

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ: ಡಿಇಇ/05/ಇಎಸ್‌ಇ(5)2018

1991

ನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ,  
ಬೆಂಗಳೂರು - 560 001,  
ದಿನಾಂಕ: 20-06-2018

-ಸುತ್ತೋಲೆ -

- ವಿಷಯ :-** ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಶ್ರೀ ಬಿ.ಕೆ.ಪವಿತ್ರ ಮತ್ತು ಇತರರು ಪ್ರಕರಣದಲ್ಲಿ ನಿವಿಲ್ ಅಪೀಲು ಸಂಖ್ಯೆ: 2368/2011 ರಲ್ಲಿ ದಿನಾಂಕ: 09.02.2017 ರಂದು ನೀಡಿರುವ ತೀರ್ಪನ್ನು ಸೂರ್ಯ ಪ್ರಮಾಣದಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಬಗ್ಗೆ.
- ಉಲ್ಲೇಖ :-** 1. ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ನಿಆಸುಇ 442 ಸೆನೆನಿ 2018, ದಿನಾಂಕ:08.06.2018  
2. ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಡಿಪಿಎಆರ್ 277 ಎಸ್‌ಆರ್‌ಆರ್ 2018, ದಿನಾಂಕ:08.06.2018

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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖ (1)ರ ಸರ್ಕಾರದ ಸುತ್ತೋಲೆಯಲ್ಲಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಬಿ.ಕೆ ಪವಿತ್ರ ಮತ್ತು ಇತರರು ಪ್ರಕರಣದಲ್ಲಿ ನಿವಿಲ್ ಅಪೀಲು ಸಂಖ್ಯೆ: 2368/2011 ರಲ್ಲಿ ದಿನಾಂಕ: 09.02.2017 ರಂದು ನೀಡಿರುವ ತೀರ್ಪಿನ ಆಧಾರದ ಮೇಲೆ ಪರಿಷ್ಕೃತ ಜ್ಯೋಷ್ಠತಾ ಪಟ್ಟಿಗಳನ್ನಯ ಅರ್ಹತಾ ದಿನಾಂಕಕ್ಕೆ ಅನುಗುಣವಾಗಿ ವೇತನ/ನಿವೃತ್ತಿ ವೇತನಗಳನ್ನು ನಿಗದಿಪಡಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖ (2)ರ ಸರ್ಕಾರದ ಸುತ್ತೋಲೆಯಲ್ಲಿನ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ನೀಡಲಾಗಿದೆ.

ಆದ್ದರಿಂದ ಪರಿಷ್ಕೃತ ಜ್ಯೋಷ್ಠತಾ ಪಟ್ಟಿಗಳಲ್ಲಿ ಜ್ಯೋಷ್ಠತೆಯಲ್ಲಿ ಅರ್ಹತಾ ದಿನಾಂಕ ಪಡೆದ ನೌಕರರಿಗೆ/ಪಿಂಚಣಿದಾರರಿಗೆ ವೇತನ ಮತ್ತು ಪಿಂಚಣಿ ಸೌಲಭ್ಯಗಳನ್ನು ಕಾಲ್ಪನಿಕವಾಗಿ ಅರ್ಹತಾ ದಿನಾಂಕದಿಂದ ಅನ್ವಯಿಸುವಂತೆ ಉಲ್ಲೇಖ (2)ರ ಪ್ರಕಾರ ಅರ್ಹರಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಿ, ವೇತನ/ನಿವೃತ್ತಿ ವೇತನಗಳನ್ನು ಪುನರ್ ನಿಗದಿಪಡಿಸಿ, ನಿರ್ದೇಶನಾಲಯಕ್ಕೆ ಎಲ್ಲಾ ಅಗತ್ಯ ದಾಖಲೆಗಳೊಂದಿಗೆ ಕೂಡಲೇ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ.

ನಿರ್ದೇಶಕರು

ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ

**ಪ್ರತಿಗಳು:-**

1. ಮಹಾಲೇಖಪಾಲರು (ಎ&ಇ, ಲೆಕ್ಕಪರಿಶೋಧನೆ-1, ಲೆಕ್ಕಪರಿಶೋಧನೆ-2), ಕರ್ನಾಟಕ, ಬೆಂಗಳೂರು;
2. ಸಂಬಂಧಪಟ್ಟ ಸಿಬ್ಬಂದಿಯವರಿಗೆ (ಸಂಬಂಧಿಸಿದ ಪ್ರಾಂಶುಪಾಲರುಗಳ ಮೂಲಕ);
3. ಪ್ರಾಂಶುಪಾಲರು, ಎಲ್ಲಾ ಸರ್ಕಾರಿ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜು / ಪಾಲಿಟೆಕ್ನಿಕ್ / ಕಿರಿಯ ತಾಂತ್ರಿಕ ಶಾಲೆಗಳು;
4. ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ನಿರ್ದೇಶನಾಲಯದ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ;
5. ಸರ್ಕಾರದ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರ, ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು;
6. ಉನ್ನತ ಶಿಕ್ಷಣ ಮಂತ್ರಿಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು;
7. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು (ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ) ರವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರ, ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು;
8. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಶಿಕ್ಷಣ ಇಲಾಖೆ (ಉನ್ನತ ಶಿಕ್ಷಣ), ರವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ಬೆಂಗಳೂರು;
9. ಇ-ಆಡಳಿತ ವಿಭಾಗ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ನಿರ್ದೇಶನಾಲಯ, ಬೆಂಗಳೂರು (ವೆಬ್‌ಸೈಟ್‌ನಲ್ಲಿ ಪ್ರಕಟಿಸುವುದು);
10. ನಿರ್ದೇಶಕರ ಆಪ್ತ ಶಾಖೆಗೆ;
11. ಶಾಖಾ ರಕ್ಷಾ ಕಡತ;
12. ಹೆಚ್ಚುವರಿ ಪ್ರತಿ ಕಡತಕ್ಕೆ.

GOVERNMENT OF KARNATAKA

No. DPAR 277 SRR 2018

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bengaluru, dated.08.06.2018Circular

Subject: Revision of pay and pension consequent to alteration in seniority upon review of promotions and assignment of dates of eligibility pursuant to the judgement dated 09.02.2017 of the Hon'ble Supreme Court in Civil Appeal No. 2368 of 2011-B.K. Pavitra and others Versus Union of India and others and connected Civil Appeals.

## Reference:

1. Judgement dated 09.02.2017 of the Hon'ble Supreme Court in Civil Appeal No. 2368 of 2011-B.K. Pavitra and Others Versus Union of India and others and connected Civil Appeals.
2. G.O. No. DPAR 182 SRR 2011, dated 06.05.2017.
3. Proceedings of the meeting held under the Chairmanship of the Additional Chief Secretary to Government on 19.05.2018.
4. Government letter No. DPAR 35 SRF 2009, dated 28.03.2011 and the subsequent letter dated 22.11.2012 addressed to the Accountant General (A&E), Karnataka, Bengaluru.
5. O.M. No. DPAR 1 IFP 87, dated 04.07.1987.
6. Government letter No.GAD 13 IFP 75, dated 06.05.1976.

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1. With a view to implement the judgement dated 09.02.2017 of the Hon'ble Supreme Court in Civil Appeal No. 2368 of 2011-B.K. Pavitra and others versus Union of India and others and connected Civil Appeals. [**Pavitra Case** – in short], referred at 1 above, Government has issued guidelines as contained in the Government Order dated 06.05.2017, referred at (2) above, inter alia, directing all appointing authorities to review the seniority lists of all cadres in which promotions have been made in accordance with the policy of reservation in promotion as contained in G.O. No. DPAR 29 SBC 77 dated 27.04.1978 and subsequent orders issued from time to time, and all cadres higher than such cadres with effect from 27.04.1978.

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2. A meeting was held under the Chairmanship of the Additional Chief Secretary to Government on 19.05.2018 to monitor the implementation of the Judgment of the Hon'ble Supreme Court in Pavitra case. According to paragraph 5 of the proceedings of the said meeting, referred at (3) above, it was decided that instructions would be issued by DPAR (SR) in consultation with Finance Department with regard to revision of pay and pension consequent on review of seniority and assignment of dates of eligibility pursuant to Pavitra case. Accordingly, the following instructions / clarifications are hereby issued:

- (1) Review of promotions and assignment of the deemed dates of eligibility shall be made in accordance with section 4 read with section 9 of the Karnataka State Civil Services (Regulation of Promotion, Pay and Pension) Act, 1973 [**"the said Act"-in short**]. After such an exercise, in case a Senior General Category Employee gets a date of eligibility earlier to the actual date of promotion, he shall be deemed to have been promoted from such date provided he was eligible and suitable for promotion on that date. His pay shall be fixed notionally from the date of eligibility, but he shall not be entitled to payment of arrears upto the issue of order fixing the date of eligibility / actually promoting him.
- (2) In case a Junior Reserved Category Employee gets a deemed date of eligibility subsequent to the actual date of promotion, he shall be deemed to have been promoted from such date and his pay on the date of eligibility shall be re-fixed as if he had been promoted on such date but he shall not be liable to refund the excess pay and allowances drawn by him until the date of issue of the order of actual reversion. ***Such re-fixation shall not be applicable to the Reserved Category Employees who have retired from service on or before 09.02.2017 and will not affect financial benefits already taken as directed by the Hon'ble Supreme Court in Pavitra Case.***
- (3) In case a Senior General Category Employee has retired and consequent on review of promotions he gets a date of eligibility earlier to the actual date of promotion, he shall be deemed to have been promoted from such date and his pension shall be revised with reference to the pay and allowances he would have drawn if he had been promoted to the next higher post on the date on which he was found eligible for such promotion in accordance with section 6 of the said Act.

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- (4) It has been clarified by Government in its letter No. DPAR 35 SRF 2009 dated 28.03.2011 read with the subsequent letter dated 22.11.2012 addressed to the Accountant General (A &E), Karnataka, Bengaluru, referred at 4 above, the said Act provides for both upward and downward revision of pension. When the date of eligibility assigned to a pensioner is later than the date of his actual promotion, his pay should be notionally re-fixed and his pension should be re-fixed on the basis of the notionally re-fixed pay. In such cases, until the date of issue of the order assigning the date of eligibility, pay and pensionary benefits drawn by the pensioner need not be recovered. The pensioner shall be entitled only to revised pension from the date of the order assigning the date of eligibility.
- (5) As regards exercising option under rule 42-B (2) of the Karnataka Civil Services Rules in cases of review of promotions under the said Act, the provisions contained in the O.M. No. DPAR 1 IFP 87, dated 04.07.1987, referred at 5 above, are applicable.
- (6) In a case where a Government Servant has been assigned dates of eligibility for promotion to more than one higher post, his pay may first be notionally fixed in the immediate higher post and on the basis of the pay so fixed in that post, his pay may again be notionally fixed in the next higher post with effect from the dates of eligibility in accordance with the relevant rules in the Karnataka Civil Services Rules as clarified in Government letter No. GAD 13 IFP 75 dated 06.05.1976, referred at 6 above.
- (7) **Waiving the requirement of completing the qualifying service prescribed for promotion and the Period of Officiation:** In the case of a Government servant eligible for promotion under Section 4 of the said Act, the requirement of completing the qualifying service, if any, prescribed for promotion, is waived as prescribed in sub section (7) of Section 4 of *ibid*, which is reproduced below:

*“(7) Where in respect of promotions on the basis of seniority-cum-merit from any class or grade of service to the next higher class or grade of service, the rules of recruitment require service for a minimum period in the former class or grade to become eligible for promotion, the said period shall in its application to an allottee eligible for promotion under this section, be deemed to be the period during which he satisfactorily completes the period of officiation in the post or office of that class*

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*or grade of service and no such minimum service shall be necessary in the case of an allottee whose record of service was satisfactory on the relevant dates of eligibility or the relevant dates on which he is found eligible for promotion."*

Similarly, the requirement of satisfactory completion of the period of officiation is also waived as prescribed in sub section (2) of Section 9 of the said Act, which is reproduced below:

*"(2) A civil servant shall be deemed to have satisfactorily completed that period of officiation in the promoted post or office and may be promoted to one or more higher classes or grades of service to which he is found eligible for promotion on the basis of his seniority in the seniority list including the final seniority list if his record of service on the date or dates on which he is found eligible for such promotion is satisfactory and indicates that he is eligible for promotion to the next higher cadre and if he possesses the qualifications prescribed in the rules of recruitment applicable at the relevant time for such promotion."*

*Gayathri M.R.*  
08/06/18

(Gayathri .M.R)

Under Secretary to Government,  
Department of Personnel & Administrative Reforms  
(Service Rules-1)

**To:**

The Compiler, Karnataka Gazette, Vikasa Soudha, Bengaluru, for publication in the Extra-Ordinary Gazette and to supply 1000 copies to DPAR (Service Rules-A Section), Room No. 31, Ground floor, Vidhana Soudha, Bengaluru-1.

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2. All the Additional Chief Secretaries to Government.
3. The Principal Secretaries to Chief Minister, Vidhan Soudha, Bengaluru.
4. All the Principal Secretaries / Secretaries to Government.
5. The Principal Accountant General (G & S S I), Karnataka, New Building, Audit Bhavan, Bengaluru-560001.
6. The Principal Accountant General (E & R S A), Karnataka, New Building, Audit Bhavan, Bengaluru-560001.

7. The Principal Accountant General (A & E), Karnataka, Park House Road, Bengaluru-560001.
8. All the Heads of Department / Deputy Commissioners/ Chief Executive Officers of Zilla Panchayaths.
9. \*The Secretary, Karnataka Legislative Assembly / Council Secretariats Vidhana Soudha, Bengaluru-1.
10. \*The Secretary, Karnataka Public Service Commission, Udyoga Soudha, Bengaluru-1.
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(\*With a covering letter)