HC-KAR

NC: 2026:KHC-K:4598
WP No. 201959 of 2026

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.201959 OF 2026 (S-R)

BETWEEN:

SATHYAMMA W/O SHANTH KUMAR,
AGE: 72 YEARS, OCC: RETIRED
JUNIOR HEALTH ASSISTANT PHC WARWATTI,
TQ. BHALKI, DIST. BIDAR
R/O H. NO.14-08-1339,
CANON COLONY,
NEAR ABDUL RAIZ DARGAH
BIDAR-585401.

…PETITIONER

(BY SRI. JAIRAJ KASHAPPA BUKKA, ADVOCATE)

AND:

Digitally signed by SWETA KULKARNI
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   BY ITS PRL. SECRETARY
   HOME DEPARTMENT ROOM NO.219,
   II FLOOR VIKAS SOUDA, BENGALURU-560001.

2. THE MEDICAL OFFICER
   PHC WARAWAATI,
   TQ. BHALKI, DIST. BIDAR-585401.

3. THE PRINCIPAL ACCOUNTANT GENERAL
   (A AND E) KARNATAKA KABBAN PARK
   HOUSE ROAD, BANGALORE-560001.

…RESPONDENTS

(BY SRI. SHIVAKUMAR R. TENGLI, AGA FOR R1 & R2;
SRI. SUDHIRSINGH R. VIJAPUR, DSGI FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE WRIT PETITION AND THEREBY A) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES TO CONSIDER THE PETITIONER REPRESENTATION DATED 28-03-2026 VIDE ANNEXURE-C. B) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES REFUND THE EXCESS AMOUNT OF COMMUTATION OF PENSION HAVING ALREADY PAID STARTING FROM 03-02-2015 TO 03-10-2025 AND THE COMMUTATION PENSION IS TO BE MODIFIED TO 10 YEARS AND 8 MONTHS INSTEAD OF 15 YEARS AND SAME SHALL BE MODIFIED IN THE PENSION PAYMENT ORDER, C) ISSUE A WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITY TO REFUND THE AMOUNT OF RS. 27330/- WHICH IS COLLECTED TILL DATE, D) ISSUE A WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITY UNTIL SUCH REPRESENTATION IS CONSIDERED AND ORDER IS PASSED NO RECOVERY CAN BE MADE FROM THE PETITIONER, E) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES TO PAY THE FULL PENSION AND EXTEND ALL THE CONSEQUENTIAL BENEFITS TO THE PETITIONER ARISING THERETO, F) ISSUE A WRIT OR ANY OTHER ORDER DIRECTION AS DEEMS FIT IN THE PRESENT CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

Petitioner seeks following reliefs:

"a) Issue writ in nature of mandamus directing the respondent authorities to consider the petitioner representation dated 28-03-2026 vide Annexure-C.

b) Issue writ in nature of mandamus directing the respondent authorities refund the excess amount of commutation of pension having already paid starting from 03-02-2015 to 03-10-2025 and the commutation pension is to be modified to 10 years and 8 months instead of 15 years and same shall be modified in the pension payment order,

c) Issue a writ in nature of mandamus directing the respondent authority to refund the amount of Rs. 27330/- which is collected till date,

d) Issue a writ in nature of mandamus directing the respondent authority until such representation is considered and order is passed no recovery can be made from the petitioner,

e) Issue writ in nature of mandamus directing the respondent authorities to pay the full pension and

extend all the consequential benefits to the petitioner arising thereto,

f) Issue a writ or any other order direction as deems fit in the present circumstances of the case"

2. A perusal of the material on record will indicate that under identical circumstances, in WP No.200096/2026 dated 14.01.2026, co-ordinate Bench of this Court has held as under:

" ***ORAL ORDER***

Heard the learned counsel for the petitioner.

2. Learned Additional Government Advocate is directed to take notice for respondent Nos.1 to 3. Notice to respondent No.4 is dispensed at request and risk of the petitioner, as no relief is sought against respondent No.4.

3. This petition is filed by the petitioner seeking the following reliefs:
a) Issue Writ in nature of mandamus directing the respondent authorities to consider the petitioner representation dated 02.07.2025 vide Annexure-D in the interest of justice and equity;

b) Issue Writ in nature of mandamus directing the respondent authorities refund the excess amount of commutation of pension having already paid starting from 01.06.2013 to till date and the commutation pension is to be modified to 10 years and 8 months instead of 15 years and same shall be modified in the Pension Payment Order, in the interest of justice and equity;

c) Issue a Writ in nature of mandamus directing the respondent authority to refund the amount of Rs.1,69,598/- which is collected till date in the interest of justice and equity;

d) Issue Writ in nature of mandamus directing the respondent authorities to pay the full pension and extend all the consequential benefits to the petitioner arising thereto, in the interest of justice and equity.

e) Issue a Writ or any other order direction as deems fit in the present circumstances of the case."

4. Petitioner was Deputy Director in Sericulture Department and after attaining superannuation, he filed pension papers before the respondent authorities seeking to disburse his pension. Based on which, the respondent authorities granted the

pension vide PPO No.1113KCS52760, set the pension for the amount of Rs.22,546/-, commuted pension was set at Rs.7,709/- and monthly reduced pension was set at Rs.15,419/- and the commuted amount of Rs.7,709/- is to be deducted upto 31.05.2028 starting from 01.06.2013.

5. Petitioner made a representation dated 02.07.2025 before the respondent authorities seeking reduction of the deduction period for the commutation amount from 15 years to 10 years and 8 months. However, the same was not considered. Hence, the petitioner is perforced to approach this Court.

6. Learned counsel for the petitioner contends that the Co-ordinate Bench of this Court at Dharwad Bench in W.P.No.105244/2025 and the Principal Bench, Bengaluru, in W.P.No.23448/2024 have considered similar prayer of other employees and stayed the deduction from the pension. It is also submitted by the learned counsel for the petitioner that the Co-ordinate Bench of this Court in W.P.No.108193/2025 at Dharwad Bench and W.P.No.19172/2024 at the Principal Bench, Bangaluru, passed an order directing the respondent authorities to consider the representation of the petitioners therein. Therefore, the petitioner seeks

similar order in his favour, as he is similarly placed as that of those petitioners. In view of non-consideration of the representation so made by the petitioner dated 01.07.2025 also read as 02.07.2025 at Annexure-D, he is before this Court.

7. Having heard the learned counsel for the petitioner and the learned Additional Government Advocate appearing for respondent Nos.1 to 3-State and on perusal of the orders relied upon by the petitioner which are annexed to the petition, this Court deems it appropriate to allow the petition with a direction to consider petitioner's representation dated 01.07.2025 also read as 02.07.2025, in the manner known to law and in accordance to the similar orders passed by this Court on the earlier occasion.

8. Accordingly, I pass the following:

ORDER

i. The petition is allowed.

ii. The writ of mandamus is issued directing respondent Nos.2 and 3 to consider the representation of the petitioner dated 01.07.2025 also read as 02.07.2025 vide Annexure-D and pass

suitable orders within a period of eight weeks from the date of receipt of copy of this order.

iii. It is also needless to mention that no recovery proceedings shall be initiated until consideration of the representation of the petitioner. Petitioner is at liberty to produce any additional material in support of his case before the concerned authorities."

3. In WP No.108193/2025 dated 17.11.2025, co-ordinate Bench of this Court has held as under:

" ***ORAL ORDER***

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

1. The petitioners are before this Court seeking the following prayer:

A. Issue a Writ in the nature of Mandamus directing the respondents to treat the period 15 years in sub-rule (14) of Rule 376 of Karnataka Civil Service Rules 1958 as 10 years and 8 months (128 months) for recovery of lumpsum amount paid to the petitioners in monthly installment from pension payable to the petitioners and to extend all consequential benefits arising thereto, in the interest of justice and equity.

B. Issue any other order or direction, directing the respondents to refund the excess amount of commutation of pension having already been recovered from the petitioners who have paid more than 10 years and 8 months as per the representation dated 02/09/2025 vide Annexure-D and direct the respondent no.1 to 5 to pay full pension to the petitioners.

C. Issue any other order or direction as this Hon'ble court may deems fit and proper under the circumstances of the case, in the interest of justice and equity.

2. Heard the learned counsel appearing for the petitioners and the learned HCGP for the respondents.

3. The learned counsel for the petitioners submits that in identical circumstances the Co-ordinate Bench of this Court in Writ Petition No.107168/2025 disposed off on 25.09.2025, has passed the following order:

"1. Learned Additional Government Advocate accepts notice for the respondents.

2. The petitioner is before this Court seeking for the following reliefs:

a. Issue a Writ in the nature of Mandamus directing the respondents to treat the period 15 years, in sub-rule (14) of rule 376 of Karnataka Civil Service rules 1958 as 10 years and 8 months (128 months) for recovery of lumpsum amount paid to the petitioner in monthly installment from pension payable to the petitioner and to extend all consequential benefits arising thereto, in the interest of justice and equity.

b. Issue any other order or direction, directing the respondents to refund the excess amount of communication of pension having already been recovered from the petitioner who has paid more than 10 years and 8 months as per the representation dated 28.08.2025 vide annexure-d and direct the respondent no.1 to 5 to pay full pension to the petitioner.

c. Issue any other order or direction as this Hon'ble court may deems fit and proper under the circumstances of the case, in the interest of justice and equity.

3. The respondents proposing to recover the commuted value of pension beyond 12 years, the petitioner submitted the representation on 28.08.2025 at Annexure-D. The said representation has still not been considered, but the respondents are proposing to recover the amount. It is in that

background that the petitioner is before this Court seeking for the aforesaid reliefs.

4. Whenever any representation is submitted to any statutory authority or a Governmental authority it is required for the said authority to consider the same and pass necessary orders within a reasonable period of time, either accepting or rejecting the same. Neither having been done, I pass the following;

ORDER

i. The writ petition is allowed.

ii. A mandamus is issued, directing the respondents to consider the representation dated 28.08.2025 submitted by the petitioner at Annexure-D within a period of six weeks from the date of receipt of a copy of this order.

iii. Needless to say, until such representation is considered and order is passed, no recovery can be made from the petitioner."

4. The learned HCGP would not dispute the position as is considered by the Co-ordinate Bench.

5. In that light, I deem it appropriate to pass the following:

ORDER

i. The writ petition is allowed.

ii. A mandamus is issued, directing the respondents to consider the representation dated 02.09.2025 submitted by the petitioners at Annexure-D within a period of six weeks from the date of receipt of a copy of this order.

iii. Needless to say, until such representation is considered and order is passed, no recovery can be made from the petitioners. "

4. In WP No.19172/2024, co-ordinate Bench of this Court has held as under:

" ***ORAL ORDER***

The petitioners have sought for a direction to stay further recovery of portion of the commuted pension on the ground that the petitioners have repaid the commuted pension for more than 10 years and 08 months and submitted their representations dated 11.06.2024 to roll back the period of repayment of the commuted pension. The petitioners have also sought for a writ in the nature of mandamus to refund the excess amount of commuted pension which is already recovered from the petitioners.

2. The petitioners were employees of Bengaluru University who have all retired from service. The petitioners opted for commuting their pension which was to be recovered over a period of 15 years. The petitioners contend that from the date of their retirement, till today, there have been several events, such as, reduced interest rates and therefore, the respondents are not entitled to recover the commuted pension over a period of 15 years and they are bound to reconsider the same. In that regard, the petitioners submitted a representations dated 11.06.2024 before the respondents.

3. The learned counsel for the petitioners submits that following certain directions issued by the High Court of Punjab and Haryana, the Principal Accountant General, A and E Haryana had issued a circular dated 19.07.2024 stating that the State of Haryana had decided to stop recovery of commuted value of pension till the orders of stay granted by the High Court of Punjab and Haryana is vacated. He therefore, submits that the said circular should be taken into consideration while considering the representations of the petitioners.

4. The learned counsel for the respondents on the other hand, contended that the Division Bench of this Court in W.A.No.865/2006 has considered the

very same question and had held that the petitioners had all subscribed to the scheme and had agreed that the commuted value of the pension would be recovered over a period of 15 years and the petitioners cannot now back track and claim that the recovery has to be reduced from 15 years to less than 15 years. He also referred to the judgment of the Hon'ble Supreme Court of India in the case of 'Common Cause' A Registered Society & Others Vs. Union of India - (1987) 1 SC 142 which was also on a similar issue and which was referred to and relied upon by the Division Bench of this Court referred supra. He therefore, contends that the issue raised by the petitioners is no longer res-integra. None the less, he submits that the representations of the petitioners dated 11.06.2024 would be considered in accordance with law and appropriate orders would be passed taking into account the latest position of law.

5. In view of the aforesaid submission, this writ petition is disposed off directing the respondents to consider the representations of the petitioners dated 11.06.2024 in accordance with law.

6. It is open for the petitioners to produce any additional material in support of their representations which shall be considered by the respondents within a period of three months from the date of receipt of a copy of this order."

5. In view of the aforesaid orders passed by this Court in identical circumstances, I deem it just and appropriate to dispose of this petition in terms of the said orders.

6. In the result, I pass the following:

ORDER

I. The writ petition is ***allowed***.

II. A writ of mandamus is issued directing respondent authorities to consider the petitioner's representation dated 28.03.2026 at Annexure-C within a period of eight weeks from the date of receipt of copy of this order.

III. It is also needless to mention that no recovery proceedings shall be initiated until consideration of the representation of the petitioner. Petitioner is at liberty to produce any additional material in support of his case before the concerned authorities.

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

NJ
LIST NO.: 1 SL NO.: 9/CT;SI