

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00068/2017

DATED THIS THE 22ND DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Sri Harish M
S/o Madaiah,
Aged about 32 years,
Working as Multi Tasking Force (MTS),
Indian Audit & Accounts Department,
O/o the Principal Accountant General in
Karnataka (A&E), Park House Road,
Bangalore – 560 001.

.....Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1. The Principal Accountant General (E&RSA),
In Karnataka,
Park House Road,
Bangalore – 560 001.

2. The Accountant General (E&RSA)
O/o the Principal Accountant General
In Karnataka,
Park House Road,
Bangalore – 560 001.

....Respondents

(By Shri M.V. Rao, Senior Panel Counsel)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

The matter is in a very small compass. Apparently covered by our order in OA No. 1053-1055/2013 dated 17.02.2014 which was taken up to the Hon'ble High Court of Karnataka at Bangalore in Writ Petition No. 47621/2014 and connected cases which was disposed off vide order dated 05.02.2015. At this point of time Shri M.V. Rao, learned counsel for the respondents, would submit that Annexure-A9 is also to be looked into that the nomenclature given to this course which the applicant has passed is 'Bridge course equivalent to 10th'.

2. It only means one thing. The primary and secondary education is responsibility of a State Government. The UGC and the Union Government has nothing to do with it. Apparently the Karnataka State Government had accepted this bridge course as equivalent to 10th standard. Therefore there ends the matter. Therefore the Union Government and UGC has nothing to do with the matter since it is in the State List. As the Karnataka Government has granted recognition, there is no need to look any further. The applicant will be allowed the benefit of passing of SSLC examination. At this point of time Shri M.V. Rao, learned counsel for the respondents, submitted that following their decision that this may not be equivalent to 10th standard, they had issued termination orders. All these termination orders are hereby quashed. Applicant will be eligible for the benefit of Pay Band of Rs.5200-20200 + Grade Pay of Rs. 1800 on the date on which the said benefit had been granted to Shri L.

Somashekhar and others based on the date on which the applicant acquired SSLC qualification as stated in Annexure-A9.

3. The OA is allowed to this extent. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No.170/00068/2017

Annexure A-1: True copy of OM No. AB-14017/6/2009-Estt (RR) dated 30.04.2010

Annexure A-2: True copy of OM No. AB14017/6/2009-Estt (RR) dated 17.02.2011

Annexure A-3: True copy of DOPT Notification dated 08.02.2011

Annexure A-4: True copy of Employment Notification dated 16.09.2010

Annexure A-5: True copy of letter No. Pr.AG/(C&CA)/HK/D/2010-11/247 dated 15.11.2010

Annexure A-6: True copy of Appointment order of the applicant dated 09.11.2011

Annexure A-7: True copy of judgment in OA No. 1056/2013 passed by Central Administrative Tribunal, Bangalore Bench dated 17.02.2014

Annexure A-8: True copy of letter of the applicant dated 18.06.2014 addressed to the Senior Audit Officer

Annexure A-9: True copy of 10th marks card dated 09.05.2014

Annexure A-10: True copy of judgment in WP No. 47621/2014 of the Hon'ble High Court dated 05.02.2015

Annexure A-11: True copy of Office Order No. ESI/A2/2015-16/63 dated 23.07.2015

Annexure A-12: True copy of Public Notice No. KSOU/AB/EST-01/236/2011-12 dated 19.01.2016

Annexures with MA No. 170/00161/2017:

Annexure A-13: True copy of letter No. Pr.AG(G&SSA)/Admn I/A5/2016-17/164 dated 06.02.2017

Annexures with reply statement:

Annexure R-1: Copy of letter of the applicant addressed to the Sr. Audit Officer (Admn) submitting the original SSLC Marks Card

Annexure R-2: Copy of letter No. Pr.AG(G&SSA)/Admn.1/2015-16/805 dated 21.01.2016

Annexure R-3: Copy of letter No. Pr.AG(G&SSA)/Admn.1/2015-16/458 dated 10.09.2015

Annexure R-4: Copy of letter No. KSOU.Dean(Ac)/2015-16 dated 11.09.2015

Annexure R-5: Copy of letter No. Pr.AG(G&SSA)/Admn.1/A5/2015-16/71 dated 04.12.2015

Annexure R-6: Copy of letter No. Pr.AG(G&SSA)/Admn.1/A5/2015-16/83 dated 29.12.2015

Annexure R-7: Copy of letter No. KSOU.Dean(Ac)/2015-16 dated 01.02.2016

Annexure R-8: Copy of letter F. No. DEC/OU/Recog/2008 dated 08.04.2008

Annexure R-9: Copy of letter No. Pr.AG(G&SSA)/Admn.1/A1/2016-17/488 dated 02.08.2016

Annexure R-10: Copy of letter No. 31 – Staff (App-II)/88-2016 dated 13.01.2017

Annexure R-11: Copy of letter No. Pr.AG(G&SSA)/Admn1/A5/2016-17/164 dated 06.02.2017

Annexures referred in reply statement to the MA filed by the applicant:

Annexure R-1: Copy of Rule 5 (1) (a) regarding termination of temporary service

Annexure R-2: Copy of Government of India decision of Rule 5 of CCS (TS) Rules, 1965.
