



CNR: KAHC010671252023

NC: 2026:KHC:47734
WP No. 23 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 23 OF 2024 (S-R)

BETWEEN:

RAVI,
S/O UGRAPPA,
AGED ABOUT 64 YEARS,
RETIRED JUNIOR ENGINEER (ELE),
BESCOM, C-1 SUB DIVISION,
MALLESHWARAM DIVISION,
BANGALORE - 560 021

R/AT NO.70/1, Ist MAIN ROAD,
3rd CROSS, J C NAGARA,
MAHALAKSHIMPURAM,
BANGALORE - 560 086.

...PETITIONER

(BY SRI. SRINIVASA K., ADVOCATE)

AND:

1. DIRECTOR (A AND HR)
KPTCL, KAVERI BHAVAN,
BANGALORE - 560 009.
2. CHIEF GENERAL MANAGER (F AND C),
BESCOM, CORPORATE OFFICE,
K R CIRCLE,
BANGALORE - 560 001.

Digitally signed
by VARSHA N
RASAI KAR
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:47734
WP No. 23 of 2024

CNR: KAHC010671252023

3. SUPERINTENDING ENGINEER (ELE),
BESCOM, O AND M NORTH CIRCLE,
NEAR MALLIGE HOSPITAL,
BANGALORE - 560 001.
4. EXECUTIVE ENGINEER (ELE),
BESCOM,
O AND M, MALLESHWARAM DIVISION,
19, 13th CROSS ROAD,
BANGALORE - 560 021.

...RESPONDENTS

(BY SRI.H.V.DEVARAJ, ADVOCATE FOR R1;
SMT.ANJANA C.H., ADVOCATE FOR R2 AND R4;
SRI.C.CHANNEGOWDA, ADVOCATE FOR R2 TO R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1) QUASH THE IMPUGNED OFFICIAL MEMORANDUM BEARING NO.DATED 03/07/2019 ISSUED BY THE R4 VIDE ANNEXURE-C TO THE WP; 2) DIRECTING THE R4 TO REFUND THE ENTIRE AMOUNT OF RS.1,74,035/- ALONG WITH INTEREST AT 6 PERCENT P.A. TO BE EFFECTIVE FROM 01/08/2019 AS PER THE REPRESENTATION OF THE PETITIONER DATED VIDE ANNEXURE - F.

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



CNR: KAHC010671252023

NC: 2026:KHC:47734
WP No. 23 of 2024

ORAL ORDER

The petitioners filed this writ petition seeking the following prayer:

- 1. Issue a writ of certiorari quashing the impugned Official Memorandum bearing No: ಕಾನಿಇಂ(ವಿ)/ಮವಿ/ಲೆ/ಸಲೆ/ಇಎಜಿ/917 dated: 03.07.2019, issued by the 4th respondent vide Annexure-C to the writ petition.*
- 2. Issue a writ of mandamus directing the respondent No.4 to refund the entire amount of Rs. 1,74,035/- along with interest at 6% p.a. to be effective from 01.08.2019 as per the representation of the petitioner dated: vide Annexure-F to the writ petition.*
- 3. Issue such other writ or order or 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. The brief facts leading rise to filing of this writ petition are as follows:

The petitioner was a permanent group C employee of the respondent corporation, who had joined in 1983 as an assistant lineman and retired from service on 31.07.2019. During the course of his service he had maintained an unblemished record and no irregularities of whatever nature were alleged against him. After continuation of service of about 35 years, he took retirement from service. At the time of settling the terminal/retirement benefits, the respondents have illegally



CNR: KAHC010671252023

recovered an amount of Rs.1,74,035/- without any authority of law. No order for recovery has been passed and communicated to the petitioner at any point of time. The representation of the petitioner for refunding the amount was not considered and no communication has been made to the petitioner. Hence, the petitioner filed this writ petition.

3. Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

4. Learned counsel for the petitioner submits that the respondents cannot deduct any amount from the terminal/retirement benefits and before determining the said amount, no enquiry was held. The amount deducted by the respondents is arbitrary and erroneous and is contrary to the decision rendered by the Hon'ble Apex Court in the case of ***State of Punjab and others vs. Rafiq Masih (White Washer) and others*** reported in ***2015 (4) SCC 3314***. Hence, on these grounds she prays to allow the writ petition.

5. Per contra, learned counsel for the respondents submits that the respondents have rightly deducted the amount



from the service/retirement benefits. The action of the respondents in deducting the said amount is in accordance with law. Hence, on this ground, prays to dismiss the writ petition.

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

7. It is an undisputed fact that the petitioner was a permanent group C employee of the respondent corporation. He retired from service on attaining the age of superannuation on 31.07.2019. At the time of settling the terminal/retirement benefits, the respondents have recovered an amount of Rs.1,74,035/-. The respondents have not assigned any reasons for recovering the said amount. The Hon'ble Apex Court in the case of **Rafiq Masih** cited supra held that there is no embargo on the recovery being made from the retired/pensionary benefits of a group C or group D employee and with further embargo on such a recovery when it is on the ground that excess payments have been made and said payments are made for more than 5 years before the date of order of recovery. The petitioner must succeed on the ground that the petitioner has retired from service and they recovered the said amount before



CNR: KAHC010671252023

**NC: 2026:KHC:47734
WP No. 23 of 2024**

5 years from the date of order of recovery. The petitioner must succeed on the first ground and he must also succeed on the second ground. The recoveries are made for the alleged excess payment.

8. From the perusal of the records, it clearly discloses that during the course of his service, he was fixed and paid with the basic salary which was attached to the cadre of assistant lineman, lineman, mechanic grade 2, meter reader and junior engineer (electrical) from time to time. The benefit of pay revision and increment was sanctioned as and when it was due and payable. There was no anomaly or discrepancy in the basic pay so paid to him during the course of his service. Before his retirement on 31.07.2019, respondent No.4 had revised the basic pay of the petitioner from 01.04.2013 till the date of his retirement and thereby the basic pay of the petitioner, which was Rs.61,420/- as on 01.04.2019 was brought down to Rs.59,720/- to be effective from that date. Thus, the basic pay of the petitioner was reduced after his retirement without any just or proper reasons. The action of the respondents in recovering the said amount is contrary to the



CNR: KAHC010671252023

proposition laid down by the Hon'ble Apex Court in the case of ***Rafiq Masih*** cited supra. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is **allowed**;
- ii. The impugned official memorandum dated 03.07.2019, issued by respondent No.4, vide Annexure-C, is hereby quashed;
- iii. Consequently, the respondents are directed to repay the amount of Rs.1,74,035/- to the petitioner along with interest at the rate of 6% per annum from the date of deduction till the repayment;
- iv. The said exercise shall be accomplished within a period of eight weeks from the date of receipt of copy of this order.

Sd/-
(ASHOK S.KINAGI)
JUDGE

HDK