

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.594 OF 2024 (S-RES)

C/W.

CIVIL CONTEMPT PETITION NO.165/2024

IN WA NO.594/2024:

BETWEEN:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INDUSTRIES AND TRAINING,
M.S. BUILDING,
BENGALURU-560 001.
- 2 . THE COMMISSIONER
DEPT. OF EMPLOYMENT AND TRAINING,
KOUSHALYA BHAVAN,
B.G. ROAD,
BENGALURU-560 029.
- 3 . THE JOINT DIRECTOR
(TRAINING) AND EX-OFFICIO,
JOINT APPRENTICESHIP ADVISER,
DIVISIONAL OFFICE,
DEPT. OF EMPLOYMENT AND TRAINING,
KOUSALYA BHAVAN,
B.G ROAD, BENGALURU-560 029.
- 4 . THE DEPUTY DIRECTOR (TRAINING)
PRINCIPAL GRADE-1
GOVERNMENT I.T.I WOMEN,
SHIVAMOGGA SAGAR TALUK,

SHIVAMOGGA DISTRICT-572 102.

...APPELLANTS

(BY SRI.REUBEN JACOB, AAG WITH
SRI. KIRAN KUMAR, HCGP)

AND:

- 1 . SRI MAHADEV PATTAN
S/O LAGAMANNA PATTAN,
AGED ABOUT 45 YEARS,
JUNIOR TRAINING OFFICER,
SRI JAGADGURU PANCHACHARYA INDUSTRIAL TRAINING
CENTRE, K.R. PURAM ROAD,
SHIVAMOGGA-577 202,
R/O C/O BASAVARAJAPPA N. BHAVI,
KERE DURVAGAMMANAKERI,
SHIVAMOGGA-577 202.
SHIVAMOGGA TALUK AND DISTRICT.
- 2 . THE PRINCIPAL
SRI JAGADGURU PANCHACHARYA
INDUSTRIAL TRAINING CENTRE,
K.R. PURAM ROAD,
SHIVAMOGGA-577 202.
- 3 . SRI. SATHISH ADIMANE B. Y.
S/O LATE YATHIRAJ,
AGED ABOUT 51 YEARS,
JUNIOR TRAINING OFFICER (FITTER)
UNIT-1 SRI JAGADGURU PANCHACHARYA,

INDUSTRIAL TRAINING CENTRE,
K.R. PURAM ROAD,
SHIVAMOGGA-577 202.
R/AT BASTHIHALLI AT
HULLEHAL POST,
CHITRADURGA TALUK AND DISTRICT.

4 . MAHATMA EDUCATION SOCIETY (REGD.)
JAGADGURU PANCHACHARYA ITI BUILDING,
BY-PASS ROAD, SHIVAMOGGA-577 203,
REPRESENTED BY VIGNESHWARAYYA N.
SHOLAPUR,
SECRETARY.

...RESPONDENTS

(BY SRI. CHANDRAKANTH R. GOULAY, ADV., FOR R1;
SRI. VIJAY KUMAR, ADV., FOR R3;
SRI. V.R.DATAR, ADV., FOR R4;
R2 - SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO ALLOW THIS WRIT
APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED
09.10.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS
COURT IN W.P.No.2016/2022(S-RES).

IN CCC NO.165/2024:**BETWEEN:**

SRI. MAHADEV PATTAN
S/O LAGAMANNA PATTAN,
AGED ABOUT 45 YEARS,
JUNIOR TRAINING OFFICER,
SRI. JAGADGURU PANCHACHARYA
INDUSTRIAL TRAINING CENTRE
K. R. PURAM ROAD,
SHIVAMOGGA-577 202,
R/O C/O BASAVARAJAPPA N. BHAVI,
KEREDURVAGAMMANAKERI,
SHIVAMOGGA-577 202,
TALUK AND DISTRICT: SHIVAMOGGA

...COMPLAINANT

(BY SRI. CHANDRAKANTH R. GOULAY, ADV.,)

AND:

- 1 . SMT. UMA MAHADEVAN IAS
REP. BY ITS SECRETARY,
STATE OF KARNATAKA,
DEPARTMENT OF INDUSTRIES AND TRAINING,
M.S. BUILDING,
BENGALURU-560 001.
- 2 . DR. RAGAPRIYA R, I.A.S.,
COMMISSIONER
DEPARTMENT OF EMPLOYMENT AND TRAINING,

KAUSHALYA BHAVAN,
B. G. ROAD,
BENGALURU-560 029.

- 3 . SRI. VAIJAGONDA
JOINT DIRECTOR,
(TRAINING) AND EX-OFFICIO
JOINT APPRENTICESHIP ADVISER,
DIVISIONAL OFFICE,
DEPARTMENT OF EMPLOYMENT AND TRAINING
KOUSHALYA BHAVAN
B. G. ROAD,
BENGALURU-560 029.
- 4 . SRI. B. T. SHEKARAPPA
DEPUTY DIRECTOR (TRAINING)
PRINCIPAL GR-1,
GOVERNMENT I.T.I WOMEN
SHIVAMOGGA, SAGAR TQ.
SHIVAMOGGA DISTRICT-572 102.
- 5 . SRI. PARAMESHWARAPPA D.N.,
PRINCIPAL
SRI. JAGADGURU PANCHACHARA INDUSTRIAL TRAINING
CENTRE,
K.R. PURAM ROAD,
SHIVAMOGGA-577 202.
- 6 . SRI. VIGNESHWARAYYA N. SHOLAPUR
SECRETARY,

MAHATMA EDUCATION SOCIETY (REGD.),
JAGADGURU PANCHACHARYA ITI BUILDING,
BY-PASS ROAD, SHIVAMOGGA-577 203.

...ACCUSED

7 . STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF INDUSTRIES AND TRAINING,
VIDHANA SOUDHA, BENGALURU-560 001.

...PROFORMA RESPONDENT

(BY SRI.REUBEN JACOB, AAG WITH
SRI. KIRAN KUMAR, HCGP FOR A1 TO A4 AND PROFORMA R7;
SRI. A.S.NAVEEN, ADV., FOR A5 & A6)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT, 1971, R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA AND RULE 5 OF THE HIGH COURT OF KARNATAKA (CONTEMPT OF COURT PROCEEDINGS) RULES, 1972 PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED FOR DELIBERATE AND INTENTIONAL DISOBEDIENCE OF THE ORDER DATED 09.10.2023 OF THIS COURT MADE IN W.P.NO.2016/2022 AS PER ANNEXURE-A AND TO PASS APPROPRIATE SUITABLE ORDERS.

THIS WRIT APPEAL AND CCC HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 18.02.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Writ Appeal is preferred by the State against the Order dated 09.10.2023 passed by the learned Single Judge in Writ Petition No.2016/2022 (S-RES) and the Contempt of Court Case is filed alleging willful disobedience of the same Order.

2. We have heard Shri. Reuben Jacob, learned Additional Advocate General along with Shri. Kiran Kumar, learned High Court Government Pleader appearing for the appellants in the Writ Appeal and for accused No.1 to 4 and proforma respondent No.7 in the Contempt of Court Case; Shri. Chandrakanth R. Goulay, learned counsel appearing for respondent No.1 in the Writ Appeal and for the complainant in the Contempt of Court Case; Shri. Vijay Kumar, learned counsel appearing for respondent No.3; Shri. V.R. Datar, learned counsel appearing for respondent No.4 and Shri.

A.S. Naveen, learned counsel appearing for accused No.5 and 6.

3. Respondent No.1 herein had filed a writ petition seeking the following reliefs:-

- "a) *Issue a writ of certiorari quashing the impugned order bearing No.UThE/Th/Sam-1/ViVa-27/2007-08 dated 29.10.2021 issued by the Respondent No.2 produced as Annexure-L, as arbitrary, illegal and void and in violation of the order made in W.P No.798/2019 dated 15.7.2021 produced as Annexure-J.*
- b) *Issue a direction, directing the respondent No. 1 to 4 to release the salary of the petitioner in the post of JTO (Fitter) with effect from 30.4.2012 with arrears and interest thereon and to continue to pay the salary attached to the said post and to pass appropriate suitable orders in the interest of justice.*
- c) *Issue any other incidental relief as deemed fit and proper considering the facts and circumstances of the case to meet the ends of justice and equity.*

4. It was the contention of the writ petitioner that he was a qualified ITI (ATS) Diploma holder and was holding the post of Junior Training Officer (JTO) - Fitter in respondent No.5 - Institution. It was contended that the

post held by him was an aided post and was admitted to grant and the writ petitioner was paid salary attached to the post treating it as a post admitted to grant till April 2012. It is contended that from May 2012 onwards though he continued to work, the salary was not paid to him. When he took up the matter before the appellants, a communication was issued stating that respondent No.3 herein, was a senior hand and the benefit of grant-in-aid ought to have been made available to him. It was held that the benefit of grant given to the writ petitioner from 01.06.2010 was erroneous and that he was liable to repay the amounts received from 01.06.2010. Further, the Salary of the grant-in-aid post was directed to be released to respondent No.3.

5. The matter was heard by the learned Single Judge. It was found that respondent No.3 herein, was admittedly senior to the writ petitioner. An order was passed on 13.06.2018 by the Office of the Commissioner, Industrial Training and Employment admitting the post of Respondent No.3 to salary grant with effect from 01.06.2010. However, the learned Single Judge recorded a finding that the

petitioner's post was admitted to salary grant on 20.12.2010 and the said order was not challenged by respondent No.3. It was found that since the order admitting the petitioner's post had neither been revoked nor modified nor varied by the Government, the order granting salary to the writ petitioner could not be undone. The order dated 29.10.2021 was quashed. Respondent No.3 then contended that there was another post lying vacant and that he should be admitted to salary grant in the said post. The said issue was directed to be considered. Further, the learned Single Judge recorded that respondent No.3 would agree to give up the claim for salary grant admitted to the petitioner's post if no recovery is made against him. The said contention was accepted. However, the learned Single Judge directed the respondents to pay the salary to the petitioner from 01.06.2012 onwards.

6. The learned Additional Advocate General appearing for the State contends that the learned Single Judge had clearly accepted the proposition that the admission of the post held by the writ petitioner to salary

grant was a mistake and respondent No.3, who was senior was entitled to the said benefit. However, the learned Single Judge also found that respondent No.3 had not challenged the order of salary grant to the writ petitioner. However, it is contended that admittedly the petitioner had been granted salary only from 2010 to 2012. Thereafter, the salary had been paid to respondent No.3, who had agreed before the learned Single Judge not to challenge the erroneous grant made in favour of the writ petitioner, provided, salary would not be recovered from him. It is therefore clear that the intention was that the payment made to the writ petitioner from 2010 to 2012 would stand undisturbed and the salary grant to respondent No.6 would continue thereafter. However, while accepting the contention of respondent No.3, that recovery of amounts paid to him would not be made, the learned Single Judge has directed payment of salary from 01.06.2012 to the writ petitioner as well. It is contended that this amounts to double payment of salary in respect of the same post for the same period since

respondent No.3 has already drawn the salary from 01.06.2012 till 13.06.2018.

7. The learned Additional Advocate General further submits that it was specifically argued before the learned Single Judge that the further post available is reserved for Scheduled Caste community and the petitioner and respondent No.3, who are not the members of such community can have no claim for that post.

8. The learned counsel appearing for the writ petitioner/respondent No.1 would contend that the learned Single Judge has found that the salary grant in his favour had not been challenged and that therefore he would be entitled to continued payment of salary. Though, the learned Additional Advocate General submitted that the issue can be resolved by protecting the grant in favour of the writ petitioner and directing the payment of salary grant to respondent No.3 in the same post after 2012, the same is not accepted by the petitioner.

9. We therefore proceeded to consider the matter on merits. We notice that it is an admitted fact that respondent No.3 is senior to respondent No.1/writ petitioner. It is also clear that the writ petitioner's post was admitted to grant-in-aid by mistake in the year 2010. The mistake did not go unchecked for long. The error was corrected on a representation preferred by respondent No.3 and the post held by respondent No.3 was admitted to grant-in-aid and salary paid from 01.06.2012 onwards. It is clear that both the writ petitioner/respondent No.1 as well as respondent No.3 had approached this Court repeatedly seeking a consideration of their claims. On such consideration it was found by Annexure 'D' - Inspection Report dated 05.10.2013 that respondent No.3 herein is the senior hand and was the person entitled to the salary grant from the year 2010. As a matter of fact, when salary was not paid to the writ petitioner from 01.06.2012 onwards, he had also submitted a representation and approached this Court by filing W.P.No.22930/2017. This Court, by judgment dated 19.09.2018 directed the consideration of the writ petitioner's

claims as well. A perusal of Annexure-H proceedings dated 27.02.2019 would show that both the claims were considered, parties heard and orders were passed holding respondent No.3 as senior and eligible for salary grant. We also notice that the initial Order admitting the post held by the writ petitioner to salary grant was also one passed by appellant No.2 - Commissioner and not by the Government.

10. In the above factual situation, we are of the opinion that the finding of the learned Single Judge that the Order of Salary grant to the writ petitioners' post in 2010 remains unchallenged and that the order of grant has not been recalled cannot be accepted. It is specifically against the salary grant extended to the writ petitioners' post that respondent No.3 submitted representations and approached this Court in W.P.No.27221/2015 to have those representations considered. Respondent No.1 had also filed Writ Petitions No.31828/2012, 22930/2017 and 798/2019, the last which challenging Annexure-F Order dated 13.06.2018 which was also disposed of on 15.07.2021 directing his claim for salary grant to be considered. On

considering the said representations, a specific endorsement has been issued on 29.10.2021 at Annexure -L by appellant No.2, finding that the salary grant in favour of the writ petitioner from 2010 was a mistake and that respondent No.3 is entitled to the salary grant.

11. In the above circumstances, we are of the opinion that the finding of the learned Single Judge that the salary grant in favour of the writ petitioner stood unchallenged is completely unsustainable. Further, we are of the opinion that the concession made by respondent No.3 that he would not challenge the salary grant in favour of the writ petitioner if amounts are not recovered from him and his claim for accommodation against a vacant post is considered cannot be held against him since he had the benefit of an order in his favour, which is not set at naught on merits.

12. In the above view of the matter, we are of the opinion that the present appeal is liable to succeed. Accordingly:-

- (i) The appeal is ***allowed***.

- (ii) The order dated 09.10.2023 passed by the learned Single Judge in Writ Petition No.2016/2022 (S-RES), is hereby set aside.
- (iii) The order challenged in W.P.No.2016/2022 is upheld. The writ petition is dismissed.
- (iv) However, it is made clear that the salary drawn by respondent No.1 from 01.06.2010 to 01.06.2012 shall not be recovered from him.
- (v) The appellants shall continue to pay salary to respondent No.3 from the date on which such payment has been stopped.
- (iv) Necessary steps shall be taken within a period of three months from the date of receipt of a copy of the judgment.
- (v) Contempt of Court Case is ***closed***.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*