



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD 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. 10973 OF 2023 (S-KSAT)

BETWEEN:

CHANDRAPPA
S/O LATE YELLAPPA
AGED ABOUT 57 YEARS
WORKING AS COOK
PRE-METRIC BOYS HOSTEL
DESIHALLI, BANGARPETE
KOLAR DISTRICT-563 162

...PETITIONER

(BY SRI. VIRUPAKSHAIAH P.H, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY PRINCIPAL SECRETARY
DEPARTMENT OF SOCIAL WELFARE
VIKASA SOUDHA
BENGALURU-560 001

2. THE COMMISSIONER
DEPARTMENT OF SOCIAL WELFARE
5TH FLOOR, M.S.BUILDING
BENGALURU-560 001

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
WRIT IN THE NATURE OF CERTIOARI OR ANY OTHER WRIT OR
ORDER OR DIRECTION IN THE SIMILAR NATURE QUASHING



ORDER DATED 20/03/2023 IN APPLICATION NO.3160/2022 VIDE ANNEXURE-A PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE HOLDING THE SAME IS ILLEGAL 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 KRISHNA S DIXIT)

Petitioner is knocking at the doors of Writ Court for assailing the Karnataka State Administrative Tribunal's order dated 20.03.2023, whereby his application No.3160/2022 has been negated, *inter alia*, on the ground of *res judicata* and delay & laches.

2. Learned counsel for the petitioner vehemently argues that the case of petitioner is substantially similar to the one in WP.No.4268/2022 (S-KSAT) between *SRI. VENKATARAJU V. V/s STATE OF KARNATAKA*, heard and disposed off by this Court vide order dated 10.03.2025, granting relief. He also points out that one Mr.Revanna



happened to be one of the co-litigants in earlier round of litigation, *i.e.*, Application Nos.5168-5169/2013 and ultimately the Co-ordinate Bench granted relief to Revanna; challenge to the same by the State in Civil Appeal No.5292/2019 has been negated by the Apex Court; therefore, the petitioner, who is similarly circumstanced, has to be granted same relief on the principle of parity & justice.

3. Learned Additional Government Advocate appearing for the respondent vehemently opposes the petition, contending that the pleadings before the Tribunal were ill-drafted; the Tribunal has rightly applied doctrine of *res judicata* inasmuch as in the earlier round of litigation, the petitioner was denied relief and he did not carry forward his cause to the higher level, unlike Revanna and therefore, no relief can be accorded to him.

4. Having heard the learned counsel for the parties and having perused the Petition Papers, we agree with the



submission of learned counsel for the petitioner that the subject matter of this petition is substantially similar to the one treated by us in *Venkatarama* *supra*; the second relief granted by the Bench is as under:

- i) 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.
- ii) 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.

5. The contention that the doctrine of *res judicata* comes in the way of granting relief to the petitioner would have been agreed to, had the petitioner been a well placed employee; he is a daily wager and he has been serving since 15.07.1987; similarly placed employee, namely Mr. Revanna, has been granted relief. Therefore, denying relief to the petitioner, who has been working since



decades, would cause injustice. After all, Courts and Tribunals cannot turn away a worthy cause by quoting some jurisprudential doctrines & theories. That is not the object for which they have been established. **Justice Oliver Wendell Holmes**, a century ago has said in **DAVIS vs. MILLS, 194 U.S. 451 (1904)**:

"Constitutions are intended to preserve practical and substantial rights, not to maintain theories..."

In the above circumstances, relief granted to Venkataraju case is directed to be granted to the petitioner *mutatis mutandis*.

Costs made easy.

Sd/-
(KRISHNA S DIXIT)
JUDGE

Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE

AM

List No.: 1 Sl No.: 26