



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 17910 OF 2021 (S-RES)

BETWEEN:

1. SRI RAJU N
AGED ABOUT 42 YEARS,
S/O SRI NAGARAJU
WORKING AS METER READER
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
SOUTH EAST - 5 SUB DIVISION
BANGALORE WATER SUPPLY AND SEWAGE BOARD
JAYANAGAR, 4TH T BLOCK,
BANGALORE - 560 041
2. SRI HANAMANTAPPA
AGED 45 YEARS,
S/O SRI BASAPPA NAYAKAR
WORKING AS METER READER
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
SOUTH EAST - 5 SUB DIVISION
BANGALORE WATER SUPPLY AND SEWAGE BOARD,
JAYANAGAR 4TH T BLOCK,
BANGALORE - 560 041

...PETITIONERS

(BY SRI. MUDDU BABU S AND S M BABU., ADVOCATE)

AND:

THE CHIEF ADMINISTRATIVE OFFICER AND
SECRETARY
BANGALORE WATER SUPPLY AND SEWERAGE BOARD
1ST FLOOR, CAUVERY BHAVAN,

Digitally
signed by
KIRAN KUMAR
R
Location:
HIGH COURT
OF
KARNATAKA





K G ROAD,
BANGALORE - 560 009

...RESPONDENT

(BY SRI. B L SANJEEV, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENTS VIDE ANNEX-A IN NO:B.W.S.S.B/CHAPM/28-2020/EST32/1011/2021-22, DATED 15.07.2021 AND VIDE ANNEX-B IN NO:B.W.S.S.B/CHAPM/28-2020/EST32/1014/2021-22 DTD 15.07.2021. DIRECT THE RESPONDENT TO RE-FIX THE PAY OF THE PETITIONERS, TAKING IN TO CONSIDERATIONS THE LATEST LAST PAY CERTIFICATES ISSUED TO THEM VIDE ANNEX-C DTD 23.10.2019 AND VIDE ANNEX-D DTD 17.01.2020, AND THE JUDGEMENT PASSED BY THE HON'BLE HIGH COURT OF KARNATAKA VIDE ANNEX-F, IN W.P.NO.10222/2019 (S-KAT) DTD 18.06.2021 AND GRANT ALL FINANCIAL BENEFITS DUE TO HIM IN ACCORDANCE WITH THE RULES.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioners filed this writ petition seeking the following reliefs:

- "a. *By issue of a Writ of Certiorari or any other order or direction as the case may be, quash the Endorsements a at Annexures-A, in No: B.W.S.S.B/CHAPM/28-2020/EST32/1011/2021-22, Dated: 15-07-2021 and Annexure-B, in No: B.W.S.S.B/CHAPM/28-2020/EST32/1014/2021-22, Dated: 15-07-2021;*



- b. by issue of a writ of Mandamus, direct the respondent to re-fix the pay of the Petitioners, taking in to considerations the latest Last pay certificates issued to them as per Annexures-C, in No: 14637496/SR/T-07/NE-1, Dated 23-10-2019 and Annexure-D, in No: 500137/Pen/LPC/Gen, Dated: 17-01-2020, and the Judgment passed by the Hon'ble High Court of Karnataka as at Annexure-F, in W.P. No: 10222/2019(S-KAT), Dated 18-06-2021 and grant all financial benefits due to him in accordance with the rules;*
- c. Grant such other relief or reliefs as this Hon'ble Court deem fit in the circumstances, including the cost of the writ petition, in the interest of justice."*

2. Brief facts leading rise to the filing of this petition are as follows:

2.1. The petitioners, after the tenure of service in the Defence, on applications for recruitment by the respondent, were selected and appointed in the ex-service men's reserved quota. After issuing the revised pay Rules by the Central Government, the petitioners' pay and pension were revised and have issued revised Last Pay Certificates (**'LPC'** for short) to the petitioners. The



petitioners were given arrears of pension and pay after issuance of revised LPCs by the Military Authorities. The petitioners, after receipt of the said revised LPC, made a representation to the respondent to re-fix the pay, after taking into consideration the fresh LPC issued to them under Rule 41-C of the Karnataka Civil Services Rules ('**KCSR**' for short), which clearly states that as to how the salary has to be fixed and the clause (iv) which clearly states that they are entitled to be considered under the said rule for fixation of their pay and are entitled for arrears. It is contended that, this Court in **Sri. Yellappa Baramappa Hosmani and Others Vs. State of Karnataka and Another**¹, considering Rule 41-C held that, the re-employed retired military personnel's has to be fixed by taking into account the last pay drawn by them in the military service. In the present case, the petitioners are ex-servicemen and they are entitled for revised LPC. The respondent issued endorsements dated 15.07.2021 vide Annexures-A and B. The said endorsements issued by

¹ WP No.10222/2019, disposed of on 18.06.2021



the respondent is in violation of Rule 41-C of the KCSR.

Hence, this petition.

3. The respondent filed a statement of objections. The respondent has not denied regarding the appointment of the petitioners under the general candidate/ex-servicemen. It is contended that, the petitioners were not entitled for revised pay. Hence, prays to dismiss the writ petition.

4. Heard the arguments of learned counsel for the petitioners and learned counsel for the respondent.

5. Learned counsel for the petitioners submits that, the petitioners were ex-servicemen and they were selected and appointed by the respondent. Subsequently, the Central Government, during the year 2019/2020, issued revised pay rules, the petitioners' pay and pension were revised and have issued revised LPCs to the petitioners and they were given arrears. After the revised pay scale, the petitioners have submitted representations to the respondent to consider re-fixation of the petitioners'



pay scale as per Rule 41-C of the KCSR. The respondent issued endorsements declining to consider the requests. He submits that, in an identical matter, this Court has already directed the respondent to consider the case and re-fix the pay scale. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for the respondent submits that, if reasonable time is granted, the respondent will re-consider the case of the petitioners for revised pay scale taking into consideration Rule 41-C of KCSR and also the order passed by the Co-ordinate Bench in the case of ***Sri. Yellappa Baramappa Hosmani*** (supra), which was confirmed by the Hon'ble Apex Court in ***Civil Appeal No.5816/2023***, disposed of on 14.05.2026. Hence, on these grounds, he prays to dispose of the writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.

8. It is an undisputed fact that the petitioners were selected and appointed under ex-serviceman quota.



During 2019/2020, the Central Government has issued revised LPC and also issued revised LPCsto the petitioners and they were given arrears of pay and pension after issuance of revised LPCs by the military authorities. Thereafter, the petitioners have submitted representations to the respondent to re-fix their salary by taking into consideration Rule 41-C of the KCSR, and also considering the last pay certificate. The respondent issued endorsements refusing to grant the revise the pay scale.

9. In order to consider the case on hand, it is necessary to examine Rule 41-C of KCSR which reads as follows:

"41-C. Notwithstanding anything contained in any other rules, where a military officer of the rank of Junior Commissioned Officer or below who is discharged from the military service before superannuation is appointed to a post in accordance with the rules regulating recruitment thereto, his pay in the time scale of the post in which he is so appointed shall be fixed as follows:-

(i) Where the pay drawn in the military service is equal to a stage in the time scale of the post to which he is appointed, it shall be fixed at that stage;



(ii) Where the pay last drawn in the military service does not correspond to a stage in the time scale of the post to which he is appointed, it shall be fixed at the stage next below the difference being treated as Personal Pay absorbable in future increase in pay;

(iii) Where pay last drawn in the military service is below the minimum of the time scale of the post to which he is appointed it shall be fixed at the minimum;

(iv) Where the pay last drawn in the military service is above the maximum of the time scale of the post to which he is appointed it shall be fixed at the maximum;

(v) For the purpose of fixation of pay as at (i) to (iv) above pay last drawn in the military service to be taken into account is basic pay only and does not include any other allowance and pension and pension equivalent of Death-cum-Retirement Gratuity received from the Defence Authorities shall be ignored:

(vi) The military service rendered prior to appointment in the State Civil Services shall not be taken into account in determining service qualifying for pension."

The said statutory provision makes it clear that the pay of re-employed retired military person has to be fixed by taking into account the last pay drawn by him in the military services and in the present case, the revised pay



certificate was issued during the year 2019/2020. As the revised LPC entitle the retired employee for the arrears of pay and pension, pursuant to the said revised pay certificate, the petitioners have got arrears of pay and pension. As the petitioners are entitled for re-fixation of pay as per Rule 41-C of the KCSR, the respondent, without considering Rule 41-C and also revised last pay certificates, has declined to re-fix the pay. Thus, the action of the respondent is in violation of Rule 41-C of the KCSR, the order passed by the Co-ordinate Bench in the case of ***Sri. Yellappa Baramappa Hosmani*** (supra), which was confirmed by the Hon'ble Apex Court in ***Civil Appeal No.5816/2023***, disposed of on 14.05.2026. As the learned counsel for the respondent has submitted that the respondent will re-consider the case of the petitioners as per Rule 41-C of the KCSR and also the order passed by the Co-ordinate Bench in the case of ***Sri. Yellappa Baramappa Hosmani*** (supra), I proceed to pass the following:



ORDER

- i. The writ petition is ***allowed***;
- ii. The impugned endorsements dated 15.07.2021 vide Annexures-A and B are hereby quashed;
- iii. The respondent is directed to re-consider the case of the petitioners by considering the LPCs issued to them vide Annexures-C and D, in terms of the order passed by the Co-ordinate Bench in the case of ***Sri. Yellappa Baramappa Hosmani*** (supra), and grant all financial benefits due to them in accordance with the Rules within a period of one month from the date of receipt of a certified copy of this order.
- iv. Pending IA(s), if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

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List No.: 1 Sl No.: 17