



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 19627 OF 2024 (S-RES)

BETWEEN:

S LOKESH
S/O S SUBBEGOWDA
AGED ABOUT 60 YEARS
RESIDING AT NO 134, 29TH MAIN
7TH CROSS, BTM 2ND STAGE,
BENGALURU 560076

...PETITIONER

(BY SRI. SRINIVASA K., ADVOCATE)

AND:

1. THE GENERAL MANAGER (A AND HR)
BESCOM, CORPORATE OFFICE
K R CIRCLE,
BENGALURU 560001
2. THE SUPERINTENDING ENGINEER (ELECL)
BESCOM, BENGALURU SOUTH CIRCLE,
OPP TO R.B.I NRUPATHUNGA ROAD,
BENGALURU 560001
3. THE EXECUTIVE ENGINEER (ELECL)
BESCOM, KORAMANGALA DIVISION,
NO 6, 7TH MAIN, 3RD BLOCK,
KORAMANGALA,
BANGALORE 560034

Digitally
signed by
SUNITHA K S
Location:
HIGH COURT
OF
KARNATAKA





4. THE ACCOUNTS OFFICER
BESCOM, KORAMANGALA DIVISION,
NO 6, 7TH MAIN, 3RD BLOCK,
KORAMANGALA,
BANGALORE 560034

...RESPONDENTS

(BY SRI. D. SHRIDHAR HEGDE, ADVOCATE FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED REVISION OF BASIC PAY OF THE PETITIONER FROM RS. 1,49,950/- TO RS.1,46,250/- AS PER RECOVERY STATEMENT ISSUED BY THE R-4 VIDE ANNEX-B AND ALSO THE ORDER BEARING NO. KA.NI.IM.KO-V/LE/SALE/CSA-1/1655 DTD. 15.06.2024 ISSUED BY THE R-3 VIDE ANNEX-C RESPECTIVELY. DIRECT THE RESPONDENTS TO RESTORE THE BASIC PAY OF THE PETITIONER TO RS.1,49,950/- AS PER ANNEX-B AND CONSEQUENTLY TO RECALCULATE AND PAY THE ENTIRE TERMINAL BENEFITS OF THE PETITIONER INCLUDING REPAYMENT OF THE AMOUNT OF RS. 5,46,647/- SO RECOVERED FROM THE LEAVE ENCASHMENT ALONG WITH INTEREST AT 8 PERCENT PER ANNUM.

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 petitioner filed this writ petition seeking the following prayer:

i) Issue a writ of certiorari quashing the impugned revision of basic pay of the petitioner from Rs.1,49,950/-to Rs.1,46,250/- as per recovery statement issued by the 4th



respondent vide Annexure-B and also the order bearing No. ಕಾ. ನಿ. ಇಂ. ಜೋ.- ವಿ ಲೆ ಸ ಲೇ/ ಸಿಸೆ-1/1655 dated 15.06.2024 issued by the 3rd respondent vide Annexure-C respectively;

ii) Issue a writ of mandamus directing the respondents to restore the basic pay of the petitioner to Rs.1,49,950/- as per Annexure-B and consequently to recalculate and pay the entire terminal benefits of the petitioner including repayment of the amount of Rs.5,46,647/- so recovered from the leave encashment along with interest @ 8% per annum;

iii) Issue such other writ or order of direction as this Hon'ble Court may deem fit to pass under the facts and circumstances of the case to meet the ends of justice and equity.

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

The petitioner was appointed as a Junior Assistant in the respondent corporation on 18.06.1984 and discharged his duties continuously without any break for about 40 years. After his retirement, on 31.05.2024, the audit wing had refixed his basic pay, by reducing the basic pay from ₹1,49,950/- to ₹1,46,350/- and accordingly had also arrived at the conclusion that an amount of ₹ 5,46,647/-



has been paid as excess salary and therefore had passed an order dated 15.06.2024 for recovery of the aforesaid amount out of the leave encashment amount of the petitioner vide Annexure-C. The petitioner, aggrieved by the impugned order filed this writ petition.

3. The respondent No.3 filed a statement of objections denying the averments made in the writ petition and contended that the petitioner was suspended from service on two occasions. Firstly, on February 29, 1992 and second time in March 27, 2010. It is contended that an excess amount was paid to the petitioner. The respondents have initiated a recovery proceedings against the petitioner. The respondent has issued an endorsement which is in accordance with law. Hence, prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner and learned counsel for the respondents.



5. Learned counsel for the petitioner submits that the respondent before passing an impugned order, has not afford the petitioner an opportunity to putforth his case. The impugned order issued by the respondent No.4 is in violation of principles of natural justice and is cryptic and issued without application of mind. He also submitted that while passing an impugned order the respondents have not referred to any of their orders passed earlier. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for respondents supports the impugned order and prays to dismiss 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 petitioner was employed by the respondent corporation. Though the petitioner was suspended on two occasions, once in 1992 and again in 2010, the orders of punishment came to be



passed on two occasions. The petitioner retired from service on 31.05.2024 upon attaining the age of superannuation. The respondents before retirement of the petitioner has deducted an amount of ₹5,46,647/- on the ground that they have paid excess payments to the petitioners.

9. A perusal of the impugned order reveals that there is no reference about the excess payment made to the petitioner. Further, the impugned order, does not disclose the details on which the excess salary was paid to the petitioner. The respondents before passing the impugned order, has not provided an opportunity to the petitioner to put forth his case. Thus, the impugned order passed by the respondent No. 4 is in violation of principles of natural justice. Hence, on this ground alone, the impugned order vide Annexure-C is liable to be quashed.

10. In view of the above discussion, I proceed to pass the following order:



ORDER

- i. The writ petition is ***partly allowed***.
- ii. Annexure- C dated 15.06.2024 issued by respondent No.3 is hereby quashed.
- iii. Liberty is reserved to respondent No.3 to take appropriate action in accordance with law after providing an opportunity of personal hearing to the petitioner within a period of two months from the date of receipt of a copy of this order.
- iv. All the contentions of the parties are kept open.
- v. Pending IA(s), if any, stands disposed of accordingly.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**