



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.34846 OF 2025 (S-RES)

BETWEEN:

SRI.M.NINGARAJU
S/O LATE MADAPPA
AGED ABOUT 55 YEARS,
PRESENTLY WORKING AS DRIVER
OFFICE OF THE DEPUTY
CONSERVATIVE OF FOREST,
SOCIAL FORESTRY, MANDYA DIVISION,
MANDYA-571 402.

...PETITIONER

(BY SRI. BASAVARAJA PATEL G.K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT
M.S. BUILDING
BENGALURU-560 001.
2. THE PRINCIPAL
CHIEF CONSERVATOR OF FORESTS,
GOVT. OF KARNATAKA,
18TH CROSS, ARANYA BHAVAN
MALLESWARAM,
BENGALURU -560 003.
3. THE CHIEF CONSERVATOR OF FORESTS,
GOVT. OF KARNATAKA,
18TH CROSS, ARANYA BHAVAN
ASHOKAPURAM,
MYSORE- 570 018.
4. THE DEPUTY CONSERVATOR OF FOREST
SOCIAL FORESTRY RANGE,
MANDYA-571 401.



5. THE RANGE FOREST OFFICER,
SOCIAL FORESTRY RANGE,
PANDAVAPURA,
MANDYA DISTRICT -571 402.

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS RELATING TO THE IMPUGNED ENDORSEMENT ORDER BEARING NO.A1/C/WP-28464/2023 CR 4/2023-24/164 DATED 03.09.2025 VIDE ANNEXURE-M PASSED BY THE RESPONDENT NO.4, PERUSE AND QUASH THE SAME AS ARBITRARY, ILLEGAL AND VIOLATIVE OF ARTICLES 14 AND 16(1) OF THE CONSTITUTION OF INDIA 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 S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

i) *Call for the records relating to the impugned endorsement order bearing No.A1/C/WP-28464/2023 CR 4/2023-24/164 dated 03.09.2025 vide Annexure-M passed by the Respondent No.4, peruse and quash the same as arbitrary, illegal and violative of Articles 14 and 16(1) of the constitution of India.*

ii) *Issue a writ in the nature of mandamus to consider the claim of the petitioner for the service benefits in terms of the Karnataka Daily Wage Employees Welfare Act 2012 vide Annexure-B, by holding him eligible for the benefits under the said Act for the long services rendered by the petitioner with all monetary benefits; and*



iii) Pass such other orders or direction as this Hon'ble Court may be deemed fit in the circumstances of the case, in the interest of justice and equity.

2. Heard Sri. Basavaraja Patel G.K., learned counsel for the petitioner, Sri.G.Ramesh Naik, learned AGA for the respondents and perused the material on record.

3. A perusal of the material on record would indicate that on 01.03.1995, the petitioner was appointed as Driver in the respondents' department and has been working in various places for around 27 years as per Annexure – A. By Government orders dated 11.06.2009 and 31.07.2012, the State Government enhanced the daily wages payable to the petitioner by Rs.1,000/-. But the said benefits were granted in favour of the petitioners only up to 2017 and not thereafter. Meanwhile, on 15.02.2013, the State Government enacted the Karnataka Daily Wages Employees' Welfare Act, 2012 extending the benefits of Regular Government Servant to Daily Wage's Appoint Employees also. Under these circumstances, several similarly situated daily wages were notified by the State Government in the year 2014, subsequent to which, the petitioner as well as other persons submitted several representations before the State Government seeking



extension of enhanced wages in their favour also. Being aggrieved by the non-consideration of their grievances, the petitioner filed WP No.28464/2023, which was allowed and disposed of by this Court vide Order at Annexure – K dated 04.06.2025. The said order passed by this Court vide Annexure – K reads as under:

“This writ petition is filed under Articles 226 & 227 of the Constitution of India, challenging the endorsement dated 31.10.2023 issued by respondent No.4, vide Annexure-J.

2. The case of the petitioner is that the petitioner is working as a driver in the Forest Department on daily wage basis from 01.03.1995 till today. The Government issued a Gazette Notification dated 15.02.2013 for publication of Act No.19/2013 of the Karnataka Daily wage Employees Welfare Act, 2012 for regularization of daily wage employees. After the coming into force of Act No.19/2013, the petitioner submitted a representation dated 01.02.2019 to the fourth respondent herein - Deputy Conservator of Forests, Social Forestry Range, Mandya vide Annexure-C for regularization. Pursuant to the said representation, the fourth respondent herein, by letter dated 10.06.2019 recommended the petitioner's name for regularization under Act No.19/2013, vide Annexure-D. Since his case was not considered, he approached this Court by filing a writ petition in W.P.No.15801/2022. This Court, by order dated 26.06.2023 disposed of the said writ petition permitting the petitioner to file a representation along with relevant documents to respondent No.4 within two weeks from the date of receipt of



the copy of the said order and directed the respondent No.4 to consider the same within eight weeks from the date of receipt of the said representation. Thereafter, the impugned order dated 31.10.2023 vide Annexure-J has been issued rejecting the request of the petitioner for regularization of his services. Being aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner contended that, vide Annexure-J dated 31.10.2023 the representation of the petitioner for regularization has been rejected on the ground that no documents have been furnished to show that he has completed ten years of service as daily wage employee in the Forest Department as on 10th April 2006. In fact, he has furnished all the relevant documents and recommendation also made by the fourth respondent. Without considering all these aspects of the matter, the impugned endorsement has been issued. Hence, he sought for allowing the writ petition.

4. Per contra, the learned AGA appearing for the State has contended that the petitioner has not produced any document to show that he was continuously working for a period of ten years as on 10th April 2006. Since the petitioner is not covered under Act No.19/2013, his case has been rightly rejected by issuing the impugned endorsement. Hence, he sought for dismissal of the writ petition.

5. Heard the learned counsel for the parties and perused the writ papers.

6. The specific case of the petitioner is that he was appointed as a daily wage employee in the Forest Department as a driver. He was working from 01.03.1995 till



today. To that effect, he has produced Annexure-A issued by the fourth respondent. The Government has passed Act No.19/2013 for regularization of daily wage employees. The same is produced as Annexure-B. Under the said Act, Section 2A defines the 'daily wage employee' as a person who has continuously worked for ten years as on 10th April 2006 as a daily wage employee. In this regard, the petitioner produced Annexure-A statement issued by the fourth respondent which discloses that the petitioner is working on daily wage basis as a driver in the Forest Department from 01.03.1995. He has also produced the recommendation letter issued by the fourth respondent to the third respondent dated 10.06.2019 stating that the petitioner is working as daily wage employee continuously from 01.03.1995 to 20.09.2006 and recommended that his case be considered for regularization under Act No.19/2013. But, the impugned endorsement – Annexure-J is issued stating that no documents have been produced to show that the petitioner has completed ten years of service as per Section 2A of Act No.19/2013. The impugned endorsement has been issued without considering the documents produced by the petitioner. Therefore, the impugned order is liable to be quashed.

7. Accordingly, the following order is passed:

- (i) The writ petition is allowed.*
- (ii) The impugned order dated 31.10.2023 issued by the fourth respondent vide Annexure-J is quashed, reserving liberty to the petitioner to submit a fresh additional representation to the*



fourth respondent enclosing all the relevant documents, within four weeks from the date of receipt of a copy of this order. Thereafter, the fourth respondent is directed to reconsider the case of the petitioner, taking into consideration the documents to be submitted by the petitioner and pass appropriate orders, in accordance with law, as expeditiously as possible, not later than three months from the date of submission of the representation by the petitioner.”

4. It is the grievance of the petitioner that despite the aforesaid order passed by this Court, which had attained finality and become conclusive and binding upon the respondents, respondent No.4 issued endorsement dated 03.09.2025 to the effect that the petitioner's services cannot be considered under the Karnataka Daily Wages Employees' Welfare Act, 2012, since the notification under the said Act had to be issued within one year from the date of commencement of the said Act, which came into force on 15.02.2013 and the said notification not having been issued to the petitioner within the aforesaid period of one year, the petitioner would not be entitled to the benefits under the said Act.



5. Aggrieved by the impugned endorsement, the petitioner is before this Court, *inter alia* contending that in relation to identically / similarly situated Daily Wage Employees, the State Government has extended the benefits even after the lapse of more than one year and on the ground of parity, the impugned endorsement deserves to be quashed and the petitioner would be entitled to similar benefit. It is also submitted that having regard to the fact that the aforesaid Karnataka Daily Wages Employees' Welfare Act, 2012 is a welfare piece of legislation and has been enacted with the intention of extending the benefit to Daily Wage Employees, the inaction on the part of the State Government to issue a notification extending the benefit to the petitioner could not have been made the basis to issue the impugned endorsement dated 03.09.2025 vide Annexure –M, which deserves to be quashed.

6. *Per contra*, learned AGA submits that there is no merit in the petition and the same is liable to be dismissed.

7. I have given my anxious consideration to the rival submissions and perused the material on record.



8. As noticed supra, in the earlier round of litigation, this Court has come to the conclusion that the petitioner would be entitled to the benefit of the aforesaid Act, which is undisputedly a beneficial piece of legislation. As rightly contended by learned counsel for the petitioner, the mere inaction on the part of the respondent – State to issue a notification extending the benefit of the said Act to the petitioner also could not have been made the basis to deny / deprive the entitlement of the petitioner from the benefits under the said Act and especially when the respondents themselves have extended the benefit to similarly / identically situated Daily Wage Employees even after expiry of one year.

9. Under these circumstances, by invoking / applying the doctrine of parity, I am of the view that the impugned endorsement deserve to be quashed and respondents are to be directed to extend the benefits of the Karnataka Daily Wages Employees' Welfare Act, 2012 in favour of the petitioner and grant all benefits flowing therefrom within a stipulated time frame.

10. In the result, I pass the following:

ORDER

- (i) The petition is hereby ***allowed***.



- (ii) The impugned Endorsement at Annexure – M dated 03.09.2025 is hereby quashed.
- (iii) The respondents are directed to grant the benefits including monetary benefits under the Karnataka Daily Wages Employees' Welfare Act, 2012, in favour of the petitioner within a period of three months from the date of receipt of a copy of this order.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV
List No.: 1 Sl No.: 160