

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00073/2017

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 Somashekar L,
S/o Lingaiah C
Aged about 37 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 Comptroller and Audit General of India,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi – 110 124.

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

2. The Deputy Accountant General (A&E)
O/o the Principal Accountant General in
Karnataka (A&E),
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-A5 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.

Somashekar and others based on the date on which the applicant acquired SSLC qualification as stated in Annexure-A5.

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.170/00073/2017

Annexure A-1: True copy of Employment Notification dated 16.09.2010

Annexure A-2: True copy of Office Order No. ES I/A 8/2011-12/210 dated 19.10.2011

Annexure A-3: True copy of Memorandum No. ES I/A 8/2013-14/133 dated 08.07.2013

Annexure A-4: True copy of judgment in OA No. 1056/2013 passed by Central Administrative Tribunal, Bangalore Bench dated 17.02.2014

Annexure A-5: True copy of 10th marks card dated 09.05.2014

Annexure A-6: True copy of judgment in WP No. 47621/2014 of the Hon'ble High Court dated 05.02.2015

Annexure A-7: True copy of Office Order No. ESI/A2/2015-16/63 dated 23.07.2015

Annexure A-8: True copy of Office Order No. ESI/A1/2016-17/270 dated 29.06.2016

Annexure A-9: True copy of order sheet dated 12.07.2016 in OA No. 170/000761/2016

Annexure A-10: True copy of Public Notice No. KSOU/AB/EST-01/236/2011-12 dated 19.01.2016

Annexures with MA No. 170/00114/2017:

Annexure A-11: True copy of letter No. ESI/A1/2016-17/851 dated 09.02.2017

Annexures with reply statement:

Annexure R-1: True copy of Office Order No. ESI/A2/2015-16/63 dated 23.07.2015

Annexure R-2: True copy of letter No. KSOU.Dean(Ac)/2015-16 dated 11.09.2015

Annexure R-3: True copy of letter No. KSOU.Dean(Ac)/2015-16 dated 01.02.2016

Annexure R-4: True copy of letter F. No. DEC/OU/Recog/2008 dated 08.04.2008

Annexure R-5: True copy of letter No. ESI/A2/2015-16/192 dated 01.03.2016

Annexure R-6: True copy of letter No. 630 – Staff (App-II)/88-2016 dated 06.05.2016

Annexure R-7: True copy of letter No. ESI/A1/2015-16/14 dated 05.04.2016

Annexures referred in additional reply statement:

Annexure R-8: True copy of letter No. KSOU.Dean(Ac)/2016-17 dated 08.03.2017

Annexure R-9: True copy of Rule 5 regarding Termination of Temporary Service
