



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH 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. 12114 OF 2024 (S-KSAT)

BETWEEN:

SRI. G.N. RAMAKRISHNA REDDY
S/O G.N. NARAYANA REDDY
AGED ABOUT 62 YEARS,
REGISTRAR RETIRED,
DEPARTMENT OF TECHNICAL EDUCATION,
R/A HOUSE NO.95, 1ST MAIN, 2ND CROSS,
VINAYAKA LAYOUT, HEBBAL KEMPAPURA,
BENGALURU - 560 024.

...PETITIONER

(BY SRI. MANU VENKATA REDDY., ADVOCATE FOR
SRI. VIJAYA SIMHA REDDY D V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF HIGHER EDUCATION (TECHNICAL),
2ND GATE, 6TH FLOOR, M S BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER,
DEPARTMENT OF TECHNICAL EDUCATION,
PALACE ROAD, BENGALURU -560 001.
3. THE ACCOUNTANT GENERAL (A & E) KARNATAKA
P.B. NO.5329, PARK HOUSE ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.B RAVINDRANATH., AGA)

Digitally
signed by
CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



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 17.05.2023 PASSED IN APPLICATION NO.3614/2022 VIDE ANNEXURE-A PASSED BY THE HON'BLE 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, a pensioner is complaining before the Writ Court against the State Administrative Tribunal's order dated 17.5.2023 whereby, his Application No.3614/2022 has been negatived. In the said Application, he had *inter alia* sought for a direction to the respondents to sanction one additional increment w.e.f. 24.1.1985 in terms of letter dated 1.1.2022 issued by the 1st respondent and as a consequence, for refixing his pensionary benefits with effect from the date of his retirement i.e., 30.6.2021.



2. Learned counsel for the petitioner draws our attention to Rule 8(32) of the Karnataka Civil Services Rules in support of his contention that additional increment would be part of the pay as defined and therefore, reasoning of the Tribunal to the contrary is unsustainable. Learned AGA appearing for the official respondents opposes the petition making submission in justification of the impugned order and the reasons on which it has been structured. He also adds that the Application of the petitioner is hit by delay & laches and therefore, no relief can be granted to a litigant who is tardy & sleepy. So contending, he seeks dismissal of the Writ Petition.

3. Having heard the learned counsel for the parties and having perused the Petition Papers, we are broadly in agreement with the submission of learned counsel for the petitioner that the definition of 'pay' given under Rule 8(32) includes additional increment grantable for passing



Kannada Language Examination. The text of the Rule is as

under:

"Pay' means the amount drawn monthly by a Government servant as the pay which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre and shall also include;

...

(b) additional increment, if any, granted to him above the maximum of the scale of pay, in accordance with the provisions of rule 6 of the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974;

....."

4. The Tribunal at para 12 of the impugned order has observed as under:

"12. An interesting claim is made by the applicant for revising his pensionary benefits as a result of additional increment under the 1974 Rules at the time of joining service. It is pertinent to note that the increment is not carried over and has no effect in subsequent promotions where the pay is fixed in the pay scale in which appointed by promotion. Thus even if the applicant were to be eligible for grant of one additional increment at the time of joining service, it has no impact on his last pay drawn at the time of retirement from service and there is no pleadings to show that it has any impact and the claim is just made without any supporting pleadings. The claim is not tenable on facts itself and in particular not tenable when there is no infirmity in the denial of the additional increment to the applicant on account of his having passed Kannada language in SSLC due to the failure of the applicant himself in seeking necessary exemption and obtaining the exemption certificate and



consequent entries in the service records to this effect."

The above observations run counter to the statutory policy enacted in Rule 8(32) reproduced above. Thus, there is an error apparent on the face of the record warranting interference of this court.

5. Learned AGA is right in telling us that section 21 of the Administrative Tribunals Act, 1985 prescribes one year limitation which is held to be bit elastic depending upon the circumstances. Here is a pensioner and the cause of pensioner cannot be turned away only on the off sure ground of delay & latches. That will be too cruel to the person who is in the evening of his life, having put in a long service public employment. That being said, granting of increment with retrospective effect from 1985 also would not be justified as contended by the learned AGA. Some golden balance has to be struck between the two extremes: one advanced by the Pensioner and the other advanced by the State side. This can be done by giving the benefit of increment only for the purpose of refixation



of terminal benefits inasmuch as, petitioner had given the representation much before his retirement seeking the said benefit.

In the above circumstances, this petition succeeds; a Writ of Certiorari issues quashing the Tribunal's order; petitioner's Application No.3614/2022 having been favoured, a direction issues to all the respondents to accord one additional increment to the petitioner with effect from the date of his retirement and refix the compensation and terminal benefits within a period of three months.

Costs made easy.

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

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

cbc
List No.: 1 Sl No.: 20