



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 34361 OF 2025 (S-KSAT)

BETWEEN:

SRI. B. N. GOPALASWAMY
S/O LATE NANJAPPA
AGE ABOUT 61 YEARS
RETIRED AS DEPUTY DIRECTOR,
DEPARTMENT OF TREASURIES,
PRESENTLY RESIDING AT NO.3,
B.B. LAYOUT, NEAR AMULYA NAGAR,
BELAVADI, MYSORE – 570 018.

...PETITIONER

(BY SRI. SATHISH.K, ADVOCATE FOR
SRI. LOKESH M.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF FINANCE
REP BY ITS PRINCIPAL SECRETARY
VIDHANA SOUDHA, BANGALORE – 560 001.
2. THE COMMISSIONER
DEPARTMENT OF TREASURY,
KPCL GREEN BUILDING, PALACE ROAD,
BANGALORE – 560 001.
3. THE PRINCIPAL ACCOUNTANT
GENERAL (A AND E)
PARK HOUSE ROAD,PB NO 5329,
BANGALORE – 560 001

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG A/W
SRI. V. SHIVAREDDY, AGA)



THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE IN RESPECT OF THE IMPUGNED ORDER DATED 15/10/2025 PASSED IN APPLICATION NO.4679/2024 (ANNEXURE-A) AND SET ASIDE THE IMPUGNED ORDER DATED 15/10/2025 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.4679/2024 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE SAID APPLICATION AS SOUGHT FOR BY THE PETITIONER BEFORE THE HONBLE TRIBUNAL (ANNEXURE-B) AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Heard learned counsel Sri.K.Satish for Sri.Lokesh.M.,
learned counsel for the petitioner, learned Additional
Advocate General Sri.Reuben Jacob along with



Sri.V.Shivareddy, learned Additional Government Advocate for respondents. Perused the entire writ petition papers.

2. The petitioner is before this Court questioning the order dated 15.10.2025 in Application No.4675/2024, whereunder the petitioner's prayer for a mandamus to the respondents to pay the pension and pensionary benefits to the petitioner under the Old Defined Pension Scheme with all consequential benefits including 12% interest for the belated payment from the due date till the date of accrual is rejected.

3. Learned counsel Sri.K.Satish would submit that petitioner was selected under the Group-A and Group-B Gazetted Probationers of 1998 batch by the Karnataka Public Service Commission (for short "KPSC") and thereafter he was appointed as Assistant Treasury Officer by notification dated 25.05.2006. It is stated that the probationary period of the petitioner was declared on 16.08.2008. It is also submitted that the petitioner was



promoted to the cadre of Assistant Director of Treasury and also to the cadre of Deputy Director of Treasury. It is stated that the final select list of Gazetted Probationers 1998 was revised by the KPSC on 30.01.2021 in pursuance of the direction of this Court. It is stated that, name of the petitioner came to be deleted in the final select list published on 30.01.2021. Therefore, it is contended on behalf of the respondents that the petitioner as on the date of his superannuation was not a government servant, it is only because of the interim order passed by this Court in W.P.No.9075/2022, the petitioner continued in service. Learned AAG would submit that as the litigation is pending in respect of petitioner's continuation and status as a Government servant, a letter dated 20.07.2022 was addressed to second respondent to open a PROXY account and to deposit petitioner's pensionary benefits under the New Pension Scheme to protect the interest of the petitioner as well as State subject to final decision in the W.P.No.9075/2022. Thus,



learned AAG would submit that the State rightly withheld pensionary benefits of the petitioner and he submits entitlement of petitioner would depend on the outcome of the pending W.P.No.9075/2022.

4. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are of the considered view that the petitioner would be entitled for provisional pension under New Pension Scheme, till the disposal of W.P.No.9075/2022 for the following reasons:

It is an admitted fact that the petitioner was appointed in the year 2006 in pursuance of the Gazetted Probationers 1998 selection process. However, there was litigation in respect selection and appointment of the Gazetted Probationers 1998, which ultimately culminated in a direction to the Selecting Authority to revise the select list. In that process, name of the petitioner came to be deleted from the final select list published on 30.01.2021. Till that date, the petitioner continued as government servant. For the service rendered by him, the petitioner



would be entitled for provisional benefits till the issue of deletion of petitioner's name from the select list is decided in W.P.No.9075/2022.

5. Learned counsel Sri.Satish would submit that the petitioner would be entitled for pension under Old Pension Scheme and not under New Pension Scheme. The same is disputed by the learned AAG and he would state that the petitioner would be entitled for pension only under New Pension Scheme. However, the said dispute is left open to be decided in a proper proceedings on disposal of W.P.No.9075/2022.

6. Learned AAG submitted that under the New Pension Scheme, the fund is regulated by the Pension Fund Regulatory and Development Authority and administered in Karnataka State via the Department of Treasuries – National Pension Scheme (NPS Cell). It is also submitted that on superannuation, the employee has an option to withdraw a lump sum corpus to the maximum



extent of 40% and the remaining corpus would be invested in an annuity scheme. The entire corpus can also be invested in an annuity scheme. For the present, assuming that the petitioner is governed by New Pension Scheme, it is stated that on superannuation, employee has an option to withdraw corpus to the maximum extent of 40% and the remaining corpus is invested in Annuity Scheme. In petitioner's case, it is stated that the corpus available is petitioner's contribution of 40% and Employer's contribution is around 60%. Taking the entire corpus of 100%, the petitioner could be paid provisional pension till disposal of W.P.No.9075/2022 and it is also made clear that the petitioner shall not deal with the invested Annuity corpus in any manner, till disposal of the above stated writ petition.

7. The petitioner has earned leave at his credit from the date of his appointment in the year 2006 till his name was deleted from the revised select list published on



30.01.2021. Therefore, the petitioner would be entitled for encashment of earned leave at his credit maximum of 300 days for the period from 2006 to 2021. The respondents are directed to release the encashment of earned leave at his credit till 30.01.2021 to maximum extent of 300 days.

8. For the reasons recorded above, the present writ petition stands disposed of with the following directions:

- a) The respondents are directed to pay provisional pension to the petitioner as admissible under the New Pension Scheme till disposal of W.P.No.9075/2022 and thereafter, payment of pension would depend on the outcome of the said writ petition.
- b) The respondents are directed to pay to the petitioner encashment of earned leave at his



credit for the period from 2006 to 2021, to a maximum of 300 days in accordance with law.

- c) Time for compliance: Three months from today.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

MPK
CT:RK
List No.: 1 Sl No.: 7