



CNR: KAHC010757482025

NC: 2026:KHC:49718-DB
WA No. 1848 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1848 OF 2025 (S-RES)

BETWEEN:

1. D M SHANKARE GOWDA
AGED ABOUT 61 YEARS
S/O MOGANNA GOWDA,
VALAMBIGA VILLAGE
SINAGAPURA POST, KASABA HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT.
PIN - 573211

...APPELLANT

(BY SRI. VISHNU HEGDE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU- 560 001
2. THE COMMISSIONER FOR
CANE DEVELOPMENT AND
DIRECTOR OF SUGAR,
K.H.B BUILDING, F BLOCK,
CBAB COMPLEX
5TH FLOOR, KAVERI BHAVAN,
K.G.ROAD, BANGLORE-560009

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



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3. THE REGISTER OF CO-OPERATIVE SOCIETIES
KARNATAKA STATE,
NO. 1, ALLISKAR ROAD,
BANGALORE- 560 051
4. THE MANAGING DIRECTOR,
HAMAVATHI SAHAKARI
SAKKARE KARAKHANE NIYAMITA,
SRINIVASAPURA,
CHANNARAYAPATNA THALUK
HASSAN DISTRICT- 573116
5. THE GENERAL MANAGER,
CHAMUNDESHWARI SUGAR
FACTORY PVT LTD.,
SRINIVASAPURA,
CHANNARAYAPATNA TALUK
HASSAN DISTRICT- 573116

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AG FOR R1 TO R3;
SRI. S.RAJU, ADVOCATE FOR R4;
SMT. POONAM PATIL, ADVOCATE FOR R5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 17/10/2025, IN WP NO.20195/2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT AND ALLOW THE WRIT PETITION NO.20195/2022 AS PRAYED AND GRANT SUCH OTHER RELIEF.

THIS APPEAL, COMING ON FOR ORDERS, 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 17.10.2025 passed by the writ Court in W.P.No.20195/2022, whereby the writ Court dismissed the writ petition filed by the petitioner seeking a writ of mandamus directing respondent No.2 to consider his representations dated 09.11.2021 and 08.02.2022 and also sought a direction to implement the order dated 03.04.2017 passed by the Karnataka Appellate Tribunal, Bengaluru (for brevity '***the Tribunal***') in Appeal No.298/2012.

2. The Managing Director of Hemavathi Sahakari Sakkare Karkhane Niyamita, Bengaluru, in the statement of objections filed before the writ Court took the plea that the order passed by the Tribunal in Appeal No.298/2012 stood complied with vide Annexures K and M. In view of the said submission, the writ petition came to be dismissed as having become infructuous.



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3. Sri Vishnu Hegde, learned counsel for the appellant submits that the calculation arrived at in Annexures K and M is not correct calculation. The appellant is entitled for payment from 2009 till he was reinstated in pursuance to the order passed by the Tribunal. The respondents have not paid the salary/wages from 2009 till he was reinstated, therefore, he is entitled for the said payment.

4. From the perusal of the order passed by the Tribunal, it is evident that appellant did not report to the transferred Post. He remained absent from 2009 onwards. The Disciplinary Authority after conducting enquiry, inflicted punishment of dismissal from service. After the Appellate Authority dismissed the appeal, he approached the Tribunal by filing the appeal challenging those orders passed by the disciplinary authority and Appellate Authority by filing Appeal No.298/2012. The said appeal came to be allowed vide order dated 03.04.2017 by the Tribunal. The operative portion of the order would read as under :-



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"ORDER

The delay in filing the appeal is condoned.

The appeal is allowed.

The impugned order passed on 11.1.2012 by Respondent-3 the Commissioner for Cane Development and Director of Sugar in Dispute No. DSK/DIS/5/2011-12 is set aside.

The order of dismissal of the Appellant from the service of the 1st Respondent Karkhane passed on 10.5.2011 is quashed.

The services of the Appellant are restored in the 1st Respondent Karkhane with immediate effect with all service and financial benefits subject to further punitive action against him in terms of this order.

The 1st Respondent Karkhane is at liberty to impose any penalty as per its Service Rules on the Appellant except the punishment of dismissal and compulsory retirement after causing a notice to be served on the Appellant and after considering any explanation thereon if submitted by him.

The Appellant shall however not be entitled to any service or financial benefit for the period during



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which he failed to report and work in the transferred post.

There shall be no cost.

The Registrar of the Tribunal is directed to comply with Regulation 53(b) of Chapter IX of Karnataka Appellate Tribunal Regulations 1979 by communicating this order to the persons mentioned therein and also parties in this appeal and send back records to the trial court along with a copy of this judgment.

The office shall send back the records with copy of the judgment immediately to the Trial Court."

Thus, the appellant was denied financial benefit for the period during, which he failed to report and work on the transferred post. This order of the Tribunal has attained finality.

5. Therefore, the appellant cannot now claim that he should be paid salary/wages for the period for which the Tribunal specifically denied the payment of the



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salary/wages to the appellant, i.e., for the period when he failed to report and work on the transferred post.

6. We therefore, find no error in the impugned judgment and order dated 17.10.2025 passed by the learned Single Judge in W.P.No.20195/2022 (S-RES). This writ appeal is without any merit, which is why it is ***dismissed.***

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

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

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