

**Status: Pending**Case Number: **WP 52485/2014**
(KAHC010033542014)Classification: **S RES**Date of Filing: **11/11/2014 13:36:35**Petitioner: **HIGH COURT LEGAL SERVICE COMMITTEE**Petitioner Advocate: **B V NIDHISHREE**Respondent: **GOVERNMENT OF KARNATAKA**Respondent Advocate: **GOVT ADVOCATE FOR R1**Filing No.: **WP 52485/2014**Judge: **CHIEF JUSTICE AND K. V. ARAVIND**Last Posted For: **HEARING - INTERLOCUTORY APPLN**Last Date of Action: **15/11/2024**Last Action Taken: **ADJOURNED**Next Hearing Date: **05/12/2024****Daily Orders: WP 52485/2014**

1	CHIEF JUSTICE AND K. V. ARAVIND	<u>01/10/2024</u>
	Stand over to 15.11.2024. Last Updated On: 2024-10-09 12:20:04	
2	G.NARENDAR AND G BASAVARAJA	<u>27/10/2023</u>
	<p>Heard learned counsel for the petitioner; learned counsel for the respondent No.1; and learned Additional Government Advocate for the respondent-State.</p> <p>The litigation has a long history of nearly a decade which by itself is a proof of the fact that petitioners have been discharging duties over a length of time, which in our considered opinion, requires to be viewed sympathetically. In that view of the matter and in view of the fact that the State has enacted the Karnataka Daily Wage Employees Welfare Act, 2012 and published the same in Extraordinary Gazette on 15th February, 2013, the respondent No.1 may, as an interim measure, shall consider extending the benefits formulated in Act 19 of 2013, to the petitioners and to persons who are similarly situated, we deem it appropriate to grant such an interim measure in view of the apprehension expressed by the petitioners that the determination of writ petition would take considerable time.</p> <p>The State, having evolved the policy to protect the interest of daily wagers as on the date of the Act, prima facie, we do see no hindrance in the State attempting to extend similar protection and benefits to the depressed classes of the Society who are rendering work as daily wagers after implementation of the Act and that too who have completed more than a decade after enactment of Karnataka Act 19 of 2013.</p> <p>The respondent No.1 shall examine and pass appropriate orders within an outer limit of six weeks from today.</p> <p>Last Updated On: 2023-11-04 12:06:13</p>	
3	G.NARENDAR AND VIJAYKUMAR A. PATIL	<u>13/10/2023</u>
	List on 27/10/2023. Last Updated On: 2023-10-13 16:19:18	
4	G.NARENDAR AND VIJAYKUMAR A. PATIL	<u>12/10/2023</u>

	<p>ORDER</p> <p>Pursuant to our order dated 11.10.2023 the Member Secretary, KSLSA and the Labour Commissioner are present before the Court. We were constrained to have their presence in view of certain mind-boggling acts which were revealed to us during the arguments. It is come to our notice that there is about 96,677/- citizens are deployed by outsourcing agencies with various Government departments including the Courts. Learned counsel for the petitioner has placed before us an information in the form of a contract between one of the members appointed by M/s Keonex on behalf of the Karnataka State Legal Services Authority, wherein the gross salary paid to the person appointed as the data entry operator is Rs.18,106/- while the total billing amount by the service provider is Rs.25,578/- and astonishingly it includes a sum of Rs.3,901/- by way of GST + service charge of 5%. We are unable to comprehend as on what basis the sum of Rs.3,901/- is deducted towards GST. Apparently, it is doubtful as to whether the salary or wage component is subject to service tax. What could be subject to tax is the service charges at 5%, that would be 5% of Rs.1,032/- paid to the service provider, yet an astonishing sum of Rs.3,901/- is paid as GST. Hence, the learned AGA is directed to secure instructions to what appears to be an anomaly.</p> <p>2. List this matter on 13.10.2023 at the 'top of the list'. The learned Commissioner and the learned Member Secretary, KSLSA shall be present before the Court.</p> <p>Last Updated On: 2023-10-12 16:34:39</p>	
5	G.NARENDAR AND VIJAYKUMAR A. PATIL	<u>11/10/2023</u>
	<p>The Member Secretary, Karnataka State Legal Services Authority and the Labour Commissioner to be present before the Court tomorrow at 2.30 p.m.</p> <p>Learned Additional Government Advocate is directed to secure the total amount that is expended by the Government towards payment to agencies providing manpower.</p> <p>List on 12.10.2023 at 2.30 p.m.</p> <p>Last Updated On: 2023-10-11 16:40:15</p>	
6	G.NARENDAR AND VIJAYKUMAR A. PATIL	<u>10/10/2023</u>
	<p>ADJOURNED.</p> <p>Last Updated On: 2023-11-02 11:01:59</p>	
7	ACTING CHIEF JUSTICE AND S VISHWAJITH SHETTY	<u>08/08/2022</u>
	<p>Mr.J.Sathish Kumar, learned Additional Government Advocate prays for a short accommodation in order to enable him to make a statement whether arrears due to the employees for the period from 01.01.2012 till 31.12.2019 has been paid or not.</p> <p>List next week.</p>	
8	ALOK ARADHE AND J.M.KHAZI	<u>29/06/2022</u>
	<p>Ms. B.V. Nidhishree, learned counsel for the petitioner prays for and is granted two weeks time in order to enable her to file reply to the memo.</p>	
9	ALOK ARADHE AND J.M.KHAZI	<u>07/06/2022</u>
	<p>Smt.B.V.Vidyulatha, learned counsel for respondent No.2 prays for short accommodation, to enable her to place records and documents. It is stated that the aforesaid documents will be filed during the course of the day.</p> <p>List in the next week.</p>	
10	ALOK ARADHE AND M.G.S. KAMAL	<u>11/02/2022</u>
	<p>Learned counsel for the petitioner prays for and is granted two weeks time in order to enable them to go through the memo along with statement filed by the respondents.</p> <p>List after two weeks.</p>	

11	ALOK ARADHE AND ANANT RAMANATH HEGDE	<u>20/12/2021</u>
	<p>Smt.B.V.Nidhishree, learned counsel for the petitioner. Smt.B.V.Vidyulatha, learned counsel for the respondent No.2. Learned counsel for the respondent No.2 submits that the memo of calculation, in compliance of the order dated 06.12.2021, shall be filed during the course of the day, after supplying a copy of the same to the learned counsel for the petitioner. List after the ensuing winter vacation.</p>	
12	ALOK ARADHE AND ANANT RAMANATH HEGDE	<u>06/12/2021</u>
	<p>Smt.Anjana A.V., learned counsel for the respondent No.2 is directed to furnish the particulars with regard to the period for which arrears of wages has been paid on the enhanced rate to the part time employees employed in Dharwad and Kalaburagi Benches of this Court.</p>	
13	ALOK ARADHE AND ANANT RAMANATH HEGDE	<u>17/11/2021</u>
	<p>Smt.B.V.Nidhishree, learned counsel for the petitioner. Smt.B.V.Vidyulatha, learned counsel for the respondent No.2. Learned counsel for the respondent No.2 submits that the part time employees employed in Dharwad and Kalaburagi Benches of this Court have been paid wages at the enhanced rate and arrears have also been paid to them. However, she prays for and is granted two weeks time to place the aforesaid documents on record. List on 06.12.2021.</p>	
14	SATISH CHANDRA SHARMA(Ag.CJ) AND SACHIN SHANKAR MAGADUM	<u>14/09/2021</u>
	<p>On 27.09.2019, an order was passed directing Registry not to post the matter before the Bench of which Chief Justice is a party. Therefore, Office is directed to post the matter before the other Bench on 21.09.2021.</p>	
15	SATISH CHANDRA SHARMA(Ag.CJ) AND SACHIN SHANKAR MAGADUM	<u>07/09/2021</u>
	<p>The learned Government Advocate prays for listing of the matter on 13th of September, 2021. List this matter on 13th of September, 2021 for grant of interim relief.</p>	
16	RAVI MALIMATH AND M.I.ARUN	<u>11/02/2020</u>
	<p>CALL AFTER 2 WEEKS AT THE REQUEST OF GA</p>	
17	CJ & SRKKJ	<u>27/09/2019</u>
	<p>This petition shall not be placed before a Bench of which Chief Justice is a party.</p>	
18	LNS J (AG.CJ) & PSDJ	<u>08/02/2019</u>
	<p>Post this matter for hearing.</p>	
19	LNS J (AG.CJ) & PSDJ	<u>01/02/2019</u>
	<p>As prayed for by learned AGA for respondent No.1, call on 08.02.2019.</p>	
20	DINESH MAHESHWARI (CJ) & SSJ	<u>19/12/2018</u>

	Learned AGA prays for and is granted time to complete his instructions. List this matter in the month of February-2019, as prayed.	
21	DINESH MAHESHWARI (CJ) & SGPJ	<u>03/10/2018</u>
	Learned Additional Government Advocate submits that the matter as regards sanctioning of the regular posts of Group □D□ employees at Dharwad and Gulbarga Benches of High Court of Karnataka, is under active consideration and at present, the matter is pending before the Finance Department. List this matter on 28.11.2018, as prayed.	
22	DINESH MAHESHWARI (CJ) & RDJ	<u>09/08/2018</u>
	List this matter before a Bench of which one of us (Justice R.Devdas) is not a member.	
23	DINESH MAHESHWARI (CJ) & KSDJ	<u>25/06/2018</u>
	Learned Government Advocate prays for and is granted time to complete all his instructions. List this matter on 18.07.2018, as prayed.	
24	DINESH MAHESHWARI (CJ) & BMSPJ	<u>19/03/2018</u>
	Request for adjournment is made on the ground that learned Advocate General has to appear in the matter and he has not been able to attend this Court today due to personal difficulty. List this matter on 06.04.2018, as prayed.	
25	SKMJ(CJ) & BRBJ	<u>21/10/2016</u>
	As prayed for by Mr.R.Devdas, learned principal government advocate, post this matter after two weeks.	
26	SKMJ(CJ) & RVMJ	<u>28/07/2016</u>

ORDER ON IA-I OF 2016

This application is filed seeking modification of the interim order granted by this court on January 27, 2016.

It is contended that, notwithstanding the 64 temporary workers as mentioned earlier, there are other workmen, who have been appointed on similar terms, in the High Court Benches at Dharwad and Kalaburagi. That they too should be extended the same benefit as granted to the others in terms of the interim order dated January 27, 2016.

Mr R Devdas, learned Principal Government Advocate, opposes the same, on the ground that what is granted by this court is in excess of the sanctioned posts. That the State Government is likely to increase the sanctioned strength in so far as the group □D□ employees are concerned.

Detailed reasonings were assigned in the order dated January 27, 2016. With regard to sanctioning of the posts it was held as follows:-

□The Registry is directed to forward the list of staff required for the purpose of running the Benches within a month. If the government sanctions the posts, immediately steps should be taken to fill up those posts in accordance with law. Till such time, these temporary workers shall continue and shall be getting minimum salary as that of the group □D□ employees□.

Therefore, the plea of the State cannot be accepted. The sanctioning of posts is by the Government. They have still not sanctioned the posts. As and when the posts are sanctioned necessarily the same would be filled up. It is only to ensure that work is not hampered, due to the delay in sanctioning of the posts, that these arrangements have been made.

In order to ensure that absolute justice is done to the employees, we deem it just and necessary to clarify that only those persons who are on the rolls as on January 27, 2016, would be entitled to the interim order of that date and further that no further appointment shall be made, except with the leave of this Court.

On considering the contentions, we are of the considered view that the interim order granted by this court on January 27, 2016 requires to be extended to all those similarly placed workmen who are employed at the High Court Benches at Dharwad and Kalaburagi as on January 27, 2016. However, we clarify that no further temporary appointments shall be made without seeking leave of this court.

The Registrar General is directed to furnish the list of all such employees who have been working at the High Court Benches at Dharwad and Kalaburagi as on January 27, 2016 excluding the list of 64 persons who are covered by the interim order dated January 27, 2016. The list shall be furnished to the Principal Government Advocate within a period of two weeks from today for necessary action and compliance of this order.

Accordingly IA-I of 2016 is disposed off and the interim order granted by this court on January 27, 2016 is modified in the above terms.

The learned counsel for the petitioner contends that the order dated January 27, 2016 has not been complied with. In view of the same, the State is directed to comply with the order dated January 27, 2016 as well as today's order by the end of September, 2016.

27

SKMJ (AG.CJ) AG.CJ & RVMJ

27/01/2016

64 temporary workers have been employed in Dharwad Bench and Gulbarga Bench of this Court. They are the major group □D□ working force in those places. They are paid emoluments of `3,500/- (Rupees three thousand and five hundred) only, per month. As the temporary workers are factually working for the whole day, we feel that injustice is caused to them. They are supposed to work only for four hours on payment of `3,500/- (Rupees three thousand and five hundred) only, per month. We reiterate that they are working for the whole day and but for them, the Benches cannot run.

We feel that as a special case, we must pass certain directions for the best interest of the institution.

64 persons shall continue in their service till any recruitment is made for the group □D□ posts in both the Benches. They shall not be entitled to claim any equity whatsoever.

They are paid `3,500/- (Rupees three thousand and five hundred) only, per month. We feel that they are entitled to the minimum salary as is payable to a group □D□ staff. The authorities shall, therefore, pay them minimum salary of a group □D□ employee of a government organisation, without any future increments, from the month of February, 2016, payable in March, 2016.

The Registry is directed to forward the list of staff required for the purpose of running the Benches within a month. If the government sanctions the posts, immediately steps should be taken to fill up those posts in accordance with law. Till such time, these temporary workers shall continue and shall be getting minimum salary as that of the group □D□ employees.

However, we clarify that although they are not entitled to any equity as they had worked for several years, they shall be entitled to participate in the selection process provided, however, they are otherwise eligible.

This order is passed as a special case to enable the High Court to run the Benches in both the places. It shall not be considered to be a precedent in future.

28	SKMJ (AG.CJ) & BVNJ	<u>05/10/2015</u>
	List this matter in the month of November, 2015.	
29	SKMJ (AG.CJ) & BVNJ	<u>31/08/2015</u>
	As prayed for, list this matter after two weeks.	
30	SKMJ (AG.CJ)& RMRJ	<u>04/06/2015</u>
	Prof. Ravivarma Kumar, learned Advocate General appears for the State and accepts notice. He has a draft proposal for enhancement of the wages of daily workers. He hands over a copy to Mr. Adithya Sondhi, learned senior counsel for the petitioner. Post on 27.07.2015 for further consideration.	
31	D.H.WAGHELA (CJ)& RMRJ	<u>23/02/2015</u>
	Learned PGA has filed Proceedings of the Government of Karnataka and draft notification for eliciting views of the petitioner. Copy thereof is served on the learned counsel for petitioner. Relist on 03.03.2015.	
32	D.H.WAGHELA (CJ)& RMRJ	<u>12/01/2015</u>
	List on 23.01.2015 at the request of learned PGA who proposes to take necessary instructions in the meantime on the issues which arise in the petition.	
33	D.H.WAGHELA (CJ)& BRBJ	<u>15/12/2014</u>
	List on 12.01.2015 at the request of learned Principal Government Advocate.	

34	D.H.WAGHELA (CJ)& BRBJ	<u>02/12/2014</u>
	Notice returnable on 15.12.2014. Learned Principal Government Advocate waives notice for respondent No.1. He has requested to take instructions from the Secretary of the Department concerned as regards revision of wages for the part time employees in the lower cadre after the Government Order dated FD 01 TFP 2009 dated 30.05.2009.	

Content Maintained by Computer Main Center(CMC)
Designed by NIC in association with CMC, High Court of Karnataka
hosted by [National Informatics Centre](#)

