

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JANUARY, 2020

PRESENT

THE HON'BLE MR. JUSTICE ARAVIND KUMAR

AND

THE HON'BLE MR. JUSTICE E.S. INDIRESH

C.C.C. No.1142/2019

C/W

C.C.C. Nos.1404-1411/2019 &

C.C.C. No.1126/2019 (CIVIL)

IN C.C.C. NO.1142/2019:

BETWEEN:

- 1 . SMT. MALLAMMA
W/O R.M. LOKESH
AGED ABOUT 52 YEARS.
- 2 . SRI. GIRIYAPPA
S/O KORALAIAH
AGED ABOUT 50 YEARS.
- 3 . SRI. K. RAJANNA
S/O KARILAKKANNA
AGED ABOUT 49 YEARS.
- 4 . SRI. K.C. MAHESHWARIAH
S/O CHANNABASAVAIAH
AGED ABOUT 50 YEARS.
- 5 . SRI. M.S. SHIVANNA
S/O SIDDEGOWDA
AGED ABOUT 59 YEARS.
- 6 . KUMARAIAH
S/O BORAIAH
AGED ABOUT 48 YEARS.

PETITIONERS ARE THE CASUAL
LABOURERS WORKING IN REGIONAL

RESEARCH STATION, KONEHALLI
TIPTURU – 572 202
TUMAKURU DISTRICT.

... COMPLAINANTS

(BY SRI. V. LAKSHMINARAYANA, SR. COUNEL FOR
SRI. RAMACHANDRAIAH R, ADVOCATE)

AND:

- 1 . SRI. T. HANUMANTHE GOWDA
AGED ABOUT 58 YEARS
S/O NOT KNOWN
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF ANIMAL
HUSBANDRY & FISHERIES
VIKASA SOUDHA 4TH FLOOR
BENGALURU – 560 001.
- 2 . SRI. H.D. NARAYANASWAMY
AGED ABOUT 55 YEARS
S/O NOT KNOWN
VICE CHANCELLOR
(REPRESENTED BY ITS ADMINISTRATIVE
OFFICER) KARNATAKA VETERINARY
ANIMAL AND FISHERIES SCIENCE
UNIVERSITY, NANDINAGAR
BIDAR – 584 101.
- 3 . SRI. RUDRAMUNI
AGED ABOUT 52 YEARS
S/O NOT KNOWN
ASSISTANT DIRECTOR OF
REGIONAL RESEARCH STATION
KONEHALLI, TIPUTURU TALUK
TUMKUR DISTRICT
PIN CODE – 572 202.

...RESPONDENTS/ACCUSED

(BY SRI. MAHESH B, ADVOCATE FOR R/A-2;
R/A-1 AND R/A-3 IS DELETED)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971 PRAYING TO INITIATE CONTEMPT ACTION AGAINST THE ACCUSED IN DISOBEYING THE FINAL ORDER IN W.P.NO.13263-13268/2017 IN ORDER DATED:15.09.2017 AND W.P.NOS.3194-3199/2018 IN ORDER DATED:10.10.2018 AND PUNISH THE RESPONDENTS/ACCUSED.

IN C.C.C. Nos.1404-1411/2019:

BETWEEN:

- 1 . VENUGOPAL P
S/O C.R. PARAMESHWAR
AGED ABOUT 45 YEARS.
- 2 . SRI. SANJEEV
S/O JANARDHAN
AGED ABOUT 54 YEARS.
- 3 . SRI. SRIDHAR P
S/O POOVAPPA PUJARI
AGED ABOUT 45 YEARS.
- 4 . SRI. RAMA PUJAR
S/O AKKAPPA PUJARI
AGED ABOUT 51 YEARS.
- 5 . SRI. PRUTHVIRAJ B
S/O UMESH RAO
AGED ABOUT 53 YEARS.
- 6 . SRI. T.C. NAGARAJ
S/O T.N. CHANNAPPA
AGED ABOUT 47 YEARS.
- 7 . SMT. JAYAMMA
D/O NANDIPPA BALEGAR
AGED ABOUT 59 YEARS.
- 8 . SMT. SHOBHA S DODDAMANI
D/O SHIVANNAPPA
AGED ABOUT 48 YEARS.

PETITIONERS ARE THE CASUAL
LABOURERS WORKING IN DEEN
DEPARTMENT OF FISHERIES
UNIVERSITY OF FISHERIES
MANAGALURU – 575 002.

... COMPLAINANTS

(BY SRI. V. LAKSHMINARAYANA, SR. COUNSEL FOR
SRI. RAMACHANDRAIAH R, ADVOCATE)

AND:

1 . SRI. T. HANUMANTHEGOWDA
AGED ABOUT 58 YEARS
S/O NOT KNOWN
THE PRINCIPAL SECRETARY
DEPARTMENT OF ANIMAL HUSBANDRY
& FISHERIES
VIKASA SOUDHA, 4TH FLOOR
BENGALURU – 560 001.

2 . SRI. H.D. NARAYANASWAMY
AGED ABOUT 55 YEARS
S/O NOT KNOWN
REGISTRAR
KARNATAKA VETERINARY
ANIMAL FISHERIES SCIENCE
UNIVERSITY, NANDINAGAR
P.B. NO.6, BIDAR – 584 101.

3 . DR. A. SENTHIL VEL
S/O NOT KNOWN
DEAN (FISHERIES)
UNIVERSITY OF FISHERIES
MANGALURU, PIN CODE NO.575 002.

...RESPONDENTS/ACCUSED

(BY SRI. MAHESH B, ADVOCATE FOR R/A-2 & R/A-3;
R/A-1 IS DELETED V/O DATED:24.09.2019)

THESE CCC's ARE FILED UNDER SECTIONS 11 AND
12 OF THE CONTEMPT OF COURTS ACT, 1971 PRAYING TO
INITIATE CONTEMPT ACTION AGAINST THE ACCUSED IN

DISOBEYING THE FINAL ORDER IN W.PNO.S. 7392/2019 &
W.P.NO.7393-7399/2019 (S-RES) DATED:29.05.2019 AND
PUNISH THE RESPONDENTS/ACCUSED.

IN C.C.C. No.1126/2019:

BETWEEN:

- 1 . VENKATAIAH C
S/O CHIKKA BYLAPPA
AGED ABOUT 53 YEARS.
- 2 . SRI. N. RAMAKRISHNAIAH
S/O NARAYANAPPA
AGED ABOUT 59 YEARS.
- 3 . SMT. PUTTASIDDAMMA
W/O LATE SHANKAR P.R
AGED ABOUT 53 YEARS.
- 4 . SMT. MAHADEVAMMA
W/O VENKATARAMANAPPA H.T
AGED ABOUT 55 YEARS.
- 5 . SMT. LAKSHMAMMA
W/O RAMAKRISHNAIAH N
AGED ABOUT 53 YEARS.
- 6 . SMT. PADMAMMA
W/O B. NANJAPPA
AGED ABOUT 50 YEARS.
- 7 . SRI. MUNIVENKATAPPA
S/O NARASAPPA
AGED ABOUT 54 YEARS.
- 8 . SMT. GOWRAMMA
W/O NARASIMHAIAH
AGED ABOUT 58 YEARS.
- 9 . SHIVAMADEGOWDA
S/O SANNAMADEGOWDA
AGED ABOUT 59 YEARS.

10 . VENKATA HANUMAIAH
S/O NARASIMHAIAH
AGED ABOUT 47 YEARS.

11 . SMT. GEETHA
D/O MUNISWAMAPPA
AGED ABOUT 47 YEARS.

PETITIONERS 1 TO 11 ARE THE
CASUAL LABOURERS WORKING
IN DEPARTMENT OF LIVESTOCK
FARM COMPLEX, KVAFSU
VETERINARY COLLEGE, HEBBAL
BENGALURU – 560 021.

12 . SMT. N. JAYAMMA
D/O NAGAIAH
AGED ABOUT 51 YEARS
WORKING IN DEPARTMENT OF KVAFSU
VETERINARY COLLEGE, HEBBAL
BENGALURU – 560 024.

13 . SMT. NAGAMMA
W/O RANGANATH
AGED ABOUT 47 YEARS
WORKING IN DEPARTMENT OF
VETERINARY PHARMACOLOGY
& TOXICOLOGY, KVAFSU
VETERINARY COLLEGE, HEBBAL
BENGALURU – 560 024.

... COMPLAINANTS

(BY SRI. V. LAKSHMINARAYANA, SR. COUNSEL FOR
SRI. R. RAMACHANDRA)

AND:

1 . SRI. HANUMANTHEGOWDA
AGED ABOUT 58 YEARS
S/O NOT KNOWN
THE PRINCIPAL SECRETARY
DEPARTMENT OF ANIMAL HUSBANDRY
& FISHERIES

VIKASA SOUDHA, 4TH FLOOR
BENGALURU – 560 001.

- 2 . SRI. H.D. NARAYANASWAMY
AGED ABOUT 55 YEARS
S/O NOT KNOWN
REGISTRAR, KARNATAKA VETERINARY
ANIMAL AND FISHERIES SCIENCE
UNIVERSITY, NANDINAGAR
BIDAR – 584 101.
- 3 . SRI. CHANDRASHEKHAR
AGED ABOUT 59 YEARS
S/O NOT KNOWN
PROFESSOR AND HEAD OF THE
DEPARTMENT OF INSTRUCTIONAL
LIVESTOCK FARM COMPLEX
VETERINARY COLLEGE,
KVAFSU HEBBAL,
BENGALURU – 560 024.

...RESPONDENTS/ACCUSED

(BY SRI. MAHESH B, ADVOCATE FOR R/A-2 TO R/A-3;
R/A-1 IS DELETED BY V/O DATED:24.09.2019)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF
THE CONTEMPT OF COURTS ACT, 1971 PRAYING TO
INITIATE CONTEMPT ACTION AGAINST THE ACCUSED IN
DISOBEYING THE FINAL ORDER IN W.P.NO.50537-
5049/2018 DATED:30.01.2019 AND PUNISH THE
RESPONDENTS/ACCUSED.

THESE CCC'S COMING ON FOR ORDERS THIS DAY,
ARAVIND KUMAR J, MADE THE FOLLOWING:

ORDER

These contempt proceedings have been initiated by
the respective petitioners alleging that orders passed in
W.P.Nos.3194-3199/2018, W.P.No.7392/2019 &

W.P.Nos.7393-7399/2019 and W.P.Nos.50537-50549/2018 had been violated by the respondents.

2. Having heard Sri. V.Lakshminarayana, learned Senior counsel appearing for Sri.Ramachandraiah R for petitioners and Sri.Mahesh B, learned counsel appearing for respondents, we notice that under the respective orders referred to herein supra writ petitions came to be filed by the complainants seeking regularization of their services in respective of Group/Cadre with retrospective effect i.e., from the date of appointment as permanent employees along with all consequential benefits which came to be examined and a directions was issued to the respondents to consider the representations made by the petitioners/complainants and to pass orders for regularization. Directions issued in the respective writ petitions are as under:

In W.P.Nos.3194-3199/2018:

“In that view of the matter, these petitions stand disposed of directing the respondents to consider the representations made by the petitioners and to pass appropriate orders for regularization”.

In W.P.Nos.50537-50549/2018:

“In that view of the matter, the petitions are disposed of while directing respondent Nos.2 and 3 to consider the representation of the petitioners dated 03.11.2018 at Annexure-B and in the light of the decisions cited in the said representation, the respondents are required to consider the representation and pass orders as expeditiously as possible at any rate within a period of three months from the date of receipt of a certified copy of this order.”

In W.P.No.7392/2019 & W.P.Nos.7393-7399/2019:

“Petitioners’ grievance is that their services have not been regularized by the concerned respondent. Their grievance is pending consideration since January, 2019. Therefore, the concerned respondent Nos.2 or 3 to take a decision on the petitioners’ grievance and pass speaking order and communicate the decision to each of the petitioner within a period of eight weeks from the date of receipt of this order.”

3. The sum and substance of their contentions raised in these petitions or thrust of the argument of Sri.V.Lakshminarayana, learned Senior counsel appearing for petitioners is: respondents were required to consider the claim of petitioners in the background of directions issued in W.P.Nos.13858-13867/2000 as well as order

passed on 15.09.2017 in W.P.Nos.13263-13268/2017, which petitioners had been allowed and directions had been issued to the respondents therein to consider the cases of the petitioners for regularization of their services. Pursuant to the same namely, implementing the direction issued in W.P.Nos.13858-13867/2000 an order had been passed on 13.08.2009 regularizing the services of the petitioners therein and as such petitioners/complainants herein were also entitled for similar relief which has not been extended to the complainants as per the directions issued in respective writ petitions and as such there has been wilful disobedience of the order passed by the learned Single Judge by the respondents.

4. Per contra, Sri. Mahesh B, learned counsel appearing for respondents has filed compliance affidavit of second respondent enclosing the communication dated 30.05.2019 received from the Government of Karnataka and endorsement dated 19.09.2019 issued to the respective petitioners/complainants, contending that

representations of the petitioners had been placed before the Board Meeting of second respondent –University held on 27.02.2019 whereunder it was resolved to regularise the services of petitioners and thereafter Government of Karnataka on 30.05.2019 has been intimated to second respondent that such regularisation is impermissible and as such by endorsement dated 19.09.2019 complainants request has been turned down and there is no violation of direction issued by the learned single judge. In that view of the matter, by order dated 20.12.2019 we directed the learned counsel appearing for second respondent to place on record the resolution dated 27.02.2019 passed by the University in its 86th Board Meeting held on 27.02.2019. Pursuant to same, a memo came to be filed on 10.01.2020 by the second respondent counsel enclosing proceedings of the 86th Board Meeting of second respondent- University. Perusal of same would indicate that Board of second respondent having taken note of the directions issued by learned Single Judge in W.P.Nos.3194-3199/2018 as well as orders passed in W.P.Nos.50537-50549/2018 had

resolved to regularize Group D DRE employees, who have served university and are on the verge of retirement. Resolutions so passed by second respondent-university reads as under:

“The Board has reviewed the High Court of Karnataka directions with respect to the W.P.Nos.3194-3199/2018 and W.P.Nos.50537-50549/2018 and noted the contents of judgment of High Court of Karnataka.

After detailed deliberations Board agreed to regularize the Group D DRE employees who have served the University for 15 to 20 years and are in the verge of retirement. Further members opined that university is facing shortage of manpower and Government of Karnataka is not filling up the posts of Group D. It was decided to regularize the DRE employees as one time special case on humanitarian grounds. It was also decided to meet additional expenditure through internal resources of the university. The regularised Group DRE employees are eligible for all benefits on par with other employees of the University (NPS, Leave, Medical reimbursement, EL encashment and pension benefits).

5. Likewise, second respondent in its 87th Board meeting held on 30.05.2019 the claim of complainants who are petitioners in W.P.No.7392/2019 & W.P.Nos.7393-7399/2019 came to be taken up for

consideration as Item No.1 and in the said Board meeting following resolution came to be passed:

“Board confirmed proceedings of 86th meeting xxxx Bidar.”

Board reviewed directions of High Court of Karnataka with reference to W.P.No.3194/2018 and W.P.Nos.50537-50549/2018 and W.P.Nos.7393-7399/2019 for regularization of DRE employees. After detailed discussion Board of management approved to issue orders to 62 DRE employees, subject to approval of the Government.”

6. It is thereafter the communication dated 30.05.2019 has been received by the second respondent from the Government of Karnataka in which certain directions came to be issued to the University. Pursuant to the said communication, an endorsement has been issued to the complainants on 19.09.2019 vide Annexure-R2 stating thereunder that claim of petitioners for regularization of their services is not permissible.

7. We do not propose to express any opinion with regard to contents of the communication dated

30.05.2019 or endorsement dated 19.09.2019. Suffice to say, that direction issued by the learned single judge was to the effect to consider the representations in the background of earlier judgements having received the attention of the second respondent in its 86th Board meeting held on 27.02.2019 and 87th meeting held on 30.05.2019 the benefits of regularization was extended. If for any reason said benefits which has been extended to the complainants has since been withheld or rejected as indicated in the endorsement dated 19.09.2019 issued to the petitioners/complainants, present proceedings to proceeded against respondents for non compliance of the direction dated 10.10.2018, 30.01.2019 and 29.05.2019 does not arise, particularly in the backdrop of the university in its 86th and 87th Board meeting held on 27.02.2019 and 30.05.2019 having resolved to regularize services of the complainants. If any further step has been taken by the second respondent to dilute the said resolution by issuing an endorsement dated 19.09.2019, it is always open to the complainants to assail the same by

challenging the correctness or otherwise of said communication in appropriate proceedings. As such, we do not propose to continue with present proceedings and with these observations contempt proceedings stands closed.

8. In fact Sri. Ramachandraiah R, learned counsel appearing for petitioners/complainants in W.P.Nos.3194-3199/2018, W.P.No.7392/2019 & W.P.Nos.7393-7399/2019 and W.P.Nos.50537-50549/2018 has also made available the copy of the communication dated 26.06.2019 issued by the Government of Karnataka to the university under which it has been indicated that services of the petitioners/complainants in W.P.Nos.13263-13268/2017, W.P.Nos.50537-50549/2018 and W.P.No.7392/2019 and W.P.Nos.7393-7399/2019 can be regularized in accordance with extant Rules and Regulations of second respondent-University and has intimated the second respondent- university to take steps in accordance with law. It is needless to state that

complainants now armed with this communication dated 26.06.2019 would be at liberty to challenge the communication dated 19.09.2019 and seek for appropriate relief from appropriate authorities including the respondents herein.

**SD/-
JUDGE**

**SD/-
JUDGE**

RU