

The civil appeals are dismissed with no order as to costs.

S.L.P. (C) No. 13467 of 1999:@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

Heard the learned counsel for the parties.

We do not find any merit in the special leave petition. It is, accordingly, dismissed.

S.L.P. (C) No. 17553 of 1999:@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

Heard learned counsel for the parties for a while.

Leave granted.

The civil appeal is dismissed with no order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

.PA
.PL57

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal Nos.1153-1166 of 1999@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

State of Karnataka & Anr.

...Appellant (s)

Versus~

Karnataka Administrative Tribunal & Ors.Respondent (s)

With Civil Appeal No. 3524 of 2003@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of S.L.P. (C) No. 17553 of 1999)

O R D E R@@
CCCCCCCCCCCC

....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

.SP2

Civil Appeal Nos. 1153-1166 of 1999:@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

These appeals are by the State of Karnataka questioning the validity and correctness of the impugned judgement of the High Court of Karnataka.

The writ petitions were filed by the State of Karnataka in the High Court challenging the correctness of the judgement of the Karnataka Administrative Tribunal [for short, 'the Tribunal'] directing the appellants to count the services of the respondents rendered on contract basis for a certain period on the basis of The Karnataka Civil Services (Absorption of persons appointed on contract basis in the category of posts of Librarians and Physical Culture ...2/-

- 2 -

Instructors Grade III in the First Grade Colleges into state Civil Services) [Special] Rules, 1992 - which came into effect from 22nd January, 1993 [for short, 'the 1993 Rules]. The Tribunal, while allowing the claims of the respondents, held that the benefit should be given for counting their services on the basis on which such benefit was given to the other employees in the light of the 1991 Rules. The High Court disposed of the writ petitions without going into the merits of the contentions, but on the short ground that the writ petitions were not maintainable against the order passed by the Tribunal on the ground that the order of the Tribunal was passed prior to 18th March, 1997, i.e., the date of judgement of a seven-Judge Constitution Bench of this Court in L.@@

CC
Chandrakumar vs. Union of India & Ors. [A.I.R. 1997 S.C.@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
1125 = 1997 (3) S.C.C. 261). Hence, these appeals are filed.

After hearing learned counsel for the parties, we find that the view taken by the High Court in holding that the writ petitions were not maintainable is correct. But, however, we will consider the validity of the order passed by the Tribunal in the light of the submissions made by the learned counsel for the parties.

Learned counsel for the appellants contended that the Tribunal was not right in granting relief to the respondents based on the 1991 Rules and also in holding that Rule 4 of the ...3/-

- 3 -

1993 Rules was bad to the extent it denied counting of service rendered by the respondents on contract basis. He made few more submissions touching the merits of the contentions. Prima facie, we find some force in his submission that the Tribunal was not right in considering the validity of the 1993 Rules based on the 1991 Rules.

Learned counsel for the respondents made submission that the respondents are not granted any arrears of salary or seniority. The only benefit given to them is to count the services rendered by them on contract basis for the purpose of leave and pension and that too, taking note that they were appointed on contract basis as early as in the year 1986.

Since the Tribunal has only directed for counting the services of the respondents rendered on contract basis for the purpose of leave and pension and there is no direction for

payment of arrears of salary or fixing the seniority, we do not think it appropriate, on the peculiar facts and circumstances of these appeals, to upset the order of the Tribunal. We, however, do not express any opinion on the legal contentions urged before us attacking the order of the Tribunal.

In this view of the matter, we decline to interfere with the impugned order of the Tribunal as well as of the High Court and dismiss these appeals with no order as to costs.

...4/-

- 4 -

.SP1

Civil Appeal No. 3524 of 2003:@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of S.L.P. (C) No. 17553 of 1999)

.SP2

Leave granted.

The appellant has made a grievance, in this appeal, that he ought to have been given promotion with effect from 22nd February, 1994, when the post was available and he was eligible. The appellant has been promoted on 14th October, 1996.

The Karnataka Administrative Tribunal [for short, 'the Tribunal'] considered the grievance of the appellant and rejected his claim for promotion with effect from 22nd February, 1994, stating that although there was a vacancy available for promotion, it was not incumbent upon the Government to give promotion from a particular date. It was open to the Government to keep some posts vacant in given circumstances without giving promotion. It is not the case of the appellant that any junior to him was promoted denying his claim. Looking to the reasons recorded by the Tribunal in the light of the facts of the case, we do not think that the Tribunal has in any way committed any error in rejecting the claim of the appellant. The High Court dismissed the writ petition solely on the ground that it was not maintainable because the order of the Tribunal was passed prior to 18th March, 1997, i.e., the date of the judgement of this Court in

....5/-

- 5 -

L. Chandra Kumar vs. Union of India & Ors. (1997 (3) S.C.C.@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC
261).

In this view of the matter, finding no merit, we dismiss the civil appeal.

No costs.

.SP1

.....J.@@
AAAA
(Shivaraj V. Patil) @@
AAAAAAAAAAAAAAAAAAAA

.....J.@@
AA
(Arijit Pasayat)@@
AAAAAAAAAAAAAAAAAAAA

New Delhi,
April 16, 2003.