

(2016) 04 KAR CK 0100
In the Karnataka High Court
Case No : W.P. No. 102120 of 2016 (S-KAT)

State of Karnataka

APPELLANT

Vs

Neelappa Shivabasappa Jadadeli

RESPONDENT

Date of Decision : 22-04-2016

Acts Referred:

Citation : (2016) 3 AirKarR 296

Hon'ble Judges : H.G Ramesh and G. Narendar, JJ.

Bench : Division Bench

Advocate : Smt. Veena Hegde, HCGP, for the Appellant; Sri S.N. Banakar, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

G. Narendar, J.—Petitioners herein are before this Court being aggrieved by the order of the Karnataka Administrative Tribunal dated 21.07.2015 rendered in application No. 5469/2011, whereby the petitioners have been directed to extend the benefit of Rule 247-A(1) of the Karnataka Civil Services Rules (for short "KCSR Rules") to the respondent herein.

2. The facts in brief are that, the respondent was appointed as a teacher on contract basis on 25.07.1983 with the Government High School, Itagi, Ron Taluk, Gadag District and that his services were appreciated by the authorities and superiors and that he possessed an unblemished service records. It is further submitted that the respondent during his service between 25.07.1983 to 10.04.1990 was paid a meager monthly salary of Rs. 100/- and thereafter from 11.04.1990 to 13.11.1997 he was paid a monthly salary of Rs.300/-. Thereafter, his services as a Hindi teacher came to be regularised from 14.11.1997 in the pay scale of Rs. 1520-2900 and that vide notification dated 03.11.1997, a District Level Recruitment Committee was established and that he was recruited as a permanent employee by the District Level Recruitment Committee with effect from 11.09.1998 and he continue to discharge his services till the date of his superannuation on 30.04.2007, on which date he was retired as a full time

permanent Government employee. It is contended that he was directly recruited by the District Level Recruitment Committee.

3. It is his case that, as per the general provisions of KCSR rules, a person who has to complete a tenure of at least 10 years of service to qualify for the terminal benefits. It is his contention that as a direct recruitee his services prior to 14.11.1997 also need to be taken into account which petitioner No. 3 has failed to do so. It is his contention that he has completed 9 years 5 months 16 days of satisfactory service as a full time teacher in a Government High School and that he fall short of minimum eligibility for pensionary benefits by about 6 months and 15 days.

4. It is contended that respondent made several representations to the petitioners praying that he may be extended the benefit of the provisions of Rule 247-A of the KCSR Rules, but none of the representations have been considered. In the above circumstances, he was constrained to approach the Karnataka Administrative Tribunal praying that he be treated as eligible for pensionary benefits in the light of the provisions of Rule 247-A of the Kcsr Rules amongst other reliefs.

5. The Tribunal after hearing the parties and appreciating the facts of the case was pleased to allow the application and further directed the petitioners herein to extend the benefit of Rule 247-A (1) of Kcsr Rules to the applicant and finalise his retiral benefits including pension within three months from the date of receipt of a copy of the order. The Tribunal was also pleased to grant the relief in view of its earlier order rendered in application No. 6347/2004.

6. It is contended by the learned Government Pleader that the respondent is not a direct recuritee, as he has not been appointed by the Public Service Commission and that he had already been extended the concession under the notification by condoning his age and now he cannot seek for additional weightage in the form of pensionary benefits by invoking the special provisions of the KCSR Rules

7. Per contra, learned counsel for the respondent would submit that the respondent was appointed by the District Level Recruitment Committee, which was constituted for the said purpose and that no special concession has been extended to the respondent and that the notification came to be issued in public interest to enable the appointment of candidates who are similarly placed like the respondent, i.e., those who have rendered long and unblemished services. It is further contended that the Tribunal has appreciated the importance of Rule 247-A and having found that the respondent comes within its ambit has been pleased to direct the petitioners herein to extend the statutory benefits envisaged under the provisions of Rule 247-A of the KCSR Rules.

8. On a detailed consideration of the facts and the provisions of law, this Court is unable to appreciate the contention of the petitioners that the respondent is not a direct recruitee, as he has not been appointed by Public Service Commission. A

reading of the provisions clearly amplifies the issue and comes within its ambit and all the appointees including the respondent have been directly recruited in accordance with law. There is no dispute that the notification is issued to enable the District Level Recruitment Committee to recommend the appointment of candidates who were over aged. Further, the statutory provisions of Rule 247-A of KCSR Rules permits adding two years of service to certain category of appointees only. Further, the Tribunal has rightly directed (he petitioners herein to extend the benefit of the Rule for the purpose of finalising his pension and terminal benefits. Such a direction clearly is in consonance with law and is neither illegal nor contrary to any of the provisions of the statute. It is for the petitioners herein to calculate and arrive at a conclusion as to whether the respondent is entitled for any retiral benefit or pensionary benefits. This Court does not find any illegality or perversity in the order impugned. In that view of the matter, the petition being devoid of merit is accordingly rejected.

9. In view of dismissal of the petition, interim order if any, stands vacated.