

**Nagendra Vs. State of Karnataka**

**Nagendra Vs. State of Karnataka**

**SooperKanoon Citation :** [sooperkanoon.com/384113](http://sooperkanoon.com/384113)

**Court :** Karnataka

**Decided On :** Aug-09-1985

**Reported in :** ILR1985KAR3394

**Judge :** Doddakale Gowda, J.

**Acts :** Karnataka General Services Rules, 1979 - Rules 2 and 3; [Constitution of India](#) - Articles 14, 16 and 309

**Appeal No. :** W.P. Nos. 3956 of 1980 etc.

**Appellant :** Nagendra

**Respondent :** State of Karnataka

**Advocate for Def. :** S. V. Narasimhan, HCGP, ;M. Narayanaswamy, and ;B.B. Mandappa, Advs.

**Advocate for Pet/Ap. :** H. Subramanya Jois, ;G.S. Visveswara, ;V.V. Upadhyaya and ;K.S. Savanur, Advs.

**Disposition :** Petition dismissed

**Judgement :**

ORDER

**Doddakale Gowda, J.**

1. Validity of Rules/Orders absorbing certain officers of Development Department of districts of Gulbarga, Bidar and Raichur. Panchayat Extension Officers having no parent department and ministerial station the establishment of Taluk Development Boards including Ex-District Boards/ District Local Boards staff absorbed previously in Taluk Development Board Services, in corresponding posts of Revenue Department, as on 28-7-1976 are questioned by a few officers of Revenue Department on the ground that interpolation of these officers has marred their prospects, promotional chances have become bleak and rules are ultra vires; while grievance of some absorbed officials is that denial of their previous services is violative of Articles 14 and 16 of the [Constitution of India](#); some plead for absorption in an equivalent cadre and a few of them contend that absorption without providing right of option is illegal.

2. Petitioners in Writ Petition No. 3956 of 1980 are Sheristedars, First Division Clerks and First Grade Revenue Inspector of the Revenue Department. Their Contention is that Rules providing for absorption is beyond the pale of rule making power; on account of interpolation of various officers, interest seniority of petitioners vis-a-vis absorbed officials is affected; opposed to Rule 6 of Seniority Rules and process of absorption not being one of the method of recruitment, Rules/Orders through which absorption are made are illegal.

3. Petitioner in Writ Petition No. 3303 of 1980 is an official of Ex-District Board whose services stood absorbed in Bantwal Taluk Development Board as per Government Order dated 22-11-1967. He has been promoted as an Accountant on 8-5-1974 in pay scale of Rs. 160-320. He pleads for absorption of post of Accountant with Sheristedar / Deputy Tahsildars, which according to him would be an equivalent post and his absorption as First Division Clerk in Revenue Department is illegal.

4. Contention of petitioners in Writ Petitions Nos. 2971 and 2972 of 1980 is to quash that portion of the Rule or Order which has denied them previous services and to direct Respondents to reckon their previous services for the benefit of leave, seniority, pay, pension etc. They contend that denial of benefit of previous services rendered in Taluk Development Board is discriminatory and

highlyunconscionable.

Contention of rest of the petitioners is more or less same.

5. Policy for absorption as embodied in Government Order No. RDC 52 SPL 76 dated 28th July 1976 reads thus:

'Read: Government Order No. RDC 164 MSC 75, dated 11-8-1975. Preamble :

1. (a) With the establishment of C.D. Blocks in a phased manner in 1950s and 1960s; necessary ministerial staff and field staff was also created to man the C.D. Programme at the Block, Sub-Division, District and Division Levels. The Divisional Commissioners and the Deputy Commissioners of Districts were entrusted with the responsibility to provide the Ministerial staff. Accordingly, except in the 3 Districts of Gulbarga, Bidar and Raichur, in all other Districts, the Deputy Commissioners made appointments as per Rules in force as if all the new posts created for implementation of the C.D. Programme fell within their units. Thus, no separate cadre of Development Department has been built up in the 16 Districts of the State. It may be mentioned here, that only in the year 1959, a separate Cadre and Recruitment Rules for Development Department were framed which also contained provisions to fill up the posts by Transfer of officials from other Departments.

(b) Only in the 3 Districts of Gulbarga, Bidar and Raichur, the officials entertained in connection with the implementation of CD. Programme, has been kept as a separate Cadre.

(c) Government have considered the matter in detail and come to the decision that it is necessary to absorb the ministerial staff borne on the Development Cadre in the 3 Districts of Gulbarga, Bidar and Raichur in the Revenue Department whereby a uniform pattern throughout the State would be brought about.

2. Of the field staff entertained to implement the C.D. Programme : except the Panchayat Extension Officers, all the others are drawn from other Departments. Government have considered the cases of the officials of this cadre also and decided to absorb them in Revenue Department.

3. The staff borne on the establishment of the Taluk Development Boards which have come into being in pursuance of the provisions of the Karnataka Village Panchayats and Local Boards Act, 1959, along with the Ex. DLB staff absorbed In the Taluk a Development Board Services, and the staff borne on the establishment of the C.D. Blocks are working together with an element of uniformity in the matter of working effort and responsibility. But the former are not having the same service conditions and service benefits as are enjoyed by the latter. The need to remove the disparity has been considered by the Government.

Government after careful consideration are pleased to accord sanction to the absorption of (i) the ministerial staff borne on the Development Department in Gulbarga, Bidar and Raichur Districts (ii) the Panchayat Extension Officers who are having no parent Department, as such, (iii) and the ministerial staff borne on the establishments of the Taluka Development Boards, including the Ex. DLB staff absorbed previously in Taluka Development Board Services, as on the date of this order, in the corresponding posts of Revenue Department, as indicated in the Annexure.

Seniority of these personnel in the respective cadres of Revenue Department shall count from the date of absorption in Revenue Department which will take effect from the date of issue of this order.

This order issues with the concurrence of the Revenue Department vide their U.O. Note No. RD(B) 3519/76 dated 27-7-1976.'

Government Order No. RDC 133 SPL 79, dated 28th November 1979 through which their grievance is redressed Sliightly reads as follows :-

'Read : -- Govt. Order No. RDC. 52 SPL. 76, dated 28-7-1976. Preamble : --

In the Government Order cited, sanction was accorded to the absorption of (i) the ministerial staff borne on the Development Department in Gulbarga, Bidar and Raichur Districts (ii) the Panchayat Extension Officers having no parent Department as such, and (iii) the ministerial staff on the establishment of the Taluk Development Boards including the Ex-D.B./D.L.B. staff absorbed previously in

Taluk Development Board Services, as on the date of the said order, in the corresponding posts of Revenue Department, as indicated in the Annexure thereto. It was further laid down in the said order that the seniority of these personnel in the respective cadres of Revenue Department which would take effect from the date of issue of the said order. Subsequent to the issue of the above order, a number of representations voicing the grievances by and on behalf of the personnel involved in the absorption, over the condition laid down about their seniority in Revenue Department, have been received by the Government. After a thorough examination of all aspects of the matter, the Government have decided to modify the Government Order date 28-7-1976 to the extent permissible under the relevant Rules and circumstances leading to the absorption of the different categories of staff.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**