



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO.2069 OF 2021 (S-KSAT)

C/W

WRIT PETITION NO.11098 OF 2021 (S-KSAT)

IN WP No. 2069/2021:

BETWEEN:

1. SRI D NAGARAJ
AGED ABOUT 63 YELARS
S/O DODDASONNAPPA
RETIRED AS FISHERIES SUPERVISOR
O/O THE CURATOR
GOPVERNMENT OF AQARIAM
CUBBON PARK, KASTHURIBHA ROAD,
BENGALURU - 560001

RESIDING AT NO. 19,
VEERANNA GARDEN, HENNUR
KALYANAGAR POST
BENGALURU -560 043

2. SRI R H HANUMAI AH
DEAD BY HIS LRS

- 2(a) SMT. MANJAMMA
AGED ABOUT 58 YEARS
W/O LATE R.H. HANUMAI AH
R/A NO. 1005, 10TH CROSS
RAGHAVENDRA BLOCK
SRINAGAR
BANGALORE -560 098

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CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



- 2(b) SRI JAYASHEELAKUMAR
AGED ABOUT 25 YEARS
S/O LATE R H HANUMAIAH
R/A NO. 1005, 10TH CROSS
RAGHAVENDRA BLOCK
SRINAGAR
BANGALORE -560 019
- 2(c) SMT. JAYALAKSHMI
AGED ABOUT 35 YEARS
W/O ROOPESHWARANAND
D/O LATE HANUMAIAH
NO. 6/1, SUNKENAHALLI
NEAR YELLAMMADEVI TEMPLE
GAVIPURAM, GUTTAHALLI EXTENSION
BANGALORE -19
3. SRI K S SHIVARAMANNA
SINCE DECEASED BY HIS LRS
- 3(a) SMT.SARASWATHAMMA
AGED ABOUT 50 YEARS
W/O LATE K.S.SHIVARAMANNA
- 3(b) SMT.SOWMYA .S
AGED ABOUT 29 YEARS
D/O LATE K.S.SHIVARAMANNA
- 3(c) SRI ABHISHEK.S
AGED ABOUT 27 YEARS
S/O LATE K.SHIVARAMANNA

ALL ARE RESIDING AT NO.30,
SIDDLINGESHWARA NILAYA
14TH CROSS, 3RD MAIN
VISHWESHWARANAGAR
SUNKADAKATTE
BANGALORE - 560 091

...PETITIONERS

(BY SRI. MUKKANNAPPA S B, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF ANIMAL HUSBANDRY
AND FISHERIES, VIKASA SOUDA
BENGALURU 500 001.
2. THE DIRECTOR OF FISHERIES
VISHWESHWARAIAH TOWER
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU -560 001.
3. THE MANAGING DIRECTOR
KARNATAKA INLAND FISHERIES DEVELOPMENT
CORPORATION LTD.,
HOIGE BAZAAR,
MANGALORE - 575 001.

...RESPONDENTS

(BY SRI B.J.ESWARAPPA, AGA FOR R1 AND R2;
SRI MARUTHI.S, ADVOCATE FOR R3)

THIS WRIT PETITION IF FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE ORDER DATED 21.01.2020 PASSED BY THE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT
BANGALORE, IN APPLICATION NO.445, 448 AND 449/2018
AND CONSEQUENTLY ALLOW THE APPLICATIONS AS PRAYED
FOR AND ETC.,



IN WP NO. 11098/2021:

BETWEEN:

1. SRI.R.PRAKASH
AGED ABOUT 55 YEARS
S/O SRI . K. RANGAIAH
PRESENTLY WORKING AS STENOGRAPHER
OFFICE OF THE DIRECTOR OF FISHERIES
3RD FLOOR, PODIUM BLOCK, V.V. TOWER
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560 001
R/AT NO. 761, 1ST MAIN ROAD,
VAIYALIKAVAl, BENGALURU -560 003.

2. SRI. MARIMADAIAH
SINCE DECEASED BY HIS LRS

2(a) SMT.SHYLAJA K.R
AGED ABOUT 48 YEARS
W/O LATE MARIMADAIAH

2(b) SRI M.TEJESH
AGED ABOUT 25 YEARS
S/O LATE MARIMADAIAH

ALL RESIDING AT SHIVAPARVATHI NILAYA
3RD CROSS, NRI LAYOUT
KALKERE, HORAMAVU
BANGALORE- 560 043

3. SRI.A.M. SRINIVAS
AGED ABOUT 53 YEARS
S/O LATE N.S. MUNIYAPPA
WORKING AS GROUP D EMPLOYEE
OFFICE OF THE DIRECTOR OF FISHERIES
3RD FLOOR, PODIUM BLOCK, V.V. TOWER
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU -560001
RESIDING AT RANGANATHAPURA
NEAR SHANIMAHATHMA TEMPLE
KAMAKSHIPALYA, BENGALURU -560079



...PETITIONERS

(BY SRI. MUKKANNAPPA S B, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF ANIMAL HUSBANDRY
AND FISHERIES, VIKASA SOUDHA
BENGALURU - 560 001
2. THE DIRECTOR OF FISHERIES
VISHWESHWARAIHA TOWER
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001
3. THE MANAGING DIRECTOR
KARNATAKA INLAND FISHERIES DEVELOPMENT
CORPORATION LTD.,
HOIGE BAZAAR,
MANGALORE - 575 001

...RESPONDENTS

(BY SRI B.J.ESWARAPPA, AGA FOR R1 AND R2;
SRI MARUTHI .S, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 21.1.2020 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BANGALORE, IN APPLICATION NOS.444, 446 AND 447/2018 VIDE ANNEXURE-C AND CONSEQUENTLY ALLOW THE APPLICATIONS AS PRAYED FOR AND ETC.,

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR



ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioners are knocking at the doors of Writ Court for assailing the common order dated 21.01.2020 whereby their Application Nos.445, 448 & 449 of 2018 c/w Application Nos.444, 446 & 447 of 2018 have been negated by the State Administrative Tribunal at Bengaluru. In the said Applications, they had sought for regularization of their services and for settlement of all terminal benefits on the ground that having undergone regular selection process they have been appointed.

2. Learned counsel for the petitioners Mr.Mukanappa vehemently argues that when the selection having been made, appointment is accomplished in Article 12 Entity, the question of regularization would pale into insignificance inasmuch as, their appointment was to the existing vacancies against sanctioned posts with admissible pay scale and all allowances as well. When a decision was taken to continue their service vide order dated 04.02.1992, six Government Orders of various dates



came to be issued creating supernumerary posts for accommodating them and accordingly they were accommodated in the service of Fisheries Department with all regular pay scales and with continuity of service. Further he says that by comedy of errors, petitioners were not treated as regular employees of Respondent Nos.1 & 2, and a great injustice thereby has been occasioned resulting into loss of status, service & monetary benefits. The Tribunal having approached the matter with a juridically defective angle, there is error apparent on the face of the impugned order warranting interference of this court for setting it right and thereby doing justice to his clients.

3. Learned AGA appearing for the 1st Respondent and learned Panel Counsel appearing for Respondent No.3 oppose the petitions making submission in justification of the impugned order of the Tribunal and the reasons on which it has been constructed. Learned AGA submits that the appointment of petitioners cannot be said to be regular appointment and in any event they cannot be treated on



par with civil servants of the Government and therefore they cannot seek any status or benefit on par with civil servants.

4. Learned AGA draws our attention to the affidavit dated 20.08.1994 filed by Director of Fisheries, Government of Karnataka, Bengaluru *inter alia* to the effect that whatsoever benefits that have been accorded to the employees of 3rd Respondent-Corporation, would be granted to the petitioners and they cannot be treated as civil servants. Learned Panel Counsel appearing for the 3rd Respondent submits that never have the petitioners put in service in the employ of his client and therefore his client cannot be saddled with any liability. He also submits that his client was not arrayed as a party to the Applications before the Tribunal and therefore no relief can be granted as against it. So contending, they seek dismissal of the writ petitions.

5. Having heard the learned counsel for the parties and having perused the petition papers, we are inclined to



grant indulgence in the matter as under and for the following reasons:

(i) The very stand of Respondents 1 & 2 arises from what has been stated in para 5 of their subject affidavit which has the following text:

"I state and submit that as per Government Order dated 10.01.2018 it was informed to the petitioners that they will get all the benefits as employees of the corporation. However, it is made it clear that they are not entitled for any benefit given to the Government employees as they are the employees of the corporation but not the Government employees/Servants."

If the Petitioners along with others having undergone selection process got appointed to the regular posts with the admissible pay scale along with all allowances, the *vinculum juries* of employer-employee comes into being. Once that happens, State as a model employer, cannot refuse to treat them as civil servants. Therefore, the contention that Petitioners were not in the employment of 2nd & 3rd Respondents would fall to the ground.

(ii) The proceedings of the Government of Karnataka dated 04.02.1992, a copy whereof avails at Annexure-A5



to Writ Petition No.2069/2021 specifically shows that there were 10 employees working in the 2nd Respondent Department and of them six happen to be these petitioners. The said Government Order gives full particulars of these all these employees such as their pay scale, basic pay & places of their posting. The Joint Director Mr.Kumara.L. who on request having appeared before us clarifies this position and that petitioners have nothing to do with 3rd Respondent who was not arrayed as a party before the Tribunal. The services of the petitioners were continued with 2nd Respondent by creating supernumerary posts. The liability of Respondents 1 & 2 cannot be disowned and they are bound to honour the status of the petitioners as their regular employees and accordingly, they have to be paid their salary & terminal benefits. This aspect of the matter has not been properly addressed by the Tribunal, as rightly argued by learned counsel for the petitioners.



(iii) The observation of the Tribunal as to absence of regularization or absorption order again is unsustainable since the services of these poor employees were continued in the 2nd Respondent-Department by creating supernumerary posts with admissible pay scales and allowances. We fail to understand how relief could have been denied to these litigants who have spent years in their legal battle. Even a blind man can see from the records that Petitioners have shed their blood & sweat in the service of 2nd Respondent which is the Department of State Government that too on regular basis, having been selected in the open competition followed by appointment. Had the petitioners got back door entry to the public service, as has would happen in many cases that would come before us, the consideration would have been much different. However, that is not the case at hand.

(iv) It hardly needs to be stated that any employment begins with a contract and public employment is not an exception to this. The only difference between private



engagement & public employment is: in the latter, ordinarily there is movement from contact to status unlike in the former vide ***TULSIRAM PATEL vs. UOI, AIR 1985 SC 1416***. This status is associated with several benefits both monetary & service. When status is denied, such benefits also stand denied. Even otherwise, denial of status *per se* gives a justiciable action to the employees.

(v) We are told that in this long legal battle preceded by earlier ones, years have lapsed and some of the petitioners are dead & gone, their LRs having been brought on record. Two of the petitioners namely, Mr. R.Prakash & Mr. A M Srinivas are still continuing in service. Their status & salary protection needs to be accorded *qua* similarly circumstanced civil servants. For the rest, the terminal benefits need to be sanctioned & released. Relevant particulars in this regard are to be furnished from the side of petitioners at the earliest to facilitate implementation of the mandate of this judgement.



In the above circumstances, these petitions are favoured; a Writ of Certiorari issues quashing the impugned order of the Tribunal; Petitioners' subject Applications having been allowed, the following directions are issued to Respondent Nos.1 & 2:

- (i) Petitioners are declared to be civil servants holding the posts mentioned in the order dated 04.02.1992, with all admissible benefits such as salary, allowances & terminal benefits.
- (ii) Whichever Petitioner is dead, their terminal benefits such as the ones admissible to regular civil servants of the comparable cadre shall be sanctioned & released to their LRs, by way of arrears. Their widows shall be sanctioned & released family pension w.e.f. the dates their spouses died.
- (iii) The above directions shall be complied within three months and compliance shall be reported to the Registrar General of this Court forthwith. If delay is brooked, the payables shall carry interest at the rate of 1% per mensum for the first two months and 2% for the period next following which may be recovered from the erring officials of the Department, personally. Costs, reluctantly are made easy.

Sd/-
(KRISHNA S DIXIT)
JUDGE

Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE