

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00474/2018

DATED THIS THE 21ST DAY OF FEBRUARY 2019

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

HON'BLE SHRI CV.SANKAR MEMBER (A)

SRI. Somalinga Layappa Koli
S/o Sri.Layappa,
Ex.GDS BPM,
aged about 31 years,
A.Hulagabal B.O,
A/w Nalatwad SO,
Under Vijayapura HO,
Bijapur-586 104
Residing at
A/P-Umarani Tq-Indi
Dt-Bijapur

... Applicant

(By Advocate Shri K.Hanifa)

vs.

1.The Supdt. of Post Offices,
Bijapur Division,
Bijapur 586101.

2.The Post Master General,
N.K. Region,
Dharwad - 580001.

3.The Chief Post Master General.
Karnataka Circle,
Palace Road
Bangalore-560 001.

4.Union of India
Rep. by its Secretary,

Department of Posts,
Dak Bhavan,
Parliament Street,
New Delhi-110 001.

5.Sri Shivananda S.Koli
GDS,BPM, Agasanal B/O
A/W Horti SO ,
Vijayapura 586 117.

...Respondents

(By Shri S.Sugumaran Addl.CGSC for R 1-4)

(By Shri HL.Pradeep Kumar ...Advocate for R-5)

ORDER (ORAL)

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

1. Heard. This matter relates to Bridge course conducted by the Karnataka State Open University which is a Government Organization. Applicant and others like them had passed the SSLC examination conducted by this organization. Now the government would say that this SSLC Bridge course is not recognised by the UGC. But then, since it is a course conducted by the Government, a legitimate expectation would have raised in the heart of the applicant and others like him. So, since we have disposed off similar matters and as provided under the Rules relating to compassionate appointment, some time can be granted for the appointee if at the time of appointment he is not having the requisite qualification in these exceptional circumstances which is normally not available. If the applicant had been fully knowing that he is not competent had applied

for it and got a position then going by several Supreme Court judgements he cannot be allowed to hold that post. But at the same time if the government had made a proposition that one of its organizations was conducting a course which would be equivalent to SSLC and if another organization of the Government to say that may not be equivalent to SSLC then a prejudice befalls the applicant and others like them which has to be remedied. Therefore, on this proximate issue a legitimate expectation and the question of reasonableness and non-arbitrariness we will now hold that applicant is eligible to have a 2 year period. If the applicant passes the examination then he can be continued in that position. To enable him to do so we will also direct the applicant to be taken back into service immediately. The date of 2 years run from his rejoining duty. At this point of time Shri S.Sugumaran protests that this 2 year period may be reduced as they can even pass examination within a lessor period . That may be so. But, we have taken guidance from the Indian Railways Rules which allows a 2 year period and which we have adopted for other department also. That being so, let the 2 year period remain as it is. Applicant will now be taken back into service with a specific condition that if he will not pass this SSLC examination within the 2 year period as noted above, he will be immediately dismissed from service. It is undertaken by the applicant that such a decision will

not be challenged by him in any Court. It is hereby recorded. OA disposed off.

2. We make it clear that SSLC examination must be a course which is recognized by the State of Karnataka. We also make it clear that during the interregnum period applicant will not eligible for any benefits. OA disposed off. No order as to costs.

(CV.SANKAR)
MEMBER (A)

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

bk

Annexures referred to by the applicant in OA No.474/2018

Annexure A1: Copy of LetterNo.B-2/6/16/BPM/A/Hulagabal BO dt.02.06.2014.

Annexure A2: Copy of Computer Marks Card

Annexure A3: Copy of SSLC Marks Card dt.13.05.2014

Annexure A4: Copy of Engagement letter No.B-2/06/2014 dt.17.12.2014.

Annexure A5: Copy of Provisional Engagement Order dt.15/22.05.2015

Annexure A6: Copy of Engagement Order dt.11.09.2015.

Annexure A7: Copy of Show Cause Notice dt.08.01.2018.

Annexure A8: Copy of Representation dt.22.01.2018 with English translation.

Annexure A9: Copy of Termination Memo dt.08.02.2018.

Annexure A10: Copy of Charge Report dt.14.02.2018.

Annexure A11: Copy of LetterNo.B2/06/16/2014 dt.19.02.2018.

Annexure A12: Copy of Order Copy dt.08.03.2018 in O.A. No.41/2018 of CAT, Bangalore.

Annexure referred to by the Respondents in the reply

Annexure R1: Copy of letter dated 1.10.2015

Annexure R2: Copy of letter dated 1.10.2015

Annexure R3: Copy of clarification issued by KSOU

Annexure R4: Copy of public notice by UGC

Annexure referred in Rejoinder

Annexure A13: Copy of SSLC Marks Card dt.13.05.2014 of Sri Shivananda S.Koli

.....

bk.