



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 12771 OF 2022 (S-RES)

BETWEEN:

1. P. T. MALLIKARJUN REDDY
S/O. G. THIPPA REDDY
RETIRED ASSISTANT EXECUTIVE ENGINEER
AGED ABOUT 62 YEARS
NO. 1, 10TH MAIN, 1ST G CROSS
BASAVESWARA NAGARA
BENGALURU-560 079.
2. N. P. BALAKRISHNA
AGED ABOUT 61 YEAR,
RETIRED ASSISTANT EXECUTIVE ENGINEER
MAHADESHWARI LAYOUT, POST METTAGALLI
MYSORE-570 016.
3. R. S. MANJUNATH
AGED ABOUT 66 YEARS
RETIRED ASSISTANT EXECUTIVE ENGINEER
NO. 1549, SF-2, ADITYA GREENS
2ND STAGE, 69TH CROSS
KUMARASWAMY LAYOUT
BENGALURU-560 078.
4. NARAYANASWAMY. B. M.
AGED ABOUT 62 YEARS
RETIRED ASSISTANT EXECUTIVE ENGINEER
JUDICIAL LAYOUT, G.K.V.K. POST
YELAHANKA NEW TOWN-560 065.

...PETITIONERS

(BY SRI. VINAYAKA B VISHNU BATTA., ADVOCATE)

Digitally signed
by MALATHI
CHALUVA
IYENGAR
Location:
HIGH
COURT OF
KARNATAKA



AND:

1. STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT
REP. BY ITS PRINCIPAL SECRETARY
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE BENGALURU WATER SUPPLY
AND SEWERAGE BOARD
REP BY ITS CHAIRMAN
1ST FLOOR, CAUVERY BHAVAN
KEMPEGOUDA ROAD
BENGALURU-560 009.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N,HCGP FOR R1:
SRI. B.L. SANJEEV., ADVOCATE R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE REGULATION NO.4 IN THE BANGALORE WATER SUPPLY AND SEWERAGE BOARD (ABSORPTION OF ENGINEERS APPOINTED ON DEPUTATION BASIS IN BANGALORE WATER SUPPLY AND SEWERAGE BOARD) REGULATIONS 2008, (ANNEXURE-A) AND ETC.

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



CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the learned counsel for the petitioners submits that he does not press prayer No.1 and seeks only a writ of mandamus directing respondent Nos.1 and 2 to consider the past service of the petitioners prior to their absorption while fixing their pay scale and pensionary benefits, as per the old pension scheme which was in force at the time of their deputation to the Bengaluru Water Supply and Sewerage Board (BWSSB).

2. The case of the petitioners is that the petitioners initially joined the Karnataka State Construction Corporation (hereinafter referred to as 'Corporation' for short, which is a Government of Karnataka undertaking) as contract employees to the post of Assistant Engineers. Thereafter, their services were absorbed in respondent No.2-BWSSB and thereafter, the petitioners retired from



the services and their pensions were fixed under new pension scheme.

The further case of the petitioners is that some of the employees, who were absorbed by the BWSSB, filed W.P.No.10019/2021 before the Division Bench of this Court challenging Regulation No.4 of the Bangalore Water Supply and Sewerage Board (Absorption of Engineers appointed on deputation basis in Bangalore Water Supply and Sewerage Board) Regulations 2008 (hereinafter referred to as 'BWSSB Regulations, 2008' for short). The Division Bench, by order dated 26.05.2022, disposed of the said petition and quashed Regulation No.4 of the BWSSB Regulations, 2008.

Therefore, the grievance of the petitioners herein is that since they are similarly placed to the petitioners in the above said petition, insofar as pension and other pensionary benefits are concerned, the petitioners' pension has to be fixed under the old pension scheme in view of decision of Division Bench of this Court in



W.P.No.10019/2021 disposed of on 26.05.2022. Since, respondent No.2 has not considered the case of the petitioners for fixing their pension under old pension scheme, he sought for direction in accordance with the above writ petition.

3. Regulation No.4(3) of the BWSSB Regulations, 2008 reads as follows:

"4(3) As regards pension and other retirement benefits they shall be governed by terms and conditions as stipulated in Government order No.FD (Spl) 04 PET 2005, dated:31-03-2006, i.e. New Defined Contributory pension scheme introduced w.e.f. 01-04-2006."

4. The Division Bench of this Court, while disposing of the writ petition, has directed the respondent-BWSSB to give an option to the petitioners therein with regard to the retirement benefits under old pension scheme and in case such an option is exercised by the petitioners, their



eligibility/entitlement shall be considered in accordance with the scheme within three months from the date of receipt of copy of the order. Since the petitioners are similarly situated persons, the following order is passed:

ORDER

- a) The writ petition is ***disposed of***.
- b) Liberty is reserved to the petitioners to submit representations to respondent-BWSSB along with the order passed by this Court in WP No.10019/2021.
- c) If such representations are submitted, the respondent-BWSSB is directed to consider the same, within eight weeks from the date of receipt of representations from the petitioners.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE