



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH 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. 8344 OF 2024 (S-KSAT)

BETWEEN:

SRI. B. D. RAMAPRIYAN
AGED ABOUT 65 YEARS,
S/O LATE DODDASOMASHETTY,
RETIRED HEAD MASTER OF
GOVERNMENT PRIMARY SCHOOL,
R/A NO. 9/11, SRI RAMA MANDIRA ROAD,
ANJANEYA BLOCK, K.R.NAGAR, MANDYA – 571 602.
...PETITIONER
(BY SRI. VIJAYA SIMHA REDDY D V.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION & LITERACY,
M.S.BUILDING, DR. AMBEDKAR VEEDHI,
BANGALORE – 560 001.
2. THE COMMISSIONER,
DEPARTMENT OF SCHOOL EDUCATION & LITERACY,
K.R.CIRCLE, BENGALURU – 560 009.
3. THE DEPUTY DIRECTOR,
DEPARTMENT OF SCHOOL EDUCATION & LITERACY,
MYSURU DISTRICT, MYSURU – 570 001.
4. THE BLOCK EDUCATION OFFICER
DEPARTMENT OF SCHOOL EDUCATION & LITERACY,
K.R.NAGAR TALUK, K.R.NAGAR
MYSURU DISTRICT – 571 602.

Digitally signed
by CHETAN B
C



Location: HIGH
COURT OF
KARNATAKA



5. THE ACCOUNTANT GENERAL IN KARNATAKA,
PARK HOUSE, BENGALURU – 560 001.
6. THE DISTRICT TREASURY OFFICER
DEPARTMENT OF TREASURY,
MYSURU DISTRICT, MYSURU – 570 001.
7. THE ASSISTANT TREASURY OFFICER
DEPARTMENT OF TREASURY,
K.R.NAGAR TALUK, K.R.NAGAR,
MYSURU DISTRICT – 571 602.

...RESPONDENTS

(BY SRI.B RAVINDRANATH.,AGA FOR R1 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RELEVANT RECORDS PERTAINING TO IMPUGNED ORDER DATED 24.07.2023 PASSED IN A.No-1421/2023 VIDE ANNEXURE-A PASSED BY THE HONBLE TRIBUNAL AND TO ISSUE WRIT OF CERTIORARI TO QUASH THE AFORESAID IMPUGNED ORDER AS THE SAME IS UNJUST, ARBITRARY AND CONTRARY TO THE LAW OF LAND, AND ETC.,

THIS WRIT 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 KRISHNA S DIXIT)

Petitioner is grieving against the Karnataka State Administrative Tribunal's order whereby his Application No. 1421/2023 calling in question the Recovery Order, has been negated.



2. Learned counsel for the Petitioner vehemently argues that it has been the consistent view of Apex Court of the country that where excess payment has been made *qua* the entitlement of employees of lower segments, that cannot be recovered unless there is some fraudulent involvement of employees concerned; this aspect having not been properly appreciated by the Tribunal, relief has been wrongly denied to his client.

3. Learned AGA appearing for the Respondents per contra makes submission in justification of the impugned order saying that the Tribunal has specifically recorded a finding as to the absence of hardship which the Petitioner has suffered and therefore, the ratio in ***STATE OF PUNJAB vs. RAFIK MASIH, AIR 2015 SC 696*** nor in ***JOGESWAR SAHOO & OTHERS Vs. DISTRICT JUDGE, CUTTAK & OTHERS, 2025 SCC OnLine SC 724***, does not come to the aid of Petitioner. So contending, he seeks dismissal of the Writ Petition.



4. Having heard the learned counsel for the parties and having perused the Petition papers, we are inclined to grant indulgence in the matter inasmuch as, Petitioner belongs to Group-C and apparently, he fits into the postulates of RAFIK MASIH *supra*. It hardly needs to be said that the hardship need not be pleaded in so many words; it can be assumed when the Petitioner spotlessly having served for nearly four decades, has been superannuated and now is in the evening of life.

5. Another Coordinate Bench (headed by KSDJ) in ***SMT. SEETHALAKSHMI vs. STATE OF KARNATAKA & OTHERS, 2024 SCC OnLine Kar 11***, has held that the State Pensioners have to be handled with soft gloves, with sympathy & smile since ours is a constitutionally ordained Welfare State. The State and its instrumentalities cannot defeat a worthy cause of on unsure ground of *delay & laches* more particularly when the cause belongs the Pensioners, who have put in long & spotless public service.



In the above circumstances, this Writ Petition succeeds; a Writ of Certiorari issues quashing the impugned order of the State Administrative Tribunal; Petitioner's Application No.1421/2023 is favoured; a Writ of Mandamus issues to the Respondents to pay back to the Petitioner all that has been recovered from his DCRG within eight weeks.

Delay if brooked will attract interest at the rate of 2% per *mensum* which may be recovered from the erring officials after paying it to the Petitioner.

Costs reluctantly made easy.

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

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

Bsv
List No.: 1 Sl No.: 34