



CNR: KAHC010108392026

NC: 2026:KHC:41759-DB  
WP No. 4583 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 7<sup>TH</sup> DAY OF AUGUST, 2026**  
**PRESENT**  
**THE HON'BLE MR. JUSTICE S.G.PANDIT**  
**AND**  
**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**  
**WRIT PETITION NO. 4583 OF 2026 (S-KSAT)**

**BETWEEN:**

1. THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF SCHOOL EDUCATION  
AND LITERACY, M.S. BUILDING,  
DR. B.R. AMBEDKAR VEEDHI,  
BANGALORE - 560 001.
2. THE UNDER SECRETARY,  
DEPARTMENT OF SCHOOL EDUCATION  
AND LITERACY (ADMIN), M.S. BUILDING,  
DR. B.R. AMBEDKAR VEEDHI,  
BANGALORE - 560 001.
3. THE COMMISSIONER,  
DEPARTMENT OF SCHOOL EDUCATION,  
NRUPATHUNGA ROAD,  
BENGALURU - 560 002.
4. THE DIRECTOR,  
DEPARTMENT OF SCHOOL EDUCATION,  
BENGALURU - 560 001.
5. THE DEPUTY DIRECTOR  
OF SCHOOL EDUCATION (DDPI),  
RAMANAGARA DISTRICT.

...PETITIONERS

(BY SRI. V SHIVAREDDY, AGA)

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Location: HIGH  
COURT OF  
KARNATAKA



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**AND:**

SRI H.S. YATHI KUMAR,  
S/O LATE SHIVARAMAIAH,  
AGED ABOUT 63 YEARS,  
RETIRED AS BEO, MAGADI,  
RAMANAGARA DISTRICT-562 120,  
RESIDING AT HUTHRI,  
HUTHRI POST, KUNIGAL TALUK,  
TUMKUR DISTRICT - 572 126

...RESPONDENT

(BY SRI. NARASIMHARAJU, ADV.)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR RECORDS; B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO SET ASIDE THE IMPUGNED ORDER DATED 21/07/2025 (ANNEXURE-A) IN APPLICATION NO.4510/2024 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU AND DROP THE CONTEMPT PETITION AND C) ISSUE ANY WRITS, ORDERS.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
AND  
HON'BLE DR. JUSTICE K.MANMADHA RAO

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The State Authorities, Department of School Education and Literacy are before this Court under Article 226 of the Constitution of India questioning the correctness and legality of order dated 21.07.2025 in



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Application No.4510/2024, whereunder the Tribunal directed the petitioners herein, who were respondents before the Tribunal to settle all pension and pensionary benefits with admissible rate of interest as per recent Government Circular on delayed payment within a period of three months from the date of receipt of the copy of the order.

2. Brief facts of the case are that, the respondent was working as Block Education Officer in the Department of School Education and Literacy. On attaining the age of superannuation, the respondent herein retired from service on 31.05.2023. On 04.09.2024 (Annexure - R1) Articles of Charge against the respondent was issued in respect of an event that had taken place in April 2022, SSLC examination i.e., leakage of question paper. The respondent filed application before the Tribunal in September 2024 seeking a mandamus to direct the respondents i.e., the petitioners herein to settle all the pensionary benefits including DCRG and commutation



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along with interest for delayed payment of pensionary benefits. The Tribunal taking note of the Articles of Charge dated 04.09.2024, placing reliance on the decision of the Hon'ble Apex Court in case of ***State of Jharkhand and Others Vs. Jitendra Kumar Srivastava and Another*** reported in ***(2013) 12 SCC 210*** passed the above stated order directing the petitioners herein to settle all the pension and pensionary benefits with interest. Questioning the said order, the petitioners/State Authorities are before this Court in this writ petition.

3. Heard learned AGA Sri.V Shiva Reddy for the petitioners - State and learned counsel Sri.Narasimharaju for the respondent. Perused the entire writ petition papers.

4. Learned AGA Sri.V Shiva Reddy would submit that the Tribunal fell into error in directing the settlement of pensionary benefit of the respondent blindly following the decision of the Hon'ble Apex Court in ***Jitendra Kumar Srivastava's*** case without adverting to Rule 213, 214 and



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214A of Karnataka Civil Services Rules (hereinafter referred to as 'the KCSRs'). Learned AGA referring to Rule 214-A of KCSRS would submit that the petitioners - State Authorities are empowered to with hold the gratuity or Death-cum-Retirement Gratuity and sanction only provisional pension where any departmental or judicial proceedings is instituted under Rule 214 of KCSRs or where a departmental proceedings is continued, which was instituted while the Government servant was in service. Further, he refers to Rule 214 and submits that the Government reserves themselves with the right either to withhold or withdraw a pension or part thereof either permanently or for a specified period, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service. Thus, he would submit that, since a departmental proceedings was instituted by issuance of Articles of Charge dated 04.09.2024 within the limitation prescribed under Rule 214(2)(b)(ii) of KCSRs that too



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when the issuance of Articles of Charge was brought to the notice of the Tribunal, the Tribunal could not have directed settlement of pensionary benefits during the pendency of the departmental proceedings.

5. Further, learned AGA would submit that the enquiry has been commenced and would submit that if four months time is granted, enquiry would be completed and, thereafter, depending on the outcome of the enquiry, the petitioner's pensionary benefits would be settled. Further, learned AGA would submit that the decision in ***Jitendra Kumar Srivastava*** would have no application to the facts of the present case and, in view of the specific Rules existing in the State of Karnataka.

6. *Per contra*, learned counsel Sri.Narasimharaju for the respondent would submit that the Tribunal rightly following the decision in ***Jitendra Kumar Srivastava***, directed the petitioners herein to settle pension and pensionary benefits of the respondent. Learned counsel for



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the respondent would further submit that, even if the respondent is found guilty in the pending enquiry, the Government could take action in terms of Rule 214 of the KCSRs to reduce pension wholly or partly, permanently or for a specified period. Therefore, he would submit that the pendency of enquiry would not be an impediment for release of pension and pensionary benefits. Learned counsel would further submit that the decision in ***Jitendra Kumar Srivastava*** was rendered considering identical Rules which was prevailing in the State of Jharkhand and, as such, he would submit that the said decision would apply squarely to the facts of the present case. Thus, he would pray for dismissal of the writ petition.

7. Having heard the learned counsels for the parties and on perusal of the entire writ petition papers, the following point would arise for consideration:



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Whether the Tribunal was justified in directing the petitioners herein, who are respondents before the Tribunal to settle pension and pensionary benefits of the respondent during the validly instituted departmental proceedings?

The answer to the above point would be in the negative for the following reasons:

8. Rule 214 and Rule 214-A of KCSRs which are germane to decide the *lis* in the present writ petition, read as follows:

**"214 (1)(a) *Withholding or withdrawing pension for misconduct or negligence.* -**

*The Government reserve to themselves the right of either withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including the service*



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*under a foreign employer and the service rendered upon re-employment after retirement.*

**(b) Recovery of pecuniary loss from pension:** - *The Government reserve to themselves the right of ordering recovery from a pension, the whole or part of any pecuniary loss caused to the Government or to a foreign employer under whom the Government servant has worked on deputation or otherwise. If in any departmental or judicial proceedings, the pensioner is found guilty of grave negligence during the period of his service, including the service rendered upon re-employment after retirement:*

*Provided that the Public Service Commission shall be consulted before any final orders are passed:*

*Provided further that where a part of pension is withheld or withdrawn, the amount of pension shall not be reduced below the amount of minimum pension prescribed under the rules.*



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*(2)(a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:*

*Provided that where the departmental proceedings are instituted by an authority other than Government, that authority shall submit a report recording its findings to the Government.*

*(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment. –*

- (i) shall not be instituted save with the sanction of the Government.*
- (ii) shall not be in respect of any event which took place more than four years before such institution, and*



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*(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.*

*(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.*

*(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in Rule 214-A shall be sanctioned.*



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*(5) Where the Government decided not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of a Government servant.*

*(6) For the purpose of this rule. –*

- (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date: and*
- (b) judicial proceedings shall be deemed to be instituted. –*
  - (i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance is made; and*



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*(ii) in the case of civil proceedings, on the date the plaint is presented in the court.*

**214-A.** *(1) Where any departmental or judicial proceedings is instituted under rule 214, or where a departmental proceedings is continued under clause (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon. (2) Payment of provisional pension*



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*made under clause (1) shall be adjusted against the final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period."*

9. It is an admitted fact that the respondent was working as Block Education Officer and he retired on attaining the age of superannuation on 31.05.2023. It is also an admitted fact that the articles of charge dated 04.09.2024 in respect of an event which had taken place in April-2022 i.e., leakage of SSLC question papers was issued to the petitioner. As contended by learned Additional Government Advocate, Rule 214A of KCSRs empowers the State to withdrew gratuity or death-cum-retirement gratuity and to pay only provisional pension not exceeding the maximum pension where any departmental or judicial proceedings is instituted under Rule 214 of



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KCSRs or where a departmental proceedings during his service.

10. Rule 214 empowers the State or reserves right either to withhold or withdraw the pension or part thereof either permanently or for a specified period, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service.

11. Further, if enquiry is not instituted during the service of the Government servant, departmental proceedings shall not be instituted for an event which had taken place four years prior to the date of institution of departmental proceedings i.e., issuing articles of charge. A Government servant is provided protection under Rule 214(2)(b)(ii) of KCSRS by prescribing limitation to institute a departmental proceedings. However, in terms of Rule 214-A of KCSRS, the State is empowered to withhold



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gratuity or DCRG during the pendency of departmental proceedings.

12. The case of **JITENDRA KUMAR SRIVASTAVA** (supra) would have no application to the facts of the present case. In view of prevailing Rule in the State of Karnataka in terms of Rule 214 and 214-A of KCSRS, the Tribunal could not have made applicable the ratio of the said case. Rule 43 referred to in **JITENDRA KUMAR SRIVASTAVA** (supra) is akin to Rule 214 of KCSRs. However, Rule akin to 214-A is not referred to or was not available in the service Rules of the State of Jarkhand. Rule 214A of KCSRs makes all the difference for application of the decision of **JITENDRA KUMAR SRIVASTAVA** (supra) to the facts of the present case.

13. The Tribunal day in an day out considers Rule 214 and 214-A of KCSRs. However, the Tribunal has failed to understand and apply the rigour of the said Rule to the facts of the present case. The Tribunal blindly applied the



ratio of **JITENDRA KUMAR SRIVASTAVA** (supra), without discussing Rule 214 or 214A of KCSRs.

14. For the reasons recorded above, the petitioners – State has succeeded in making out a case and accordingly, the following:

**ORDER**

- a) Writ petition is allowed.
- b) Impugned order dated 21.07.2025 in Application No.4510/2024 passed by the Tribunal is set aside.
- c) The petitioners are directed to complete the enquiry in pursuance to articles of charge bearing No.ಇಪಿ 105 ದಿಐಓ 2024 04.09.2025 (Annexure-R1), within a period of four months from today, with the co-operation of the respondent/DGO. If the respondent/DGO fails to co-operate



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with the Enquiry Officer and if he remains absent, it is not open for the respondent to complain or take advantage of the time fixed above.

- d) Depending on the outcome of the enquiry proceedings, the pension and pensionary benefits of the respondent shall be settled.

**Sd/-  
(S.G.PANDIT)  
JUDGE**

**Sd/-  
(DR.K.MANMADHA RAO)  
JUDGE**

GSR,NC  
CT:bms  
List No.: 1 Sl No.: 9