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IN THE HIGH COURT OF KARNATAKA AT BANGALORE DATED THIS ON THE 30TH DAY OF NOVEMBER, 2000

PRESENT

THE HON'BLE MR.P V REDDI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE A M FAROOQ

W A Nos.250 to 253 OF 2000 & W.A.Nos.254 to 257/2000

## Between:

- 1. B S SHIVAIAH
  S/OF SRI SIDDAPPA, AGED ABOUT 58 YEARS
  SECURITY INSPECTOR (C), T.NO.21530
  HINDUSTAN MACHINE TOOLS WATCH FACTORY IV
  TUMKUR (NOW RETIRED ON V R S ) & R/AT
  "GURU SIDDESHWARA NILAYA" BASAVESHWARA
  EXTENSION, KHYATASANDRA, TUMKUR
  572 103
- 2 K VARADARAJAN
  S/OF SRI KUPPIENGAR
  AGED ABOUT 58 YEARS
  SECURITY INSPECTOR (C), T.NO.21611
  HINDUSTAN MACHINE TOOLS WATCH FACTORY IV
  TUMKUR, & R/AT "MAHALAKSHMI VARADARAJ
  KRUPA" GOKULA EXTENSION, BADDIHALLI,
  TUMKUR
- M A GOPALAIAH

  S/OF SRI ANNEGOWDA, AGED ABOUT 55 YEARS

  SECURITY INSPECTOR (C), T.NO.21754

  HINDUSTAN MACHINE TOOLS WATCH FACTORY IV

  TUMKUR, & R/AT NO.202, "BANASHANKARI

  NILAYA" CHANDRAMOULESHWARI EXTENSION

  KHYATASANDRA, TUMKUR 572 103
- B CHANDRASHEKAR S/OF SRI N B BASAVARAJU AGED 53 YEARS SECURITY INSPECTOR (C), T.NO.22383

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HINDUSTAN MACHINE TOOLS WATCH FACTORY IV TUMKUR, & R/AT "SRI RUDRESHWARA NILAYA" SRI SIDDARAMESHWARA EXTENSION, BASAVA SAMITHI LAYOUT, Common TUMKUR-572 103 ...Appellants.

(By M/S SUBBA RAO & COMPANY )

## AND :

- 1 HINDUSTAN MACHINE TOOLS LIMITED REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE NO.59, BELLARY ROAD, BANGALORE 560 032
- THE GENERAL MANAGER
  HINDUSTAN MACHINE TOOLS WATCH FACTORY IV
  DEVARAYAPATNA,
  TUMKUR 572 103 ... Common Respondents.

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Writ Appeals filed under Section 4 of The Karnataka High Court Act, 1961, praying to set aside the order of the learned Single Judge passed in W.P.Nos.24593-96/1994 dated 23-11-1999.

These Writ Appeals coming on for preliminary hearing this day, CHIEF JUSTICE delivered the following:

## **JUDGMENT**

We do not think that the plea of discrimination in regard to the designations and wage groups assigned to the appellants and certain other employees could be entertained at this

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distance of time. The contention of the appellants is that, persons whose names are found in Annexure 'A' though have the same qualifications that of the appellants, were recruited during the years 1979-1980 as Asst. Security Inspectors placed in a higher wage group and that the same treatment has been denied to the appellants. The learned Single Judge has negatived the plea. negativing the plea The learned Single observed that the said persons were appointed pursuant to different notifications. No material has been placed before us, to rebut the finding of the learned Single Judge in this regard. The mere fact that the qualifications are same does not mean that all the candidates who were sponsored by the Sainik, Board should be appointed against the same actionments with same wages. It is difficult for this Court to predictal as to what prompted the authorities concerned to place the same candidates mentioned in Annexure 'A' in a higher wage group with better designation. We can't set the clock back, now by looking into the event, that took place in 1979-1980, there is little More so when possibility of the vacancies remaining. Even now,

in filing the writ petitions and seeking to agitate

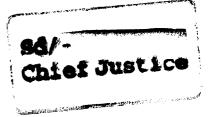
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the contentions issues relating to recruitment

after a lapse of more than 15 years after the

recruitment had taken place.

2. Viewed from any angle, we do not find any ground to interfere with the decision of the learned Single Judge. Writ Appeals are dismissed.



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Sd/- JUDGE