

Karnataka Lokayukta
(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE
NUMBER COMPT/LOK/BCD/2160/2020
:
District : **Bangalore (U)**

BY :

1. SUO MOTO

As per the Order of Honble Lokayukta, Dated:
29/10/2020.

COMPLAINANT/S

AGAINST :

**1. ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT**

Social Welfare Department, M.S. Building,
Bengaluru.

2. COMMISSIONER

Social Welfare Department, M.S. Building,
Bengaluru.

3. MANAGING DIRECTOR

Karnataka Residential Education Institutions,
Cunningham Road, Bengaluru.

RESPONDENT/S

Allegation/Grievance Dereliction of duty

Brief :

Received From : Suo-Moto

Received On : 02-11-2020

Seal and Signature

**Complaint stands
allotted to :** ARE-1

SCRUTINY AND OPINION

Ad
21/11/2020.

[Handwritten Signature]
2/11/20
ilc.

KARNATAKA LOKAYUKTA, BENGALURU

No:

29-10-2020

ORDER

In 'Prajavani' daily dated 28.10.2020, a news item with the heading “ಕ್ರೈಸ್ತನ 532 ಶಿಕ್ಷಕರು ಕಂಗಾಲು:ಏಳು ತಿಂಗಳಿನಿಂದ ವೇತನ ಇಲ್ಲ ಜೀವನ ನಿರ್ವಹಣೆಗೆ ಕೂಲಿ ಕೆಲಸ” has been published stating that 532 out source based Principals, Teachers and other Staff who are working in Morarji Desai, Kittururani Chennamma Residential Schools which comes under the control of Social Welfare Department are not being paid salary for the last seven months. It is useful to extract the said news item, which reads as here under:

ಕ್ರೈಸ್ತನ 532 ಶಿಕ್ಷಕರು ಕಂಗಾಲು: ಏಳು ತಿಂಗಳಿನಿಂದ ವೇತನ ಇಲ್ಲ
 ಬೆಂಗಳೂರು: ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ ವ್ಯಾಪ್ತಿಯ ಕರ್ನಾಟಕ ವಸತಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ (ಕ್ರೈಸ್ತ) ಅಧೀನದಲ್ಲಿರುವ ಮೊರಾರ್ಜಿ ದೇಸಾಯಿ, ಕಿತ್ತೂರು ರಾಣಿ ಚನ್ನಮ್ಮ ವಸತಿ ಶಾಲೆಗಳಲ್ಲಿ ಹೊರ ಗುತ್ತಿಗೆ ಆಧಾರದಲ್ಲಿ ದುಡಿಯುತ್ತಿರುವ ಪ್ರಾಂಶುಪಾಲರು ಮತ್ತು ಶಿಕ್ಷಕರು ಸೇರಿ 532 ಸಿಬ್ಬಂದಿ ಏಳು ತಿಂಗಳಿನಿಂದ ವೇತನ ಇಲ್ಲದೆ ಕಂಗಾಲಾಗಿದ್ದಾರೆ.

ಬಳ್ಳಾರಿ ಸೇರಿದಂತೆ ಕೆಲವು ಜಿಲ್ಲೆಗಳಲ್ಲಿನ ಈ ಸಿಬ್ಬಂದಿ ಜೀವನ ನಿರ್ವಹಣೆಗಾಗಿ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಡಿ ಕೂಲಿ ಕೆಲಸಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದಾರೆ!

ಅಲ್ಪಸಂಖ್ಯಾತರ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ಅಡಿಯಲ್ಲಿರುವ ಮೊರಾರ್ಜಿ ವಸತಿ ಶಾಲೆ, ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜು, ಮಾದರಿ ವಸತಿ ಶಾಲೆಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಹೊರ ಗುತ್ತಿಗೆ ಶಿಕ್ಷಕರಿಗೆ ವೇತನ ಬಿಡುಗಡೆ ಮಾಡಿ ಆಗಸ್ಟ್ 26ರಂದು ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ. ಆದರೆ, ತಮಗೆ ವೇತನ ನೀಡದೆ ತಾರತಮ್ಯ ಮಾಡಲಾಗಿದೆ ಎಂದು ಆಕ್ರೋಶ ವ್ಯಕ್ತಪಡಿಸಿರುವ ಕೈಸ್ ವಸತಿ ಶಾಲೆಗಳ ಹೊರಗುತ್ತಿಗೆ ಪ್ರಾಂಶುಪಾಲರು ಹಾಗೂ ಶಿಕ್ಷಕರ ಸಂಘ, ಸರ್ಕಾರದ ವಿರುದ್ಧ ಪ್ರತಿಭಟನೆಗೆ ಮುಂದಾಗಿದೆ.

'12-15 ವರ್ಷಗಳಿಂದ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದೇವೆ. 2006ರಲ್ಲಿ ತಿಂಗಳಿಗೆ ಕೇವಲ ₹ 3,300 ವೇತನ ಪಡೆಯುತ್ತಿದ್ದ ನಮಗೆ, ಈಗ ₹ 8,825 ನೀಡಲಾಗುತ್ತಿದೆ. ಹೈಕೋರ್ಟ್ ಮಧ್ಯಂತರ ಆದೇಶದ ಮೇಲೆ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ನಾವು, ಕಾಯಂ ಆಗಬಹುದೆಂಬ ನಿರೀಕ್ಷೆಯಲ್ಲೇ ದಿನ ದೂಡುತ್ತಿದ್ದೇವೆ. ಎಸ್ಸೆಸ್ಸೆಲ್ನ ಪರೀಕ್ಷೆ, ಮೌಲ್ಯಮಾಪನ ಕೆಲಸ, ಮಕ್ಕಳಿಗೆ ಆನ್‌ಲೈನ್ ತರಗತಿ ನೀಡುತ್ತಿದ್ದರೂ, ಕೆಲಸಕ್ಕೆ ತೆಗೆದುಕೊಂಡಿಲ್ಲವೆಂಬ ಕಾರಣ ನೀಡಿ ವೇತನ ಪಾವತಿಸಲು ನಿರಾಕರಿಸಲಾಗುತ್ತಿದೆ' ಎಂದು ಶಿಕ್ಷಕರೊಬ್ಬರು ದೂರಿದರು.

'ವೇತನ ಬಿಡುಗಡೆ ಮಾಡುವಂತೆ ರಾಜ್ಯಸಭೆ ಸದಸ್ಯ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ,ವಿಧಾನಪರಿಷತ್ ಸದಸ್ಯ ಬಸವರಾಜ ಹೊರಟ್ಟಿ ಸೇರಿದಂತೆ ಹಲವರು ಈ ಹಿಂದೆ ಇಲಾಖೆಯ ಹೊಣೆ ಹೊತ್ತಿದ್ದ ಉಪ ಮುಖ್ಯಮಂತ್ರಿ ಗೋವಿಂದ ಕಾರಜೋಳ ಅವರಿಗೆ ಪತ್ರ ಬರೆದಿದ್ದರು. ವೇತನ ಬಿಡುಗಡೆಗೆ ಅಗತ್ಯ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಇಲಾಖೆಯ ಹೆಚ್ಚುವರಿ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗೆ ಕಾರಜೋಳ ಸೂಚಿಸಿದ್ದರು. ಆದರೂ ಹಿರಿಯ ಅಧಿಕಾರಿಗಳು ಸ್ಪಂದಿಸುತ್ತಿಲ್ಲ' ಎಂದೂ ಬೇಸರ ವ್ಯಕ್ತಪಡಿಸಿದರು.

ಈ ಮಧ್ಯೆ, ಸ್ವಯಂ ದೂರು ದಾಖಲಿಸಿಕೊಂಡಿರುವ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗ, ಈ ಕುರಿತು ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ನ. 22ರ ಒಳಗಾಗಿ ವರದಿನೀಡುವಂತೆ ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗೆ ಸೂಚಿಸಿದೆ. ವೇತನ ಪಾವತಿಸದಿದ್ದರೆ ಹೋರಾಟ ಅನಿವಾರ್ಯವಾಗಲಿದೆ ಎಂದು ರಾಜ್ಯ ದಲಿತ ಪದವೀಧರರ ಸಂಘ ಎಚ್ಚರಿಕೆ ನೀಡಿದೆ.

2. The news item extracted above indicates that, representations were also given to the then Hon'ble Minister for Social Welfare Department and to the Additional Chief Secretary to Government, Social Welfare Department to take steps for release of the salary. However, no positive steps have been taken by the concerned authorities in redressing the grievances of the Principals and Teachers.


3. It is needless to point out that the wages paid to an employee is not a gratuitous payment, it is the amount earned by an employee for the work he has carried out. Therefore, every employer including the State has an obligation and duty to pay the wages due to the employees without any delay or loss of time.

4. It is also needless to point out that any delay in payment of the salary or emoluments due to the Principals and Teachers would seriously affect their



right to life and liberty guaranteed under Article 21 of the Constitution of India. It will also affect the quality of education of the children, who are studying in the Residential Schools referred to above and if there are health issues in the family of the concerned employees, they may not be able to attend to them on account of financial constraints apart from the fact that the amount is required for food, clothing, payment of rent, livelihood etc. These are the things which are required to be kept in mind by the authorities of the State. Further, Sec. 5 of the Payment of Wages Act, 1936 mandates every employer to make the payment due to the employees on or before 10th of every month.

5. The paper publication extracted above indicates that there is total failure on the part of the authorities of State, in this behalf. The object of the Karnataka Lokayukta Act 1984 (hereinafter referred to as 'K.L. Act') is to redress the grievance



of the public as a consequence of mal-administration and also to prevent mal-administration in the State Administration. Sec. 2(8) of the K.L. Act defines 'grievance' and Sec. 2(10) of the K.L. Act defines 'mal-administration'. The non-payment of salary due to the Principals and Teachers, in my considered view falls within the meaning of 'mal-administration' under Sec. 2(10) of the K.L. Act and as such the hardship or injustice caused to the employees on account of delayed payment of the salary is required to be redressed.

6. Therefore, I am of the view that it is desirable for me to consider the news item published in 'Prajavani' as source material to exercise the power conferred on me under Sec. 7(1)(b) and 9(3)(a) of the K.L. Act. Accordingly, I exercise my suo-moto power and the office is directed to register this proceedings as suo-moto proceeding.

A handwritten signature in black ink, consisting of stylized initials, with a long arrow pointing to the right from the end of the signature.

7. With a view to examine the issues raised in the news item referred to above, I am of the view, that it is necessary to implead the officers mentioned herein below as parties/respondents to this proceeding and issue notice to them and call for comments from them.

1.	The Additional Chief Secretary to Government, Social Welfare Department, M.S. Building, Bengaluru.
2.	The Commissioner, Social Welfare Department, M.S. Building, Bengaluru.
3.	The Managing Director. Karnataka Residential Educational Institutions, Cunningham Road, Bengaluru.

8. The Officers referred to above are directed the examine the issues raised in the news item extracted above and redress the grievance of the



Principals and Teachers without further loss of time. They are given three weeks time to submit their report/comments. However, it is needless to mention that before the next date of hearing, it is open to the authorities referred to above to redress the grievance of the Principals and Teachers.

9. Communicate this order to the authorities referred to above along with the copy of news item published in the 'Prajavani'.

List this matter on 23.11.2020.


(Justice P. Vishwanatha Shetty),
Lokayukta,
Karnataka State. 29/10/2020

QAK*

10) ARLO-4 (Complaints Section)}