

(2010) 02 KAR CK 0010
In the Karnataka High Court
Case No : Writ Petition No. 43587 of 2002

S.A. Rahaman and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 26-02-2010

Acts Referred:

Citation : (2010) 6 KarLJ 76

Hon'ble Judges : Subhash B. Adi, J

Bench : Single Bench

Advocate : Sadiq N. Goodwala, for the Appellant; K. Vidyavathi, A.G.A., for the Respondent

Final Decision : Allowed

Judgement

Subhash B. Adi, J.—Petitioners have called in question Annexures-N and O.

2. Petitioners allege that they are all retired employees of the Town Municipal Council, Bellary and they are governed by Karnataka Municipalities (Conditions of Service) Rules, 1987 and Karnataka Municipalities Act, 1964. It is also stated that they are governed by the Karnataka Civil Services Rules.

3. Learned Additional Government Advocate submits that, from the year 1987 onwards, the Karnataka Civil Services Rules have been made applicable to the employees of the Municipality.

4. The State Government has extended one increment in case of employees passing Kannada language examination. However, the said benefit was not extended to the Municipal employees. In this regard, the Directorate of Municipal Administration, as per Annexure-N informed the Municipality that such facility is not extended to the employees of Municipalities. The Municipal Council, by Annexure-O, has informed the Petitioners that they are not entitled to one increment.

5. Learned Counsel for the Petitioner submits that, the Petitioners retired as

municipal employees; they were governed by the Karnataka Civil Services Rules, they retired in the year 1997 and the said Rules were made applicable to the employee of Municipal Council; and if the State Government has extended the benefit of one increment to the employees on passing Kannada language examination, the said benefit should have been extended to them also. In this regard, he relied on the decision of this Court in the matter of Sumithra P. and Others Vs. State of Karnataka, , wherein, this Court, in respect of primary and Secondary schools (aided schools) has held that the said schools are imparting education and it is bounden duty of the State Administration to extend the facility of one increment in case of passing of the Kannada language examination.

6. If the employees of aided institutions are entitled for the benefit of one increment on the basis of passing Kannada language examination, when the Petitioners were municipal employees and governed by the Karnataka Civil Services Rules, I find the said benefit required to be extended to the Petitioners also.

Accordingly, writ petition is allowed. Impugned orders at Annexures-N and O are quashed. Respondents 2 and 5 are directed to consider the case of the Petitioners in terms of the judgment of this Court referred to above as early as possible not later than six months from the date of receipt of copy of this order.