

A KARNATAKA POWER TRANSMISSION CORPORATION
LIMITED & ORS.

v.

SRI. B. G. MANAMOHANA PRIYANKA & ORS.

B (Civil Appeal No. 2702 of 2023)

APRIL 28, 2023

[M. R. SHAH AND C. T. RAVIKUMAR, JJ.]

Service Law – Pay revision – Entitlement to – Held: On

- C *conjoint reading of D.O./orders dated 27.09.2006 and 02.06.2008, all those employees subject to fulfilment of the conditions mentioned in D.O./order dated 02.06.2008 shall be entitled to the additional 2% in addition to the existing pay, irrespective of whether as on 01.04.2003 they were in service or not – Thus, the case on behalf of the appellants that since the respondents-Assistant Executive Engineers (Electrical) were not appointed as on 01.04.2003 and they were appointed subsequently in the year 2007, therefore, not entitled to the additional 2% has no substance – However, the Single Judge and the Division Bench of the High Court erred in directing to revise the pay scale of the respondents by adding 2% to the basic pay automatically that too from the date of their appointment – Respondents shall be entitled to the additional 2% in addition to the existing pay to the post of Assistant Executive Engineer (Electrical), however, subject to the conditions as mentioned in the D.O./order dated 02.06.2008, i.e. subject to achieving the performance targets by the concerned officers.*

- F CIVIL APPELLATE JURISDICTION: Civil Appeal No. 2702 of 2023.

From the Judgment and Order dated 15.02.2021 of the High Court of Karnataka at Bengaluru in WA No.698 of 2020.

- G K. M. Nataraj, ASG, Raghavendra S. Srivatsa, Venkita Subramoniam T. R., Likhi Chand Bonsle, Ms. Komal Mundhar, Advs. for the Appellants.

P V Surendranath, Sr. Adv., Biju P Raman, Sawan Kumar Shukla, Ms. Lekha Sudhakar, Advs. for the Respondents.

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The Judgment of the Court was delivered by

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M. R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the Division Bench of the High Court of Karnataka at Bengaluru in Writ Appeal No. 698/2020, by which, the Division Bench of the High Court has dismissed the said appeal preferred by the appellant(s) herein and has affirmed the judgment and order passed by the learned Single Judge in Writ Petition No. 4667/2015, by which the learned Single Judge directed payment of revised pay scales to the original writ petitioners at the rate of Rs. 9,745/- basic pay per month with effect from the date they entered into service, the Karnataka Power Transmission Corporation Limited (hereinafter referred to as the corporation) & Ors. have preferred the present appeal.

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2. That the original writ petitioners – respondents herein were appointed as “Assistant Executive Engineer (Electrical)” in the appellant – corporation on 06.10.2007. That their pay scale was Rs. 9,470 - 20,470/- per month. That the appellant – corporation issued a D.O./order dated 27.09.2006 revising the pay scales with effect from 01.04.2003.

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2.1 That thereafter, a further D.O./order was issued which provided that with effect from 01.04.2003 by considering the hard work of the employees to consider pay hike by 2%. It further provided that while sanctioning 2% hike in pay appropriate target may be fixed and sanction may be obtained from the management. D.O./order dated 02.06.2008 was issued granting the approval for revision of pay scales by 12% (10+2%) effecting from 01.04.2003. It further provided that from 01.04.2009, the differential amount towards 2% pay revision may be released after achieving the performance targets by the concerned officers. As the original writ petitioners were appointed in the year 2007, they were not granted the benefit of additional 2% pay revision and therefore, they filed the writ petition before the learned Single Judge. Learned Single Judge allowed the writ petition and directed to re-fix their pay while extending revision of pay i.e., $10+2\% = 12\%$ which will be Rs. 9,745/- basic to the post of Assistant Executive Engineer (Electrical). The benefit has been granted from the date of their appointment. The learned Single Judge also awarded the interest @ 8% on the arrears. The order passed by the learned Single Judge was the subject matter of appeal before the Division Bench of the High Court.

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- A By the impugned judgment and order, the Division Bench has partly allowed the appeal to the extent deleting the direction of the learned Single Judge to pay interest on the arrears amount at 8% per annum from 04.11.2020 till realization. However, the Division Bench has confirmed the order passed by the learned Single Judge directing to add 12% in the basic pay and consequently, to revise the pay accordingly.
- B 2.2 The impugned judgment and order passed by the Division Bench of the High Court is the subject matter of present appeal.
 - 3. Heard Shri K.M. Nataraj, learned ASG appearing on behalf of the appellant(s) and Shri P.V. Surendranath, learned Senior Advocate appearing on behalf of the respondents.
 - 3.1 Having heard learned counsel appearing on behalf of the respective parties and having gone through the relevant D.O./orders, more particularly, D.O./orders dated 27.09.2006 and 02.06.2008, the original writ petitioners though were appointed in the year 2007 shall be entitled to the benefit of revision of pay adding 12% in addition to the existing pay to the post of Assistant Executive Engineer (Electrical). There is no dispute with respect to the addition of 10%. However, the dispute is with respect to further addition of 2%. The case on behalf of the appellant that as the original writ petitioners were appointed in the year 2007 and thereafter, there were revision of pay and in fact they were to get the pay in the basic pay scale, they shall not be entitled to the additional 2% has no substance. On conjoint reading of D.O./orders dated 27.09.2006 and 02.06.2008, all those employees subject to fulfilment of the conditions mentioned in D.O./order dated 02.06.2008 shall be entitled to the additional 2% in addition to the existing pay, irrespective whether as on 01.04.2003 they were in service or not. Therefore, the case on behalf of the appellant(s) that as they were not appointed as on 01.04.2003 and they were appointed subsequently in the year 2007 and, therefore, not entitled to the additional 2% without doing the hard work has no substance. However, at the same time, Shri Nataraj, learned ASG appearing on behalf of the appellant(s) is justified in making the submission that the original writ petitioners shall not be entitled to the additional 2% automatically and that too from the date of their initial appointment. It is to be noted that even as per D.O./order dated 02.06.2008 while sanctioning 2% hike in pay appropriate target was required to be fixed and accordingly, their sanction from the management for the said proposal was required to be obtained. From 01.04.2009, the

differential amount towards 2% pay revision was required to be released after achieving the performance targets by the concerned officers and their first appraisal was to be conducted in April, 2009 and the second appraisal was to be conducted in April, 2010. Therefore, as such the learned Single Judge and the Division Bench of the High Court have materially erred in directing to revise the pay scale by adding 2% to the basic pay automatically that too from the date of their appointment. It is required to be noted that in the first year all the writ petitioners were appointed as probationers and as per the Rules, as probationers they were to be put in the minimum basic pay scale which at the relevant time was Rs. 9,470/-

4. In view of the above and for the reasons stated above, the present appeal succeeds in part. The order passed by the learned Single Judge as well as the impugned judgment and order passed by the Division Bench of the High Court directing to pay additional 2% in addition to the existing pay to the post of Assistant Executive Engineer (Electrical) from the date of their initial appointment is/are hereby quashed and set aside. It is observed and directed that the original writ petitioners shall be entitled to the additional 2% in addition to the existing pay to the post of Assistant Executive Engineer (Electrical), however, subject to the conditions as mentioned in the D.O./order dated 02.06.2008, namely, subject to achieving the performance targets by the concerned officers.

With this modification, the present appeal stands disposed of.

Divya Pandey

(Assisted by : Abhishek Agnihotri and Roopanshi Virang, LCRAs)

Appeal disposed of.