HC-KAR

NC: 2026:KHC:60138-DB
WA No. 1986 of 2026
C/W WA No. 1127 of 2026

CNR: KAHC010586402026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

WRIT APPEAL NO.1986 OF 2026 (S-RES)
C/W
WRIT APPEAL NO. 1127 OF 2026 (S-RES)

WA No.1986/2026:

BETWEEN:

STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF VETERINARY
AND ANIMAL HUSBANDRY,
VIKASA SOUDHA, BENGALURU-560 001.

...APPELLANT

(BY SRI.MITHUN.G.A., ADDITIONAL ADVOCATE GENERAL A/W
SMT.SARITHA KULKARNI, AGA)

AND:

Digitally signed by K G RENUKAMBA
Location: High Court of Karnataka

1. SRI S MARISWAMY
S/O LATE SIDDAIAH,
AGED ABOUT 62 YEARS,
R/AT: ANNAPOORNA HOMES,
5TH CROSS, HEMMIGEPURA WARD,
C.V.RAMAN ROAD, KODIMALLYA,
KENGERI, BANGALORE-560 060.

2. SRI RAMESH D. BELACHADA
S/O DORMA BELACHADE,
AGED ABOUT 62 YEARS,
R/AT NO.4-104 (1),
MOODALAKATTE TONSE EAST,
UDUPI-576 114.

3. SRI RAMESH POOJARY
S/O LATE MANSA POOJARY,
AGED ABOUT 64 YEARS,

R/AT NO.3-50, AIKALA POST,
MANGALURU TALUK,
MANGALURU-574 141

4. KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
REP. BY ITS REGISTRAR,
NANDINAGAR, BIDAR-585 226.

5. THE ADMINISTRATIVE OFFICE,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
NANDINAGAR, BIDAR-585 226.

6. THE DEAN,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
VETERINARY COLLEGE,
HEBBAL, BENGALURU-560 021.

7. THE DEAN,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
COLLEGE OF FISHERIES,
MANGALORE-575 022.

…RESPONDENTS

(BY SRI ANIRUDH RAMESH.P., ADVOCATE FOR R1 TO R3;
SMT.VAISHALI HEGDE, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET ASIDE THE FINAL ORDER DATED 18.12.2024 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.28601/2024 (S-RES) AND CONSEQUENTLY, DISMISS THE SAID WRIT PETITION FILED BY RESPONDENT NOS.1 TO 3/PETITIONERS THEREIN.

WA No.1127/2026:

BETWEEN:

1. KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,

REP. BY ITS REGISTRAR,
NANDINAGAR, BIDAR-585 226.

2. THE ADMINISTRATIVE OFFICER,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
NANDINAGAR, BIDAR-585 226.

3. THE DEAN,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
VETERINARY COLLEGE,
HEBBAL, BENGALURU-560 021.

4. THE DEAN,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
COLLEGE OF FISHERIES,
MANGALORE-575 022.

...APPELLANTS

(BY SMT.VAISHALI HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF VETERINARY
AND ANIMAL HUSBANDRY,
VIKASA SOUDHA, BENGALURU-560 001.

2. SRI S MARISWAMY
S/O LATE SIDDAIAH,
AGED ABOUT 62 YEARS,
R/AT ANNAPOORNA HOMES,
5TH CROSS, HEMMIGEPURA WARD,
C.V.RAMAN ROAD, KODIMALLYA,
KENGERI, BANGALORE-560 060.

3. SRI RAMEDH D. BELACHADA
S/O DORMA BELACHADE,
AGED ABOUT 62 YEARS,
R/AT NO.4-104 (1),
MOODALAKATTE TONSE EAST,
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4. SRI RAMESH POOJARY
S/O LATE MANSA POOJARY,
AGED ABOUT 64 YEARS,
R/AT NO.3-50, AIKALA POST,
MANGALURU TALUK,
MANGALURU-574 141.

...RESPONDENTS

(BY SRI.MITHUN.G.A., ADDITIONAL ADVOCATE GENERAL A/W
SMT.SARITHA KULKARNI, AGA FOR R1;
SRI.ANIRUDH RAMESH.P, ADVOCATE FOR R2 TO R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE FINAL ORDER DATED 18.12.2024 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.28601/2024 (S-RES) AND CONSEQUENTLY, ALLOW THE WRIT PETITION FILED BY THE APPELLANT.

THESE WRIT APPEALS, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MRS. JUSTICE N.V.BHAVANI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard Sri Mithun G.A, learned Additional Advocate General for the State, Ms.Vaishali Hegde, learned Counsel for the University and Sri Anirudh Ramesh, learned Counsel who states that he has instructions to appear on behalf of the private respondents in the appeals.

2. The aforesaid two appeals are filed against the same judgment and order dated 18.12.2024 passed by the

learned Single Judge in W.P.No.28601/2024. The appeal W.A.No.1127/2026 is filed by the Karnataka Veterinary Animal and Fisheries Science University and others, whereas the latter appeal bearing W.A.No.1986/2026 is filed by the State Government.

3. Learned Additional Advocate General who appears for the State states that he supports the case of the University in the writ appeal filed by the University.

4. The appeals aforesaid have been filed respectively with delay of 579 days and 422 days. The aforesaid appeals are accompanied by applications seeking condonation of delay.

5. Submissions of learned Additional Advocate General appearing for the State and learned Counsel appearing for the University are that the grounds raised in the aforesaid writ appeals are identical.

6. It is stated on behalf of the State Government that the order dated 01.07.2017 passed by the University whereby the respondents were held entitled for all consequential benefits with effect from the date such respondents completed their ten years of service, was without obtaining prior

concurrence or approval of the Finance Department of the Government of Karnataka as mandated under the applicable Rules. The State Government had consistently maintained through its communication dated 19.12.2023 that the private respondents are not entitled for the old pension scheme but are eligible only for the New Defined Contributory Pension Scheme (NDCPS) applicable to State Government employees recruited/regularized on or after 01.04.2006. In terms of a Government order dated 31.03.2006 the NDCPS was made applicable to all new entrants with effect from 01.04.2006. It is submitted that regularization of daily wage employees with retrospective effect, resulting in old pension scheme entitlements is a financial matter of utmost significance and requires mandatory prior concurrence of the Finance Department. Prior concurrence of the Financial Department was not obtained by the University.

7. It is further stated that in the meeting of the University's Board of Governors held on 31.03.2017, pursuant to which the regularization was ordered, was conducted in the absence of the ex-officio members of the Board, which included Government nominees and in their absence, the resolution was

passed and therefore the University erred in regularizing the services of the private respondents with retrospective effect from 1997 being the date of their completion of ten years of service.

8. Mrs. Vaishali Hegde, learned Counsel on the other hand has stated that the issue whether the private respondents are entitled to pension under the old pension scheme is to be clarified by State, as the University is only an administrative autonomous body and is not a self-financed university and is reliant on the State Government for its funds. It is submitted that the stand of the State is that extension of the old pension scheme to the daily rated and similarly situated employees would be a huge burden on the State Exchequer. It is stated that the University is not a self-financed university and therefore the question of the University bearing the financial burden is next to impossible.

9. We have considered the submissions advanced by learned Counsel for the parties and we have perused the impugned order of the learned Single Judge.

10. The learned Single Judge has observed that the petitioners were entitled for the benefits from the date on which they were regularized. The effective date of regularization was mentioned in Annexure-A to the writ petition which was noted by the Court. It was noted that the writ petitioners were regularized in the year 1997 and 1998. The NDCPS was admittedly made applicable to all new recruits of the State Government service, joining after 01.04.2006. This was clearly reflected in the Government Order dated 31.03.2006 that was enclosed as Annexure-K to the writ petition. The Court therefore held that in light of the Government Order it could not be said that the petitioners were new recruits who had joined services after 01.04.2006. If the date of regularization had conferred service benefits with effect from 1997 and 1998, such conferment of benefit with retrospective effect could not be defeated by any stand of the Government contrary to the order of regularisation.

11. It was observed that the order of regularization is also not to be treated as conferring retrospective benefits but an order recognizing the legal entitlement with effect from completion of ten years from the date of joining. The Court held

that if that was the nature of order passed by regularizing temporary daily wage workers, the petitioners were entitled for service benefits from the year 1997 and 1998.

12. The Court also considered the aspect of parity. Instances were cited in the writ petition of employee who was regularized with effect from 01.01.1997 with the order of regularization being passed on 12.09.2013 who has been conferred benefit under the old pension scheme. This was done by the State Government. It is not denied by the learned Additional Advocate General that the employee who was regularized with effect from 01.09.2000 had also been conferred benefit of old pension scheme. There are other employees who were regularized with effect from 29.11.1997, 20.07.2002 and 01.06.1996 had been granted the benefit under the old pension scheme by the State Government. This fact was also noted by the learned Single Judge with reference to the pay-slip of the employee for such a regularization and there were also another instance. Regularization was also considered by the learned Single Judge on the aspect of parity.

13. The learned Single Judge therefore held that the contention of the State that the University had extended old pension scheme benefits only for those who had joined service before 01.07.1984 could not be accepted. The stand of the State seeking to call in question the validity of the order on regularization, was held to be impermissible with estoppel operating against the State, once approval had been granted by the Financial Comptroller on 29.06.2013. Accordingly, the writ petition was disposed of and the communication of the State Government as well as the consequential endorsement were set aside and it was held that the proposal of the University at Annexure-H to the writ petition was required to be considered by the Government and necessary orders in that regard were to be passed within a period of three months. It was clarified by the Court that no fresh contention was permitted to be adverted to defeat the claims of the petitioners therein as the objections by the State Government as contained in the statement of objections had been dealt with.

14. Submissions advanced by the learned Additional Advocate General that the University could not have passed the order dated 01.07.2017 without prior approval of the Finance

Department, is misplaced. The judgment of the learned Single Judge has clarified the issue at length with regard to regularization of the services of the employees who had completed more than ten years of service. It is noted and as has been pointed out by the learned Counsel appearing for the University that the order dated 01.07.2017 was promptly communicated by the University to the State Government. But no response was received from the State Government. It is nowhere mentioned in the appeal filed by the State Government that any response was sent in respect of the order dated 01.07.2017 issued by the University, by the State Government.

15. In any view of the matter, the categorical finding returned by the learned Single Judge is well founded and no such ground has been raised or submission advanced that would have the effect of taking away the tenor and consequence of the judgment aforesaid. It also needs mention that in the affidavits filed in support of the applications seeking condonation of delay, there is no ground worth the name raised by the State Government or by the University that would merit condonation of delay.

16. It is noted that the learned Single Judge has clarified that as regards back wages and other benefits that would flow from the order dated 01.07.2017 which had not been extended to the petitioners, the petitioners were left at liberty to make a fresh representation which was directed to be considered accordingly.

17. For the reasons aforesaid, we find no merit in the aforesaid applications and the writ appeals which are accordingly dismissed. All pending I.A.s stand disposed of.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(N.V.BHAVANI)
JUDGE

KSR
List No.: 2 Sl No.: 6