ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ
KARNATAKA LEGISLATIVE ASSEMBLY RESEARCH AND REFERENCE BRANCH

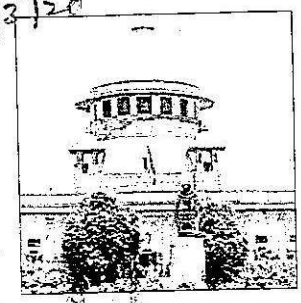
ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
PAPER CLIPPINGS

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: B.B.M.P.

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE : 11/03/2020

SC cancels promotion of BBMP junior engineers

NEW DELHI, DHNS 11/3/20



The Supreme Court has ordered the BBMP to withdraw the promotions of junior engineers to assistant executive engineers given in violation of the undertakings given to the High Court of Karnataka in July 2018.

A bench of Justices U U Lalit, Indu Malhotra and Hemant Gupta disposed of contempt proceedings against the then BBMP Commissioner N Manjunath Prasad and others after the officials, led by senior advocate Basava P Patil and advocate Sanjay M Nuli, tendered an unconditional apology for breaching the high court's interim orders.

The officials conceded that the promotions were given on an "incorrect understanding" of the directions issued by the apex court in the B K Pavitra (2017) judgement (The court had declared the provisions of the 2002 Karnataka law on the promotion of employees belonging to the SC/ST category as ultra vires right to equality and others).

To this, the court ordered that the promoted officers be reverted to their original posts but no proceedings for recovering monetary benefits or emoluments be initiated against anyone.

"While exercising jurisdiction in contempt, we may not punish the contemnors if the act committed by them would be within the sphere of bona fide and mistaken impression," the bench said. "But at the same time, any act in transgression or violation of the binding nature of the orders passed by the court cannot be allowed to stand and the relationship between the parties cannot be allowed to be governed by such invalid act."

The top court allowed an appeal filed by Imran P A and others against the high court's order of January 8, 2019. The high court had declined to initiate contempt proceedings against the BBMP's top officers.

The petitioners contended that despite clear interim directions by the high court, the municipal body issued the promotions orders on July 12 and July 30, 2018. Some junior engineers (Group 'C') were directly promoted to assistant executive engineers (Group 'A').

During the hearing, some of the officers, acting as intervenors, contended that they were entitled to the promotions. To this, the court clarified that it was not dealing either with the merits or demerits of the entitlement of any section of the officers.

It also said the affected party may approach the high court for expeditious disposal of the matter and can even plead for changing the interim orders, but only after the promotions orders were withdrawn.