

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು  
PAPER CLIPPINGS

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: 6  
court matter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE: 27/12/20

## KPCL engineers challenge quota in promotions under Article 371J

BENGALURU, DHNS <sup>27/12/20</sup>

A petition has been filed before the Karnataka High Court challenging the validity of Article 371 (J) (2) (b) of the Constitution insofar as the concept of backlog in promotional posts, consequential seniority and retrospective promotions.

The promotions were executed by the Karnataka Power Corporation Limited (KPCL) to employees from Hyderabad-Karnataka (HK) region.

The petitioners, around 119 engineers of KPCL, contended that Article 371 (J) (2) (b) cannot pass the test of basic structure doctrine and required to be struck down as it is opposed to Articles 14, 15, 16 and 21 of the Constitution.

Justice R Devdas ordered notice to the respondents and said the promotions, already granted to 110 engineers based on KPCL's order, will be subject to the final order of the court. The petition is filed by CK Justus and others.

The petitioners were appointed to the posts of assistant engineers before the amendment (2013) and are working in different cadres in the KPCL. They said that the state government has passed an order extending the reservation in promotions. Subsequently, the government directed

the KPCL to create a separate local cadre.

The KPCL constituted a high-level committee to decide staffing pattern and a report was submitted in May 2017. The report identified vacancies in each cadre based on which the KPCL promoted the respondents this year (2020). All these employees belong to the HK region and are juniors in service to the petitioners.

The petitioners claimed that the seniority has been altered to their disadvantage by creating local cadre. This was done on the ground of place of birth and domicile which is opposed to Article 15, they said.

The petitioners also said that steps are being taken to provide reservation from retrospective effect in the promotional cadres to fill up backlog vacancies.

Apart from the prayer to strike down Article 371 (J) (2) (b), the petition also prayed to strike down the Karnataka Public Employment (Reservation in Appointment For Hyderabad Karnataka Region) Order 2013, insofar as identification and reservation of posts or classes of posts in KPCL in favour of persons from the HK region in the promotion.

Article 371 (J) was inserted through the 98th Amendment in 2013 with the object of the development of the region (HK) through a special provision and also reservation in favour of the people from the region.

