



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 16739 OF 2023 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY TO GOVT
EDUCATION DEPARTMENT
(PRIMARY AND SECONDARY),
BENGALURU AND OTHERS.
2. THE DIRECTOR OF PRINTING,
STATIONARY & PUBLICATIONS,
GOVERNMENT CENTRAL PRESS,
R V COLLEGE POST, MYSURU ROAD,
BENGALURU - 560 059.

...PETITIONERS

(BY SRI.VIKAS ROJIPURA.,AGA)

AND:

R LAKSHMAN,
AGED ABOUT 61 YEARS,
S/O LATE K G RANGAIAH,
PRESENTLY WORKING AS
SECONDARY DIVISION ASSISTANT ON DAILY WAGES,
GOVERNMENT CENTRAL PRESS,
MYSURU ROAD, BENGALURU 59.

...RESPONDENT

(BY SRI. VIJAYA SIMHA REDDY D V.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A)
CALL FOR RECORDS IN APPLICATION NO.1044/2020 DATED
28/07/2021 AND IN REVIEW APPLICATION NO.141/2021

Digitally
signed by
CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



DATED 22/02/2023, BOTH ON THE FILE OF THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU (ANNEXURES-A AND B) AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
AND
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner-State and its officials are knocking at the doors of writ court for assailing the State Administrative Tribunal's order dated 28.07.2021 whereby the Application No.1044/2020 has been allowed and the following relief has been granted to him, with a cost of Rs.10,000/-:

"The respondents shall issue a notification considering him to be appointed under the Karnataka Daily Wage Employees Welfare Act, 2012 as FDA with effect from the date of the notification dated 29-07-2015 and he shall be entitled to the consequent financial benefits of the pay fixation in the scale of FDA in accordance with the provisions of the said Act. The arrears shall be paid within three months and if paid within this period it shall bear interest. However, if the arrears are paid after three months, it shall bear interest of 8% per annum from the date when the arrears of each month fell due until the date of actual



payment. The arrears shall be paid in any case within six months from the date of this order with the applicable interest as above."

2. Learned AGA appearing for the official petitioners vehemently argues that the private respondent was working only as Second Division Assistant and therefore he was treated as such for accordingly benefit under the provisions of Karnataka Daily Wage Employees Welfare Act, 2012; the work allocation records show that he never worked as First Division Assistant; this aspect of the matter having been wrongly considered by the Tribunal, there is error apparent on the face of the impugned order warranting interference of this court.

3. Learned counsel appearing for the private respondent resists the petition making submission in justification of impugned order and the reasons on which it has been constructed. He draws our attention to the Director's letters dated 31.05.1994/13.07.1994 wherein at Sl.No.7 of the Enclosure name of his client figures as a Graduate working as First Division Assistant that too in the



prescribed pay scale. He also draws our attention to the letter dated 30.12.2008/12.01.2009 of succeeding Director and his client's name figures at Sl.No.7 and he is shown as Graduate-FDA.

4. Having heard the learned counsel for the parties and having perused the petition papers, we decline indulgence in the matter agreeing with the finding of the Tribunal that the private respondent was engaged as First Division Assistant and that he was working as such. Two Directors in seriatim have specifically recommended cases of several daily wagers of various designations for granting benefit under the 2012 Act. In those recommendations, name of the private respondent also figures with full particulars such as Graduate-FDA, pay scale, etc. We do not find any plea by the petitioners in their pleadings that the version of the Directors who supervise and control their subordinates, is not true & correct or that any corrective steps had been ever taken up by the higher ups.



5. Learned AGA vehemently submits that the Job Chart of private respondent fits into paragraph 15(b) of the Manual of Government Presses at internal page 11. The same reads as under:

"One Second Division Clerk shall attend to the duties. Of preparation of Establishment Pay Bills, supplemental Pay Bills, T.A. Bills and Medical Reimbursement Bills, and copying them to concerned registers; maintaining the leave ledgers relating to Casual Leave and furnishing the title to leave; maintenance of the Service Registers of all the officials of the Government Stationery Depot; maintaining 'the Stamps Account Register and issue of the stamps to the Despatcher as and when necessary after obtaining acknowledgment; maintaining the receipt and issue registers of Stationery articles and Forms and Registers.; maintaining the Furniture Registers, Office Order Book and Leave Order Book; and posting of receipts and issues to the Registers with value in respect of all the stationery articles stocked in the Government Stationery Stores and issue to several departments."

6. Let us examine the above version in the light of the subject Job Chart dated 04.10.2016 issued by the Directorate of Printing and Presses. The same is as under:

3	ಶ್ರೀ ಆರ್ ಲಕ್ಷ್ಮಣ, ದಿನಗೂಲಿ ನೌಕರರು.	ಇವರು ಲೇಖನ ಸಾಮಗ್ರಿ ಮಳಿಗೆ ಕೈಪಿಡಿ ಪ್ಯಾರಾ 15(ಡಿ) ರಂತೆ ಇಂಡೆಂಟ್ ಸಹಾಯಕರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುವುದು ಇವರು ಚಿಕ್ಕಬಳ್ಳಾಪುರ, ಕೋಲಾರ, ತುಮಕೂರು, ಚಿತ್ರದುರ್ಗ, ದಾವಣಗೆರೆ, ಶಿವಮೊಗ್ಗ, ರಾಮನಗರ, ಬೆಂಗಳೂರು ನಗರ ಮತ್ತು
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		ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆಗಳಿಂದ ಬಂದ ಬೇಡಿಕೆಯಂತೆ ಲೇಖನ ಸಾಮಗ್ರಿಗಳ ಸರಬರಾಜಿಗೆ ಬೇಡಿಕೆ ಪಟ್ಟಿ ತಯಾರಿಸುವುದು. ಸರಕು ಪಟ್ಟಿ ಹಾಕುವುದು ಮತ್ತು ಅವಶ್ಯಕತೆ ಇದ್ದಾಗ ಇಂಡೆಂಟಿಂಗ್ ಅಧಿಕಾರಿಗಳೊಂದಿಗೆ ಪತ್ರ ವ್ಯವಹಾರ ಮಾಡುವುದು. ಹಣ ಪಾವತಿಯ ಮೇರೆಗೆ ಸರಬರಾಜು ಮಾಡಿದಲ್ಲಿ ಬಿಲ್ಲುಗಳನ್ನು ತಯಾರಿಸುವುದು, ಹಣ ಪಾವತಿಯ ಮೇರೆಗೆ ಸರಬರಾಜು ಮಾಡಿದ ಕಛೇರಿಗಳ ಕಡತಗಳನ್ನು ಸುಪರ್ದಿಗೆ ಪಡೆದುಕೊಂಡು ಒಂದು ಕಡೆ ಇಟ್ಟುಕೊಳ್ಳುವುದು ಲಭ್ಯವಿರುವ ದಾಖಲೆಗಳ ಪ್ರಕಾರ ಬಾಕಿ ಇರುವ ಕಛೇರಿಗಳ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ ಬಿಲ್ಲನ್ನು ಪಾವತಿಸುವಂತೆ ಪ್ರತಿ ತಿಂಗಳು ನೆನಪೋಲೆ ಪತ್ರಗಳನ್ನು ಬರೆಯುವುದು ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ಅಧೀಕ್ಷಕರು ವಹಿಸುವ ಇನ್ನಿತರೆ ಕೆಲಸಗಳನ್ನು ನಿರ್ವಹಿಸುವುದು
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This would broadly fit into paragraph 14(a) of Manual of Government Presses which reads as under:

"14 (a) One First Division Clerk shall be in charge of maintaining and posting of Cash Books, Contingent and allied Registers, General 'Receipt Books and their stock = account, preparation of A . C. and D. C. Bills; passing of the contractor's bills and maintaining the registers connected therewith; preparation of the comparative statements in respect of tenders received from the Stores Purchase Department and quotations directly invited by the Government Stationery Depot Office, getting them checked by the Superintendent Grade I, with reference' to the quotations and samples received from the firms; inviting quotations and placing orders and arranging payments in the case of materials purchased within the powers delegated 'to the Director; maintaining the register to link payments of 95 per cent and 5 per cent bills in respect of supplies received and to attend to the clearance of outstanding Audit objections for payment of balance of 5 per cent



for supplies made on the Director General of Supplies and Disposals rate contracts."

Therefore it cannot be gainfully argued that the private respondent was not working as FDA/FDC.

All the above being said, we find force in the submission of learned AGA that the Tribunal is not justified in awarding costs quantified at Rs.10,000/-. Therefore we dissolve that part of the impugned order, provided that petitioners implement Tribunal's order within a period of eight weeks, failing which not only the cost becomes payable but to that needs to be added another like sum. This cost may be recovered from the erring officials.

In the above circumstances and with the above observations, petition is disposed off.

Sd/-
(KRISHNA S DIXIT)
JUDGE

Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE

Cbc/snb
List No.: 1 Sl No.: 25