



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO.937 OF 2025 (S-RES)

C/W

WRIT APPEAL NO.976 OF 2025 (S-RES)

WRIT APPEAL NO.1129 OF 2026 (S-RES)

IN WA No.937/2025:

BETWEEN:

THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYATH,
CHIKKAMAGALUR,
CHIKKAMAGALUR DISTRICT - 577 101.

...APPELLANT

(BY SRI. ASHOK NARAYAN NAYAK, ADVOCATE)

AND:

1. SRI. SHAMSUNDAR N.L.,
S/O SRI. CHALUVAIAH,
AGED ABOUT 56 YEARS,
WORKING AS DRIVER,
OFFICE OF THE ASSISTANT
DIRECTOR OF AGRICULTURE,
R/AT SRI.RAGHAVENDRA NILAYA,
CHIKKAMAGALUR TALUK
AND DISTRICT - 577 101.
2. SRI.Y.T.THIMMAIAH,
S/O THIRUMALAIH,
AGED ABOUT 60 YEARS,
GROUP-D EMPLOYEE,



OFFICE OF PANCHAYATRAJ
ENGINEERING DIVISION,
CHIKKAMAGALUR DISTRICT,
R/AT PWD NIVASA, NO.24,
HOUSING BOARD,
CHIKKAMAGALUR TALUK
AND DISTRICT - 577 101.

3. SRI.SHATHAMURTHY,
S/O SRI.SHARNAIAH,
AGED ABOUT 65 YEARS,
RETIRED DRIVER,
TALUK PANCHAYAT,
MUDIGERE, CHIKKAMAGALUR DISTRICT,
R/AT NIRMITHI KENDRA,
CHIKKAMAGALUR,
CHIKKAMAGALUR DISTRICT - 577 101.
4. SRI.T.SHESHEGOWDA,
(DECEASED ON 01.05.2022)
S/O THIRUIMALAGOWDA,
GROUP-D EMPLOYEE,
OFFICE OF THE TALUK
PANCHAYAT, HASSAN,
HASSAN DISTRICT - 571 231.
- 4(a). SMT. ARUNAKSHI,
W/O LATE T. SHESHEGOWDA,
AGED ABOUT 49 YEARS,
- 4(b). SRI.NAVEENA D.S,
S/O LATE SHESHEGOWDA,
AGED ABOUT 32 YEARS,
- 4(c). MISS.NAYANA,
D/O LATE SHESHEGOWDA,
AGED ABOUT 30 YEARS.
ALL ARE RESIDING AT:
DODDAKONDAGULA,
HALEKOPPALU POST,
HASSAN DISTRICT,
HASSAN - 571 231.



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5. STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATRAJ DEPARTMENT,
M.S BUILDING, SACHIVALAYA,
BANGALORE - 560 001.
6. THE DEPUTY COMMISSIONER,
CHIKKAMAGALUR DISTRICT,
CHIKKAMAGALUR - 577 101.
7. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
HASSAN,
HASSAN DISTRICT - 571 231.
8. THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,
HASSAN - 571 231.

...RESPONDENTS

(BY SRI. VIJAYA KUMAR., ADVOCATE FOR R1 TO R3,
SRI. B. RAVINDRANATH, AGA FOR R5, R6 AND R8,
R4(a), R4(b), R4(c) ARE SERVED AND UNREPRESENTED,
SRI. NAGARAJAPPA, ADVOCATE FOR R7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE IMPUGNED JUDGMENT DATED:19.12.2023 IN SO FAR THE BENEFIT OF RULE 248-A OF KARNATAKA CIVIL SERVICE RULES SHALL BE GIVEN TO THE RESPONENT No.1 TO 4 PASSED BY THE LEARNED SINGLE JUDGE IN WP No.24881/2022 (S-RES) IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA NO.976/2025:

BETWEEN:

1. THE STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYAT RAJ DEPARTMENT
M.S. BUILDING,



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BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER,
CHIKKAMAGALURU DISTRICT,
CHIKKAMAGALURU - 577 101.
3. THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,
HASSAN - 571 231.

...APPELLANTS

(BY SRI. B. RAVINDRANATH, AGA)

AND:

1. SHRI. SHAMSUNDAR N.L.,
S/O SHRI CHALUVAIAH,
AGED ABOUT 57 YEARS,
WORKING AS DRIVER,
OFFICE OF THE ASSISTANT
DIRECTOR OF AGRICULTURE,
R/A SHRI RAGAHAVENDRA NILAYA,
CHIKKAMAGALURU
TALUK AND DISTRICT.
2. SHRI. Y.T. THIMMAIAH,
S/O THIRUMALAIAH,
AGED ABOUT 58 YEARS,
GROUP D EMPLOYEE
OFFICE OF PANCHAYAT
RAJ ENGINEERING DIVISION,
CHIKKAMAGALURU,
CHIKKAMAGALURU DISTRICT,
R/A PWD NIVASA, NO.24,
HOUSING BOARD,
CHIKKAMAGALURU
TALUK AND DISTRICT.
3. SHRI SHANTHAMURTHY
S/O SHRI SHARNAIAH,
AGED ABOUT 66 YEARS,
RETIRED DRIVER,
TALUK PANCHAYAT MUDIGERE,



CHIKKAMAGALURU DISTRICT
R/A NIRMITHI KENDRA,
CHIKKAMAGALURU
CHIKKAMAGALURU DISTRICT.

4. SHRI. T. SHESHEGOWDA
(DECEASED ON 01.05.2022)
S/O THIRUIMALAGOWDA,
GROUP-D EMPLOYEE,
OFFICE OF THE TALUK
PANCHAYAT, HASSAN,
HASSAN DISTRICT

SMT. ARUNAKSHI,
W/O LATE T.SHESHEGOWDA,
AGED ABOUT 50 YEARS,

5. NAVEENA D.S.,
S/O LATE T SHESHEGOWDA
AGED ABOUT 33 YEARS
6. MISS. NAYANA,
D/O LATE T SHESHEGOWDA
AGED ABOUT 31 YEARS

ALL ARE RESIDING AT:
DODDAKONDAGULA
HALEKOPPALU POST
HASSAN DISTRICT
HASSAN - 571 231.

7. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
CHIKKAMAGALURU,
CHIKKAMAGALURU DISTRICT - 577 101.
8. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
HASSAN, HASSAN DISTRICT - 571 231.

...RESPONDENTS

(BY SRI. VIJAYA KUMAR., ADVOCATE FOR R1 TO R3,
SRI. ASHOKA NARAYAN NAIK, ADVOCATE FOR R7,
R5, R6, R8 ARE SERVED AND UNREPRESENTED)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE PARA 6 OF THE IMPUGND ORDER DATED:19.12.2023 WITHOUT DISRUPTS TO OTHER PARAS I THE SAID ORDER WHICH PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION No.24881/20222 (S-RES)AND ETC.,

IN WA NO.1129/2026:

BETWEEN:

1. SRI.SHAMSUNDAR N.L,
S/O SHRI. CHALUVAIAH,
AGED ABOUT 54 YEARS,
WORKING AS DRIVER,
OFFICE OF THE ASSISTANT
DIRECTOR OF AGRICULTURE,
R/AT SHRI RAGHAVENDRA NILAYA,
CHIKKAMAGALUR TALUK
AND DISTRICT - 577 101.
2. SRI. Y.T. THIMMIAH,
S/O THIRUMALAIH,
AGED ABOUT 58 YEARS,
GROUP D EMPLOYEE,
OFFICE OF PANCHAYATRAJ
ENGINEERING DIVISION,
CHIKKAMAGALUR DISTRICT,
R/AT PWD NIVASA, NO. 24,
HOUSING BOARD,
CHIKKAMAGALUR TALUK
AND DISTRICT - 577 101.
3. SRI. SHANTHAMURTHY,
S/O SHRI. SHARNAIAH,
AGED ABOUT 63 YEARS,
RETIRED DRIVER,
TALUK PANCHAYAT
MUDIGERE, CHIKKAMAGALUR DISTRICT,
R/AT NIRMITHI KENDRA,



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CHIKKAMAGALUR DISTRICT - 577 101.

...APPELLANTS

(BY SRI. VIJAYA KUMAR.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
RURAL DEVELOPMENT
AND PANCHAYATRAJ DEPARTMENT,
M.S. BUILDING, SACHIVALAYA,
BANGALORE - 560 001.
2. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
CHIKKAMAGALUR,
CHIKKAMAGALUR DISTRICT - 577 101.
3. THE DEPUTY COMMISSIONER,
CHIKKAMAGALUR DISTRICT,
CHIKKAMAGALUR - 577 101.
4. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT, HASSAN,
HASSAN DISTRICT - 571 231.
5. THE DEPUTY COMMISSIONER
HASSAN DISTRICT,
HASSAN - 571 231.

...RESPONDENTS

(BY SRI. RAVINDRANATH, AGA FOR R1,
VIDE ORDER DATED 23.04.2026
SRI. ASHOK NARAYAN NAIK, ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE
PASSED IN WP NO.24881/2022 DATED:19.12.2023, IN SO
FAR AS IT RELATES TO PARAGRAPH NO.4 OF IMPUGNED
JUDGEMENT IS CONCERNED AND ETC.,



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THESE APPEALS ARE COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These three appeals are arising out of the order dated 19.12.2023 passed by the Writ Court in W.P.No.24881/2022. Since all these appeals are arising out of the single order and involving the same question/dispute between the parties, all are connected and taken up together for final disposal with the consent of learned counsel for the parties.

2. W.A.No.937/2025 is filed by the Chief Executive Officer, Zilla Panchayath, Chikkamagaluru; W.A.No.976/2025 is filed by the State and its Instrumentalities; whereas W.A.No.1129/2026 is filed by the petitioners.



3. Heard Sri.Ashok Narayan Naik, learned counsel for the appellant in W.A.No.937/2025, Sri.B.Ravindranath, learned AGA appearing for the appellant in W.A.No.976/2025 and Sri.Vijaya Kumar, learned counsel for the appellants in W.A.No.1129/2026. They are the respective respondents in connected appeals.

4. The parties are referred to as per their ranking before the Writ Court.

5. On a short point the State and Panchayath are before this Court i.e., granting of benefit of Rule 248A of the Karnataka Civil Services Rules, 1958¹ to the petitioners while regularising them into service.

6. The petitioners are calling in question the order declining to grant relief sought in Prayer No.(i) in the writ petition. The petitioners filed the writ petition with the following prayer:

"(i) To call for records relating to issue of the impugned endorsement bearing Gra.Aa.Pa 40

¹ for short 'KCSR'



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*KSS 2021 dated 10.5.2022 dated 10.05.2022, issued to the Petitioners are produced herewith as **ANNEXURE-M** and after perusal set aside the same.*

(ii) To direct the respondents to consider the claim of the Petitioners for granted of benefit of Old Pension Scheme and count the service rendered by them on daily wage basis in terms of Rule 248-a of KCSR within a time frame specified by this Hon'ble Court.

(iii) To pass such other order as this Hon'ble Court deems fit in the facts and circumstances of the case."

FACTS GERMANE TO FILE THESE WRIT APPEALS ARE AS UNDER:

7. It is the case of the petitioners that they were initially appointed on daily wage basis in Group 'C' and 'D' Cadre with the second respondent-Zilla Panchayat subsequent to 01.07.1984. The petitioners further submit that by means of an order dated 03.09.2007 the second respondent had regularised the services of the daily wage employees in terms of the directions issued by the Supreme Court in the case of **STATE OF KARNATAKA v. UMADEVI²** as per Annexure-B. While regularising them

² 2006 (4) 1 SCC



under Annexure-B they were appointed against vacant sanction post with certain conditions. Said order at Annexure-B also contains a stipulation that the employees who have rendered their services on daily wage basis are eligible for calculation of gratuity and pension as per Rule 248A of KCSR.

8. The petitioners sought for extension of Old Pension Scheme to them with the Government, which has been turned down by means of issuance of Endorsement dated 10.05.2022 as per Annexure-M stating that since their regularisation was after 01.04.2006 they are not entitled for Old Pension Scheme instead they are entitled for New Pension Scheme, which came into force on 13.11.2006. Calling in question the said Endorsement so also seeking a direction to the respondents to consider their claim in terms of Rule 248A of KCSR, they were before the Writ Court in W.P.No.24881/2022.



9. It was argued on behalf of the petitioners before the Writ Court that persons who were similarly placed as that of the petitioners were though regularised in the year 2007-08 have been admitted to Old Pension Scheme, whereas the petitioners have been denied the said benefit.

10. The Writ Court having considered the submissions made at the bar was of the opinion that their contentions have already been negated in the earlier round of litigation, now again the claim in the writ petition cannot be countenanced. Further the Writ Court observed that the claim of the petitioners that they ought to have been regularised w.e.f. the date on which they completed their 10 years of service, also cannot be accepted, since the order stated supra they were regularised w.e.f. 19.05.2011, has attained finality and the petitioners cannot seek for regularisation prior to the particular date.



11. Having come to that conclusion the Writ Court has stated that the petitioners who have been regularised after 01.04.2006 cannot claim benefit of Old Pension Scheme and they ought to be necessarily covered by the New Pension Scheme and therefore, dismissed the Writ Petition challenging the Endorsement at Annexure-M. However, the Writ Court finding the stipulation contained in the order of regularisation at Annexure-P extended the benefit of Rule 248A of KCSR while considering the retiral benefits of the petitioners and directed the Authorities shall take into consideration and extend the benefit of Rule 248A of KCSR and shall provide the same to the petitioners. It is this order by the Writ Court is called in question by the Zilla Panchayath, State as well as the petitioners. As stated earlier by the Zilla Panchayath and State, are in appeal only with respect to direction to admit the petitioners to the benefit under Rule 248A of KCSR and so far as the petitioners rejecting their Prayer No.(i) sought in the writ petition.



12. We having heard the learned counsel for the parties, are of the considered opinion that Writ Court has considered all the aspects of the matter in the earlier round of litigation and in view of earlier settlement of dispute and finality to the order, put a quietus by declining to accede to the Prayer No.(i) of the petitioners. However, considering the fact that the petitioners are entitled for the benefit of Rule 248A of KCSR for adding additional qualifying service i.e., past service earlier to regularisation to the extent provided under the said provision has been extended. As such all the appeals sans merit.

13. The extension of benefit of counting past service under Rule 248A of KCSR also gains support from the judgment of the Supreme Court in ***PREM SINGH v. STATE OF UTTAR PRADESH***³.

14. At this stage, Sri.Ravindranath, learned AGA submits that as per the provision under Rule 248A of KCSR

³ (2019) 10 SCC 516



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the maximum benefit of years is prescribed and the petitioners are not entitled for more than the maximum benefit provided thereunder. He contends that the petitioners may seek more than the maximum period of years fixed under the settled law. We cannot comprehend this kind of submission as no person can seek the benefit provided under Rule 248A of KCSR more than the maximum limit in terms of past service prior to regularization and the maximum years as contemplated under the KCSR shall only be considered.

15. We find no infirmities in the order passed by the Writ Court. Accordingly, all the Writ Appeals are ***dismissed.***

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 1 Sl No.: 24, ct-vn