



CNR: KAHC010688042026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 2271 OF 2026 (S-RES)

BETWEEN:

1. THE CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU-560 001
2. THE PRINCIPAL SECRETARY,
SOCIAL WELFARE DEPARTMENT,
VIKASA SOUDHA,
BENGALURU 560 001.
3. THE DIRECTOR,
BACKWARD CLASSES DEPARTMENT,
NO.1/6, TANK BUND ROAD,
D DEVARAJ URS BHAVAN,
VASANTH NAGAR,
BENGALURU 560 052.
4. THE PRINCIPAL SECRETARY,
BACKWARD CLASS WELFARE DEPARTMENT,
VIKASA SOUDHA,
DR.AMBEDKAR VEEDHI,
BENGALURU 560 001.

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA

...APPELLANTS

(BY SRI.M.N.SUDEV HEGDE, AGA)



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AND:

1. SIDDALINGA MURTHY
S/O. LATE H. SIDDALINGAIAH,
AGED ABOUT 55 YEARS,
R/A NO.82/1, 2ND CROSS,
SARIGE NAGAR, KOLAR,

WORKING AS CLERK IN
OFFICE OF MANAGER,
D DEVARAJ URS BACKWARD CLASSES,
DEVELOPMENT CORPORATION LTD.,
KOLAR DISTRICT-563 101

...RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR THE RECORDS AND ALLOW THE WRIT APPEAL AND SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.3398/2014 DATED 04/09/2024, ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed impugning the judgment and order dated 04.09.2024 passed by the writ court in W.P.No.3398/2014.

2. The respondent-petitioner was initially working as a Clerk-cum-Typist in Mysore Acetate and Chemicals Company Limited, a State-owned public sector company, which was shut down in the year 1998. The State Government took a policy decision to absorb the employees of the said company and deputed them to various departments of the Government. The respondent-petitioner was relieved from the said company on 20.01.2001 and was deputed to the Backward Classes Department, Government of Karnataka, Madikeri. Thereafter, an order came to be issued on 02.02.2001 appointing him as Clerk-cum-Typist in the Backward Classes Department, Madikeri.



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3. The Principal Secretary, Social Welfare Department, vide order dated 02.04.2008, directed the respondent-petitioner to report for duty in the Department of Public Sector Enterprises Reforms. He was relieved from duty on 24.05.2008. Thereafter, he filed W.P. No.10994/2008. The said writ petition was disposed of in terms of the order dated 06.11.2009, whereby the petitioner was directed to submit a representation to the Principal Secretary, Commerce and Industry Department, and also to the Principal Secretary, Social Welfare Department. The said two departments were directed to take an appropriate decision and pass an order regarding the posting of the respondent-petitioner.

4. The representation submitted by the petitioner came to be rejected. The petitioner thereafter filed a second writ petition, being W.P.No.11558/2010. The learned Additional Government Advocate made a statement that the order dated 22.02.2010 rejecting the



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representation of the respondent-petitioner would be withdrawn. In view of the said statement, W.P. No.11558/2010 came to be withdrawn.

5. It appears that the State Government did not reconsider the request of the petitioner and, therefore, the respondent-petitioner was constrained to file a contempt petition, being CCC No.1703/2011. In the meantime, the State Government passed an order deputing the petitioner as Clerk-cum-Typist to the Office of the District Manager, Backward Classes Department, Kolar.

6. It appears that similarly placed employees had filed W.P. No.27769/2003 before this Court, which was disposed of vide order dated 14.08.2009, directing the State Government to absorb such employees wherever they were working or had been deputed, with all consequential benefits.

7. The petitioner was not posted from the date of his relieving, i.e., 24.05.2008, till 04.11.2011. In the



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meantime, the recommendations of the Sixth Pay Commission were implemented in the State. The petitioner, therefore, filed the third writ petition, being W.P. No.3398/2014, seeking payment of salary for the period from 24.05.2008 to 04.11.2011, as well as revision of his pay in accordance with the recommendations of the Sixth Pay Commission.

8. The writ court, vide the impugned order, allowed the writ petition and held that it was the State Government which had failed to post the petitioner from 24.05.2008 to 04.11.2011 and had kept him waiting. Therefore, he would be entitled to appropriate relief by way of payment of salary for the said period, as well as revision of his pay upon the implementation of the recommendation of the Sixth Pay Commission.

9. The facts are not much in dispute. Since the respondent-petitioner was not at fault and it was the inaction of the State Government in not posting him after



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he was relieved from duty, he would be entitled to salary for the said period, as well as revision of his pay upon the implementation of the recommendations of the Sixth Pay Commission by the Government.

10. We, therefore, find no ground to interfere with the impugned judgment and order passed by the learned Single Judge. Accordingly, the appeal stands ***dismissed***. However, considering the averments made in the affidavit filed in support of the application seeking condonation of delay of 726 days, the delay is condoned.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

RKA
CT:SN
List No.: 2 Sl No.: 2