

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ON THE 28TH DAY OF MARCH 2014

BEFORE

THE HON'BLE MR.JUSTICE K.L.MANJUNATH

AND

THE HON'BLE MR.JUSTICE RAVI MALIMATH

WRIT PETITION NO.48479 OF 2013(S-KAT)

BETWEEN:

Sri K.T.Thirumalaraya Prabhu
S/o K.T.Thimmaiah
Aged about 54 years
Retired Revenue Employee
Karegowdana Hally
Belavatha Post,
Kadaba Hobli,
Gubbi Taluk,
Tumkur District.

...PETITIONER

(By Sri M.S.Devaraju, Advocate for
Sri.S.N.Bhat, Advocate)

AND:

1. The State of Karnataka
Represented by its Secretary
To Revenue Department,
M.S.Building,
Bangalore – 560 001.

2. The Tahsildar
Chikkanayakanahalli Taluk,
Tumkur District – 572 227. ...RESPONDENTS

(By Sri R.Om Kumar, AGA)

This Writ Petition is filed under Article 226 and 227 of the Constitution of India praying to quash the order passed by the Hon'ble Karnataka Administrative Tribunal dated 25.7.2013 application No.4074/2008 Annexure-C and Consequently allow the application filed before the Hon'ble Tribunal in Application No.4074/2008.

This Writ Petition coming on for preliminary hearing this day, Ravi Malimath J., made the following:-

ORDER

The petitioner worked as a First Division Assistant in the Taluk Office at Chikkanayakanahalli. He had sought for voluntary retirement vide application dated 28.08.2003, under the Special Voluntary Retirement Scheme. He was permitted to retire voluntarily vide official memorandum dated 23.08.2004. However, he was not granted the benefits to which he was entitled to

as per the Government Order dated 01.09.2003, relating to the Special Voluntary Retirement Scheme.

2. The petitioner made a representation for grant of the benefits in terms of the Government Order. By an endorsement dated 20.03.2007, he was informed that he is not entitled to the benefits of the Government Order, since the post in which he was working had not been declared as 'Surplus' post'.

3. Aggrieved by the same, he preferred the instance application before the Karnataka Appellate Tribunal in Application No.4074/2008, wherein by the impugned order, the same was rejected. Hence, the present petition.

4. The learned counsel for the petitioner submits that he had sought for voluntary retirement based on the Special Voluntary Retirement Scheme. Therefore, he is entitled to all such benefits.

5. On the other hand, the learned Government Advocate submits that the post in which the applicant was working was not declared as 'Surplus'. That the Government Order is applicable only to those posts which have been identified as 'Surplus' post. That the post held by the petitioner has not been declared as 'Surplus' post. Therefore, he would not be entitled for benefits under the Special Voluntary Retirement Scheme.

6. On considering the contentions of the learned counsels and on perusal of the material on record, we are of the considered view that there is no merit in this petition.

7. The plea of the petitioner is that he has sought for voluntary retirement under the Special Voluntary Retirement Scheme. Therefore, he is entitled

to all the benefits is unacceptable. The basis of the claim of the petitioner is erroneous as the said benefit is applicable only to the posts declared as 'Surplus'. That is how the scheme reads. Hence, no benefit would enure to the petitioner.

8. Consequently, there is no error committed by the Tribunal, that calls for interference. Accordingly, the petition being devoid of merits is dismissed.

Sd/-
JUDGE

Sd/-
JUDGE

JJ