



CNR: KAHC010599782023

NC: 2026:KHC:37916
WP No. 25377 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 25377 OF 2023 (S-RES)

BETWEEN:

SRI N PRAKASH
S/O B. NAGAIHAH,
AGED ABOUT 39 YEARS,
WORKING AS GANGMAN,
OPERATION AND MAINTENANCE,
S-4, SUB DIVISION,
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED,
KORAMANGALA,
BANGALORE-560034.

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. KARNATAKA POWER TRANSMISSION CORPORATION
LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR,
CAUVERY BHAVAN, K.G.ROAD,
BANGALORE-560009
2. THE DIRECTOR
(ADMINISTRATION AND HUMAN RESOURCES),
KARNATAKA POWER TRANSMISSION CORPORATION
LTD.,
CAUVERY BHAVAN, K.G.ROAD,
BANGALORE-560009

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signed by
KIRAN KUMAR
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Location:
HIGH COURT
OF
KARNATAKA





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3. THE MANAGING DIRECTOR
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED, K.R. CIRCLE,
BANGALORE-560001
4. THE GENERAL MANAGER
(ADMINISTRATION AND HUMAN RESOURCES),
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED, K.R. CIRCLE,
BANGALORE-560001.

...RESPONDENTS

(BY SMT. RAKSHITHA D.J., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE RESPONDENTS QUASH THE IMPUGNED ENDORSEMENT DTD 10.08.2023 BEARING NO.KAVIPRANINI/B110/90536/2018-19 ISSUED BY THE R2 ANNEXURE-L AND CONSEQUENTLY DIRECT THE RESPONDENTS TO CONSIDER CASE OF THE PETITIONER FOR REGULARIZATION AND REGULARIZE HIS SERVICE AS PROBATIONARY MAZDOOR WITH RETROSPECTIVE DATE, WITH ALL CONSEQUENTIAL BENEFITS FROM 01.07.2010 ANNEXURE-D.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



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ORAL ORDER

1. The petitioner has filed this writ petition seeking following reliefs:
 - (i) "call for records from the respondents;
 - (ii) Issue writ of Certiorari quashing the impugned endorsement dated 10.08.2023 bearing No.KaViPraNiNi / B110 / 90536 / 2018-19 issued by the respondent No.2 Annexure-L and consequently direct the respondents to consider case of the petitioner for regularization and regularize his service as probationary mazdoor with retrospective date, with all consequential benefits from 01.07.2010 Annexure-D."
2. Brief facts leading rise to the filing of this writ petition are as follows:
3. It is the case of the petitioner that he was appointed as Gangman on 29.10.2002 and he has been rendering services from the date of his initial appointment. On 25.02.2004, the State Government



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issued an order for regularization of temporary Gangmen who were working in the Karnataka Power Transmission Corporation Limited (for short, "the KPTCL") and other distribution companies prior to 01.04.2003, who had completed six years of service.

4. It is contended that the fact that the petitioner has worked from 2002 is admitted in the communication dated 29.10.2002 issued by the Bangalore Electricity Supply Company Limited, vide Annexure-A and it is the case of the petitioner that he has applied for converting his appointment to that of a Probationary Mazdoor as per the Government Order dated 25.02.2004 and the same was not done because the name of the petitioner was not found in the seniority list and he has not completed six years of service. The respondents have issued the impugned endorsement vide Annexure-L. Hence, this petition.



5. Respondent Nos.2 and 4 filed a statement of objections contending that the petitioner is not entitled for regularization of services on the ground that as per the Government Order dated 25.02.2004, the petitioner has not completed six years of service and did not work for more than 240 days in a year. Hence, on these grounds, he prays to dismiss the writ petition.
6. Heard the arguments of the learned counsel for the petitioner and learned counsel for the respondents.
7. Learned counsel for the petitioner submits that the similarly placed petitioners filed the writ petitions in case of **Nagaraja K.N. vs. KPTCL and others** in **W.P. No.15571 of 2022**. He submits that the said writ petition came to be disposed of vide order dated 21.12.2023. He submits that the respondents aggrieved by the order passed in the said writ petition filed a writ appeal in W.A. No.261 of 2024.



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He submits that the said writ appeal was dismissed vide judgment dated 30.06.2026. He also submits that in the case of **Nagaraja K.N.** (*supra*), the petitioner therein was appointed in the year 2001.

8. He also submits that the Division Bench of this Court has recorded a finding that the petitioner therein had completed six years of service and as such, his services were required to be converted as a Probationary Mazdoor. He submits that the Division Bench did not consider the contention of the learned counsel for the respondents and confirmed the judgment passed in W.P. No.15571 of 2022. He submits that the petitioner herein is also entitled for similar order on the ground of parity. Hence, on these grounds, he prays to allow the writ petition.
9. *Per contra*, learned counsel for the respondents submits that the petitioner joined the services of the respondent Corporation in the year 1982. She



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submits that there are no records to show that the petitioner has worked from November 2002 till 01.03.2004. Hence, as per the Government Order, he is not entitled for regularization. Hence, on these grounds, she prays to dismiss the writ petition.

10. Perused the records and considered the submissions of the learned counsel for the parties.
11. It is not in dispute that the petitioner has joined the service of the respondent Corporation as a Gangman on 29.10.2002 and since then, he is discharging his duties as such. The respondents have taken a policy decision to confirm all the temporary Gangmen who had been working in their establishment from 01.04.2003 and had rendered six years of services. The respondents have converted the appointment of similarly placed petitioners from that of temporary Gangmen to Probationary Mazdoors, as per the Government Order dated 25.02.2004 and through its



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communication dated 03.10.2018. The name of the petitioner was not considered for conversion of his post to Probationary Mazdoor on the ground that the petitioner has not completed six years of services.

12. The same argument was advanced in W.P. No.15571 of 2022 and a Co-ordinate Bench of this Court has declined to accept the submissions of the learned counsel for the respondents.

13. The Division Bench of this Court in W.A. Nos.259 of 2024 and 264 of 2024, has recorded in paragraph Nos.5 and 6 as follows:

"5. It is not in dispute that the petitioner was working since 2001 and had completed many number of years of service and not only 6 years, therefore his services were required to be converted as a Probationary Mazdoor. The Writ Court has therefore quashed the impugned Communications dated 01.07.2022 and 11.07.2022, whereby the petitioner's claim for being appointed



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as a Probationary Mazdoor was refused. We find no substance in the submissions of the learned counsel appearing for the appellants that the petitioner ought to have completed 6 years of service before 01.04.2003, which is not the mandate of the Government order dated 25.02.2004. The mandate was that, the employee must have been working in the establishment prior to 01.04.2003 and should have completed 6 years of service to be converted as a Probationary Mazdoor.

6. As seen from the record, especially Annexure-L1, the appellant - Authorities themselves have passed an order on 10.11.2016, converting two persons from Temporary Gangmen to a Probationary Mazdoor, who were appointed on 02.01.2003, which was much later than the appointment of the petitioner herein. In the case of the petitioner, he was appointed much prior to them i.e., in the year 2001. Denying the same benefit to the petitioner who was appointed earlier to two Gangmen who were appointed on



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02.01.2003 is nothing but arbitrary and
illegal exercise of the powers.”

(emphasis supplied)

14. Admittedly, as on 01.04.2003, the petitioner was in service, as such, the petitioner cannot be denied the benefit of converting the post of Gangman into Probationary Mazdoor. The action of the respondents in declining to convert the petitioner’s post from Gangman to Probationary Mazdoor is arbitrary and erroneous.
15. Considering the order passed by the Co-ordinate Bench of this Court in W.P. No.15571 of 2022 and the judgment rendered by this Court in W.A. Nos.259 of 2024 and 264 of 2024, the impugned endorsement passed by respondent No.3 is liable to be quashed.
16. In view of the above discussion, I proceed to pass the following:



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ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned endorsement dated 10.08.2023 passed by respondent No.3 vide Annexure-L is ***quashed***.
- (iii) The respondents are directed to re-consider the case of the petitioner for regularization of service as Probationary Mazdoor as per representation dated 06.04.2023 submitted by the petitioner vide Annexure-K and pass an appropriate order, in accordance with law, within a period of one month from the date of receipt of a copy of this order.
- (iv) In view of the disposal of the writ petition, pending interlocutory



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applications, if any, do not survive
for consideration and are accordingly
disposed of.

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

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List No.: 1 Sl No.: 39