



CNR: KAHC010135212024

NC: 2026:KHC:36147
WP No. 7265 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 7265 OF 2024 (S-R)

BETWEEN:

SHRI NARAYANA
AGED ABOUT 65 YEARS,
SON OF LATE SIDDARAMANAYAKA
RETIRED TECHNICIAN/D. CC NO.41/823
EMP NO.17771. PO AND M DIVISION,
MYSURU RESIDING AT NO.15,
CHOLANAHALLI VILLAGE
BOLANAHALLI POST,
BILIKERE HOBLI,
HUNSUR TALUKA, MYSURU - 571105,
(THE PETITIONER DOES NOT CLAIM THE SENIOR
CITIZEN BENEFIT)

...PETITIONER

(BY SRI. GIRIDHAR S V, GIRIDHAR AND CO.,)

AND:

1. THE CHAIRMAN AND SECRETARY
GOVERNMENT OF INDIA
DEPARTMENT OF ATOMIC ENERGY
DAE BHAVAN,
C S M MARG
MUMBAI 400001
2. THE C A O-III RMP/BARC
YELWALA
MYSURU 571130

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA





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3. THE SENIOR PROJECT MANAGER (CHEMICAL)
DF, BARC/RMP
YELWALA
MYSURU 571130
4. THE PROJECT DIRECTOR
BARC/RMP,
YELWALA
MYSURU 571130

...RESPONDENTS

(BY SRI. ADITYA SINGH., CGC FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS ON THE FILE OF RESPONDENTS PERTAINING TO THE NON - PAYMENT OF THE TERMINAL BENEFITS TO THE PETITIONER; ISSUE A WRIT OF MANDAMUS, SIMILAR WRIT, ORDER OR DIRECTION OR ANY OTHER APPROPRIATE WRIT AND DIRECT THE RESPONDENTS TO MAKE PAYMENT OF THE TERMINAL BENEFITS OF THE PETITIONER FORTHWITH TOGETHER WITH ASSURED INTEREST THEREON FOR THE DELAY IN PAYMENT AT 12 PERCENT PER ANNUM, VIDE ANNEXURE-A BEARING NO. RMP/PER/41-823/2020/1575 DTD 30.06.20.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



ORAL ORDER

The petitioner filed this writ petition seeking the following reliefs:

- "a) *Call for the records on the file of Respondents pertaining to the non payment of the terminal benefits to the Petitioner;*
- b) *Issue a Writ of Mandamus, Similar Writ, Order or Direction or any other appropriate Writ and direct the Respondents to make payment of the terminal benefits of the Petitioner forthwith together with together with assured interest thereon for the delay in payment @ 12% per annum vide Annexure- A. bearing no: RMP/PER/41-823/2020/1575 dated 30.06.2020;*
- c) *Grant such other reliefs as this Hon'ble Court may deem fit under facts and circumstances of the above cases,*
- d) *in the interest of justice and equity."*

2. Brief facts leading rise to the filing of this petition are as follows:

2.1. The petitioner retired as a Technician and is yet to receive the retirement benefits from the respondents.



The petitioner retired and received a letter from respondent No.3. The petitioner requested for issuance of no demand certificate. The no demand certificate was issued to the petitioner from the concerned Department. The petitioner received a communication from the Institution requesting additional documents related to the proceedings under Section 138 of the Negotiable Instruments Act, 1881. The petitioner caused the issuance of notice through his counsel to the respondents. A reply dated 22.12.2020 was issued to the petitioner refusing to release the payment of pension, gratuity and other terminal benefits of the petitioner. Being aggrieved by the impugned reply/endorsement dated 22.12.2020 vide Annexure-F, the petitioner has filed this writ petition.

3. Heard the arguments of the learned counsel for the petitioner and learned Central Government Counsel for the respondents.



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4. Learned counsel for the petitioner submits that, merely because of the criminal cases pending for the offences punishable under Section 138 of the Negotiable Instruments Act is not a ground to refuse to disburse the retiral benefits. He submits that, the case pending against the petitioner is contractual dispute and the said contractual dispute has no bearing for releasing the retiral benefits. Hence, on these grounds, he prays to allow the writ petition.

5. *Per contra*, learned CGC for the respondents submits that, there are criminal cases pending against the petitioner. As per sub-rule (4) of Rule 9 of Central Civil Services (Pension) Rules, 1972 (**'CCS (Pension) Rules'** for short), if any departmental or judicial proceedings are pending against the retired Government servant as of the date of attaining the age of superannuation, his/her pension may be withheld. Hence, on these grounds, he prays to dismiss the writ petition.



6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is an undisputed fact that the petitioner was working in the respondents-Centre and he has retired from service on attaining the age of superannuation. Thereafter, he has submitted a representation for release of pension and retiral benefits. The payment of retiral benefits is withheld only on the ground that there are two criminal cases pending against the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act.

8. The proceedings initiated under the Negotiable Instruments Act arise out of a contractual dispute between the parties. The involvement cannot be said to be an offence which affects the conduct of the person. Such conduct cannot be implied to affect his good conduct. Admittedly, the criminal case pending against the petitioner is under the Negotiable Instruments Act, which



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arises out of a contractual dispute. Hence, Rule 9 of the CCS (Pension) Rules does not apply to the case on hand. The respondents have committed an error in issuing the impugned reply/endorsement vide Annexure-F.

9. A similar issue had arisen before the Madras High Court in the case of ***Srinivasan Vs. The Director, Treasury and Accounts Department¹***. The Madras High Court has set aside the similar impugned order. I concur with the findings recorded by the Madras High Court in the aforesaid case.

10. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***;
- ii. The impugned reply/endorsement dated 22.12.2020 vide Annexure-F is hereby set aside;

¹ WP (MD) No.24101 of 2025 and connected matters, disposed of on 13.10.2025



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- iii. The respondents are directed to disburse the retiral benefits to the petitioner, if not paid, along with interest at the rate of 6% per annum for the period of delay in payment, within two months from the date of receipt of a copy of this order.
- iv. Pending IA(s), if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

PA
List No.: 1 Sl No.: 35