



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 17674 OF 2021 (S-RES)

BETWEEN:

JAYA SHETTY
AGED ABOUT 62 YEARS
S/O LATE SANKAPPA SHETTY
YASHASVI
KESHAVA CHOWTA NAGAR
KULAI, HOSABETTU POST
MANGALORE - 575019
DAKSHINA KANNADA
SENIOR CITIZEN BENEFIT NOT CLAIMED

...PETITIONER

(BY SRI. MUKKANNAPPA S B., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
MESCOM CORPORATE OFFICE MESCOM
BHAVAN
KAVOOR CROSS ROAD
BEJAI, MANGALORE - 575004
2. THE GENERAL MANAGER ADMN AND HR
MESCOM, CORPORATE OFFICE
MESCOM BHAVAN
KAVOOR CROSS ROAD
BEJAI, MANGALORE - 575004
3. THE CHIEF FINANCIAL OFFICER
MESCOM CORPORATE OFFICE

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by KIRAN
KUMAR R
Location: HIGH
COURT OF
KARNATAKA



MESCOM BHAVAN
KAVOOR CROSS ROAD
BEJAI, MANGALORE - 575004

4. THE SUPERINTENDENT ENGINEER(ELE)
MESCOM O AND M CIRCLE
SHAKTHI SOUDHA
AIRPORT ROAD
BONDHEL, MANGALORE - 575015
5. THE EXECUTIVE ENGINEER (ELE)
MESCOM KAVOOR O AND M SUB DIVISION
OPP KIOCL TOWNSHIP
AIRPORT ROAD
KAVOOR, MANGALORE - 575015

...RESPONDENTS

(BY SMT PADMAVATI S UTTAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 25.06.2020 ISSUED BY THE R2 VIDE ANNEXURE-K TO THE WRIT PETITION. DIRECT THE RESPONDENTS TO PAY THE 10 PERCENT OF INTEREST ON THE BELATED PAYMENT OF RETIREMENT BENEFITS TO THE PETITIONER I.E., FOR THE PERIOD FROM 01.07.2019 TO 12.2.2020 IN A SUM OF RS.2,10,731/- AS REQUESTED BY THE PETITIONER VIDE REPRESENTATIONS DATED 7.3.2020, 4.4.2020, 25.4.2020, 11.05.2020 AND 3.8.2020 ANNEXURES-E, F, G, H AND J RESPECTIVELY.

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



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

ORAL ORDER

1. The petitioner has filed this petition seeking following prayers:

- (i) Issue a writ in the nature of certiorari quashing the impugned endorsement bearing
No.GM(ADMN)/A.GM(ADMN)A(P)/S/2020
-21/1081-083 dated 25.06.2020 issued by the R2 vide Annexure-K to the writ petition under the facts and circumstances of the case.
- (ii) Issue a writ in the nature of Mandamus by directing the respondents to pay the 10 percent of interest on the belated payment of retirement benefits to the petitioner i.e., for the period from 01.07.2019 to 12.2.2020 in a sum of Rs.2,10,731/- as requested by the petitioner vide representations dated 7.3.2020, 4.4.2020, 25.4.2020, 11.05.2020 and 3.8.2020 Annexures-E, F, G, H and J respectively, under the facts and circumstances of the case; and



- (iii) Issue any other appropriate writ, order or orders or direction as this Hon'ble Court may deems fit to grant by considering the facts and circumstances of the case, in the interest of justice and equity.
2. Brief facts leading rise to the filing of this writ petition are as follows:
3. The petitioner retired from service on attaining the age of superannuation on 30.06.2019, and on the date of retirement, the respondents have paid 50% gratuity. The Pension Payment Order was passed by the respondents after a lapse of 7 months, and the balance gratuity and commutation of pension was paid to the petitioner on 12.02.2020.
4. The petitioner submitted an application for payment of interest on belated payment of death-cum-retirement gratuity and pension. Respondent No.2



issued an endorsement dated 25.06.2020 rejecting the representation. Hence this petition.

5. Respondents filed a statement of objections contending that there is a negligence on the part of the petitioner in submitting the relevant documents. As per the circular dated 25.06.2020, the petitioner was supposed to submit all the relevant documents 12 months prior to his retirement. The petitioner, however, submitted the application along with the documents 4 months prior to his retirement on 15.02.2019. Thus, there is a gross negligence on the part of the petitioner in submitting the relevant papers. The Assistant Executive Engineer forwarded all the necessary documents to the corporate office on 19.02.2019. Thus, there is no Delay has been caused by the respondent. Hence, prays for dismissal of the writ petition.



6. Heard the arguments of the learned counsel for the petitioner and learned counsel for the respondents.
7. Learned counsel for the petitioner submits that the respondents have made a delayed payment. There is a 7 months delay in making the payment. Hence, the petitioner is entitled for interest on the delayed payment. Hence, he prays to allow the petition.
8. Per contra, learned counsel for the respondent submits that there is a negligence on the part of the petitioner in submitting the relevant papers. As per the Circular, vide Annexure-R4, the petitioner was required to submit all the documents 12 months prior to his retirement. However, the petitioner has submitted his retirement papers 4½ months prior to his retirement. She submits that the respondents have had to verify the documents and thereafter paid the entire dues. There is no delay on the part of the



respondents in disbursing the amount. Hence, the respondents are not liable to pay any interest as claimed by the petitioner. Hence, prays to dismiss the writ petition.

9. Perused the records and considered the submissions of the learned counsel for the parties.
10. It is an undisputed fact that the petitioner has retired from service on attaining the age of superannuation. As per the circular vide Annexure-R4, an employee who is about to retire from service has to submit an application along with relevant papers 12 months prior to his retirement. Admittedly, in the instant case, the petitioner has not submitted the application and relevant documents within 12 months of his retirement as per Annexure R4. The petitioner has submitted the applications and relevant documents only 4 months prior to his retirement. The respondents took time to verify those documents.



Thus, there is a negligence on the part of the petitioner himself in submitting the application and relevant documents. Hence, the respondents are not liable to pay any interest on the alleged delayed payment. Thus, the respondents have rightly issued the impugned endorsement dated 25.06.2020 vide Annexure-K.

11. In this view of the matter, I do not find any error in the impugned endorsement. Accordingly, the writ petition is ***dismissed***.

Sd/-
(ASHOK S.KINAGI)
JUDGE