

(2014) 01 KAR CK 0059

In the Karnataka High Court

Case No : W.P. Nos. 84446-47 of 2013 (S-RES.)

Manjunath

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 27-01-2014

Acts Referred:

Citation : (2014) 01 KAR CK 0059

Hon'ble Judges : B. Sreenivas Gowda, J

Bench : Single Bench

Advocate : Ravi N. Chikkaradder, Advocate for the Appellant; Vinayak S. Kulkarni, HCGP for R.1 and R.2, Advocate for the Respondent

Judgement

B. Sreenivase Gowda, J.—Although these matters are listed for preliminary hearing, with the consent of the learned Counsel appearing for the petitioners and the learned High Court Government Pleader appearing for the State and its authorities, matters are disposed of finally as the same are covered by several judgments of this Court and of the Apex Court passed in such and similar cases.

2. The petitioners in these petitions who belong to teaching and non-teaching staff of educational institution run by private management have preferred these writ petitions seeking a writ of Certiorari to quash the impugned orders Annexures-C and C1 refusing to reckon and count the services rendered by them from the date of their initial appointment upto the date of approval of their appointment with grant-in-aid facility for the purpose of fixation of initial pay, seniority, promotion, increment and pensionary benefit and to consider their representation for extending the aforesaid benefits to them in the light of the earlier Judgments of this Court.

3. The learned Counsel for the petitioners submits, the issue involved in these petitions is fully covered by several judgments of this Court and a few of such Judgments are cited hereunder:

(i) W.A. Nos. 848/2008 and connected cases disposed of on 3-11-2009-

PRINCIPAL

SECRETARY TO GOVERNMENT OF

KARNATAKA AND OTHERS vs. NAGEGOWDA

AND OTHERS.

(ii) W.P. Nos. 37250-37254/2010 disposed of on 2-12-2010-K.C. PRAKASH AND OTHERS vs. STATE OF KARNATAKA AND OTHERS.

(iii) W.P. Nos. 66892 66910/2011 disposed of on 19-10-11-A. ANANDA AND OTHERS vs. STATE OF KARNATAKA AND OTHERS.

4. Learned High Court Government Pleader for the State does not dispute the said fact.

5. The submissions made by the learned Counsel for the parties are placed on record.

6. Accordingly, the writ petitions are allowed. Impugned orders at Annexures-C and C1 are set aside, as they relates to the petitioners in so far as it relates to denial of the benefit of past service of the petitioners for the purpose of fixation of pay with revisions from time to time along with pensionary benefits with arrears. Writ of Mandamus is issued directing the State and its authorities to consider the representations made by the petitioners in terms of the decisions referred to supra within four months from the date of receipt of a copy of this order.

7. Wherever representations are not made by the petitioners, they are given liberty to make detailed representation within one month from the date of receipt of a copy of this order requesting the State and its authorities to reckon and count the services rendered by them from the date of their initial appointment upto the date of approval of their appointment with grant-in-aid facility for the purpose of fixation of initial pay, seniority, promotion, increment and pensionary benefit and if such representations are made the respondents shall consider and dispose of the same within three months from the date of receipt of such representations in the light of the decisions of this Court rendered in the aforesaid cases.

No order as to costs.