

ITEM NO.104

COURT NO.4

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5326-5331 OF 2005

B.S. MANIBANKAR & ORS.

Appellant (s)

VERSUS

STATE OF KARNATAKA & ANR.

Respondent(s)

(With appln(s) for permission to file additional documents)

Date: 29/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant(s) Mr.G.V.Chandrashekar, Adv.
for Mr. P.P. Singh,Adv.

For Respondent(s) Mr. Sanjay R. Hegde,Adv.
Mr.Abhishek Malviya, Adv.
Mr.Ramesh K.Mishra, Adv.
Mr.Krutin Joshi, Adv.

UPON hearing counsel the Court made the following
O R D E R

Mr.G.V.Chandrashekar, learned counsel for the
appellant has drawn our attention to clause/condition 5 of G.O.
Dated 18.02.1995 of the Government of Karnataka, which reads as
under:

"17 members of the staff drawing consolidated
salary will be given pay protection from the date
of joining service (to fix basic pay notionally
in the time scale of pay) subject to the
condition that financial benefit can be availed
from 01-07-1994 (Annexure-4)."

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This Government Notification was withdrawn on 28.03.1995 by
which the government modified the conditions stated in the
Government Order dated 18.02.1995 incorporating new conditions.

Mr.Chandrashekar submits that during the interregnum
period between 18.02.1995 and 28.03.1995, the government has
extended the benefit to some employees and the government never
asked them to refund the amount already paid to them.

His

further contention is that the present three appellants are

exactly similarly placed and they have been denied this benefit.

We direct learned counsel appearing for the State of Karnataka to take instructions and file a proper affidavit within four weeks from today with an advance copy to learned counsel for the appellant who may file reply, if any, to that affidavit within a week thereafter.

List these matters after six weeks.

(G.V.Ramana)
Court Master

(Neeru Bala Vij)
Court Master