



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100148 OF 2024 (S-KSRTC)

BETWEEN:

SHAHABUDDIN ISMAILSAB VAKKUND
AGE. 62 YEARS, OCC. NIL,
R/O. RATTIHALLI, TQ. HIREKERUR,
DIST. HAVERI.

...APPELLANT

(BY SRI AMIT KADALLI, ADVOCATE FOR SRI S.G. KADADAKATTI,
ADVOCATE)

AND:

1. THE KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
R/BY ITS CHAIRMAN AND M.D.,
CENTRAL OFFICES,
SHANTINAGAR, BANGALORE-560027.
2. THE DIVISIONAL CONTROLLER
NWKRTC, HAVERI DIVISION, HAVERI.
3. CHIEF STAFF MANAGER NWKRTC,
CENTRAL OFFICE, HUBBALLI, DHARWAD DIST.

...RESPONDENTS



THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, MODIFY THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.112052/2014 ORDER DATED. 07.02.2024 BY ALLOWING THE WRIT APPEAL.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The petitioner is before this Court aggrieved by portion of the order dated 07.02.2024 in W.P.No.112052/2014, by which the petitioner's prayer for payment of salary for 28 months is not considered.

2. Heard learned counsel Sri.Amit Kadalli for Sri.S.G.Kadadakatti for appellant and perused the entire writ appeal papers.

3. Learned counsel for the appellant would submit that the petitioner was initially appointed as Conductor by order dated 07.04.1980. It is stated that the petitioner in the year 1988, met with an accident and suffered



disability. At the request of the petitioner to assign or change of cadre in view of the disability, he was assigned work of Office Assistant and his pay was fixed in the pay attached to the post of Office Assistant. On re-fixing of the pay of the petitioner in the post of Office Assistant, recovery of certain amount was ordered. Questioning the said order at Annexure-'T' dated 29.09.2009, the petitioner was before this Court.

4. It is contended that in terms of Section 47 of the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995 (for short' the Act') refixing of the salary to the petitioner while offering alternative post of Office Assistant is unsustainable. Accepting the contention of the petitioner, learned single judge of this Court quashed the portion of the order by which the petitioner was called upon to reimburse difference in pay of the petitioner and directed to refund if any amount had been recovered.



5. The petitioner in his writ petition had also prayed for salary for the period of 28 months during which the petitioner was not offered alternative post and he was made to wait for posting. It is against non-consideration of the prayer for payment of salary for 28 months, the petitioner is before this Court in this writ appeal.

6. Learned counsel for the appellant would submit that the petitioner had met with an accident and had suffered disability of more than 40%. Therefore, the petitioner had sought for alternate post which was given to the petitioner on 21.08.2003. There was gap of 28 months to provide alternative post of Office Assistant to petitioner. Hence, the petitioner had sought for salary for the said period. Apparently, the petitioner had not worked during the said period. It is seen that the medical board had issued certificate on 20.01.2001 certifying that the petitioner had suffered more than 40% disability.



From the said date till the petitioner was given posting on 27.06.2003, the petitioner is seeking salary. The petitioner had kept quite from 2003 till he retired from service in the year 2013. Only after retirement; the petitioner is agitating salary for the period from 2001-2003.

7. In the above circumstances, we are of the considered opinion that the petitioner would not be entitled for the relief sought in the writ petition.

8. There is no merit in the writ appeal. Accordingly, writ petition stands rejected.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

HMB
CT-CMU
LIST NO.: 1 SL NO.: 22