



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 8TH 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. 100509 OF 2025 (S-R)

BETWEEN:

KARNATAKA UNIVERSITY
BY ITS REGISTRAR
PAVATE NAGAR, DHARWAD-580001.

...APPELLANT

(BY SRI IRANAGOUDA K. KABBUR, ADVOCATE)

AND:

SHRI SHARANAPPA
S/O. MAHALINGAPPA PADAGANUR
AGE: 62 YEARS, OCC. SENIOR ASSISTANT
R/O. NEELAVENI BUILDING,
10TH CROSS, SAPTAPUR, DHARWAD-580001.

...RESPONDENT

(BY SRI RAJASHEKAR BURJI, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 21.02.2025, PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.62922/2011 (S-R) FILED BY THE APPELLANT, AND CONSEQUENTLY ALLOW WRIT PETITION NO.62922/2011 (S-R).



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 MRS JUSTICE GEETHA K.B.)

This is the appeal filed by the respondent/University under Section 4 of Karnataka High Courts Act, 1961, questioning the order passed in WP No.62922/2011 dated 21.02.2025.

2. The parties would be referred with their ranks as they were in writ petition, for the sake of convenience and clarity.

3. The appellant was respondent and respondent was petitioner before the learned single judge. The petitioner has filed a writ petition praying for issuance of writ of *certiorari* to quash the endorsements dated 18.05.2010 and 18.01.2011 issued by the respondent as per Annexure-'A' and 'B' respectively; *writ of mandamus* in the nature of



direction to the respondents to re-fix his deemed date of promotion in the post of Assistant Office Superintendent with effect from 05.06.1999 and consequently to re-fix the pay and pension accordingly and release all arrears of pay and pension to petitioner.

4. The brief facts of the case of petitioner are that the petitioner joined as Junior Clerk with respondent- Karnataka University in Accounts Section on 08.12.1969. On completion of 19 years of his service he was promoted as Senior Assistant with effect from 25.06.1988. In terms of the law, he was eligible to be promoted to the higher cadre as Assistant Office Superintendent. Though he was found to be eligible, he was placed an independent charge on 05.06.1999, but regular promotion was not given. He retired from said post on attaining the age of superannuation on 31.05.2006. Later, the regular promotion in the cadre of Assistant Office Superintendent was rearranged in terms of the order dated 08.01.2010 as a result of which petitioner is promoted to the Assistant Office



Superintendent with effect from 04.03.2001. However he has given representation to consider it from the date of he was placed independent charge i.e. from 05.06.1999. His latest representation is on 27.11.2010, which was rejected on 18.01.2011. After such rejection, he approached this Court by filing the writ petition. It was allowed on the ground that he was given with independent charge of said post from 05.06.1999 onwards.

5. Aggrieved by allowing the petition, the respondent/University approached this Court.

6. Learned Counsel for appellant Sri.Iranagouda K. Kabbur would submit that the petitioner was not at all given promotion from 05.06.1999, but promotion was given only with effect from 04.03.2001, and now he cannot contend that he should be granted benefits from the date on which he has placed in independent charge. It was only a temporary in-charge arrangement and that will not give any right to him.



7. Learned counsel for respondent Sri Rajashekar Burji would submit that as the petitioner/appellant has worked in independent charge since from 05.06.1999 till his retirement, his promotion date is to be considered from 05.06.1999. In this regard, he relied upon the Circular dated 28.08.1983 wherein it is stated that if the employee is in independent charge of the higher post, and worked in that post, then he is entitled for promotion retrospectively from said date. Thus, the appellant was qualified as on 05.06.1999 itself to the promotional post. Hence, prayed for rejection of the appeal by confirming the order passed in the writ petition.

8. Having heard the arguments of both sides and verifying the writ appeal papers, the only point that would arise for consideration is

“Whether the order of learned single Judge requires interference?”



9. Our finding on the above point is in 'Negative' for the following reasons:

The appellant was given an independent charge of Assistant Office Superintendent from 05.06.1999 till he retires from the job is not in dispute. According to the appellant, if the petitioner is given promotion with effect from 05.06.1999, then other senior employees who have to be considered first based on their seniority would be affected and seniority of other employees cannot be overlooked.

10. To substantiate it, the appellant has not produced any material that appellant is junior to others as on 05.06.1999 when the independent charge was given to him.

11. Rule 32 of KCSR (for short 'the Rules') empowers the employer to place an employee under independent charge. It reads as follows:

"Instead of appointing a Government servant to officiate, it is also permissible to appoint him to be in charge of the



current duties of a vacant post. In such a case a "charge allowance" (additional pay) is payable as specified in Rule 68."

12. Learned counsel for the appellant vehemently submitted his arguments that as per Rule 32, the appellant was only entitled for charge allowance and not for promotion with effect from 05.06.1999. However, it is to be noted here that Rule 2 of KCS(PPP)Rules which deals with promotion reads as follows:-

"2. *Promotion.*- *Promotion of a civil servant may be made with effect from a retrospective date.-*

(1) if his claim for promotion.-

(a) was withheld on account of disciplinary proceeding or criminal Prosecution of both pending against him and he is exonerated or acquitted subsequently, or

(b) was not considered on the ground that he was working in some other department on deputation or otherwise; or

(c) was not considered on the ground that he was wrongly or incorrectly described in the provisional or final inter-State Seniority List or gradation list; (or)

(d) was passed over on account of adverse remarks in his Confidential Reports which were expunged subsequently.

(2) If, while operating the gradation list or the provisional inter-State Seniority List or any other interstate Seniority List not being a final one, he was not considered for promotion for no justifiable reason xxxxx or



(3) If, while being eligible according to his seniority in the list that was in force and otherwise fit for promotion according to Cadre and Recruitment Rules he had only been placed in independent charge of the post by the Competent Authority and has discharged the duties of the said post:"

(Emphasis supplied)

13. The plain reading of this Rule 2(3) made it clear that if the employee is placed in independent charge of the post by the competent authority and has discharged the duty of the post; then definitely he is entitled for promotion with retrospective effect from the said date.

14. Learned counsel for the petitioner brought to the notice of this Court that considering the said Rule, already promotion was given effect from 04.08.1999 instead of 30.09.2003 to one Smt.M.V.Kanvali as per Annexure-H. Thus, when one of the employees was given promotion as she was in independent charge of the post with retrospective effect; then it has to be extended to the petitioner also. Even, the Circular of the Government as per Annexure-R2 dated 20.08.1983 also made it very clear that if any employee is in independent charge then he is entitled



for promotion with retrospective effect i.e., from the date on which he assumes independent charge of that post.

15. In the Karnataka University Staff Recruitment Statute as per Annexure-R4 at Sl.No.11, it is mentioned as below:-

<i>11. Assistant office Superintendent</i>	<i>By promotion assistant and stenographers in the ratio of 8:1, i.e., in a cycle of nine vacancies every sixth vacancy shall be filled by promotion of a stenographer. If no suitable qualified stenographer is available for promotion that vacancy shall be filled by promotion of Sr. assistant.</i>	<i>Must have put in three years service in the Cadre Sr. assistant/Stenographers Note: stenographers should as far possible be given an opportunity to work as Assistant for one year before they become eligible for promotion as Assistant Office Superintendent.</i>
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16. It is a fact that the petitioner was promoted to Senior Assistant with effect from 25.06.1988 and thus in law, he was eligible to be promoted to the higher cadre as Assistant Office Superintendent and he has completed said period of 3 years also.



17. Under these circumstances, the contention of the University that it is only an in-charge arrangement with charge allowance which will not give any right to the employee is not acceptable one.

18. Thus, we proceed to pass the following :

ORDER

The Writ Appeal is dismissed.

Pending applications if any are disposed off
as not surviving for consideration.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

HMB
Ct-cmu
LIST NO.: 1 SL NO.: 36