



CNR: KAHC010196912020

NC: 2026:KHC:45208
WP No. 11284 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 11284 OF 2020 (S-RES)

BETWEEN:

SRI K M C MALLIKARJUNA
S/O LATE K MAHESWARAPPA
AGED ABOUT 54 YEARS,
R/AT NO.148K, 19TH A MAIN
I BLOCK, RAJAJINAGAR
BENGALURU-560 010

...PETITIONER

(BY SRI. K N NITISH, ADVOCATE FOR
SRI. K V NARASIMHAN, ADVOCATE)

AND:

THE KARNATAKA ELECTRICITY REGULATORY
COMMISSION
16-C1 MILLER TANK BED AREA
VASANTHANAGARA BENGALURU-560052
REPRESENTED BY ITS SECRETARY

...RESPONDENT

(BY SRI. SHAHBAAZ HUSSAIN, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
OFFICIAL MEMORANDUM DATED 15.03.2016 AT ANNEXURE-K
ISSUED BY THE RESPONDENT BEARING NO.KA.VI.NI.AA/U.NI
(AA)/VYA/E/31/0/2015-16, THE OFFICIAL MEMORANDUM AT
ANNEXURE-Q ISSUED BY THE RESPONDENT DATED 22.6.2016
AND ANNEXURE-R DATED 28.06.2016 ISSUED BY THE
RESPONDENT BEARING NO.KERC/AO/E/31/0/1007/2016-17.

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA



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ISSUE DIRECTION TO SANCTION 2ND ADDITIONAL INCREMENT FOR HAVING SERVED FOR 25 YEARS IN SAME CADRE. REFUND THE AMOUNT OF RS.96,000/- DEDUCTED BY THE RESPONDENT FROM THE SALARY OF THE PETITIONER, WITH INTEREST AT RS.15 PERCENT P.A.

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

1. The petitioner has filed this writ petition seeking following reliefs:

- "(i) Issue a writ of certiorari or any other appropriate writ, order or direction to quash the official memorandum dated 15.03.2016 at Annexure-K issued by the respondent, the official memorandum at Annexure-Q issued by the respondent dated 22.6.2016 and Annexure-R dated 28.06.2016 issued by the respondent;
- (ii) issue a writ of mandamus or any other appropriate writ to order or direction to sanction 2nd additional



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increment for having served for 25 years in same cadre;

- (iii) Issue a writ of mandamus to refund the amount of Rs.96,000/- deducted by the respondent from the salary of the petitioner, with interest at 15 percent p.a."

2. Brief facts leading rise to the filing of this writ petition are as follows:
3. The service of the petitioner was absorbed in the respondent-Karnataka Electricity Regulatory Commission ("**Commission**", for short), in public interest, by order dated 25.08.2005 and the petitioner was paid financial benefits accordingly. The petitioner sought for sanction of 2nd additional increment for completing 25 years of serve in the same cadre. While things stood thus, the petitioner was pursuing sanction of 2nd additional increment for completing 25 years of service in one cadre, he was issued with an Official Memorandum dated



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15.03.2016 vide Annexure-K, refixing his salary by modifying the order at Annexure-H i.e., by altering the date of eligibility for time-bound advancement from 01.04.1990 to 25.11.1991. It is the contention of the petitioner that it has been done unilaterally without any notice or hearing the petitioner. The same is in violation of principles of natural justice. The petitioner gave a representation to undo the mistake committed by refixing his pay and allowances, etc.

4. Some of the said representations and submissions are dated 29.03.2016, 28.03.2018, 25.06.2018 and 27.09.2018. An amount of Rs.1,90,928/-, which was paid in excess, was ordered to be deducted out of his salary and later a corrigendum was issued changing the amount to Rs.1,44,204/-.
5. Pursuant to the said representation, proceedings took place in the respondent office and the audit



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section found that the order as per the Official Memorandum dated 15.03.2016 vide Annexure-K is not justified and effecting deduction out of the salary of the petitioner is not lawful. Though, it was found that its order dated 15.03.2016 is opposed to law, no further action was taken by the respondent.

6. The petitioner submitted representations vide Annexures-N and P, contending that the petitioner was eligible for grant of Time-bound advancement of 10 years, 15 years, 20 years and 25 years, computing from 01.04.1989 itself. The respondent has issued an endorsement dated 15.03.2016 vide Annexure-K deducting the amount, which is illegal. The petitioner aggrieved by the order at Annexure-K has filed this writ petition.
7. Heard the arguments of the learned counsel for the petitioner and learned counsel for the respondent.



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8. Learned counsel for the petitioner submits that the impugned order dated 15.03.2016 vide Annexure-K is passed behind the back of the petitioner. Before passing the impugned order, no notice was issued and no enquiry was held. Thus, the impugned order passed by the respondent is in violation of the principles of natural justice. Hence, on these grounds, he prays to allow the writ petition.
9. *Per contra*, learned counsel for the respondent fairly concedes that before passing Annexure-K, no notice was issued to the petitioner and no enquiry was also held. He submits that the matter may be remitted back to the respondent for fresh consideration and the respondent, after issuing notice and hearing the petitioner, will pass an order in accordance with law and the present writ petition may be disposed of accordingly.



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10. Perused the records and considered the submissions of the learned counsel for the respective parties.
11. It is an undisputed fact that the service of the petitioner was absorbed in the respondent-Commission. The petitioner has produced a copy of the order vide Annexure-G which clearly discloses that for computing qualifying services as from 01.04.1990, the petitioner was sanctioned time-bound advancement for 10 years, 15 years and 20 years as per the order dated 08.11.2011. He was paid the financial benefits accordingly. The petitioner sought for sanction of second additional increment for completing 25 years of service in one cadre.
12. At that time, the respondent has issued an Official Memorandum dated 15.03.2016, re-fixing the salary by modifying the order vide Annexure-H, i.e., by altering the date of eligibility for time-bound advancement from 01.04.1990 to 25.11.1991.



13. Thereafter, the petitioner submitted several representations to the respondent. However, the respondent, without considering the representations submitted by the petitioner, has passed the impugned order vide Annexure-K. The respondent, before passing the impugned order vide Annexure-K, has neither issued any notice nor an enquiry was held. Further, no opportunity was provided to the petitioner to put forth his case.
14. Without considering the said representations submitted by the petitioner, the respondent has passed the impugned order vide Annexure-K. As such, the impugned order is in violation of the principles of natural justice. Hence, on this ground alone, the impugned order is liable to be quashed.
15. In view of the above discussion, I proceed to pass the following order:



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ORDER

- (i) The writ petition is ***allowed***.
- (ii) The impugned order dated 15.03.2016 passed by the respondent vide Annexure-K is hereby ***quashed***.
- (iii) The respondent is directed to consider the representations submitted by the petitioner, afford an opportunity of personal hearing to the petitioner, and thereafter pass an appropriate order in accordance with law, within a period of three months from the date of receipt of a copy of this order.
- (iv) All contentions of both parties are kept open.



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(v) In view of the disposal of the writ petition, pending interlocutory applications, if any, do not survive for consideration and are accordingly disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
List No.: 1 Sl No.: 24