



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 4268 OF 2022 (S-KSAT)

BETWEEN:

SRI. VENKATARAJU V
S/O LATE VENKATESH
AGED ABOUT 57 YEARS
OCC:WORKING AS SECOND DIVISION
ASSISTANT ON DAILY WAGES
OFFICE OF THE JOINT DIRECTOR
SOCIAL WELFARE DEPARTMENT
MYSORE DISTRICT-570 001

...PETITIONER

(BY SRI. VIGHNESHWAR S. SHASTRI, SENIOR COUNSEL FOR
SRI. GURURAJ R, ADVOCATE)

AND:

Digitally signed
by: SHAKAMBARI
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
REPRESENTED BY ITS
SECRETARY TO GOVERNMENT
DEPARTMENT OF SOCIAL WELFARE
VIKASA SOUDHA
BANGALORE-560 001
2. COMMISSIONER
SOCIAL WELFARE DEPARTMENT
5TH FLOOR, M.S.BUILDING
BANGALORE-560 001



3. DISTRICT SOCIAL WELFARE OFFICER
MYSORE DISTRICT
MYSORE-570 001

...RESPONDENTS

(BY SRI. B.J. ESWARAPPA, AGA FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT ORDER OF DIRECTION, QUASHING THE ORDER DATED 31.01.2022 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BENGALURU IN APPLICATION No-426/2021 AS PER ANNEXURE-C TO THE WRIT PETITION CONSEQUENTLY CONFIRMATION ENDORSEMENT DATED 11.02.2019 ISSUED BY THE RESPONDENT No.2 AS PER THE ANNEXURE-A19 TO THE APPLICATION No.426/2021 BY DECLARING THAT PETITIONER IS ENTITLED FOR REGULARIZATION OF HIS SERVICES WITH ALL CONSEQUENTIAL BENEFITS and etc.

THIS PETITION, 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 RAMACHANDRA D. HUDDAR)

The petitioner has filed this petition under Articles 226 and 227 of the Constitution of India challenging the legality, propriety and correctness of the order dated 31.01.2022 passed by the Karnataka State Administrative Tribunal, Bengaluru ('Tribunal' for short) in Application No.426/2021 (Annexure-C) and consequentially confirming the endorsement dated 11.12.2019 issued by Respondent No.2 (Annexure-A19) by rejecting the claim of the petitioner for regularization of his services and, for issuing writ of Mandamus directing the respondents to regularize his services with effect from the date on which he completed 10 years of continuous service with all consequential benefits and issue such other writ for which the petitioner is found entitled to.

2. The factual matrix as stated in the petition are as under:



- That the petitioner was appointed on 01.09.1990 as a Chief Cutter in the Tailoring Production Unit in the office of the District Social Welfare Officer, Mysore District in Tailoring Production Unit against the sanctioned post and has fulfilled all the requisite educational qualifications prescribed for the said post.
- On 10.01.2001, Government passed an order to close down the tailoring Unit run by the Social Welfare Department and directed the District Officer to accommodate the staff working in the tailoring centre in the District level offices.
- On 14.02.2002, as per the said direction of the Government, the Chief Executive Officer, Zilla Panchayath, Mysore District appointed the petitioner as a Second Division Assistant against the vacant post in the office of Taluka Social Welfare Officer, T.Narasipura, Mysore District.
- On 3.1.2003, the petitioner, on completion of more than 10 years of continuous service approached the respondents requesting for regularization of his services but, the said effort of the petitioner went in vain. Therefore, he filed application No.3742/2001 before the Tribunal with a request to pass an order to regularize his services with all benefits. His application came to



be allowed and the Tribunal directed the respondents to pass appropriate orders regarding regularization of his services if he had worked for more than 10 years continuously.

- On 30.4.2003, as per the orders of the Tribunal, petitioner addressed a letter to respondent no.2 seeking his regularization of services.
- On 05.07.2003, respondent No.2 issued an endorsement stating that the matter of regularization appointed after 1984 is pending before the Hon'ble Supreme Court and matter is ceased with the same and his representation would be considered after disposal of the matter before the Hon'ble Supreme Court.
- On 12.6.2006, after the judgment in **Umadevi's** case passed by the Hon'ble Supreme Court, the petitioner submitted similar representation to consider his regularization of services.
- On 31.8.2006, the Taluk Welfare Officer, T.Narasipura addressed a letter to respondent No.3 stating that, the petitioner has fulfilled all the conditions as laid down in the aforesaid judgment in **Umadevi's** case and having satisfied, recommended petitioner's name for regularization of services.



- The petitioner along with similarly placed employees approached this Court by filing WP No.6228/2007 seeking direction to the respondents therein to consider their case for regularization which was disposed of by this Court by order dated 18.4.2007 with a direction to the respondent Nos. 1 and 2 to consider the representations of the petitioners therein.
- On 2.7.2007, as per the orders of this Court, respondent No.1 addressed a letter to respondent no.2 to consider the matter of the present petitioner in accordance with law.
- On 15.10.2007, respondent No.3 addressed a letter to respondent no.2 calling upon to furnish the service details of the petitioner and recommended his name for regularization of services.
- On 14.11.2008, respondent No.2 issued an endorsement refusing to regularize the services of the petitioner.
- On 9.3.2012, one Revanna challenged the said endorsement issued by respondent No.2 before the Tribunal by filing the application No.942/2009 which came to be quashed as per the orders of Tribunal. The matter went upto Hon'ble Supreme



Court. State of Karnataka preferred Civil Appeal No.5292/2019 (SLP No.7003/2019), and the said Civil Appeal was disposed off on 9th July 2019 with a direction to comply the directions of this Court to regularise the services of respondent - Revanna S.

- On 26.08.2019, respondent No.2 regularized the services of said S.Revanna, similarly situated person with that of the petitioner as per the orders passed in WP No.6228/2007.
- After the orders passed by the Tribunal in Application No.6209/14, petitioner submitted several representations to the respondents to consider his prayer for regularization of services in the light of the aforesaid judgments.
- As on the date of filing this petition, the petitioner has completed more than 34 years of service.
- On 27.01.2021, the impugned endorsement was issued. Being aggrieved by the same, the petitioner filed application before the Tribunal in application No.426/2021 challenging the impugned endorsement.
- On 17.9.2021, the respondents filed detailed objections to the said application and on



31.1.2022, the Tribunal dismissed the said application on the only ground of delay and latches.

3. Now, the petitioner is before this Court seeking the aforesaid relief. Notice of this petition is taken by learned Sri B.J.Eshwarappa, AGA for respondent nos. 1 to 3. No objections are filed to this petition. We have heard learned Senior Counsel for the petitioner Sri Vighneshwar S.Shastry and learned AGA, Sri. Eshwarappa at length. Perused the records.

4. The learned counsel for the petitioner in addition to narrating the facts stated supra, submits that, though the judgment was passed by the Hon'ble Apex Court in ***Umadevi's*** case, the respondents have not considered the representation of the petitioner despite there being several directions by the Tribunal and this Court. Now the impugned order is against the earlier directions issued by this Court. The Tribunal has wrongly dismissed the application of the petitioner only on the



ground of delay and latches. He further submits that, viewed from various decisions of Apex Court as well as this Court, a grave error has been committed by the respondents in issuing such endorsement.

5. In support of his submission, Sri Vighneshwar S. Shastry, places reliance on the following decisions of Apex Court as well as of this Court.

- i) Jaggo Vs Union of India 2024 SCC Online SC 3826*
- ii) Nihal Singh and Ors. Vs State of Punjab and Ors. (2013) 14 Supreme Court Cases 65*
- iii) State of Karnataka and Others Vs M.L. Kesari and Others (2010) 9 Supreme Court Cases 247*
- iv) State of Karnataka and Another Vs Shri.M.A. Biradar and Another WA No.100387/2023 (S-REG) in the High Court of Karnataka Dharwad Bench.*

As against this submission, learned AGA seeks to justify the impugned endorsement issued by respondent



no.2 as well as the findings of the Tribunal and submits that, because of delay and latches on the part of the petitioner in approaching the authorities concerned, rightly the endorsement was issued. He supports the findings of the Tribunal and prays to dismiss this petition.

6. In view of rival submissions of both the sides, the question that arises for our consideration is:

"Whether the impugned endorsement and impugned order of the Tribunal require any interference by this Court in this writ petition and whether the acts of the respondents is arbitrary and discriminatory in rejecting the prayer of the petitioner in regularizing his services with that of similarly placed employees who had the benefit of regularization of services?"

7. It is not in dispute that, the petitioner was appointed on 1.9.1990 as a Chief Cutter in the tailoring production unit in the office of the District Social Welfare officer, Mysore District on a daily wage basis i.e. against a sanctioned post. As per the orders of the Government, as



the said unit was closed, in view of the directions of the Government, the petitioner was accommodated in the office of Taluka Social Welfare Office, T.Narasipura, as a Second Division Assisant. He worked over more than 10 years and is in continuous service and made several representations seeking regularization. Even he approached the Tribunal and this Court, seeking regularization. Initially, the Tribunal allowed his application and issued directions to respondentno.2 to consider the application, but, the excuse for the respondent no.2 was pendency of **Umadevi's** case before the Apex Court.

8. Even after disposal of said case representation was made by the petitioner to regularize his services but, the impugned endorsement was issued. Whereas, based upon the orders in the writ petition stated supra, one Revanna S., similarly placed daily wage employee submitted a representation and his services are regularized. Therefore, the petitioner was constrained to



file the subject application and the Tribunal passed the impugned order. Thus, the respondents have received multiple representations not only from the present petitioner but also other similarly placed employees who were before this Court stated supra. Even the respondents have in multiple instances regularized employees similarly placed as that of the petitioner including the said Revanna S., thereby, in the matter of petitioner, violated Article 14 and 16 of the Constitution.

9. While dismissing the representation of the petitioner, vide endorsement issued by the respondents and in dismissing his application, the respondents as well as the Tribunal failed to appreciate, that repeated representations were made by the petitioner and the cause of action to seek regularization is continuous one. Therefore, rejection of the representation of the petitioner on the ground of delay and latches is improper and without application of mind, especially, when the petitioner has fulfilled all the conditions laid down in ***Umadevi's***



case, and M.L.Kesari's case relied upon by the counsel for the petitioner. In the said judgments, the Hon'ble Apex Court clarified that, "those who rendered over 10 years of service in sanctioned post should not be deprived of regularization merely due to the procedural delays on the part of the authorities". The repeated endorsements issued by respondent No.2 reflects an arbitrary exercise of power causing unwarranted hardship to the petitioner.

10. It is well settled that, denial of legitimate rights without justification amounts to violation of fundamental rights under Article 14 and 16 of Constitution of India. The respondents have failed to provide any cogent reasons for the differential treatment meted out to the petitioner *vis-a-vis* similarly situated employees. Even the Tribunal has committed error in dismissing the application on the ground of delay and laches though the petitioner has persistently pursued the claim by making repeated representations, filing applications before the Tribunal and ultimately has approached this Court. Thus,



by filing this petition, the principles of equity and justice is prayed by the petitioner which necessitated him to seek the relief so sought.

11. The Hon'ble Apex Court in **Jaggos** case supra, has observed in para.20 as under:

"20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or



temporary into a scenario demanding fair regularization."

The aforesaid observations are aptly applicable to the facts of this case.

12. Further, the Hon'ble Apex Court in SLP (C) 5873/2025 decided on 7.3.2025 at para.2 of its judgment observed with regard to the conduct of the State Officials/authorities in considering the similar prayers of the petitioners therein who had sought regularization of their services:

"At the very outset, we are constrained to observe that the present case is a glaring and textbook example of obstination exhibited by the state officials/authorities, who consider themselves to be above and beyond the reach of law. The inaction of the officers of the petitioner - Union Territory, who took about 16 years to comply with a simpliciter High Court order passed on 03.05.2007, is shocking and prima facie contemptuous.

3. However, what concerns us is not the delay of decades alone, but also the incontrovertible fact that the poor respondents, being daily wage workers, have been repeatedly harassed by the petitioners



by passing cryptic orders, thereby overlooking the true import and spirit of the order dated 03.05.2007 passed by the learned Single Judge. In such facts and circumstances, the observations made by the Division Bench of the High Court including the imposition of symbolic cost does not warrant any interference by this Court."

13. Even the Co-ordinate Bench of this Court in WA.No.100387/2023 decided on 4th September 2024 authored by one of us i.e., Justice Krishna Dixit following Nihal Singh's case, granted the relief of the kind to the private litigants by dismissing the appeal of the State Government. Respondents cannot deny the relief to the petitioner by quoting jurisprudential theories. Therefore, we are of the considered view that, when respondent no.2 has considered the representation and direction of the Tribunal and regularized the services of similarly placed employees but, has denied the same relief which amounted to violation of the Articles 14 and 16 of the Constitution of India. Therefore, the petition so filed by the petitioner deserves to be allowed and the order of the



Tribunal passed in Application No.426/2021 is to be quashed and the said application is to be allowed and positive direction is to be issued to regularize the services of the petitioner with effect from the date he completed 10 years reckoned from the date of entry i.e. 1.9.1990 within three months.

14. Resultantly, we pass the following:

ORDER

- i) Writ petition is ***allowed***. Impugned order of the Tribunal is quashed. Petitioner's application No.426/2021 having been favoured, the impugned endorsement dated 11.12.2019 is set aside.
- ii) The respondents are directed to regularise petitioner's services with effect from the date he completed ten years reckoned from the date of entry as a daily wager and grant all consequential benefits both of service and monetary within an outer limit of three months.



- iii) Should delay be brooked, the monetary benefits would carry interest @ 1% per *ensem* for the first two months and 2% per *ensem* for the period next following.
- iv) Costs made easy.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

SK/AM
List No.: 1 Sl No.: 28