



CNR: KAHC010033882026

NC: 2026:KHC:43072-DB
CCC No. 53 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

CIVIL CONTEMPT PETITION NO. 53 OF 2026

BETWEEN:

SRI. UPENDRA PATKAR
S/O RAMAKRISHNA PATKAR,
AGED ABOUT 62 YEARS,
RETIRED AS SUPERINTENDING ENGINEER,
RESIDING AT SWASTHI, 4/54A, 1ST CROSS,
1ST MAIN, GATSON LAYOUT, ACHYUTHA NAGARA,
PERKALA, UDUPI-576 107.

...COMPLAINANT

(BY SRI. M.S.BHAGWATH., SENIOR COUNSEL FOR
SRI. VINAYAKA.S.PANDIT., ADVOCATE)

AND:

SRI. GAURAV GUPTA, I.A.S.,
MANAGING DIRECTOR,
KARNATAKA POWER CORPORATION LTD.,
NO. 82, SHAKTHI BAVAN, RACE COURSE ROAD,
BENGALURU-560 001.

...ACCUSED

(BY SMT. SANJANA.S.JAIN., ADVOCATE FOR
SRI. AJAY.J.NANDALIKE., ADVOCATE)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURT ACT, 1971, WHEREIN PRAYS THAT THE
HON'BLE COURT BE PLEASED TO INITIATE CONTEMPT

Digitally signed by
SUMATHY
KANNAN
Location: HIGH
COURT OF
KARNATAKA





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PROCEEDINGS AGAINST THE ACCUSED AND PUNISH THEM IN ACCORDANCE WITH LAW FOR HAVING WILLFULLY DISOBEYED THE FINAL ORDER PASSED BY THIS HON'BLE COURT IN W.P.NO.11925/2012 DATED 04.12.2024 (ANNEUXRE-A).

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the complainant and the learned counsel appearing for the sole accused.

2. Initiation of contempt proceeding is sought against the accused, for alleged willful disobedience of the judgment of this Court dated 04.12.2024 in W.P.No.11925/2012. The operative part of the order states that the orders of appointment of the respondent Nos.2 to 22 as Assistant Engineers by appointment on transfer or by applying the elevation scheme, are not



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disturbed but are subject to the directions noted in paragraph 20 which read as under:

*"(a) The respondent No.1 shall forthwith review all promotions granted to the Junior Engineers by transfer as per its earlier policy in memo No.A1P1A/4367 dated 28.03.1987 in the light of the judgments of the Hon'ble Supreme Court in **K. Narayanan and others** and **P. Sudhakar Rao and others**, referred supra.*

(b) The appointments of the respondent Nos.2 to 22 and similarly situated personnel shall be reviewed and reconsidered by treating 1/3rd weightage of past service in the post of Junior Engineer for the limited purpose of eligibility and their notional date shall be subject to vacancies and shall not be given effect to from a date when they were not born in service.

(c) For implementation of the elevation scheme, a Junior Engineer shall have a minimum qualifying service in the post before being promoted to the post of Assistant Engineer.

(d) In all cases of appointment by transfer or under a ladder scheme, Junior Engineers promoted to the post of Assistant Engineers shall be placed below direct recruit Assistant Engineers based on their respective dates of entry into service.

(e) The aforesaid exercise shall be done by the respondent No.1 within a period of six months from the date of receipt of a certified copy of this Order.

(ii) The question whether appointment on transfer or under the elevation scheme given to Assistant Engineers with B.E. (Industrial Production) and B.E. (Automobile) is in violation of the Karnataka Power Corporation Limited (Cadre, Recruitment, Probation, Promotion and Seniority) Rules, 1997 or not, is kept open to be considered in an appropriate case.



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(iii) Similarly, the legality of withdrawal of the elevation scheme with effect from 16.11.2021 is kept open to be considered in an appropriate case.

(iv) Likewise, the constitutionality of the elevation scheme for the year 2021-22 is also kept open to be considered in an appropriate case.

(v) The respondent No.1 is reserved liberty to take action against all those Assistant Engineers, who have availed the benefit of promotion by transfer or under the elevation scheme, if it is found that the bachelors degree obtained by them is not in accordance with law."

3. A perusal of the directions clearly reflect that certain questions with regard to the elevation scheme were left open to be considered in appropriate cases.

4. In the seniority list, the name of the respondent No.14 features. However, the contention of the learned counsel for the complainant is that the seniority of the respondent No.14 is not correctly fixed, though he comes under the elevation scheme.

5. In our considered opinion, the fixation of seniority of the complainant made in the seniority list, may be a cause of action to agitate in appropriate proceedings. However, that in itself would not give rise to a case for



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willful and deliberate disobedience of orders of this Court and would not amount to contempt. In view of the aforesaid, this contempt petition is consigned.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

KS
List No.: 1 Sl No.: 15