



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 09TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 109125 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL,
EDUCATION AND LITERACY,
2ND GATE, 6TH FLOOR, M.S. BUILDINGS,
DR. AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE COMMISSIONER
DEPARTMENT OF SCHOOL, EDUCATION,
RODDA ROAD, DHARWAD 580008.
3. THE DEPUTY DIRECTOR
DEPARTMENT OF SCHOOL, EDUCATION,
GADAG 582103.
4. THE BLOCK EDUCATION OFFICER
DEPARTMENT OF SCHOOL,
D.C. MILL AREA, GADAG,
RURAL DIVISION, GADAG-582101.
5. THE PRINCIPAL
GOVERNMENT HIGH SCHOOL,
SORATUR, GADAG TALUK-582120.
6. THE ACCOUNTANT GENERAL
IN KARNATAKA (A AND E)



PARK HOUSE ROAD,
BENGALURU 560001.

...PETITIONERS
(BY SRI G.K.HIREGOUDAR, PRINCIPAL GOVERNMENT DVOCATE.)

AND:

SRI MAINUDDIN SAHEB MOHIUDDIN MOMIN
S/O. LATE SRI SAHEB MOHIUDDIN MOM
WAS WORKING AS FIRST DIVISION ASSISTANT,
GOVERNMENT HIGH SCHOOL,
SORATUR, GADAG DISTRICT 582120.

SINCE DECEASED, BY HIS WIFE AND LEGAL HEIR,
SMT. RAZIA BEGUM
AGED ABOUT 51 YEARS,
W/O. LATE SRI MOINUDDIN
R/O. RAJPUT GALLI,
COCONUT BAZAR,
BETAGERI, GADAG-582102

...RESPONDENT
(BY SRI NAVEEN KUMAR, ADVOCATE.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, AT BELAGAVI, IN APPLICATION NO. 11274-11276/2023, BY ORDER DATED 26.03.2025, VIDE ANNEXURE-A AND ETC.,.

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 State authorities In Education and Literacy Department are before this Court, aggrieved by the order dated 26.03.2025, in Application Nos.11274 to 11276 of 2023, passed by the Karnataka State Administrative Tribunal, Belagavi (for short, the Tribunal), calling in question the following order passed therein:

i) Application is allowed.

ii) The impugned endorsement No. letter No. C3:M.Smo:KhaPoSe:Trugho/2022-23/207 dated 24.04.2023 and Endorsement No.C3: M.Smo: KhaPoSe: TrGho/2022-23/1325 dated 19.08.2023 (Annexure-A30 & 32) issued by the Respondents is hereby set aside.

iii) The Respondents are directed to consider the claim of the applicant in accordance with law, and sanction the increments, pay scale of FDA and consequential Pensionary benefits within a period of three



*months from the date of receipt of certified copy
of this order.*

2. Heard learned Principal Government Advocate Sri G.K.Hiregoudar, for the petitioners and learned counsel Sri Naveen Kumar, for respondent, through VC and perused the entire writ petition papers.

3. Learned Government Advocate would submit that the husband of respondent was appointed as a Second Division Assistant in Education Department in the year 1986. It is submitted that even before declaration of probation of the said Government servant, he was promoted as First Division Assistant on 25.09.2012. Subsequent to his promotion as First Division Assistant, it is stated that the husband of the respondent died on 14.06.2013. Thereafter, DCRG, other death benefits of the Government servant and all other benefits were settled to the wife/petitioner herein, in the pay scale attached to Second Division Assistant. Aggrieved by the same, the



respondent was before the Tribunal questioning certain communications, refusing to fix the pension of the late husband of the respondent in the post of First Division Assistant and the respondent had also sought for a direction to the authorities to release the annual increments of her late husband and also to fix his salary attached to the post of First Division Assistant, for the purpose of fixing pension/family pension, DCRG, commutation value of pension, etc.,. Under impugned order, the Tribunal issued direction as stated above.

4. Learned Government Advocate Sri G.K.Hiregoudar, would contend that, the husband of the respondent was not eligible for promotion as First Division Assistant, since his probationary period was not declared, though, he had passed the Departmental Examinations. Further, it is submitted that, as the husband of the respondent was promoted illegally, that promotion was not considered and the pension and family pension of the deceased Government servant was paid to the respondent



in the pay scale attached to the post of Second Division Assistant, to which post the husband of the respondent was initially appointed.

5. On the other hand, learned counsel for respondent Sri Naveen Kumar, submits that the husband of the respondent was fully qualified and eligible for promotion as First Division Assistant, as such, he was promoted as First Division Assistant under Memorandum dated 25.09.2012 (Annexure-A4). Accordingly, the husband of respondent reported to duty as First Division Assistant and discharged the duties for about 09 months. Thereafter, on 14.06.2013, the husband of the respondent died. As the husband of respondent was promoted as First Division Assistant, the respondent would be entitled to receive family pension and other benefits in the pay scale attached to the post of First Division Assistant, since her husband was promoted and discharged his duties as First Division Assistant. Further, learned counsel would submit that the promotion accorded to the husband of the respondent was



not withdrawn either during his lifetime or subsequently till this date. Therefore, he submits that the decision of the petitioner in not settling the pension benefits by taking the salary attached to the post of First Division Assistant is wholly arbitrary and unreasonable. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel for both the parties and on perusal of the entire petition papers, we are not inclined to interfere with the impugned order passed by the Tribunal.

7. It is an admitted fact that, husband of the respondent was appointed as Second Division Assistant, in the year 1986. It is also an admitted fact that husband of the respondent had passed all Departmental Examinations required for promotion and he was promoted as First Division Assistant, on 25.09.2012 (Annexure-A4). The husband of the respondent reported to duty as First Division Assistant and discharged duties as First Division Assistant



till his death on 14.06.2013. It is also an admitted fact that during the lifetime of husband of the respondent or till today, the promotion accorded to the husband of the respondent is not withdrawn and the promotion is intact. In the above circumstances, the respondent would be entitled for settlement of all pensionary benefits relating to her late husband attached to the post of First Division Assistant. The Tribunal under impugned order by assigning cogent reasons has come to the conclusion that the respondent would be entitled for sanction of increments and consequential pensionary benefits in the pay scale attached to the post of First Division Assistant. We do not find any error or illegality in the order passed by the Tribunal. Accordingly, the writ petition stands rejected.

8. The learned Government Advocate lastly prays for some time to comply the order passed by the Tribunal. Since the writ petition is dismissed today, the petitioners are granted 45 days time from today to comply with the order passed by the Tribunal.



9. In view of disposal of the writ petition, pending interlocutory applications, if any, stand disposed of as they do not survive for consideration.

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

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

MRK
CT-CMU
LIST NO.: 1 SL NO.: 35