

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 6TH DAY OF NOVEMBER 2000

BEFORE

THE HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO.13362/2000(L)

BETWEEN :

S. Chandran,
S/o Swamynathan, Age: Major.
R/o. At Hampi Power House,
Kamalapur TMC, Taluk Hospet,
District: Bellary. ... PETITIONER

(BY Sri.C.M. Desai & Arvind Desai, Adv. for
petitioner)

AND :

1. The Deputy Superintending
Archaeologist, Museums,
A.S.I. Velha,
Goa-412 212.
2. The Assistant Superintendent
Archaeologist, Museums,
A.S.I., Hampi,
Kamalapur-583 221.
3. The Superintendent Archaeologist,
A.S.I., Bangalore Circle,
C.G.O. Complex,
Koramangala, Bangalore.
4. The Deputy Superintendent
Archaeologist,
A.S.I. Bangalore Circle,
C.G.O. Complex,
Koramangala,
Bangalore. ... RESPONDENTS

(BY Sri.N.R. Bhasker, CGSC for R3 and R4)



This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondents 2 to 4 to reinstate the petitioner as per the Award dated 12.4.1993 in C.R.No.83/89 passed by the C.G.I.T.-cum- Labour Court, Bangalore, with all consequential benefits from the date of reinstatement.

This Writ Petition coming on for prly. hearing in B Group, this day the Court made the following :-

O R D E R

I have heard the learned Counsel who represents the parties. The department has agreed to permit the petitioner to resume his duties with effect from 1.12.00 at 9 A.M. at Halebedu Museum in Hassan District. The petitioner agrees that he will report for duty at 9 A.M. on that date. In terms of the Memo that has been filed, it is pointed out that as of now he will be paid wages as per the schedule of the PWD rates as he has not put in the requisite qualifying service. Since the petitioner has been out of employment, in my considered view it is most desirable that he should get back into his job as he claims to be in dire distress. It has however been pointed out by the learned Counsel who represents the department that the petitioner had been behaving in an

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unsatisfactory manner making discriminate allegations and now that the entire dispute is resolved, the petitioner who is present in court is specifically put on notice that he is required to conduct his duties in a loyal and efficient manner and that he shall ensure that he does not give cause for any complaint. Also it will be necessary for the department Officers to ensure that no vindictive approach emanates from their side as this is equally necessary. The Department has contended that the right to challenge the impugned order should be kept alive. The order ~~was~~ passed in the year 1993 and even though technically the department's right may be kept open, having regard to the present developments I hardly see much wisdom behind wanting to reopen that issue. However that decision is left to the wiser counsel of the department. Having regard to the human factor, if the petitioner works satisfactorily I see no reason why the department should not extend whatever benefits he is entitled as and when he so qualifies. It is clarified, that the petitioner will be entitled to whatever dues the law entitles him to.



2. With these directions^c, the writ petition stands disposed off. No order as to costs.

Sd/- JUDGE

SUB.