

ITEM NO.301

COURT NO.12

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. NO.1151 OF 2018 IN C.A. No(s). 2368/2011

B.K. PAVITHRA ETC.

Petitioner(s)

VERSUS

UNION OF INDIA ETC.

Respondent(s)

WITH

MA 1152/2018 in C.A. No. 2369/2011 (IV-A)

Date : 25-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Parties(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Madhusudhan R. Naik, Adv.
Mr. Parikshit, Adv.
Mr. Chinmoy Deshpandey, Adv.
Mr. Geet Ahuja, Adv.

Ms. Kiran Suri, Sr. Adv.
Mr. Parimal Kumar, Adv.
Mr. S.J. Amith, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

Mr. Yashank Adhyaru, Sr. Adv.
Mr. Rakesh Upadhyay, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. M.K. Maroria, Adv.

Mr. Kumar Parimal, Adv.
Mr. Aniruddha P. Mayee, Adv.

Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

Mr. V. N. Raghupathy, AOR

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

1. We have perused affidavit dated 20.04.2018 filed by Mrs. K. Ratna Prabha, Chief Secretary, Government of Karnataka, stating that judgment of this Court in "B.K. Pavithra & Ors. Vs. Union of India & Ors", (2017) 4 SCC 620 has been complied with. Learned counsel for the State submits that in terms of the said judgment, demotions have already been implemented but all the promotions could not be fully implemented on account of election code of conduct.

2. We make it clear that the election code of conduct will not be treated as an impediment to comply with judgment of this Court and the promotions may be accordingly made, wherever not made, in accordance with the judgment of this Court.

3. It has been brought to our notice that in similar situation, this Court by order dated 21.08.2015 in SLP(C) CC. No.14787/2015, titled as "Arvind Rajvedi Vs. Scheduled Castes, Scheduled Tribes & OBCS Welfare Association (Regd.) & Ors.", directed that the High Court should not entertain matters in such situations. It was observed:

".....Be it added, the High Court shall not entertain any kind of petition with regard to the controversy that is covered in the decision rendered in Uttar Pradesh Power Corporation Limited (supra) or even linked with it.

The Registrar (Judicial) is directed to send a copy of this order to the Registrar General of the High Court of Allahabad, to be placed before the learned Chief Justice so that he can do the needful in the matter."

4. Learned counsel for the affected parties submit that in spite of judgment of this Court certain orders have been passed

by the Karnataka State Administrative Tribunal directing maintenance of status quo, in conflict with the order of this Court.

5. Our attention has been particularly drawn to order of the Tribunal dated 20.04.2018 in A.Nos.2848 to 2853 of 2018 to the following effect:-

“Common application is accepted. Accordingly, I.A.I is disposed off.

Learned Counsel for the applications submits that out of six applicants, applicant No.3 was relieved from the post of Assistant Administrative Officer on the same day, viz., the date on which the interim order dated 13.04.2018 came to be passed and respondent No.4 has assumed charge of the post of applicant No.3. Therefore, he submits that the position of the applicants as Assistant Administrative Officers may be protected.

In view of the grounds urged, Respondents 1 & 2 are directed to maintain status quo of applicant Nos.1, 2 & 4 to 6 as on today and in case of applicant No.3 is concerned she should be reinstated as Assistant Administrative Officer and if Respondent No.4 has already taken charge of the post of applicant No.3, she should go back to her earlier post or seek alternative posting, until further orders.

Learned AGA is directed to take notice for Respondents 1 & 2.

Issue notice to Respondents 3 & 4 returnable by six weeks.”

6. Since the order is said to be in conflict with the order of the Court, we vacate the order of the Tribunal and direct the Karnataka State Administrative Tribunal not to grant stay in any matter where the State of Karnataka has purported to pass orders in compliance with the order of this Court. This direction will also apply to the High Court of Karnataka also.

7. Accordingly, we also direct the State of Karnataka to

file further affidavit, indicating that the promotions as well as demotions have been duly effected, by 1st May, 2018.

8. The respondents will be at liberty to file their response to such an affidavit by 8th May, 2018.

9. List for further consideration on 9th May, 2018 at 3.00 P.M.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(SUMAN JAIN)
BRANCH OFFICER