

IN THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT BANGALORE

DATE : THIS THE 20TH DAY OF DECEMBER. 2007

BEFORE

THE HON'BLE MR. JUSTICE A.V. SRINIVASA REDDY. CHAIRMAN

APPLICATION NUMBER 5167 OF 2007

A. Nos. 5170/2007, 5171/2007, 5172/2007,
5173/2007, 5174/2007 & 5175/2007

A. No. 5167/2007 :

Sri Lakshman c.
Aged about 36 years,
S/o Sri Shivappa. C,
Working as Asst. Teacher,
Govt. Model Higher Primary School,
Munirabad, Koppal Taluk & Distt.
(By Sri A. Venkat Sathyanarayana, Advocate)

Versus :

1. The Commissioner of Public Instruction in Karnataka,
Dept. of Public Instruction,
New Public Offices, Nrupathunga Road,
Bangalore - 560002.
2. The Deputy Director of Public Instructions,
Koppal District, Koppal.
3. Bharatiya Shiksha Parishad,
Institute of Distance Education,
No. 2/268, Vishwas Khand,
Gomti Nagar, Lucknow,
Uttar Pradesh-226010,
By its Director.

(Sri S.S. Hosur, Govt. Pleader for R-1 & 2;
Notice to R-3 is dispensed with)

...RESPONDENTS

A. No. 5170/2007 :

Sri Mahantesh,
S/o Sri Virupakshappa Savi,
Working as Asst. Teacher,
Govt. Model Higher Primary School,
Munirabad, Koppal Taluk & Dist.

(By Sri A. Venkat Sathyanarayana, Advocate)

Versus :

1. The Commissioner of Public Instructions in Karnataka.
Dept. of Public Instruction,
New Public Offices, Nrupathunga Road,
Bangalore-560002.
2. The Deputy Director of Public Instructions,
Koppal District. Koppal.
3. Bharatiya Shiksha Parishad,
Institute of Distance Education,
No. 2/268, Vishwas Khand,
Gomti Nagar. Lucknow.
UttarPradesh-226010.
By its Director.

...APPLICANT

(Sri S.S. Hosur Govt. Pleader for R-1 & 2;
Notice to R-3 is dispensed with)

A. No. 5171/2007 :

Sri Nagappa Hosamani.
S/o Sri Bhecmappa.
Working as Asst. Teacher.
Govt. Model Higher Primary School,
Kalkeri, Gangavathi Taluk,
Koppal Dist.
(By Sri A.Venkat Sathyanarayana, Advocate)

Versus :

1. The Commissioner of Public Instructions in Karnataka.
Dept. of Public Instruction.
New Public Offices, Nrupathunga Road.
Bangalore-560002.
2. The Deputy Director of Public Instructions.
Koppal District, Koppal.
3. Bharatiya Shiksha Parishad.
Institute of Distance Education.
No. 2/268, Vishwas Khand,
Gomti Nagar, Lucknow,
UttarPradesh-226010.
By its Director.

(Sri S.S. Hosur, Govt. Pleader for R-1 & 2;
Notice to R-3 is dispensed with)

A. No. 5172/2007

Sri Shankarappa Boka,
Aged about 42 years.
S/o Sri Ramappa Boka,
Working as Asst. Teacher,
Govt. Model Higher Primary School,
Rampur Village, Gangavathi Taluk,
Koppal Dist.
(By Sri A.Venkat Sathyanarayana, Advocate)

Versus :

1. The Commissioner of Public Instructions in Karnataka.
Dept. of Public Instruction,
New Public Offices, Nrupathunga Road,
Bangalore-560002.
2. The Deputy Director of Public Instructions,
Koppal District, Koppal.
3. Bharatiya Shiksha Parishad,
Institute of Distance Education.
No. 2/268, Vishwas Khand,
Gomti Nagar, Lucknow.
UttarPradesh-226010.
By its Director.

(Sri S.S. Hosur, Govt. Pleader for R-1 & 2;
Notice to R-3 is dispensed with)

A. No. 5173/2007

Sri Shivalingappa.
Aged about 41 years,
S/o Sri Siddappa Patil.

...RESPONDENTS

...APPLICANT

...RESPONDENTS

....APPLICANT

...RESPONDENTS

Working as Asst. Teacher,
Govt. Model Higher Primary School.
Talkal Village, Yelaburga Taluk,
Koppal Dist.
(By Sri A.Venkat Sathyanarayana. Advocate)

...APPLICANT

Versus :

1. The Commissioner of Public Instructions in Karnataka.
Dept. of Public Instruction,
New Public Offices, Nrupathunga Road,
Bangalore-560002.
2. The Deputy Director of Public Instructions,
Koppal District, Koppal.
3. Bharatiya Shiksha Parishad,
Institute of Distance Education.
No. 2/268. Vishwas Khand,
Gomti Nagar, Lucknow.
UttarPradesh-226010.
By its Director.

...RESPONDENTS

(Sri S.S. Hosur, Govt. Pleader for R-1 & 2;
Notice to R-3 is dispensed with)

A. No. 5174/2007:

Smt. Melavanki Neelavva,
Aged about 37 years,
W/o Sri Shivanand B. Chandu.
Working as Block Resource
Co-ordinators Office.
Belgaum.
R/at Plot No. 148, Ramateerta Nagar.
Belgaum.

...APPLICANT

(By Sri A.Venkat Sathyanarayana. Advocate)

Versus :

1. The Commissioner of Public Instructions in Karnataka.
Dept. of public Instruction.
New Public Offices. Nrupathunga Road,
Bangalore-560002.
2. The Deputy Director of Public Instructions,
Belgaum District, Belgaum-590001.
3. The Block Education Officer,
Belgaum Urban Area,
Belgaum-590001.
4. Bharatiya Shiksha Parishad.
Institute of Distance Education,
No. 2/268. Vishwas Khand,
Gomti Nagar, Lucknow,
UttarPradesh-226010,
By its Director.

...RESPONDENTS

(Sri S.S. Hosur. Govt. Pleader for R-1 & 3;
Notice to R-4 is dispensed with)

A. No. 5175/2007 :

Sri Paramesh.
Aged about 42 years,
S/o Sri Thimmegouda,
Working as Asst. Teacher
Govt. Lower Primary School,
A.D. Colony, Arakalgud Post,
Hassan Dist.

...APPLICANT

(By Sri A.Venkat Sathyanarayana, Advocate)

Versus :

1. The Commissioner of Public Instructions in Karnataka.
Dept. of Public Instruction.
New Public Offices, Nrupathunga Road,
Bangalore-560002.
2. The Deputy Director of Public Instructions,
Hassan District, Hassan.
3. Bharatiya Shiksha Parishad,
Institute of Distance Education.
No. 2/268. Vishwas Khand,
Gomti Nagar, Lucknow,
UttarPradesh-226010,
By its Director.

...RESPONDENTS

(Sri S.S. Hosur, Govt. Pleader for R-1 & 2;
Notice to R-3 is dispensed with).

These applications are filed under section 19 of the Administrative Tribunals Act. 1985. with a prayer to direct the respondents to consider their representations dated 23.11.2007, 23.11.2007, nil. 23.9.2006. 2.10.2007. 12.9.2007 & 25.9.2007 (Annexure 'A5' in A.No. 5175/2007 & Annexure 'A4' in all other applications) respectively, etc.

These applications, coming on Orders/Hearing, this day, the Hon'ble CHAIRMAN made the following :

ORDER

1. In these applications, the applicants are seeking a direction to the respondents to consider their representatives dated 23.11.2007. 23.11.2007, nil, 23.9.2006. 2.10.2007. 12.9.2007 & 25.9.2007 (Annexure 'A5' in A.No. 5175/2007 & Annexure 'A4' in all the other applications) respectively.
2. Heard Mr. A. Venkatasathyanarayana, learned Counsel for the applicants and Mr. S.S. Hosur, learned Government Pleader for Respondents-1 to 3 in A.No. 5174/2007 & for Respondents-1 & 2 in the remaining applications. Notice to Respondents in A.No.5174/2007 & to Respondent-3 in the remaining applications is dispensed with.
3. The applicants have since eligible for promotion to the post of High School Teacher Grade-II. they are stated to have given them representations dated 23.11.2007. 23.11.2007. nil. 23.9.2006. 2.10.2007, 12.9.2007 & 25.9.2007 (Annexure "A5" in A.No.5175/2007 & Annexure "A4" in all other applications) respectively. They have claimed that they have the requisite qualifications and fulfill all other requirements in terms of the Service Rules. The grievance of the applicants is that though they are entitled and eligible for promotion to the post of High School Teachers Grade-II, but the official respondents have not so far considered the representations already submitted by them. Due to inaction on the part of the official respondents is not considering the representations given by the applicants, they are forced to file these applications.
4. It has to be noted here that Clause (b) of sub-section (2) of Section 20 of the Administrative Tribunals Act 1985. imposes an obligation on the official respondents, who are the statutory authorities, to consider the claim made by an aggrieved person, within a reasonable time, subject of course to fulfillment of the conditions under the Rules. In the facts and circumstances explained by the applicants in their representations and in these applications, all that, could be done for the present is to dispose of the application; with the following :

ORDER

- (i) These applicants are disposed of;
- (ii) The official respondents are directed to consider the representations dated 23.11.2007. 23.11.2007. nil. 23.9.2006. 2.10.2007. 12.9.2007 & 25.9.2007 (Annexure 'A5' in A.No. 5175/2007 & Annexure 'A4' in all other applications) respectively, with regard to the claim of promotion made by them, and pass appropriate orders, in accordance with law. within two months from the date a certified copy of this order is received by them.

Sd/-
Chairman
The Karnataka Administrative Tribunal
Bangalore