



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 26346 OF 2025 (S-RES)

BETWEEN:

SRI M RAMARAJU
S/O B MAYANNAGOWDA
AGED ABOUT 62 YEARS
R/AT NO.1, 1ST CROSS
DODDABIDARAKALLU MAIN ROAD
NEAR K E B BUILDING, NAGASANDRA
POST, BENGALURU-560 073

...PETITIONER

(BY SRI. SUNDARESH H C., ADVOCATE)

AND:

THE MANAGING DIRECTOR
KARNATAKA HANDLOOM DEVELOPMENT
CORPORATION LTD
(GOVT OF KARNATAKA UNDERTAKING)
HEAD OFFICE, NEKARA BHAVANA
VIDYANAGARA, HUBBALLI-580031

...RESPONDENT

(BY SRI.D NAGARAJ., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI TO SET ASIDE THE OFFICE ORDER BEARING NO. KAKEANI: VYANI: ADMINISTRATION: 2020-21/822 DATED: 28.09.2020 ISSUED BY THE RESPONDENT AS PER ANNEXURE-D AND ETC.

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



CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the order dated 28.09.2020 (Annexure-D), by which a sum of Rs.1,65,932/- has been ordered to be recovered from the salary of the petitioner.

2. The brief facts of the case are that the petitioner was appointed as a Workman, Category-III, in the respondent-Corporation in the year 1985 at Priyadarshini Textiles Process House, Peenya 2nd Stage, Bengaluru. In the year 2018, the said unit was closed by the respondent-Corporation, and all the employees working in the said unit were transferred to various units. The petitioner was transferred to Priyadarshini Sales Unit, Mangaluru. Thereafter, the said unit was also closed, and he was transferred to Priyadarshini Sales Unit, Belagavi. The Belagavi Priyadarshini Sales Unit was also closed. Subsequently, he was transferred to Tumakuru



Priyadarshini Sales Unit, where he continued until he retired on attaining the age of superannuation on 31.05.2023.

3. The respondent-Corporation, without conducting any enquiry, by the impugned order vide Annexure-D, ordered recovery of a sum of Rs.1,65,932/- from the petitioner alleging that while petitioner was working at Priyadarshini Sales Unit, Mangaluru in 2019-20, there was a shortage of finished fabric material worth Rs.1,65,932/-.

4. The learned counsel for the petitioner submits that in the case of a similarly situated person, this Court, in W.P.No.101349/2024 disposed of on 29.10.2025, passed an order holding that the impugned order was passed without conducting an enquiry.

5. He further submits that during his service, although transfer allowance was sanctioned to the petitioner, the same has not been paid till date. Hence, the petitioner submitted a representation to the respondent on



16.01.2025 vide Annexure-H. The said representation has not been considered. Therefore, the petitioner has also sought a direction to the respondent to consider the said representation.

6. This Court, in W.P. No.101349/2024 disposed of on 29.10.2025, considered the case of a similarly situated person. The relevant paragraphs are extracted below:

" 5. In that light the said recovery could not have been made at the outset in compliance with the principles of natural justice in the least or an enquiry to be conducted in the event the petitioner would dispute his claim. On the sole reason that the petitioner is robbed off his salary without even issuing a notice, the order impugned would be rendered unsustainable. The unsustainability of the order would lead to its obliteration. Even otherwise for an enquiry further, recovery from salary to be made, though it is a minor penalty, if the employee would dispute it, an enquiry must ensue, is the law laid down by the Apex Court in the case of O.K. Bhardwaj v. Union of India, (2001) 9 SCC 180.

6. In the light of the law being clear and the issue and the imposition or taking away of the



salary of the petitioner being raised by in gross violation of principles of natural justice, the natural consequence would be the success of the petition.

7. In that light the petition deserves to succeed with a direction to the quashment of the order and with a direction to the respondents to reimburse the amount that is withdrawn from the salary of the petitioner."

7. In the case in hand, the impugned order has been passed without conducting any inquiry and without following the principles of natural justice. In view of the above, the writ petition deserves to be allowed.

8. Accordingly, the following order:

- (i) The writ petition is allowed.
- (ii) The impugned order dated 28.09.2020 passed by the respondent vide Annexure-D is quashed.
- (iii) The respondent is directed to reimburse/ refund the amount of Rs.1,65,932/- to the petitioner, as expeditiously as possible, in



any event, within an outer limit of eight weeks from date of receipt of a certified copy of this order.

(iv) In the event the said amount is not reimbursed or refunded within eight weeks as stated above, the petitioner will become entitled to interest @ 6% p.a. till the date it is paid.

(v) The respondent is also directed to consider the representation submitted by the petitioner dated 16.01.2025 vide Annexure-H, in accordance with law, as expeditiously as possible, not later than three months from the date of receipt of a certified copy of this order.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

CM
LIST NO.: 1 SL NO.: 58