



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100525 OF 2024 (S-REG)

BETWEEN:

ANIL S/O PANDURANG KURNE
AGE. 46 YEARS, OCC. NIL,
R/O. AT POST: JODKURLI,
TQ. CHIKKODI, DIST. BELAGAVI-591213.

...APPELLANT

(BY SRI. LINGESH V. KATTEMANE, ADVOCATE FOR APPELLANT)

AND:

1. KARNATAKA POWER TRANSMISSION CORPORATION LTD.,
BY ITS MANAGING DIRECTOR,
KAVERI BHAVAN, K.G. ROAD,
BANGALURU-560009.
2. THE EXECUTIVE ENGINEER (ELE),
O & M DIVISION, CHIKKODI,
BELAGAVI-591201.
3. HUBBALLI ELECTRICITY SUPPLY COMPANY LTD.,
BY ITS MANAGING DIRECTOR,
HEAD OFFICE,
HUBBALLI-580032.
4. THE SUPERINTENDING ENGINEER (ELE),
HESCOM, O & M CIRCLE,
NEHARU NAGAR,
BELAGAVI-590010.
5. THE EXECUTIVE ENGINEER (ELE),
HESCOM, (O & M),
CHIKKODI DIVISION,
CHIKKODI, BELAGAVI-591201.



6. THE ASSISTANT EXECUTIVE ENGINEER (ELE),
HESCOM, (O & M),
CHIKKODI DIVISION,
CHIKKODI, BELAGAVI-591201.

...RESPONDENTS

(BY SRI.SHIVAKUMAR S. BADAWADAGI, ADVOCATE FOR
RESPONDENTS)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED
29.08.2024 PASSED BY THE LEARNED SINGLE JUDGE IN
W.P.NO.100657/2024 AND DIRECT THE 1ST RESPONDENT TO GIVE
APPOINTMENT TO THE APPELLANT AS PROBATIONARY MAZADUR BY
ALLOWING THIS WRIT APPEAL IN THE ENDS OF JUSTICE AND EQUITY
& ETC.

THIS WRIT 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)

Unsuccessful petitioner before the learned Single
Judge is in appeal under Section 4 of the Karnataka High
Court Act, 1961 against the order dated 29.08.2024 in
W.P.No.100657/2024 by which, the petitioner's prayer to
quash communication dated 25.07.2023 (Annexure-G) and
prayer to consider the representation of the petitioner dated
12.07.2023 (Annexure-F) are rejected.



2. The parties would be referred to as per their rank before the learned Single Judge.

3. Brief facts of the case are that, the petitioner claims that he was appointed as Gangmen on contract basis in the year 2000. Initial appointment of the petitioner was for a period of two months fifteen days, but it is submitted that the petitioner has continuously worked for one year. It is submitted that thereafter, he worked as Gangmen during 2005 and 2006. It is the grievance of the petitioner that the respondent authorities regularized the services of similarly situated persons, but has rejected the petitioner's claim. It is stated that the petitioner was giving representations continuously seeking regularization. In pursuance to the representation of the petitioner dated 12.07.2023, the respondent authorities issued Communication dated 25.07.2023 (Annexure-G) and the petitioner was communicated that from the records, it is found that the petitioner is not appointed as Gangmen. Questioning the



said communication, the petitioner was before the learned Single Judge in the above stated writ petition. Learned Single Judge under impugned order dated 29.08.2024 rejected the writ petition observing that the petitioner has approached the Court after more than two decades. Questioning the said order of the learned Single Judge, petitioner is in appeal.

4. Heard learned counsel Sri.Lingesh V. Kattemane for the appellant and learned counsel Sri.Shivakumar S. Badawadagi for respondent Nos.1 to 6. Perused the entire writ appeal papers.

5. Learned counsel Sri.Lingesh V. Kattemane appearing for the appellant would submit that the petitioner was initially appointed as Gangmen in the year 2000 and he worked for one year. Learned counsel would submit that thereafter the petitioner was engaged as Gangmen in the year 2005-06. The specific contention of the learned counsel for the appellant is that, similarly situated persons



were regularized in the year 2007 in terms of Annexure-E dated 17.10.2007, but the case of the petitioner was not considered, which amounts to discrimination.

6. Learned counsel for the appellant would submit that the petitioner repeatedly submitted representations and there was no response from the respondents. It is submitted that in pursuance to representation dated 12.07.2023 (Annexure-G), Communication dated 25.07.2023 was issued. Immediately thereafter, the petitioner has approached this Court. It is submitted that as the petitioner has approached the respondents by way of representations regularly, the question of delay would not arise. Further, learned counsel would submit that the petitioner would be entitled for similar treatment, as the similarly situated persons are already regularized. Learned counsel places reliance on the decision of the Hon'ble Apex Court in the case of **STATE OF UTTAR PRADESH AND OTHERS VS. ARVIND KUMAR SRIVASTAVA AND**



OTHERS¹ to contend that, if a set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending the same benefit. Further, learned counsel places reliance on the decision of the Co-ordinate Bench of this Court dated 09.06.2025 in W.P.No.27354/2024 to the same effect. Learned counsel would also place reliance on the decision of the Co-ordinate Bench of this Court dated 10.03.2025 in W.P.No.4268/2022 to contend that when the petitioner persistently pursued the claim by making representations, filing applications, the authorities could not have rejected the application/representation of the petitioner. Thus, learned counsel would pray for allowing the writ appeal.

7. Per contra, learned counsel Sri.Shivakumar S. Badawadagi appearing for the respondents would support the order passed by the learned Single Judge and also the impugned Communication dated 25.07.2023. Learned

¹ (2015) 1 SCC 347



counsel would submit that the petitioner was never appointed on regular basis or on contract basis continuously. It is submitted that the petitioner is said to have worked during the year 2000-01 and thereafter during the years 2005-06. However, the petitioner was not engaged subsequently. The petitioner slept over his right from the year 2007 onwards and he approached the Court only in the year 2024. It is contended that any number of representations would not extend the limitation or delay. Thus, learned counsel would pray for dismissal of the writ appeal.

8. Having heard the learned counsel appearing for the parties and on perusal of the entire writ appeal papers, the only point which falls for our consideration is as to,

Whether the learned Single Judge is justified in dismissing the writ petition only on the ground of delay?

9. Answer to the above point would be in the Affirmative for the following reasons:



From the writ petition averments and submission of the learned counsel for the petitioner, it is seen that the petitioner was appointed as Gangmen on contract basis in the year 2000. Though the initial appointment was for a period of two months and fifteen days, the petitioner has worked intermittently during the said year. Subsequently, the petitioner was engaged in service during the year 2005-06. However, subsequently the petitioner was not engaged. It is the case of the petitioner that he submitted representations continuously seeking employment as well as for regularization. However, the petitioner has not taken any legal remedy till 2024. In pursuance to the representation of the petitioner dated 12.07.2023, impugned Communication dated 25.07.2023 was issued informing the petitioner that, from the records of the office, petitioner is not appointed in the HESCOM.

10. It is settled position of law that a person who sleeps over his right would not be entitled for any



discretionary relief under Article 226 of the Constitution of India. Though there is no limitation prescribed under Article 226 of the Constitution of India, a person shall approach the Court to redress his grievance within a reasonable time. According to the averments of the writ petition, the petitioner was last engaged by the respondent-HESCOM only during the year 2005-2006 and thereafter the petitioner was not engaged. However, the petitioner approached this Court only in the year 2024 by filing the writ petition. There is nearly 20 years' delay in approaching the Court or seeking a legal remedy. As the petitioner has slept over his right, we are of the considered opinion that there is no error or illegality in the order passed by the learned Single Judge.

11. The decisions referred to by the learned counsel for the petitioner would not assist the petitioner in the facts and circumstances of the present case. It is true that as observed by the Hon'ble Apex Court in **ARVIND KUMAR**



SRIVASTAVA (supra), when a particular set of employees are given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. However, that does not mean that a person who seeks similar treatment could approach the Court at his will. A person who seeks similar relief shall approach the Court within a reasonable time. The period of twenty years, at any stretch of imagination, cannot be considered as reasonable time.

12. Thus, we do not find any merit in the writ appeal and accordingly writ appeal stands rejected.

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

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