



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 14691 OF 2024 (S-R)

BETWEEN:

SRI H M AMJAD HUSSAIN
S/O LATE H MUNZLOORUL HUSSAIN
AGED 62 YEARS, NO.8, CITB COLONY
IN FRONT OF SAMUDAYA BHAVANA
MADINA MASJID, UDAYAGIRI
MYSORE-570019.

...PETITIONER

(BY SRI. H L PRADEEP KUMAR., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF MINORITY WELFARE
VIKASA SOUDHA, BANGALORE-560001.
2. THE KARNATAKA STATE BOARD OF WAKFS
NO.6, CUNNINGHAM ROAD
BENGALURU-560052
BY ITS CHAIRMAN.
3. THE CHIEF EXECUTIVE OFFICER
KARNATAKA STATE BOARD OF WAKFS
NO.6, CUNNINGHAM ROAD
BENGALURU-560052.

...RESPONDENTS

(BY SRI.G RAMESH NAIK, AGA FOR R1:
SRI DARSHAN T N, ADVOCATE FOR
SMT. ASHWINI B N, ADVOCATE FOR R2 & R3)

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



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS, ISSUE A WRIT OF CERTIORARI, ORDER OR DIRECTION TO QUASH THE ENDORSEMENT BEARING NO. KSBA/ADM/EST/16/17-18 DATED: 16.09.2023 ISSUED BY THE R-3 IN (ANNEXURE-AG) 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

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the endorsement dated 16.09.2023 issued by the third respondent, vide Annexure-AG, whereby the request of the petitioner for payment of pension settlement has been rejected.

2. The case of the petitioner is that he was appointed as a Clerk-cum-Bill Collector in the office of the Darga Hazarat Ataulla Shah and Nabi Shah, H. Siddaiah Road, Bengaluru, in the year 1989. The petitioner has served for more than ten years. His service was not regularized. Hence, he approached this Court by filing W.P.No. 4273/2015. This Court, by order dated 11.03.2016, vide



Annexure-S, directed the respondents to reconsider the case of the petitioner in accordance with law.

3. Since the order of this Court was not complied with, the petitioner filed a contempt petition in C.C.C. No. 389/2017. During the pendency of the contempt petition, the respondent-Board passed proceedings dated 20.09.2017, vide Annexure-U, for regularization of the services of the petitioner, subject to certain conditions. This order was placed before the Court in C.C.C. No. 389/2017. A Division Bench of this Court passed the following order:

" 7. In view of the above, we find that the following situation has resulted:

(i) the order of this court which is the basis of the present proceedings under the Contempt of Courts Act is complied with, with effect from 1.4.2016 but of course subject to the conditions.

(ii) In the event the complainant is aggrieved by any part of the order, the complainant may resort to appropriate proceedings before the



appropriate forum and at that stage, the rights and contentions of both the parties shall remain open to be considered in accordance with law.

(iii) So far as difference of backwages for the period from 1.4.2016 to 20.09.2017, such difference of backwages shall be paid to the complainant by the accused within four weeks, that is on or before 23.10.2017.

(iv) The order dated 20.09.2017 produced herewith is to take effect from 1.4.2016 with the declaration made for modification of Condition No.4 as well as the rest of the Condition Nos.3, 5, 6 and 7 as recorded hereinabove. But, the complainant is to be granted time for a period of one month after the payment of difference of the backwages for the period from 1.4.2016 to 20.09.2017.

(v) From 20.09.2017 onwards, he shall be treated as an employee as regularized as per the pay-scale, subject to compliance of the conditions with the modification as required herein. He shall be permitted to report for duty on 22.09.2017.

(vi) Rest of the conditions shall operate in accordance with law.



In view of the aforesaid situation, as the attempt has been shown on the part of the accused to comply with the order, we find that the unconditional apology can be accepted. Hence, the present proceedings are not required to be continued further. Therefore, disposed of with the observation that in the event the legality and validity of any part of the order for regularization of service is challenged before appropriate forum, the contentions of the complainant as well as of the accused shall remain open to be considered in accordance with law."

4. Thereafter, the petitioner retired from service on attaining the age of superannuation on 31.08.2022, and he submitted a representation dated 29.07.2022, vide Annexure-AD, seeking settlement of his retirement benefits. By the impugned order dated 16.09.2023, vide Annexure-AG, his request has been rejected on the ground that he had not passed the departmental examination and that his service was not satisfactory.

5. The said endorsement has been issued without application of mind and is contrary to the directions issued



by this Court in the contempt petition. Since the impugned endorsement is not a speaking order, on this short ground alone, the impugned endorsement is liable to be quashed.

6. Accordingly, the following order:

- (i) The writ petition is allowed.
- (ii) The impugned endorsement dated 16.09.2023 vide Annexure-AG passed by the third respondent is quashed.
- (iii) The respondents are directed to consider the representation of the petitioner dated 29.07.2022, keeping in view the order passed by a Division Bench of this Court in C.C.C.No.389/2017, in accordance with law, as expeditiously as possible, not later than eight weeks from the date of receipt of a copy of this order.

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