



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND 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. 12288 OF 2023 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION,
M.S.BUILDING,
BENGALURU - 560 001.
2. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTION,
BENGALURU RURAL DISTRICT,
BENGALURU - 560 009.
3. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTION,
DAVANAGERE DISTRICT,
DAVANAGERE - 577 002.
4. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTION
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR - 562101.

...PETITIONERS

(BY SRI. HARISH A.S, AGA)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



AND:

1. SMT K.P.M. SAVITHRI DEVI
W/O H.P. MOHAN KUMAR,
AGED ABOUT 68 YEARS,
RESIDING AT NO .8, 1ST FLOOR,
5TH MAIN, ITI LAYOUT,
NAYANDANA HALLI
BENGALURU - 560 039
2. SMT. K.P.M. GAYATHRI DEVI,
W/O LATE H.M. MAHARUDRAIAH,
AGED ABOUT 68 YEARS,
RESIDING AT NO. 465/1,
K.T.J. NAGAR,
III MAIN, 16TH CROSS,
DAVANAGERE - 577003.
- 2(a) PRANAV HIREMATH H.M
S/O LATE H.M. MAHARUDRAIAH
AGED ABOUT 29 YEARS
- 2(b) DARSHAN HIREMATH H.M
S/O LATE H.M. MAHARUDRAIAH
AGED ABOUT 28 YEARS
3. SMT. C. JAYAMMA,
W/O T. RANGANNA,
AGED ABOUT 68 YEARS,
RESIDING AT K.R.EXTENSION,
P.L.D. BANK ROAD,
V MAIN, MADHUGIRI,
TUMAKURU - 572 175.

...RESPONDENTS

(BY SMT. APOORVA BASAVARADDAR, ADVOCATE FOR
SRI. PRITHVEESH M.K, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 12.10.2020 PASSED BY THE



KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN
APPLICATION Nos. 6942 TO 6944/2016 AT 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 S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

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

The petitioners-State Authorities in Education Department
are before this Court questioning the order dated 12.10.2020 in
Application Nos.6942-6944/2016 passed by Karnataka State
Administrative Tribunal (for short 'the Tribunal'), whereunder
the Tribunal has passed the following order:

"ORDER

*The applications are partly allowed. The
respondents are directed to reckon the services of
the applicants from the date of initial appointment
till the date of regularization for the purpose of
fixation of pay, pensionary benefits and release all
the consequential benefits including pension, along
with interest as per the latest Government Order."*

2. Heard learned Additional Government Advocate
Sri Harisha A.S. for the petitioners and learned counsel



Smt.Apoorva Basavaraddar for learned counsel Sri M.K.Prithveesh for respondents. Perused the entire writ petition papers.

3. Learned Additional Government Advocate for the petitioners would submit that the Tribunal could not have directed the petitioners to count the previous service prior to the respondents' regularization for the purpose of pay fixation and pensionary benefits. He would further submit that the respondents were regularized under Karnataka Part-time Job Oriented Course Employees Absorption Act, 2011 (for short 'Act, 2011') and referring to Section 5 of the said Act, he would submit that the previous service prior to regularization could not be counted for the purpose of pay, seniority, leave or pension. Thus, he would submit that the Tribunal has committed an error in directing the petitioners herein to count past service of the respondents prior to regularization for all financial benefits.

4. Further, learned Additional Government Advocate would point out that the Tribunal in paragraph No.10 placing reliance on ***B.S. Nakara vs. Union of India*** reported in



(1983) 1 SCC 305 discusses about the counting of prior service for the purpose of pension and pensionary benefits and there is no discussion with regard to counting of past service for the purpose of fixation of pay. When the Tribunal has not considered the aspect of counting past service for fixation of pay, the Tribunal could not have while ordering direct the petitioners to count the service prior to regularization for the purpose of fixation of pay. Thus, he prayed for allowing the writ petition.

5. Learned counsel Smt.Apoorva Basavaraddar for respondents would submit that the service rendered by the respondents prior to their regularization shall have to be counted for all financial benefits, since the service rendered by them is regular service. Further it is submitted that there was no interruption and they have continuously discharged the duties till their regularization under the Act, 2011. Therefore, learned counsel for the respondents would support the order passed by the Tribunal and prayed to dismiss the writ petition.

6. However, after hearing the learned counsel for the parties and on perusal of the entire writ petition papers, we are



of the considered opinion that the Tribunal has committed a grave error in directing the petitioners to count the past service prior to the regularization of the respondents for the purpose of fixation of their pay. However, we make it clear that the respondents would be entitled for counting their past service prior to regularization for the purpose of fixation of pension and pensionary benefits.

7. The Tribunal at paragraph No.10 has recorded its finding as follows:

"10. On reading all the judgement, it is crystal clear that the Hon'ble High Court of Karnataka and the Hon'ble Supreme Court granted all the pensionary benefits from the initial dates of appointment to all the employees. The same principle including the fundamental right is discussed in B.S. Nakara's case. The applicants are entitled for pension and other benefits from the date of initial appointment. The alleged Section of the Act 2011 is not applicable to the case on hand. As rightly held by the Hon'ble Supreme Court, pension is neither a bounty nor a matter of grade depending upon the sweet will of the employee, nor an ex gratia payment. It is a payment for the past services rendered. It is a social welfare measure rendering socio-economic justice to those who in the heyday of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in the lurch. Therefore, the annexures issued by the respondents marked as Annexure-A7 to A9 are contrary to law much less violative of Art. 14 of the Constitution of India ignoring the valuable service rendered by the applicants. Hence, we decline to accept the objections raised by the Government. The applicants partly succeeded in these applications as denial of the service benefits is discrimination. In other words, the



applicants are entitled for similar benefits as granted by the Hon'ble High Court of Karnataka on the ground of parity also."

8. On reading of the above reasoning of the Tribunal, it is seen that the Tribunal has discussed only with regard to entitlement of past service for the purpose of pension and pensionary benefits. There is no discussion by the Tribunal with regard to counting of past service for the purpose of fixation of pay. However, the Tribunal has placed reliance on the decision of **N.C. Dhingra vs. Union of India and Others** reported in **(1996) 7 SCC 564** to say that the previous service could be counted for the purpose of fixation of pension and pensionary benefits. We are in agreement with the said finding which is based on the decision of the Hon'ble Apex Court.

9. In an identical fact situation, this Court in W.P.No.1238/2021 dated 08.06.2026 has permitted the counting of past service prior to regularization for the purpose of fixation of pension and pensionary benefits excluding the counting of service for the purpose of fixation of pay.

10. In the light of the above, the writ petition is **allowed-in-part**. The impugned order dated 12.10.2020 in



Application Nos.6942-6944/2016 passed by the Tribunal insofar as direction to count the past service prior to regularization for the purpose of fixation of pay is ***quashed***. It is made clear that the past service prior to regularization of respondents could be counted for the purpose of pension and pensionary benefits.

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

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

HKV
List No.: 1 Sl No.: 14