needless to observe that on the request made by the State Government after making payment due to the petitioners, for releasing 80% of the contribution payable by the Central Government and on such request being received within three months thereof, the Central Government shall release the said amount as agreed by them in the Scheme of Revision as per their letter dated 14.08.2012 vide Annexure-E.

In view of disposal of the petitions, pending I.As. filed for dispensation do not survive for consideration. Accordingly, they are disposed of.

