

**KARNATAKA CIVIL SERVICES (REVISION OF PAY OF
CERTAIN CATEGORIES OF POSTS) ACT, 1975**

4 of 1975

[15th March, 1975]

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STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 4 OF 1975] Karnataka Gazette, dated 6-2-1975 By the Karnataka Civil Services (Revised Pay) Rules, 1970 the scales of pay to several categories of posts specified in the Schedule to the said rules were revised. In the said rules, a uniform pay scale of Rs. 175-10-275-15-350-EB-20-450 has been shown for a number of categories of posts including Shop Assistants, Common Facility Centre, who are non-Diploma Holders. Textile Graduates and Diploma Holders etc., who were in receipt of a higher scale of pay of Rs. 150-320 prior to 1st January, 1970 could not be equated with Industrial Training Certificate holders and non-Diploma Holders. The intention of Government was to give the scale of pay of Rs. 120-5-150-8-190-EB-10-240 only to non-Diploma Holders only. This was, by oversight, not incorporated in the Schedule to the Revised Pay Rules. That this was so, was clarified in Government Order No. FD 117 SRP (1) 71, dated 9th July, 1971 wherein it was stated that in the case of non-Diploma Holders holding the said posts the revised scale of pay will be Rs. 120-5-150-8-190-EB-10-240 with effect from 1st January, 1970. 2. On a writ petition filed by one of the non-Diploma Shop Assistants, the High Court of Karnataka held

that the said Government Order cannot override the rules made by the Governor under the proviso to Article 309 of the Constitution of India and directed payment of pay in the scale of pay of Rs. 175-10-275-350-EB-20-450 to the petitioner. 3. Since it was never the intention of the State Government to give the said pay scale to the non-Diploma Holders holding the posts of Shop Assistants it was considered necessary in view of the judgment of the High Court to make a law specifying the scale of pay admissible to such persons. As both the Houses of the Legislature were not in session, an ordinance for the purpose was promulgated. The Bill seeks to replace the ordinance.

1. Short title and commencement :-

(1) This Act may be called the Karnataka Civil Services (Revision of Pay of certain Categories of Posts) Act, 1975.

(2) It shall be deemed to have come into force on the Eleventh day of December, 1974.

2. Revision of pay of certain Categories of posts of State Civil Services :-

(1) Notwithstanding anything contained in the Schedule to the Karnataka Civil Services (Revised Pay) Rules, 1970, the revised scale of pay of the post of Shop Assistant (Common Facility Centre) for heat treatment (Machine Operator, Fitter, Electrician-cum-Machine Operator, Welder-cum-heat treatment Operator) in the Department of Industries and Commerce of the State Government shall, in the case of non-diploma holders be Rs. 120-5-150-8-190-EB-10-240 with effect on and from the first day of January, 1970. The said revised scale of pay shall be subject to such further revision as the Governor may, from time to time make by rules under Article 309 of the Constitution.

(2) Subject to the provisions of sub-section (1), all the other provisions of the Karnataka Civil Services (Revised Pay) Rules, 1970 shall apply in all respects to the said revised scale of pay.

3. Validation :-

Notwithstanding any judgment, decree or order of any Court any action taken to fix the pay of non-diploma holders holding the post of Shop Assistant (Common Facility Centre) for heat treatment (Machine Operator, Fitter, Electrician-cum-Machine Operator, Welder-cum-heat treatment Operator) in the scale of Rs. 120-5-

150-8-190-EB-10-240 shall be deemed to have been validly taken.

4. Repeal of Kamataka Ordinance No. 12 of 1974 :-

The Kamataka Civil Services (Revision of Pay of certain Category of Posts) Ordinance, 1974 (Kamataka Ordinance No. 12 of 1974) is hereby repealed:

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.