**1IN THE HIGH COURT OF****KARNATAKA** **AT BANGALORE**

Writ Petition No. 12675/2006 (S-RES)

Decided On: 22.07.2011

Appellants: **Sri. M.T. Manjunath, M.A. S/o Sri. M. Thipperudrappa, Aged 46 years, Deputy Director of Co-operative Audit, Chitradurga District, Chitradurga**
**Vs.**
Respondent: **The Management of Sri. Jagajyothi Basaveshwara Sahakara Sangha Limited (R). By its Secretary, II Block, Rajajinagar, Bangalore-560010, The Commissioner for Collegiate** **Education, Government of** **Karnataka, Palace Road, Bangalore-560 001 and The State of** **Karnataka, By its Principal Secretary, Higher****Education, 5th floor, M.S. Buildings, Bangalore - 560001**

**Hon'ble Judges/Coram:**
Hon'ble Mr. Justice Anand Byrareddy

**ORDER**

**Hon'ble Mr. Justice Anand Byrareddy**

1. Heard the teamed counsel for the petitioner and the learned counsel for the respondent as well as the learned Government Pleader. The facts are that the petitioner was appointed as a Full-time Lecturer in Economics on 1.8.1986 at Basaveshwara College of Commerce, Arts and Science at Bangalore. This was after a regular interview and selection to a clear vacancy. It was agreed that a salary of Rs.650/- per month would be paid with a further promise to pay Government salary at a later date.

2. It is the petitioner's complaint that no such salary was paid at all from March 1988 up to February 1989. It was only with effect from 13.2.1989, that his appointment was approved with aid, by the Directorate of Collegiate Education. By a further Government Order of the year 1990, the UGC scales of pay and the staff pattern were applied to the institution with effect from 1.1.1986. The management claimed the grants with regard to the difference in arrears of salary between the State and the UGC scales of pay from 1.1.1986 for all its staff members. But it is the complaint of the petitioner that the same was not credited, to the account of the petitioner. In the meanwhile, the petitioner is said to have been kept under suspension on certain allegations on 11.8.1990, which was revoked as on 30.11.1990 and he had reported for duty on 1.12.1990.

3. Insofar as the petitioner's continuous request to pay him the arrears of salary from 1.8.1986 till 13.2.1989 is concerned, there was no response from the respondents. Thereafter, he secured employment in the Government of Karnataka as a Lecturer in Economics and was relieved from the services of the respondent at his request in the year 1996. The petitioner had therefore reiterated his claims for arrears, which he had all along been claiming and the same having been ignored, the petitioner had approached the Government, in terms of Section 133(2) of the Karnataka EducationAct, 1983. which was contested. The Government allowed the petition granting arrears of difference in salary insofar as the amount reimbursed by the Government is concerned and insofar as the arrears due from the management is concerned, the same was not allowed. The only reason assigned was that there was inordinate delay in the petitioner making a claim, which according to the petitioner, is factually incorrect, as the learned counsel would seek to point out that he has been continuously agitating his claim for arrears and the denial on the ground of delay is, therefore, not a contention that can be set up against the petitioner. Having regard to the fact that the arrears claimed are for the period from 1.8.1986 till 13.2.1989 and this having been adjudicated before the Principal Secretary to Government, Higher Education, the Principal Secretary, in terms of the impugned annexure, held that the petitioner having left the college on 5.9.1996, the claim sought to be advanced after more than ten years was clearly time-barred and the same could not countenanced. As the Principal Secretary having accepted that the petitioner had left the college in the year 1996, raising a claim after more than ten years in respect of arrears, supposedly agreed to be paid when he joined duty, is not tenable. Therefore, the petitioner being held entitled to the amount that was already sanctioned by the Government and which was with the management and was to be reimbursed to the petitioner, being adequate relief granted to the petitioner cannot be faulted. Accordingly, there is no merit in this petition and the same is dismissed.