



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 10602 OF 2023 (S-RES)

BETWEEN:

SRI. A AJJAPPA,
AGED ABOUT 70 YEARS
S/O LATE SRI A SOMAPPA,
RETD JOINT MANAGER,
KARNATAKA STATE AGRO CORN PRODUCSTS LTD
PRESENTLY RESIDING AT NO 53,
11TH CROSS, KEMPANNA LAYOUT
CHOLANAYAKANAHALLI, R T NAGAR POST
BANGALORE - 560032

...PETITIONER

(BY SRI. HARISH KUMAR M.S., ADVOCATE)

AND:

THE KARNATAKA STATE AGRO CORN PRODUCTS
LTD.
REPRESENTED BY ITS MANAGING DIRECTOR,
BELLARI ROAD,
HEBBAL, BANGALORE - 560024

...RESPONDENT

(BY SRI. HEGDE RAMACHANDRA SHIVARAM AND
SRI. R S HEGDE., ADVOCATES)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED COMMUNICATION IN NO.

Digitally signed
by KIRAN
KUMAR R
Location: HIGH
COURT OF
KARNATAKA



K.S.A.C.P/ADM/2023-24, DATED 15.04.23, ANNEXURE-M, ISSUED BY THE RESPONDENT. BY ISSUE OF A WRIT OF MANDAMUS OR ANY OTHER ORDER AS THE CASE MAY BE, DIRECT THE RESPONDENT TO PAY INTEREST AT 9 PERCENT ON BELATED PAYMENT OF PENSIONARY BENEFITS FROM THE DATE OF RETIREMENT THAT IS 31.05.2010 TO THE DATE OF PENSIONARY BENEFITS WHICH WAS PAID ON 20.05.2019 VIDE ANNEX-K.

THIS PETITION, COMING ON FOR ORDERS, 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) By issue of a writ of certiorari or any order as the case may be, quash the impugned communication in No. K.S.A.C.P/ADM/2023-24, dated 15.04.23, Annexure-M, issued by the respondent.
- (ii) By issue of a writ of mandamus or any other order as the case may be, direct the respondent to pay interest at 9 percent on belated payment of pensionary benefits from the date of retirement that is 31.05.2010 to the date of



pensionary benefits which was paid
on 20.05.2019 vide Annexure-K.

(iii) Grant such other reliefs as the case
may be, including the costs of this
writ petition, in the interest of
justice.

2. Brief facts leading rise to the filing of this petition are
as follows:
3. The petitioner was working as a Junior Manager in
the respondent-Corporation. On 04.04.2014,
Lokayukta by its communication addressed to the
Government informed that the complaint registered
against the petitioner has been closed vide order
dated 01.04.2014. The respondent by way of
punishment, on conducting a departmental enquiry,
ordered for recovery of certain amount from the
petitioner, on which basis, the respondent also filed a
suit in O.S. No.1434 of 2017 before the Civil Court
and the petitioner herein filed an application under
Order VII Rule 11 of the Code of Civil Procedure,



1908 ("CPC") for rejection of the plaint. The Civil Court allowed the application filed by the petitioner and rejected the plaint filed by the respondent.

4. Meanwhile, the Government addressed a letter to the respondent stating that the order of punishment dated 08.03.2013 imposed on the petitioner has been withdrawn and held that the petitioner has been exonerated from the charges and the petitioner is entitled for all service benefits and the same be paid to him and that the case filed between each other be withdrawn.
5. Pursuant to the Government order dated 27.03.2019, the petitioner has withdrawn the petition in W.P. No.43149 of 2013 which was filed challenging the order of punishment and similarly, the respondent has also withdrawn RFA No.1034 of 2018 on 22.07.2019.



6. The respondent paid the pensionary benefits to the petitioner. However, there is a delay of 9 years in paying the pensionary benefits. As such, the petitioner submitted a representation for payment of interest on the delayed settlement of pensionary benefits.
7. The respondent issued the impugned endorsement rejecting the request made by the petitioner for grant of interest on the delayed payment. Hence, this writ petition.
8. The respondent filed a statement of objections contending that there was no delay in disbursing the retirement benefits. It is contended that the order of punishment was passed against the petitioner. It is submitted that a decision was taken to recover the said amount of Rs.15,02,387/-. The respondent filed a suit in O.S. No.1434 of 2017 and the said plaint was rejected in the said suit.



9. The respondent filed an appeal in R.F.A. No.1034 of 2018. Meanwhile, the Government has issued a communication for withdrawing the order of punishment and also directed the parties to withdraw their respective cases filed against each other. The respondent has withdrawn RFA No.1034 of 2018 and the petitioner has also withdrawn W.P. No.43149 of 2013. Immediately, after withdrawing the cases, the respondent disbursed the entire benefits to the petitioner; as such, there is no delay on the part of the respondent in disbursing the pensionary/retirement benefits to the petitioner. Hence, the petitioner is not entitled for interest as claimed in the representation, and the respondent has rightly rejected the representation of the petitioner by the impugned order. Hence, on these grounds, prays to dismiss the writ petition.



10. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent.
11. Learned counsel for the petitioner submits that a false case was registered against the petitioner before the Lokayukta and the Lokayukta has submitted a report stating that the charges levelled against the petitioner are not proved. He also submits that the petitioner filed a writ petition in W.P. No.43149 of 2013 challenging the order of punishment. He submits that the respondents have filed a suit for recovery of amount against the petitioner. Meanwhile, the Government has passed an order withdrawing the order of punishment and also directing both parties to withdraw the cases filed against each other. He submits that there is a delay of seven years in disbursing the retirement benefits. There is negligence on the part of the respondent in disbursing the said amount. Though the Lokayukta



has issued an endorsement dated 04.04.2014 vide Annexure 'A' and the case was closed vide order dated 01.04.2014, the respondent could have disbursed the retirement benefits in 2014. Hence, the petitioner is entitled for interest on the delayed payment. Hence, on these grounds, he prays to allow the writ petition.

12. *Per contra*, learned counsel for the respondent submits that there is no delay caused in disbursing the said amount. He submits that there was a complaint lodged against the petitioner before the Lokayukta and the Lokayukta has conducted an enquiry and thereafter, the respondent has passed an order of punishment and the said order of punishment was challenged before this Court in W.P. No.43149 of 2013 and the respondent has also filed a suit for recovery of money in O.S. No.1434 of 2017. He submits that the plaint was rejected and against the said rejection of plaint, the respondent



filed an appeal in RFA No.1034 of 2018. In view of the order passed by the Government, the respondent has withdrawn the appeal. Within one month before the withdrawal of the first appeal, the respondent had already disbursed the said amount. Therefore, the respondent is not liable to pay any interest on the alleged payment. Hence, on these grounds, he prays to dismiss the writ petition.

13. Perused the records and considered the submissions of the learned counsel for the parties.
14. It is an undisputed fact that the petitioner was working in the Corporation. During his service, a complaint was lodged against the petitioner before the Lokayukta. The Lokayukta, after conducting an enquiry, held that the charges levelled against the petitioner are not proved and the complaint was closed vide order dated 01.04.2014. The petitioner has produced a copy of the letter addressed by the



Additional Registrar (Enquiries) No.1, Karnataka Lokayuktha, Bangalore, to the Under Secretary to the Government of Karnataka, Agriculture Department on 04.04.2014 marked as Annexure-A.

15. From the perusal of Annexure-A, it is clear that the Lokayukta has closed the complaint against the petitioner in the month of April-2014. The respondent held a departmental enquiry against the petitioner, wherein the respondent has passed an order of punishment to recover the amount of ₹90,00,000/-. Meanwhile, on the basis of an order of punishment, the respondent filed a suit in OS No.1434 of 2017, on the file of LXVI Additional City Civil and Sessions Judge, Bangalore City (CCH-67). In the said suit, the petitioner filed an application under Order VII Rule 11(a) & (d) of CPC for rejection of the plaint. The Trial Court, after hearing the learned counsel for the parties, passed an order on



09.03.2017 and allowed the application filed by the petitioner and consequently, the plaint was rejected.

16. The respondent aggrieved by the order of rejection of plaint, preferred an appeal under Section 96 of CPC in RFA No.1034 of 2018. During the pendency of the writ petition in WP No. 43149 and RFA No. 1034 of 2018, the Government has Passed an order withdrawing the order of punishment vide Order dated 08.04.2019 vide Annexure-D and also directed both the parties i.e., the petitioner and respondent to withdraw the cases filed against each other.
17. Pursuant to the Government order vide Annexure-D, the petitioner has withdrawn WP No.43149 of 2013 on 22.04.2019. Meanwhile, the respondent has disbursed the pensionary benefits to the petitioner and thereafter, withdrawn the appeal in RFA No.1034 of 2018 on 22.07.2019.



18. Admittedly, the complaint lodged against the petitioner before the Lokayukta was closed by Order dated 01.04.2014 and the respondent had a knowledge regarding the closure of complaint against the petitioner. The respondent went on proceeding with the enquiry and passed an order of punishment to recover the said amount by filing a suit for recovery of amount in OS No.1434 of 2017. The petitioner also filed a writ petition challenging the order of punishment. The respondent could have settled the retirement benefits in 2014. But, the respondent went on prolonging the matter till 2019 i.e., till passing an order by the Government withdrawing the order of punishment. Thus, the delay has been caused in disbursing the retirement benefits. As such, the petitioner has submitted a representation to the respondent to pay the interest on the delayed payment. The respondent has refused to pay the interest on the delayed payment of



pensionary benefits on the ground that there is no negligence on the part of the respondent in disbursing the pensionary benefits.

19. Evidently, there is a delay in paying the retirement benefits to the petitioner by the respondent. Hence, the petitioner is entitled for interest at the rate of 6% on belated payment of pensionary benefits from the date of retirement i.e., from 30.06.2012 upto 19.05.2019.
20. In view of the above discussion, I proceed to pass the following order:

ORDER

- (I) The writ petition is allowed;
- (II) The impugned Communication dated 15.04.2023 passed by the respondent vide Annexure-M is hereby quashed;
- (III) The respondent is directed to pay interest at the rate of 6% per annum on the belated payment of



pensionary benefits from the date of retirement i.e., from 30.06.2012 till 19.05.2019 within a period of two months from the date of receipt of a copy of this order;

- (IV) In view of the disposal of the writ petition, pending interlocutory applications do not survive for consideration and accordingly disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
List No.: 1 Sl No.: 20