



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD
DATED THIS THE 08TH 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. 100494 OF 2024 (S-RES)

BETWEEN:

THE HUBLI DHARWAD
MUNICIPAL CORPORATION,
SIDDAPPA KAMBLI ROAD, HUBLI,
REPRESENTED BY ITS COMMISSIONER,
DIST. DHARWAD.

...APPELLANT

(BY SRI G.I.GACHCHINAMATH, ADVOCATE.)

AND:

1. SMT. PADMA SRINIVAS DESAI
W/O. SRINIVAS DESAI
AGED ABOUT 72 YEARS
RETIRED CHIEF MEDICAL OFFICER, HDMC,
R/O. SRI PADAMA NAYARAN PUR DHARWAD.
2. DR.LEELA HIEMATH
S/O. SHIVABASAYYA HIEMATH
AGED ABOUT 74 YEARS,
RETIRED DEPUTY CHIEF
MEDICAL OFFICER OF HDMC,
R/O. KALYAN NAGAR, DHARWAD,
TQ. AND DIST. DHARWAD.
3. DR.JAYASHREE DESHPANDE W/O. VINAYAK
DESHPANDE
AGED ABOUT 74 YEARS



OCC. RETIRED DEPUTY CHIEF MEDICAL OFFICER,
HDMC,
R/O. HOMBLI ONI, HOSA YELLAPUR,
DHARWAD, DIST. DHARWAD.

4. DR. HARIPANT GOVINDA RAO
AGED ABOUT 74 YEARS
MUTALIK NADAGOUDA (RED)
MEDICAL OFFICER CUM SENIOR SPECIALIST
R/O. FLAT NO.6, LAMINGTON PALACE HUBLI,
DIST. DHARWAD.

5. THE STATE OF KARNATAKA
BY ITS SECRETARY TO DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
M.S. BUILDING, BENGALURU -01.

...RESPONDENTS

(BY SRI VINAY KUMAR BHAT, FOR SRI RAVI HEGDE, ADVOCATE
FOR R1 TO R4;
SRI SHARAD V. MAGADUM, ADDITIONAL GOVERNMENT
ADVOCATE, FOR R5.)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED 24.01.2024 MADE IN
W.P.NO.63597/2011 (S-RES) PASSED BY THE LEARNED SINGLE
JUDGE AND FURTHER DISMISS THE WRIT PETITION IN THE
INTEREST OF JUSTICE AND EQUITY AND ETC.,.

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)

Heard learned counsel Sri G.I.Gachchinamath, for the appellant Hubballi Dharwad Municipal Corporation (HDMC) and learned counsel Sri Vinaykumar Bhat, for respondents No.1 to 4.

2. Perused the writ appeal papers as well as I.A.No.3/2025 for condonation of delay of 187 days in preferring the appeal.

3. The parties would be referred to as they stood before the learned single Judge.

4. Petitioners approached the writ Court with a prayer to quash Annexure-H dated 01.09/10.2010, wherein the petitioners' request to extend the pay scale that was granted to other three similarly situated persons and for a direction to extend the benefit of pay scale of ₹700 - ₹1,100 from the date of their appointment and to re-fix the pension in the new scale, was allowed.



5. It is the case of the petitioners that the petitioners and one Dr.Ramrao Shinde, Dr.T.Sadashivappa and Dr.T.B.Patil, were together appointed as Assistant Medical Officers. Dr.Ramrao Shinde, Dr.T.Sadashivappa and Dr.T.B.Patil, were extended the pay scale of ₹700-₹1,100, and the petitioners were accorded pay scale of ₹400-₹950. Since the petitioners and others were appointed as Assistant Medical Officers with the same qualification, the petitioners also sought the same pay scale, which was extended to the others. As the same was denied, the petitioners approached this Court.

6. This Court under impugned order, allowed the writ petition directing the respondents to extend the benefit of revised pay scale of ₹700-₹1,100 to the petitioners with effect from the same date on which it was extended to Dr.Ramrao Shinde, Dr.T.Sadashivappa and Dr.T.B.Patil. Questioning the said order, the appellant HDMC is before this Court.



7. Learned counsel Sri G.I.Gachchinamath, would submit that though the petitioners and respondents were appointed with the same qualification as Assistant Medical Officers, since the other doctors i.e., Dr.Ramrao Shinde, Dr.T.Sadashivappa and Dr.T.B.Patil, were assigned administrative work, they were extended the pay scale of ₹700-₹1,100. Further, he submits that, nature of work of the petitioners and other doctors were different. Hence, he justifies the extension of lesser pay scale to the petitioners. Further, it is submitted that, the petitioners were subsequently promoted as Medical Officers and hence, they could not seek the said pay scale.

8. The contention of the appellants' counsel is untenable and cannot be accepted in the facts and circumstances of the case. The petitioners and other three doctors were appointed as Assistant Medical Officer, with the same qualification. Only on the ground that other doctors were assigned with administrative work, they cannot be given higher pay scale. The petitioners' along



with similarly situated persons, who are appointed as Assistant Medical Officers with the same qualification shall be extended with the same pay scale. If any person is assigned with any other duties, such as administrative duty, could be compensated by extending allowances for such extra work.

9. The only contention urged by the learned counsel for the appellant that the other doctors were assigned with administrative work, and hence, they were given a higher pay scale, cannot be accepted and the same stands rejected. No other ground is urged. There is no merit in the writ appeal. Accordingly, the writ appeal stands rejected.

10. However, it is made clear that the petitioners would not be entitled for arrears on re-fixation of their pay and arrears would be restricted to three years prior to filing of the writ petition.

11. I.A.No.3/2025 is filed under section 5 of the Limitation Act praying to condone the delay of 187 days in



preferring the appeal. It is seen that, prior to filing of the writ appeal, the contempt petition was filed for non-compliance of the order of the learned single Judge. The application for condonation of delay would not indicate any good cause, much less cause to condone the delay. It only states that on receipt of the legal opinion, it has been decided to file appeal. But the dates of receipt of the copy of the order, when the file was referred to legal opinion and when the file from the legal section with opinion is received, are not mentioned. In the absence of those dates, the cause shown is unacceptable. Hence, I.A.No.3/2025 is dismissed. Therefore, on the ground of delay also, the appeal stands rejected.

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

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

MRK
CT-CMU
LIST NO.: 1 SL NO.: 0