



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 14TH DAY OF NOVEMBER 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.108309 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY M.S. BUILDING,
DR. AMBEDKAR VEEDHI, BENGALURU-560001.
2. THE DEPUTY DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY HAVERI DISTRICT,
HAVERI-581110.
3. THE ACCOUNTANT GENERAL (A AND E)
KARNATAKA BENGALURU,
P.B. NO.5329/5369,
ANNEXE BUILDING, PARK HOUSE ROAD,
BENGALURU-560001.
4. THE BLOCK EDUCATION OFFICER
HAVERI DISTRICT, HAVERI-581110.
5. THE HEAD MASTER
GOVERNMENT HIGH SCHOOL
CHIKKALINGADAHALLI,
HAVERI TALUK, HAVERI-581110.

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)



AND:

SMT. SUNANDA T. BAHAMMANAPAD
W/O. LATE T.D. BAHAMMANAPAD
AGED ABOUT 64 YEARS,
R/AT: CARE OF C.G. MUDDENUR,
HOUSE NO.985 KIRANA NILAYA,
GOURI SHANKAR NAGAR,
NEAR GOURI SHANKAR TEMPLE,
RANEBENNUR 581115.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS IN APPLICATION NO.10949/2024 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI AND ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 28-04-2025 IN A.NO.10949/2024, ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI, VIDE ANNEXURE-C AND DISMISS THE A.NO.10949/2024 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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



ORAL ORDER

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

The petitioners are before this Court under Article 226 of the Constitution of India questioning the order dated 28.04.2025 in Application No.10949/2024 passed by the Karnataka State Administrative Tribunal, Belagavi (for short 'the Tribunal'), wherein the Tribunal allowed the application of the respondent and directed as follows:

- (i) The application is allowed.
- (ii) The respondents are directed to release all the pensionary benefits due to the deceased husband of the applicant in accordance with law within a period of three months from the date of receipt of copy of this order.

2. Heard the learned Principal Government Advocate Sri. G.K. Hiregoudar for the petitioners and perused the entire writ petition papers.

3. The respondent, wife of one late T.D. Bahammanapad, who was working as Head Master, approached the Tribunal with a prayer for mandamus directing the



respondents-Authorities i.e., the petitioners herein to release all the pensionary benefits like DCRG amount of Rs.10,42,400/-, commutation value of pension and all other financial and monetary benefits of the deceased in favour of the applicant i.e., the respondent herein. The Tribunal, after hearing the parties to the proceedings under the impugned order, allowed the respondent's application and issued direction as extracted above.

4. Learned Principal Government Advocate Sri. G.K. Hiregoudar would submit that the Tribunal failed to take note of the fact that a serious allegation of misappropriation was made against the husband of the respondent and in that regard, a criminal case was also registered. Further, he submits that the husband of the respondent had misappropriated the amount to the tune of Rs.11,67,701/- and as such pending initiation of inquiry, the pensionary benefits of the husband of the respondent was withheld. Since the inquiry was contemplated against the husband of the respondent, he submits that the Authorities were justified in withholding the pensionary benefits. Thus, he would pray to allow the writ petition.



5. Having heard the learned Principal Government Advocate and on perusal of the writ petition papers, we are of the considered opinion that the petitioners have not made out any ground to interfere with the impugned order passed by the Tribunal.

6. The husband of the respondent, who was working as Head Master in the 5th respondent Government High School, Haveri, retired from service on attaining the age of superannuation on 31.05.2018. Subsequent to his retirement, the husband of the respondent died on 10.07.2018 which is not in dispute. When the petitioner was in service, a criminal case was registered against the husband of the respondent which was subsequently converted to CC No.989/2019 and was dismissed as abated on 29.08.2019. It is further seen that, as on the date of retirement of the husband of the respondent, no Departmental Inquiry was initiated or pending against the husband of the respondent. However, the criminal case which was pending as on the date of death of the husband of the respondent, was



dismissed as abated on his death on 29.08.2019. There was no impediment for the petitioners-Authorities to release the pensionary benefits to the respondent. Mere contemplation of inquiry is not a ground to withhold the pension or pensionary benefits. Rule 214 of the Karnataka Civil Services Rules empowers the State Government to withhold or withdraw the pension or pensionary benefits only if an inquiry is instituted in accordance with Rule 214 of KCSRs against a retired Government servant or if there is a pending inquiry against a retired Government servant, which is instituted while he was in service.

7. We do not find any merit in the writ petition.

8. The petitioners-Governmental Authorities before filing the writ petition ought to have examined the feasibility of filing the writ petition. Having failed to examine such feasibility on merit of the writ petition, it is a fit case for imposing cost. However, we refrain from imposing cost.



9. Accordingly, the writ petition is dismissed. In view of dismissal of the petition, I.A.No.1/2025 filed for dispensation of production of translated copies would not arise for consideration.

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

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

Kmv
ct-cmu