

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 12322 OF 2023 (S-KSAT)

BETWEEN:

SRI. NARAYAN,
S/O KRISHNA SHETTY,
AGED ABOUT 45 YEARS
OFFICE OF DEPUTY SUPERINTENDENT
OF EXCISE, SUB DIVISION-07,
BUD-04, 2ND FLOOR, BBMP OFFICE,
N.R.COLONY, BANGALORE – 560 019

...PETITIONER

(BY SRI. S.S.NAGANAND, SR. COUNSEL A/W
SMT. KALAPNA P.V. ADVOCATE)

AND:

1. COMMISSIONER OF EXCISE
OKKALIGARA BHAVANA,
KITTUR RANI CHANNAMMA CIRCLE,
BENGALURU – 560 027.

2. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF FINANCE,
VIKAS SOUDHA,
BANGALORE – 560 001

...RESPONDENTS

(BY SRI. HARSHA.A.S, AGA)

THIS WP IS FILED UNDER ARTICLES 226 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

IMPUGNED ORDER PASSED BY THE HON'BLE TRIBUNAL IN APPLICATION NO.7315/2013 DATED 18/06/2018 AND SET ASIDE THE IMPUGNED ORDER PASSED BY THE HON'BLE TRIBUNAL IN REVIEW APPLICATION NO.51/2019 DATED 24/11/2020 AND MAY TO ALLOW THE PRAYER AS SET OUT IN THE APPLICATION FILED BEARING APPLICATION NO.7315/2013 ON THE FILE OF KARNATAKA ADMINISTRATIVE TRIBUNAL AT BENGALURU AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **10.06.2026** COMING ON THIS DAY, **S.G.PANDIT J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

An unsuccessful applicant before the Karnataka State Administrative Tribunal at Bengaluru (for short "Tribunal") is before this Court, questioning the order dated 18.06.2018 in Application No.7315/2013 whereunder, the following prayer of the petitioner is rejected:

"To direct the respondents to fix the seniority of the applicant in the cadre of

Inspector of Excise in the list at Annexure-A21 dated 31.12.2009 and add his name in the seniority list of Inspector of Excise at the appropriate place and direct the respondents to grant all consequential benefits to the Applicant with effect from his juniors are promoted to the cadre of Inspector of Excise in the interest of justice and equity. ”

2. Heard learned senior counsel Sri.S.S.Naganand for Smt.Kalpana P.V., learned counsel for the petitioner and learned Additional Government Advocate Sri.Harisha A.S. for respondents.

3. Learned senior counsel Sri.Naganand would submit that the petitioner was initially appointed as Sub-Inspector of Excise on 15.05.2004 and he had passed all prescribed Departmental Examination in the year 2006 itself. However, he submits that the respondents have failed to declare his probationary period along with others, on he passing prescribed departmental examination. It is submitted that probationary period of his juniors was declared as satisfactory in the year 2006 itself. But, the

petitioner's probation was declared as satisfactory only on 08.06.2012. Further, it is submitted that the juniors of the petitioner were promoted as Excise Inspectors in the year 2009. In that circumstances, learned senior counsel would pray for promotion of petitioner as Inspector of Excise from the date his juniors are promoted and to fix his seniority in the cadre of Inspector of Excise from the date his juniors are promoted i.e., from 2009.

4. Per contra, learned AGA supports the order passed by the Tribunal by submitting that the petitioner has failed to challenge the promotion of his juniors. It is also submitted that the petitioner has accepted his declaration of probation in the year 2012 and has not sought for declaration of probation earlier to the said date. Moreover, learned AGA points out that the impugned order is dated 18.06.2018, whereas the present writ petition is filed after more than 5 years on 13.06.2023. It is submitted that there is delay of 5 years in approaching this Court. As such, the writ petition deserves to be dismissed on the ground of delay and latches.

5. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order passed by the Tribunal for the following reasons:

6. Admittedly, the petitioner was appointed as Sub-Inspector of Excise on 15.05.2004 and his probation was declared only on 08.06.2012. The petitioner has not questioned his declaration of probation and also has not sought that his probation ought to have been declared earlier. Admittedly, the probationary period of his juniors was declared in the year 2006 itself and their cases were considered for promotion to the next higher cadre of Inspector of Excise and they were promoted in the year 2009. Admittedly, the petitioner has not questioned the promotion of his juniors to the next higher cadre.

7. Learned senior counsel also contended that the probationary period of other Sub-Inspectors of Excise who were similarly placed was declared in the year 2006 itself and the petitioner was treated differently. If that is so,

the petitioner ought to have come before the Court in time seeking the same treatment. However, the petitioner is before the Tribunal after more than 6 years of declaration of probation of such similarly situated persons.

8. Added to the above, the petitioner is not diligent in prosecuting his grievance. The impugned order passed by the Tribunal is dated 18.06.2018 and the petitioner is before this Court by filing the present writ petition only on 13.06.2023, nearly after 5 years from the date of passing the order by the Tribunal. No explanation whatsoever is stated in the writ petition for delay in approaching this Court.

9. This Court, under Article 226 of the Constitution of India would not come to the aid of a person who sleeps over his right. If the prayer of the petitioner is granted, it would affect others who are promoted earlier to the petitioner who are not parties to the present proceedings.

10. For the foregoing reasons, we do not find any merit in the writ petition and accordingly, the writ petition stands rejected.

**SD/-
(S.G.PANDIT)
JUDGE**

**SD/-
(RAJESH RAI K)
JUDGE**

MPK
CT:RK