



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 16679 OF 2018 (S-RES)

BETWEEN:

S SRINIVASA
S/O LATE SRI T SUDARSHANA RAO
AGED ABOUT 61 YEARS
R/AT NO.145 CLASSIC COUNTY
KOMMAGHATTA MAIN ROAD
KENGARI SATELLITE TOWN
KENGARI, BANGALORE-560060. ...PETITIONER

(BY SRI.SANTHOSH S NAGARALE ., ADVOCATE)

AND:

1. KAVERI GRAMEENA BANK
HEAD OFFICE, C/A 20 VIJAYANAGARA 2ND STAGE
MYSURU-570017
REP. BY ITS CHAIRMAN
& DISCIPLINARY AUTHORITY
2. THE CHIEF MANAGER (PERSONNEL)
KAVERI GRAMEENA BANK
HEAD OFFICE, MYSURU-570017. ...RESPONDENTS

(BY SRI.T P MUTHANNA., ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT BANK TO COMPLY WITH THE ORDER DATED 16.3.2011 IN W.P. NO. 2930/2003 VIDE ANNEXURE-B PASSED BY THIS HON'BLE COURT TO PAY SUBSISTENCE ALLOWANCE WITH EFFECT FROM 26.12.1994 TO 2.4.2000 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 H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner has sought for following relief/s:

"a) To issue directions to the respondent Bank to comply with the order dated 16.3.2011 in W.P. No. 2930/2003, vide Annexure-B, passed by this Hon'ble Court to pay subsistence allowance with effect from 26.12.1994 to 2.4.2000, by the issue of a writ of mandamus and/or any other suitable writ.

(b) To direct the respondent Bank to calculate and pay 30% back wages as per Annexure-W and also pay all consequential benefits as per order dated 15.3.2011 such as benefits arising from Promotion, Fixation of seniority, yearly increments, medical allowance, leave encashment (for 8 years) and all other service benefits which he would have got had he continued in service without being dismissed by the respondent Bank till he attained superannuation by the issue of writ of mandamus and/or any other writ or order.

(c) To declare that the petitioner is entitled to receive payment of full salary from 16.3.2011 till he superannuated i.e., 28.2.2017 as per Annexure-X to the writ petition by the issue of writ of mandamus and/or any other order.



(d) To declare and direct that the petitioner is entitled to payment of Gratuity for the total number of years of service without a break i.e., 37 years by the issue of a writ of mandamus and any other writ or order.

(e) To pass such other order or orders as this Hon'ble court deems fit including the award of interest and delayed payment and costs in the interest justice."

2. The case of the petitioner is that the petitioner joined the services of the Bank in the year 1980 and has served in various branches of the Bank. In the year 1993, while he was in service at the Nittur Branch in Hassan District, a departmental enquiry was initiated against the petitioner, and as a result, he was dismissed from service on 31.12.1994.

Being aggrieved by the same, the petitioner filed W.P.No.14727/1996. This Court, by order dated 02.02.2000, allowed the petition by directing the Bank to conduct a fresh de-novo enquiry. Pursuant to the said order, a de-novo enquiry was conducted on 03.04.2000,



and after conclusion of the enquiry, a second dismissal order was passed on 15.05.2001.

Being aggrieved by the same, the petitioner again approached this Court in W.P.No.2930/2003. This Court, by order dated 16.03.2011, allowed the petition and set aside the penalty imposed against the petitioner and reinstated him with continuity of service and all consequential benefits with 30% back wages.

Subsequently, this Court passed an order dated 29.06.2011 in Misc.No.4617/2011 in W.P.No.2930/2003 filed by the petitioner and allowed the application, directing the Bank to pay the amount of subsistence allowance for the period claimed in the said petition.

The said order was challenged by the Bank before the Division Bench, and the same was dismissed, confirming the order dated 29.06.2011 passed by the Single Judge in Misc.No.4617/2011 in W.P.No.2930/2003. Again, the Bank preferred a Special Leave Petition (SLP) before the Supreme Court against the order dated



26.11.2014 in SLP No.8408/2015, which was dismissed by the Supreme Court by order dated 23.01.2017.

Thereafter, the petitioner submitted representations vide Annexures-L and N for payment of arrears of salary, other benefits, and also including subsistence allowance. Since the representations of the petitioner have not been considered, he is before this Court.

3. Learned counsel for the respondents has submitted that pursuant to the order passed by this Court, the subsistence allowance and the other benefits have been granted to the petitioner.

4. Learned counsel for the petitioner has submitted that the calculation made by the respondents is not correct. Therefore, the petitioner has submitted representations for arrears of salary, other benefits including subsistence allowance.

5. Be that as it may, since the representations submitted by the petitioner have not been considered, it is suffice for this Court to direct the respondents consider the



representations vide Annexures-L and N, in accordance with law.

6. In view of the above, without expressing any opinion on the merits of the case, the writ petition is ***disposed of.***

7. The respondents are directed to consider the representations vide Annexures-L and N, in accordance with law, as expeditiously as possible, not later than three months from the date of receipt of certified copy of this order.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE