

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/O 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/O 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
- 3 M A GOPALAI AH
S/O 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
- 4 B CHANDRASHEKAR
S/O OF SRI N B BASAVARAJU AGED 53 YEARS
SECURITY INSPECTOR (C), T.NO.22383

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
- 2 THE GENERAL MANAGER
HINDUSTAN MACHINE TOOLS WATCH FACTORY IV
DEVARAYAPATNA,
TUMKUR 572 103 ... Common Respondents.

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 ~~they~~ have the same qualifications as that of the appellants, were recruited during the years 1979-1980 as Asst. Security Inspectors and 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. ~~While~~ ^R ~~negativizing the plea~~ ^R The learned Single Judge 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 ^{R jobs} ~~assignments~~ with same wages. It is difficult for this Court to predict ^{as to} what prompted the authorities concerned to place the ^{of 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, ^{more} ~~more~~ so when there is little ^R ~~possibility~~ ^{still R} of the vacancies remaining. Even now,

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there is no proper explanation for the long delay in filing the writ petitions and seeking to agitate the ^{Contentious R} ~~contemptuous~~ issues relating to recruitment ~~after a lapse of~~ ^R 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.

Sd/-
Chief Justice

Ng*

Sd/- JUDGE