ITEM NO.8 + 61 COURT NO.13 SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. Nos.15-28/2016 in Petition(s) for Special Leave to Appeal (C) Nos.32186-32199/2014

(Arising out of impugned final judgment and order dated 23/09/2014 in WP No.17485/2010, WP No.16960/2010, WP No.16964/2010, No.16965/2010, WP No.16966/2010, WP No.16974/2010, WP No.16982/2010, WP No.16984/2010, WP No.16985/2010, WP No.16989/2010, WP No.16990/2010, WP No.17295/2010, WP No.17318/2010 and WP No.17327/2010,,, passed by the High Court Of Karnataka At Bangalore)

S G JAMALUDHEEN ETC ETC Petitioner(s)

VERSUS

STATE OF KARNATAKA AND ORS ETC ETC Respondent(s)

(For directions and office report)

With I.A. Nos.29-43 (Appln.(s) for exemption from filing O.T. and directions)

With I.A. Nos.1-25 and 26 of 2016 in SLP(C) Nos.32333-32357 of 2014 (For directions and exemption from filing O.T. and office report)

Date : 11/07/2016 These applications were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Naveen R. Nath,Adv.

Mr. Nagamohandas, Sr. Adv.
Mr. K.V. Bharathi Upadhyaya, Adv.

For Respondent(s) Mr. Subramhanya Jois H.S., Sr. Adv.
Ms. Pooja, Adv.
Mr. Harish Pandey, Adv.

Mr. Nitin Kumar Thakur,Adv.

Mr. Shailesh Madiyal,Adv.

Mr. R.V. Kameshwaran, Adv.

Mr. V.N. Raghupathy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. Kapil Sibal and Mr. Nagamohandas, learned Senior Counsel for the applicants, Mr. V.N. Raghupathy, learned counsel for the respondent-State and perused the interlocutory applications for directions.

Mr. Sibal, learned Senior Counsel appearing for the applicants, points out to Rule 11 of the Karnataka Civil Services (Probation) Rules, 1977, which reads as follows :

> **"11. Notwithstanding anything contained in the preceding Rules, where the validity of the appointment of any person as Probationer is questioned in any legal proceedings before a Court of law and where interim orders barring the declaration of satisfactory completion of the period of probation has been ordered by such Court of law, the period of Probation of such person shall continue until the final disposal of such proceedings, and pending such disposal the Appointing Authority may, if it is satisfied that the Probationer has satisfactorily completed the prescribed or extended period of Probation, direct that the Probationer shall be entitled to draw increment in the scale of pay of the post held by such Probationer from such date as may be specified such direction and increment shall be subject to the other provisions governing the drawal of increments applicable to Government Servants generally, the drawn by such probationer accordingly.**
>
> **Provided that where no such interim order has been ordered in such proceedings, the appointing authority may if it is satisfied that the probationer has satisfactorily completed the prescribed or extended period of probation,**

declare by order that the probationer has satisfactorily completed his probation, subject to the final decision in such proceedings."

The only prayer of the learned Senior Counsel appearing for the applicants is that the respondents-State be directed to take a decision on the entitlement of the applicants for increments for the period 2009 onwards and declaration of completion of their probation in terms of Rule 11 of the Karnataka Civil Services (Probation) Rules, 1977.

Mr. Subramhanya Jois H.S., learned Senior Counsel appearing for the private respondents, supports the aforesaid contention of the applicants.

We see no reason why such a prayer should not be granted.

In view of the above, the respondents-State is directed to consider the case of the applicants in terms of Rule 11 of the Karnataka Civil Services (Probation) Rules, 1977. Hence, the interlocutory applications for directions are disposed of.

We make it clear that pendency of these special leave petitions shall not come in the way of considering the aforesaid prayer of the applicants by the respondents-State.

(Sanjay Kumar-II)
Court Master

(Indu Pokhriyal)
Court Master