



CNR: KAHC010441222025

NC: 2026:KHC:44343
WP No. 21134 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 21134 OF 2025 (S-RES)

BETWEEN:

DR SUNANDA H S
W/O. MOHAN I.M,
AGED ABOUT 64 YEARS,
R/AT IRAVALLY NILAYA, ASHOKA ROAD,
NEAR RAMANAKATTE, VIDYANAGAR,
HASSAN-573202.

...PETITIONER

(BY SRI. V R GUDDEGOWDA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
OF HIGHER EDUCATION, ROOM NO. 645 A,
6TH FLOOR, MS BUILDING,
BENGALURU -560001
2. THE COMMISSIONER,
DEPARTMENT OF COLLEGIATE EDUCATION,
PALACE ROAD, BENGALURU-560001
3. THE DIRECTOR DEPARTMENT OF COLLEGIATE
EDUCATION, PALACE ROAD,
BENGALURU-560001

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DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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4. THE REGIONAL JOINT DIRECTOR,
REGIONAL JOINT DIRECTOR OFFICE,
DEPARTMENT OF COLLEGIATE EDUCATION,
MYSURU DIVISION,
MYSURU-570010.
5. THE PRINCIPAL
A.V.K WOMEN'S COLLEGE,
HARSHA MAHAL ROAD,
HASSAN-573201.

...RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1 TO R4: R5 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE IMPUGNED ORDER BEARING NO. KA. SANKYE NO.RJDM/BUD/GRDR/1/2024/GS 1 (C.NO.1422069) /2217 DATED 17.03.2025 VIDE AT ANNEXURE-K ISSUED BY THE RESPONDENT NO.4. DIRECTING THE RESPONDENT NOS.1 TO 4 TO RELEASE THE INTEREST OF RS.4,77,720/- TOWARDS EARNED LEAVE ENCASHMENT AMOUNT FOR WHICH THE PETITIONER IS ENTITLED ALONG WITH THE INTEREST OF 8 PERCENT UNTIL THE AMOUNT RELEASED.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

Petitioner filed this writ petition seeking following reliefs:

"(i) To issue a writ of certiorari and quash the impugned order bearing No.Ka.Sankye:No.RJDM/



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BUD/GRDR/1/2024/GS1 (C.No.1422069/221) dated 17.03.2025 vide Annexure-K issued by the respondent No.4.

(ii) To issue a writ of mandamus directing the respondent Nos. 1 to 4 to release the interest of Rs.4,77,720/- towards Earned Leave Encashment amount for which the petitioner is entitled along with the interest of 8% until the amount release, in the interest of justice and equity.

(iii) To pass any appropriate orders as this Hon'ble Court may deem fit in the facts & circumstances of the case including cost of this petition in interest of justice and equity."

2. The petitioner has served in the A.V.K. Women's College, Hassan for about 34 years in the Department of Commerce. As on 31.05.2021, he retired as an Assistant Professor, on attaining the age of superannuation. The petitioner was entitled for retirement/monetary benefits such as leave encashment of Rs.21,71,458/- being approved by the Regional Joint Director's office, Department of Collegiate Education, Mysuru as per the order dated 27.10.2021 (Annexure-B). The petitioner



submitted a request letter dated 30.09.2023 to the Commissioner, to pay the retirement/monetary benefits, along with the interest (Annexure-C). The leave encashment has been paid to the petitioner in March 2024, i.e., even after a lapse of 2 years 9 months, that too, without interest. The petitioner issued a legal notice on 15.03.2024 (Annexure-F) to pay interest at the rate of 8% p.a., for an amount of Rs.21,71,458/-, which is about Rs.4,47,720/-. The respondents did not reply to the legal notice. The petitioner again sent a Letter of Understanding to the Commissioner on 30.05.2024 (Annexure-G). The Commissioner sent a letter dated 20.02.2025 to the Joint Director, Regional Office, Department of Collegiate Education, Mysuru to consider the petitioner's request letter dated 05.12.2024. On 17.03.2025, JointDirector, Regional Office, sent a letter to the petitioner narrating that there is no delay in disbursing the retirement benefit amounts. The petitioner, being aggrieved by the order dated 17.03.2025, filed this writ petition.



3. Heard the learned counsel for the petitioner and learned Additional Government Advocate.

4. Learned counsel for the petitioner submits that the respondents have failed to pay the leave encashment for more than 2 years 9 months. Thus, there is a delay of 2 years 9 months. The petitioner requested the respondents to pay interest on the delayed payment. The respondents have refused to pay the interest on the delayed payment. Hence, on this ground, he prays to allow the writ petition.

5. Per contra, learned counsel for the respondents supported the impugned order and submits that the petitioner is not entitled for interest on the delayed payment. She also submits that there is no delay in disbursing the earned leave encashment. Hence, on this ground, she prays to dismiss the writ petition.

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



7. It is an undisputed fact that the petitioner retired from service on 31.05.2021, on attaining the age of superannuation. The petitioner was entitled for retirement/monetary benefits of leave encashment of Rs.21,71,458/- sanctioned on 27.10.2021, which was approved by the competent authority. The respondents did not pay the retirement/monetary benefits till March 2024. Thus, there is a delay of more than 2 years 9 months. The petitioner submitted a representation for payment of interest on the delayed payment. The respondents have issued an endorsement refusing to pay the interest on the ground that there was no delay in disbursing the retirement/monetary benefits to the petitioner.

8. The Hon'ble Apex Court in the case of **DR.UMA AGARWAL vs. STATE OF U.P. AND ANOTHER** reported in **(1999) 3 SCC 438** has observed that the delay in settlement of retirement benefit is frustrating and must be avoided at all costs. Relevant paragraph reads as follows:



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"5. We have referred in sufficient detail to the Rules and instructions which prescribe the time-schedule for the various steps to be taken in regard to the payment of pension and other retiral benefits. This we have done to remind the various 100 governmental departments of their duties in initiating various steps at least two years in advance of the date of retirement. If the Rules/instructions are followed strictly, much of the litigation can be avoided and retired government servants will not feel harassed because after all, grant of pension: is not a bounty but a right of the government servant. The Government is obliged to follow the Rules mentioned in the earlier part of this order in letter and in spirit. Delay in settlement of retiral benefits is frustrating and must be avoided at all costs. Such delays are occurring even in regard to family pensions for which too there is a prescribed procedure. This is indeed unfortunate. In cases where a retired government servant claims interest for delayed payment, the Court can certainly keep in mind the time schedule prescribed in the Rules/instructions apart from other relevant factors applicable to each case."

9. Further, the Hon'ble Supreme Court in the case of

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reported in **(2001) 9 SCC 687** held in para 3, which reads as follows:

"3. In case of an employee retiring after having rendered service, it is expected that all the payment of the retrial benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement."

10. The Hon'ble Apex Court in the case of **S.K.DUA vs. STATE OF HARIYANA AND ANOTHER** reported in **(2008) 3 SCC 44** has held at paragraph No.14 as under.

"14. In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well founded that he would be entitled to interest on such benefits. If there are statutory rules occupying the field, the appellant could claim payment of interest relying on such rules. If there are administrative instructions, guidelines or norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in the absence of statutory rules,



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administrative instructions or guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of "bounty" is, in our opinion, well founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents."

11. Considering the mandate laid down by the Apex Court in the cases referred above, this Court is of the considered view that, the respondents have failed to perform their legal duties. Hence, the petitioner is entitled to interest for the delayed period.

12. In view of the above, this petition requires to be allowed. Hence, I proceed to pass the following:

ORDER

- (i) Writ petition is allowed.



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- (ii) The impugned order Annexure-K is hereby quashed.
- (iii) The respondents are directed to pay interest at the rate of 8% p.a. on the earned leave encashment for a period of 2 years 9 months, within eight weeks from the date of receipt of a copy of this order.

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

CM
List No.: 1 Sl No.: 30