

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 20427 OF 2023 (S-KSAT)

C/W

WRIT PETITION NO. 17532 OF 2023 (S-KSAT)

IN WP No. 20427/2023:

BETWEEN:

SMT. Y. ANNAPURNA,
W/O P SOMNATH,
AGED ABOUT 69 YEARS,
RETIRED RULE 32 ASSISTANT CONTROLLER,
R/AT NO 49, "ANNAPURNA",
FIRST MAIN ROAD, KPSC LAYOUT,
GNANABHARATHI II STAGE,
BENGALURU 560 056.

...PETITIONER

(BY SRI. RANGANATHA S JOIS.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY,
FINANCE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560 001.
2. THE CONTROLLER OF STATE ACCOUNTS
AND AUDIT DEPARTMENT,
TTMC BUILDING, SHANTHINAGAR,
BENGALURU 560 027.
3. THE ACCOUNTANT GENERAL IN KARNATAKA
PARK HOUSE ROAD, BENGALURU 560 001.

...RESPONDENTS

(BY SRI.HARISH A S.,AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I. CALL FOR THE RECORDS RELATING TO THE IMPUGNED ORDER DATED 30.05.2023 MADE IN A. No. 2017/2023 PASSED BY THE HON'BLE TRIBUNAL VIDE ANNEXURE-A, PERUSE AND QUASH THE SAID ORDER OF THE TRIBUNAL AND ALLOW THE APPLICATION BEFORE THE TRIBUNAL AND GRANT THE RELIEFS SOUGHT FOR THEREIN WITH ALL CONSEQUENTIAL MONETARY BENEFITS AND ETC.,

IN WP NO. 17532/2023:

BETWEEN:

1. SRI. M. ASWATHNARAYAN,
S/O MUNIYAPPA,
AGED ABOUT 68 YEARS
R/A NO.2/1, 10TH MAIN ROAD
MALLESWARAM,
BENGALURU-560 003.
2. SRI. M SRINIVASA,
S/O K MARIYAPPA,
AGED ABOUT 69 YEARS
RETIRED ASSISTANT CONTROLLER
R/A NO.230, II CROSS, III MAIN ROAD,
HANUMANTHANAGAR,
BENGALURU-560 019.

...PETITIONERS

(BY SRI. RANGANATHA S JOIS.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY,
FINANCE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE CONTROLLER OF STATE ACCOUNTS
AND AUDIT DEPARTMENT,
TTMC BUILDING,
SHANTHINAGAR,
BENGALURU-560 027.

3. THE ACCOUNTANT GENERAL IN KARNATAKA
PARK HOUSE ROAD,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI.HARISH A S.,AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I. CALL FOR THE RECORDS RELATING TO THE IMPUGNED ORDER DATED 30.05.2023 MADE IN A. No. 2018-2023/2023 PASSED BY THE HON'BLE TRIBUNAL VIDE ANNEXURE-A, PERUSE AND QUASH THE SAID ORDER OF THE TRIBUNAL AND ALLOW THE APPLICATION BEFORE THE TRIBUNAL AND GRANT THE RELIEFS SOUGHT FOR THEREIN WITH ALL CONSEQUENTIAL MONETARY BENEFITS, IN SO FAR AS THE PETITIONERS ARE CONCERNED, AND ETC.,

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.08.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE K MANMADHA RAO)

The petitioners, who are retired Assistant Controllers of the State Accounts Department, have called in question the orders dated 30.05.2023 passed by the Karnataka State Administrative Tribunal (hereinafter referred to as 'the Tribunal') in A.No.2017/2023 and in A.No's. 2018 to

2023 of 2023 dismissing their applications as not maintainable and barred by limitation.

2. The brief facts necessary for disposal of these petitions are as under:

The petitioners were placed under independent charge of the post of Assistant Controller under Rule 32 of the Karnataka Civil Services Rules in the year 2012. They retired from service on various dates between November 2012 and May 2015. In the year 2015, they, along with others, approached the Tribunal in Application Nos. 5847-5868/2015 and connected matters seeking retrospective regularisation of their promotion from the date of placement under Rule 32. The Tribunal, by order dated 11.03.2019, disposed of the applications in part and directed the respondents to consider the cases of the applicants in the light of the decision in ***K.T. Venkatesh v. State of Karnataka & others {1991 KSLJ 1}*** and the law laid down in Application No. 7043/2015, and to extend monetary benefits if found eligible.

3. Pursuant to the said direction, the Government examined the matter and issued endorsements dated 03.04.2020 and 06.10.2020 rejecting the claims of the petitioners on the ground that they were kept under Rule 32 against direct recruitment vacancies and were not entitled to regularisation from the date of placement under Rule 32. Contempt proceedings initiated by the petitioners were dropped by the Tribunal after considering the counter affidavits and the endorsements. Thereafter, the petitioners filed the present applications in the year 2023 challenging the said endorsements. The Tribunal, after hearing the learned counsel for the parties on the question of maintainability and limitation, dismissed the applications by the impugned orders.

4. Learned counsel for the petitioners submitted that the applications were within limitation from the date of the endorsements; that the earlier proceedings had not decided the factual question of existence of vacancies in the promotional quota; that the Tribunal disposed of the matters in a hurried manner without affording full

opportunity; and that the principles of res judicata are not attracted. He prayed for setting aside the impugned orders and for a direction to the Tribunal to decide the applications on merits.

5. Learned Government Pleader appearing for the respondents supported the orders of the Tribunal and submitted that the applications were hopelessly barred by limitation and laches; that the petitioners had accepted the 2012 promotion orders without any protest; that the earlier proceedings had attained finality after the Government considered the matter and contempt was dropped; and that no interference is warranted under Articles 226 and 227 of the Constitution.

6. We have carefully considered the submissions and perused the material on record.

7. The scope of interference by this Court under Articles 226 and 227 of the Constitution against an order of the Tribunal is well settled. This Court does not sit in appeal over the decision of the Tribunal. Interference is

warranted only when the order suffers from jurisdictional error, patent illegality, perversity, or violation of principles of natural justice resulting in failure of justice.

8. In the present case, the Tribunal has recorded a clear finding that the petitioners had accepted the promotion orders of the year 2012 without any protest or reservation of right to challenge the same. They continued to work under the said orders till their retirement and did not challenge the promotion orders at any point of time. The first round of litigation ended with a direction to consider. The Government considered the matter and rejected the claim. Contempt proceedings were dropped. In these circumstances, the Tribunal was justified in holding that the proceedings had attained finality and that the subsequent applications were barred by the principles of res judicata as well as limitation and laches.

9. Mere filing of successive representations does not furnish a fresh cause of action so as to overcome the bar of limitation. The law in this regard is well settled. The

Tribunal has also noticed that the judgments relied upon by the petitioners were of no assistance in the facts of the present case.

10. As regards the contention that the Tribunal did not afford adequate opportunity, it is seen from the impugned orders that the learned counsel for the applicants and the learned Government Pleader were heard on the question of maintainability and limitation. The Tribunal has assigned detailed reasons for dismissing the applications. Even assuming that the hearing was brief, the petitioners have not demonstrated any prejudice, particularly when the legal bars of limitation, laches and finality of earlier proceedings are apparent on the face of the record.

11. In view of the above, we find no jurisdictional error, perversity or patent illegality in the orders of the Tribunal warranting interference under Articles 226 and 227 of the Constitution. The writ petitions are devoid of merit.

12. Accordingly, both the writ petitions are
dismissed.

No order as to costs.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE