HC-KAR

NC: 2026:KHC:65089-DB
CCC No. 542 of 2023

CNR: KAHC010290162023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CIVIL CONTEMPT PETITION NO. 542 OF 2023

BETWEEN:

1. SRI D R RAMAKRISHNAIAH
   S/O RAMAIAH
   AGED ABOUT 71 YEARS
   RETD. ASSISTANT MASTER
   GOVERNMENT HIGH SCHOOL
   DUDDANEHALLI
   VAJJARAKURKA POST
   KORATAGERE TALUK
   TUMKUR DISTRICT

   AND R/O SRI KUMARA RAMA NILAYA
   WARD NO.1, 2ND CROSS
   BELAGUMBA, TUMKUR-572104

   NOT CLAIMING BENEFIT OF SENIOR CITIZENSHIP
   ...COMPLAINANT

(BY SRI. BALARAJ A C., ADVOCATE)

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

AND:

1. SRI. RITESH KUMAR SINGH
   SECRETARY TO GOVERNMENT
   DEPARTMENT OF EDUCATION
   M S BUILDING
   DR AMBEDKAR VEEDHI ROAD
   BENGALURU-560001

2. DR R VISHAL
THE COMMISSIONER OF
PUBLIC INSTRUCTIONS,
NEW PUBLIC OFFICES
NRUPATHUNGA ROAD
K R CIRCLE
BENGALURU-560001

3. SRI NANJAIAH
MAJOR
THE DEPUTY DIRECTOR
OF PUBLIC INSTRUCTIONS
TUMKUR DISTRICT
TUMKUR-572101

4. SRI C V NATARAJ, MAJOR
THE BLOCK EDUCATION OFFICER
KORATAGERE
TUMKUR TALUK
TUMKUR-572129

5. MR RIZWAN BASHA, MAJOR
THE HEAD MASTER
GOVERNMENT HIGH SCHOOL
DUDDANAHALLI
KORATAGERE TALUK
TUMKUR DISTRICT-572129

6. SMT K VIDYA KUMARI, MAJOR
THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH
TUMKUR-572130

7. SRI K L BOREGOWDA, MAJOR
THE BLOCK EDUCATIONAL OFFICER
KUNIGAL TALUK
TUMKUR DISTRICT-572101

…ACCUSED

8. THE STATE OF KARNATAKA

REPRESENTED BY ITS
SECRETARY TO GOVERNMENT
DEPARTMENT OF EDUCATION
M.S. BUILDING
DR.AMBEDKAR VEEDHI ROAD
BENGALURU - 560001

…PROFORMA
RESPONDENT NO.8

(BY SRI. BHAIRAV KUTTAIAH., AGA FOR R8)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF CONTEMPT OF COURTS ACT, BY THE COMPLAINANT, WHERE IN HE PRAYS THAT THE HON'BLE COURT BE PLEASED TO INITIATE NECESSARY PROCEEDINGS AGAINST THE ACCUSED FOR DIS-OBEYING THE ORDERS PASSED BY THIS HON'BLE COURT IN WP NO.45154/2017 DATED 27.5.2021 AND MODIFIED ORDER DATED 7.1.2022 VIDE ANNEXURE-A AND TO PUNISH THE ACCUSED IN ACCORDANCE WITH LAW.

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

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

ORAL ORDER

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

The present contempt petition has been filed complaining of non-compliance of the order dated 27.05.2021 and modified order dated 07.01.2022 passed by Coordinate Bench of this Court in Writ Petition No.45154/2017 (S-KSAT) filed by the complainant herein against the order dated 21.02.2017 passed

by the Karnataka State Administrative Tribunal in Application No.1935/2006.

2. The petitioner was appointed as Assistant Teacher on 16.09.1971. It is stated that Government had extended the benefit of pay scale by the order dated 23.03.1971 for pay scale of Rs.130 - 210 with effect from 01.01.1961 to all primary school teachers and primary school teachers working in High School, Higher Primary Schools, Multi purpose High Schools and Teachers Training Institutions.

3. The grievance of the petitioner was that though he was appointed as Assistant Teacher, this benefit was extended to all physical education teachers appointed prior to 01.01.1970. It appears that petitioner was appointed after 01.01.1970 and petitioner was not extended this benefit. The petitioner's representation was rejected, against which, the appeal was also rejected by the Government on 03.09.2002. Against the said order passed on 03.09.2002 by the Government, the petitioner approached the Tribunal. The Tribunal dismissed the application on the ground of delay and laches. This order passed by the

Tribunal came to be challenged in the Writ Petition No.45154/2017 filed by the petitioner. The Coordinate Bench of this Court allowed the writ petition with the following observation:

> "*6. Learned counsel for the petitioner has argued before this Court that the Tribunal as well as the High Court have held that all Physical Education Teachers whether appointed prior to or after 1.1.1970 are entitled for a pay scale of Rs.130-210 and the matter of grant of pay scale is the recurring course of action (See**: M.R.Gupta vs. Union of India**, 1995(5) SCC 628).*
>
> *7. In the considered opinion of this Court, as the matter relating to grant of pay scale is certainly a recurring course of action, the order passed by the Tribunal is required to be set aside.*
>
> *8. Resultantly, the writ petition is allowed. The order 21.2.2017 passed in Application No.1935/2006 (Application Nos. 1934-36/2006) by the Karnataka State Administrative Tribunal, Bangalore, is set aside in so far as the petitioner is concerned. The State Government is directed to extend the benefit to the petitioner, as has been extended to the identically placed persons on account of the judgment delivered by this Court, within a period of four months from the date of receipt of certified copy of this order.*"

4. The present contempt petition has been filed alleging willful disobedience and non-compliance of the said order, passed way back on 27.05.2021. The contempt petition has been brought

to the Court in the year 2026. The contempt petition has been filed with delay of 35 days.

5. In view of the provisions of Section 20 of the Contempt of Courts Act, 1971 and the judgment of the Supreme Court in **Pallav Sheth Vs. Custodian and Others (2001) 7 SCC 549** the contempt petition filed beyond one year from the date of cause of action for the filing the contempt is not maintainable. We are of the view, that the delay in filing the contempt petition cannot be condoned as the contempt proceedings are the original proceedings and the time for filing the contempt proceedings from the date of alleged violation of the non-compliance of an order passed by the court is one year from the date when the alleged cause of action arises.

6. We therefore, ***dismiss*** this contempt petition on this short point.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

NG, CT: SN,List No.: 2 Sl No.: 4