

No.KAT/EST(1)/INF/RA/HKR/107/2013

Karnataka State Administrative Tribunal,  
6<sup>th</sup> & 7<sup>th</sup> Floor, Kandaya Bhavana,  
Kempegowda Road, Bengaluru-560 009.

Date: 04.12.2020

**CORRIGENDUM**

Sub:- Identification of posts to the extent of 8% to be reserved for Local Persons in different cadres in the Karnataka State Administrative Tribunal under Karnataka Public Employment (Reservation in appointment for Hyderabad-Karnataka Region) Order, 2013 – Reg.

Ref: - (1) This Office Notification No.KAT/EST(1)HKR/R/107/2013 dated 05.06.2014

(2) This Office Notification No.KAT/EST(1)/HKR/R/107/2013, dated 21.06.2017.

(3) Government Order No.Se.Aa.Su.E.24.Se.Aa.Nya.2016, dated 26.09.2016

(4) This Office Notification No.KAT/EST(1)/INF/RA/HKR/107/2013, dated 14.02.2020.

-00000-

Whereas the Parliament by Constitution (98<sup>th</sup> Amendment) Act, 2012 inserted Article 371-J, which came into effect from 1.10.2013. Article 371-J reads thus:

**"371-J. Special provisions with respect to State of Karnataka:-** (1) The President may, by order made with respect to the State of Karnataka, provide for any special responsibility of the Governor, for-

- (a) Establishment of a separate development board for Hyderabad-Karnataka region with the provision that a report on the working of the board will be placed each year before the State Legislative Assembly;
- (b) Equitable allocation of funds for developmental expenditure over the said region, subject to the requirements of the State as a whole; and

. . . . 2/-

- (c) Equitable opportunities and facilities for the people belonging to the said region, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole.
- (2) An order made under sub-clause (c) of clause (1) may provide for:-
- (a) Reservation of a proportion of seats in educational and vocational training institutions in the Hyderabad-Karnataka region for students who belong to that region by birth or by domicile; and
- (b) Identification of posts or classes of posts under the State Government and in any body or organization under the control of the State Government in the Hyderabad-Karnataka region and reservation of a proportion of such posts for persons who belong to that region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any manner as may be specified in the order.

By way of implementation of Article 371(J) of the Constitution the Governor of Karnataka issued "Karnataka Public Employment (Reservation in Appointments for Hyderabad-Karnataka Region) Order, 2013, providing for formation of Local Cadre.

Order 2 of the said Order 2013, among other, defines "Region" or "Hyderabad-Karnataka Region" shall comprise of revenue districts of Bidar, Gulbarga, Raichur, Koppal, Yadgir and Bellary Districts.

Order 3 provides that the Governor by Notification identify posts in the civil services or civil posts under the State Government in the Hyderabad-Karnataka Region to the extent of:

- (a) 75% of the posts in the region belonging to Group-A (Junior Scale) and Group-B posts in each department of the State Civil Service or in local authority or body or organization shall be organized into as local cadres.

- (b) 80% of the posts in the Region belonging to the category of Group-C and 85% of the posts in Group-D in each department of the State Civil Service or in local authority or body or organization shall be organized into as local cadres.

As per Order 13 of 2013 Order, Karnataka State Administrative Tribunal comes under clause (h) called "Any State-level office or institution".

Under Order 10, no economy measure shall apply for the reserved posts and as far as possible reserved post shall be filled by regular appointments and not by outsourcing.

Government of Karnataka also issued detailed operational guidelines called "Karnataka Public Employment (Reservation in Appointments for Hyderabad-Karnataka Region) (Organization of Local Cadre, Allotment and Transfer of Persons), Rules, 2013.

Consequent to formation of local cadre, the appointing/cadre controlling authorities are required to identify the local persons from among the incumbents working in the parent cadre. In doing so, the entry in the service register before 1.1.2013 as to their home town or place falling within the local area shall be considered to be the conclusive proof of their domicile. Such of those who qualify for being classified as local persons shall be given an opportunity to opt for being allotted to the local cadre and the lien of such of the incumbents opting for the local cadre shall be fixed in the local cadre and as such they move to the local cadre along with their seniority and roster points. The option once exercised opting for the local cadre or otherwise is final and is irrevocable.

On 29.1.2014 the Government of Karnataka issued Notification-1 bearing No.DPAR.43.HKC.2013 issued Rules called the Karnataka Public Employment (Reservation in Appointment for Hyderabad-Karnataka Region) (Organization of Local Cadres, Allotment and Transfer of Persons) Rules, 2013. Rule 2 thereof reads thus:

(2) The manner of constituting a Local Cadre which may consist of following units, namely:

- (a) **'State level local cadre' means a cadre carved out of respective Group-A (up to Junior Scale), Group B, C or D posts in the State level offices or institutions in Government or body or organization to the extent of 8% as local cadre,**
- (b) 'Regional Local Cadre' means a cadre carved out of total number of posts in the region equal to 75% in Group-A (up to Junior Scale) or B posts or 80% in Group-C posts or 85% in Group-D posts in the region in the respective cadres of State Government or body or organization. This also includes cadres having jurisdiction of the cadre District wise, Taluk wise, or with smaller jurisdiction of the respective Appointing Authority, within the region.
- (c) 'State wide Local Cadre' means the Local Cadre constituted by merger of State Level Local Cadre and Regional Local Cadre where the jurisdiction of the cadre is of State wise in State Government or body or organization.

As per 7(1) of the above said Rules, the Competent Authority shall maintain separate seniority, in each local cadre and Residuary Parent Cadre.

The Karnataka State Administrative Tribunal was constituted on 6.10.1986. At that time the Recruitment Rules that were in vogue were the 1986 Rules called the Karnataka Administrative Tribunal (Recruitment Rules) 1986. Subsequently, the Government framed 1993 Recruitment Rules titled "Karnataka Administrative Tribunal (Recruitment) Rules, 1993". Government also sanctioned 3 posts of Assistant Registrars (Group-A) as per Karnataka Administrative Tribunal (Conditions of Service etc.,) Rules, 1992 for KSAT.

The KSAT by Notification dated 5.6.2014 (**vide Ref.1**) earmarked 1 post of Assistant Registrar (out of 3) for persons belonging to Local Cadre taking into consideration 3 posts of Assistant Registrars.

If 8% of 3 posts of Assistant Registrars is taken into consideration, no post of Assistant Registrar could have been reserved towards Local Cadre. However, erroneously one post of Assistant Registrar was earmarked as per Notification dated 5.6.2014 and in pursuance of the said Notification dated 5.6.2014, by order dated 14.1.2015 Sri K.A.Vijaykumar, who was working as Section Officer and who belonged to Local Cadre, was promoted to the post of Assistant Registrar against 1 post earmarked for Local Cadre. He worked in the said cadre for about four months and retired from service on 31.5.2015 as Assistant Registrar. After his retirement no Local Person is promoted to that post.

Consequent upon establishment of KSAT Benches at Belagavi and Kalaburagi and sanction of new posts for the said Benches, a revised Notification dated 21.6.2017 (**Ref.No.2**) was issued by KSAT providing 75% reservation in Group-A posts (up to junior scale) or Group-B posts, 80% in Group-C posts and 85% in Group-D posts for Local Cadres in so far as posts sanctioned for Kalaburagi Bench.

Since KSAT is classified as "State Level Office" and common seniority is maintained for all the cadres irrespective of Benches, it was realized that the earlier Notification dated 21.6.2017 was issued under a mistaken notion and question of providing 75% reservation in posts in Group-A (up to junior scale) did not arise. It was also ascertained from the Hon'ble High Court of Karnataka that even in respect of posts sanctioned for Kalaburagi Bench of Hon'ble High Court only 8% of the posts are reserved for the said Bench as provided under Order No.13 of 2013 Order. Therefore, the earlier Notification dated 21.6.2017 was withdrawn by issuing Notification dated 14.2.2020 (**Ref.No.4**) and a revised classification was issued wherein no post of Assistant Registrar was identified and reserved for Local Persons in the total sanctioned strength (8% of the posts mentioned at column No.3).


It is seen that in the two Government Orders dated 26.2.2016 (**Ref. No.3**) sanctioning cadre strength for Belagavi and Kalaburagi Benches the Government has not sanctioned any post of Assistant Registrar for the said Benches. Instead of

that, considering the work load in Principal Bench of KSAT, by order dated 26.9.2016 the Government has created 2 additional posts of Assistant Registrars for Principal Bench of KSAT. Thus there are 5 posts of Assistant Registrars sanctioned for the Principal Bench of KSAT. Keeping in view 8% of five posts, one post of Assistant Registrar has to be identified and reserved for Local Persons in the total sanctioned strength.

The object of amendment of Constitution by Parliament by insertion of Article 371-J is to provide equitable opportunities and facilities for the people belonging to the Hyderabad-Karnataka Region, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole. The further object is to identify posts or classes of posts under the State Government in the Hyderabad-Karnataka region and reservation of a proportion of such posts for persons who belong to that region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any manner as may be specified in Rules. As already observed 8% of posts sanctioned for State Level Office have to be earmarked for Local Persons belonging to Hyderabad-Karnataka Region. The earlier Notification dated 14.2.2020 in so far as no post in the cadre of Assistant Registrars is earmarked for Local Persons in the cadre of Assistant Registrar (Group-A) at serial No.1 of the Table runs counter to the above object.

Therefore, this Corrigendum is issued to Notification bearing No.KAT/EST(1)/INF/RA/HKR/107/2013 dated 14.2.2020 incorporating one post of Assistant Registrar (Group-A) in column No.4 of the Table therein for Local Persons as against 8% of posts mentioned at Column No.3, in order to achieve the object of Article 371-J of the Constitution and Orders and Rules issued by State Government.

**'BY ORDER OF HON'BLE THE CHAIRMAN'**



Registrar

Karnataka State Administrative Tribunal  
Bengaluru.

  
4/12/20

.... 7/-

**To:-**

1. P.S. to Hon'ble Chairman and Members, K.S.A.T., Principal Bench Bengaluru, Belagavi and Kalaburagi Benches.
2. P.S. to Registrar, K.S.A.T., Bengaluru.
3. The Registrar, K.S.A.T. Belagavi Bench, Belagavi.
4. The Registrar, K.S.A.T. Kalaburagi Bench, Kalaburagi.
5. The Deputy Registrar, K.S.A.T., Bengaluru.
6. The Assistant Registrar, K.S.A.T., Bengaluru.
7. All the Section Officers, Court Officers, Ps-cum-Jws., & Section Heads, K.S.A.T., Bengaluru, Belagavi and Kalaburagi Benches.
8. The Accounts Supdt., Accounts Section, K.S.A.T., Bengaluru.
9. Website Section, K.S.A.T. Principal Bench, Bengaluru, to upload the same in the K.S.A.T. website.
10. Complier, Karnataka State Gazette for publication in next issue of Gazette.
11. Notice Board.
12. Spare.

\*MR