



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 23925 OF 2024 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
THE PRINCIPAL SECRETARY
TO GOVERNMENT,
DEPARTMENT OF EDUCATION
M S BUILDING, BENGALURU-560001.
2. THE DIRECTOR
GOVERNMENT CENTRAL TRAINING PRESS
R V COLLEGE POST
MYSURU ROAD, BENGALURU-560059.

...PETITIONERS

(BY SRI. SHIVAREDDY, AGA)

AND:

SRI B S SHIVA KUMAR
S/O LATE SHIVALINGAIAH
AGED ABOUT 50 YEARS
PRESENTLY WORKING AS
SUPERINTENDENT
GOVERNMENT DIVISIONAL PRESS
SARASVATHIPURAM
MYSURU-570009.

...RESPONDENT

(BY SRI. V B VIJAY KUMAR, ADV.)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I. CALL FOR RECORDS FROM THE TRIBUNAL PERTAINING TO THE IMPUGNED ORDER DATED 04.03.2024 (ANNEXURE-A) AND II. TO SET ASIDE THE ORDER DATED 04.03.2024 PASSED BY THE KARNATAKA STATE



ADMINISTRATIVE TRIBUNAL, AT BENGALURU IN APPLICATION NO.4629/2023 VIDE ANNEXURE-A, AND DISMISS THE APPLICATION.

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

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The State Authorities in the Education Department are before this Court under Article 226 of the Constitution of India questioning order dated 04.03.2024 in Application No.4629/2023 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereunder the respondent's application is allowed and the following relief is granted to the respondent:

"1. The impugned order dated 8-04-2021 (31-03-2021) as at Annexure A8 and impugned order dated 1-08/09-2023 as at Annexure A12 are quashed.

2. The applicant shall be entitled to Automatic grant of promotion to senior scale of



pay under the 1991 rules with effect from 24-09-2020. Refixation of pay on this basis from 24-09-2020 and payment of arrears shall be done with interest at 8% per annum payable on the arrears amount from 1-01-2021 (three clear months from the date when the applicant is entitled to the benefit) until paid which however shall not be less than three months from the date of this order.

3. The benefit of TBA under the 1983 rules extended to the applicant with effect from 24-09-2015 vide order dated 10-12-2015 as at Annexure A5 with effect from 24-09-2015 is restored and it shall be deemed that it has not been set aside by the impugned order dated 1-08/09-2023 as at Annexure A12.

4. Any refixation of pay made on the basis of the impugned order dated 1-8/9-2023 as at Annexure A12 shall stand rescinded with immediate effect and restored to the position as if the said order had not been passed subject only to the refixation based on the grant of Automatic promotion to the senior scale of pay under the 1991 rules with effect from 24-09-2020.

5. Any recoveries made on the basis of the impugned order dated 1-8/9-2023 as at Annexure A12 shall be repaid within one month of



this order with interest at 8% per annum from the date when the recoveries were effected until paid. If not repaid within one month from the date of this order, the interest payable shall be 12% per annum until paid which however shall not be later than three months from the date of this order.

6. *The applicant is entitled to costs of this Application which we estimate to be Rs.5000/- (Rupees Five Thousand only) payable by each of the first and second respondent to the Applicant within one month from the date of this order."*

2. Heard learned Additional Government Advocate Sri.V.Shivareddy for petitioners/State and learned counsel Sri.V.B.Vijay Kumar for respondent. Perused the entire writ petition papers.

3. Learned Additional Government Advocate for State would submit that the Tribunal committed a grave error in allowing the application of the respondent whereunder he has sought for grant of TBA and 15 years automatic grant of promotion granted for completion of 10 years continuous service in the same post and 15 years



continuous service in the same post. Learned Additional Government Advocate would submit that the respondent was initially appointed as Second Division Assistant on 30.05.1994 and when he was promoted as First Division Assistant on 24.12.2002, on 20.05.2003, the respondent has forgone promotion and has continued in the post of Second Division Assistant. He further submits that the respondent accepted the promotion to the post of First Division Assistant on 06.09.2005. As such, respondent would not be entitled for 10 years and 15 years time bound advancement and grant of automatic promotion by counting his earlier service as Second Division Assistant. Learned Additional Government Advocate would submit that the person who has forgone the promotion would not be entitled for any further time bound advancement benefit.

4. Learned counsel Sri.V.B.Vijay Kumar for respondent would submit that the respondent had not claimed benefit prior to him accepting promotion as First



Division Assistant on 06.09.2005. He submits that he would be entitled for 10 years TBA and 15 years automatic grant of promotion by counting his service from 06.09.2005 before he was promoted as Superintendent on 18.12.2020. Thus, he would support the order passed by the Tribunal.

5. On hearing the learned counsel appearing for the parties and on perusal of the entire material on record including the impugned order passed by the Tribunal, we are not inclined to interfere with the impugned order passed by the Tribunal. However, we are of the opinion that the facts and circumstances would not warrant imposing cost of Rs.5,000/- as imposed by the Tribunal on the State.

6. The petitioners/States' contention that when the respondent has forgone his promotion, he would not be entitled for TBA cannot be accepted. In fact, the respondent has not prayed for counting his service prior to



him accepting the promotion as First Division Assistant on 06.09.2005. The respondent's case is to grant of TBA and automatic grant of promotion for completion of continuous service of 10 years and 15 years respectively by counting his service from 06.09.2005. His service of 10 years from 06.09.2005 and 15 years from 06.09.2005 is counted, the respondent would be entitled for TBA and the authorities have rightly granted TBA from 24.09.2015 by order dated 10.12.2019.

7. However, the respondent would be entitled for 15 years automatic grant of promotion on completion of 15 years from 06.09.2005 i.e., in September 2020. The Tribunal taking into consideration the relevant Rule, i.e., Karnataka Civil Services (Time Bound Advancement) Rules, 1983 and relevant Government orders, has rightly come to the conclusion that the respondent will be entitled for 10 years and 15 years TBA as well as automatic grant of promotion by counting service from 06.09.2005 i.e., the



date of respondent's promotion to the cadre of First Division Assistant.

8. In the facts and circumstances, it is not a case for imposing cost of Rs.5,000/- as imposed by the Tribunal. We set aside the portion of the impugned order passed by the Tribunal to the extent of imposing cost of Rs.5,000/-. In all other respects, the Tribunal's order is confirmed.

9. With the above, writ petition stands disposed of.

**Sd/-
(S.G.PANDIT)
JUDGE**

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