



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JANUARY, 2025

PRESENT

THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE M.I.ARUN

WRIT PETITION NO. 52485 OF 2014 (S-RES) PIL

BETWEEN:

1. HIGH COURT LEGAL
SERVICE COMMITTEE
FUNCTIONING UNDER
THE AUSPICES OF THE
KARNATAKA STATE LEGAL
SERVICES AUTHORITY
"NYAYA DEGULA",
FIRST FLOOR,
H. SIDDAIAH ROAD,
BANGALORE-560 027.
REP BY ITS SECRETARY
MR. ABHAY CHOUGALA.



...PETITIONER

(BY SMT. B V NIDHISHREE, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
M.S. BUILDING,
BANGALORE-560 001.
REP BY ITS CHIEF SECRETARY.



2. REGISTRAR GENERAL
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1;
SMT. B.V.VIDYULATHA, ADVOCATE FOR R2)

THIS WP FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE
GROUP 'D' EMPLOYEES WORKING ON DAILY WAGES AT THE
DHARWAD AND GULBARGA BENCHES OF THIS HON'BLE
COURT ARE ENTITLED TO THE SAME PAY AS THE REGULAR
GROUP 'D' EMPLOYEES SO EMPLOYED, AND ISSUE
CONSEQUENTIAL DIRECTIONS BY WAY OF MANDAMUS TO
THE FIRST RESPONDENT AND GRANT SUCH OTHER AND
FURTHER RELIEFS AS MAY BE JUST AND NECESSARY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR JUSTICE M.I.ARUN

**ORAL JUDGMENT**

(PER: HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N. V. ANJARIA)

Moved by the High Court Legal Services Committee, in the present public interest petition, the cause sought to be espoused was with regard to equal treatment to be given to Group 'D' employees working on daily wages at the Dharwad and Kalaburagi Benches of the High Court of Karnataka in terms of payment of salary treating them at par with the other employees.

2. It was stated that Group 'D' employees employed to work in the establishment of the High Court at the said two places where the Circuit Benches function, parity in remuneration was eluded for them. There were about 36 employees working on the establishment of the benches, most of them were deputed to work at the residence of Hon'ble Judges and that, they have put in a reasonably long continuous satisfactory service.

3. It was contended in the petition that the daily wage employees had have the right to be treated at par on the ground that they have been discharging duties of similar nature and therefore, could not have been treated differently in the matter of



paying the salary and other remunerative benefits which are part of the salary.

3.1. The proceedings of this petition witnessed several orders passed by the Court from time to time, including the orders were passed on 27.01.2016, 28.07.2016 and 17.11.2021 stating the material aspects in the controversy. By order dated 28.07.2016, the Court refused to accept the stand taken by the State Government. The Registrar General was directed to furnish the list of the employees who have been working at the said Benches as on January 27, 2016 excluding the 64 persons who were covered by the interim order earlier passed on 27.01.2016.

3.2. In the order dated 17.11.2021, the Court recorded the submission on the part of learned advocate for respondent No.2 that the part time employees employed at the Dharwad and Kalaburagi Benches of the High Court have been paid wages at the enhanced rate and arrears have also been paid to them which was, however, prospectively.

4. Today when the petition came up for consideration, learned Additional Government Advocate Smt. Niloufer Akbar filed a memo



dated 08.01.2025 producing therewith the copy of approved proposal of the Finance Department, Government of Karnataka along with the copy of the endorsement issued by respondent No.1-the Chief Secretary, State of Karnataka.

4.1. It is stated in the memo that the application of petitioner has been considered and the benefit of general holidays and Government holidays as notified by this Court in the calendar is granted to the part time daily wage manual workers working in the Benches of High Court at Dharwad and Kalaburagi. The memo accompanies copies of relevant correspondence and order dated 07.01.2025 of the Finance Department and from the Karnataka Government Secretariat.

4.2. Learned advocate Smt. B.V. Nidhishree for the petitioner stated that these orders passed by the State Government substantially and largely satisfies the grievance of the petitioner. She, however, submitted that the issue of arrears of payment of salary at the enhanced rate for the period from 2012 to 2019 is yet to be addressed by the competent authority.



5. The situation emerges after the filing of the above documents/orders by the State Governmental authorities along with memo, is that the benefit of general holidays is accorded to the class of daily wagers at Dharwad and Kalaburagi Benches of the High Court to make them stand with par with the regular employees in terms of the said remainder benefit. These daily wagers have already been paid the salary equivalent to which is paid to the regular employees. They shall be continued to be paid accordingly the salary and other benefits at par with regulars. There is no gainsaying about that.

6. In the totality of the facts and circumstances, the Court finds that since the substantial part of the grievance is taken care of by the Governmental authorities by granting the holidays and treating the daily wage employees at the said two Benches at par with the other employees, the present proceedings are not required to be continued.

7. As far as the surviving aspect of the arrears of payment during the aforesaid period from 2012 to 2019 is concerned, the employees are permitted to make a detailed representation to the



Registrar General of this Court since they are appointed under Rules 7 and 55(2) of the Manual of Contingent Expenditure, 1958.

8. Learned advocate for the petitioner stated that such representation will be made within four weeks. Once the representation is made, the Registrar General of this Court is directed to forward the same to the competent authority of the State Government, which shall in turn decide the same in accordance with law and more particularly keeping in view that these daily waged employees are treated at par with regular employees in all other respects, within three months from the date of such representation, so as to iron out the creases. The representation may be considered sympathetically.

9. The Court, however, as such, does not express any opinion about the representation which may be made by the petitioner.

While parting, the Court notes that the respondents have taken a fair and justice-oriented stand. The Court records a special appreciation for learned Additional Government Advocate Mrs. Niloufer Akbar for her effective, objective and able assistance to the Court in the matter.



The petition stands disposed of in the aforesaid terms.

**SD/-
(N. V. ANJARIA)
CHIEF JUSTICE**

**SD/-
(M.I.ARUN)
JUDGE**

PGG
List No.: 1 Sl No.: 36