



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 10897 OF 2021 (S-KSAT)

BETWEEN:

1. SRI T. A. RAGHAVAN,
AGED ABOUT 66 YEARS,
S/O LATE SRI. T.K.A. IYENGAR,
R/AT No.477, 4TH MAIN,
III CROSS, B BLOCK,
KANAKADASANAGAR
MYSORE- 570 022.
2. SRI. NANJUNDASWAMY C.,
AGED ABOUT 71 YEARS,
S/O LATE SRI CHENNAVEERAPPA,
R/AT No.466, 5TH CROSS,
M BLOCK, II STAGE,
KUVEMPUNAGAR,
MYSORE 570 004.

...PETITIONERS

(BY SRI. S. SUBHASH, ADVOCATE)

AND:

1. THE CHIEF SECRETARY,
GOVERNMENT OF KARNATKAA
VIDHANA SOUDHA,
BENGALURU 560001.



2. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
MINORITY WELFARE DEPARTMENT,
VIKASA SOUDHA,
VIDHANA VEEDHI,
BANGALORE 560 001.

...RESPONDENTS

(BY SRI B. RAVINDRANATH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE ORDERS BEARING No.MWD 226 DATED 22.08.2014 ISSUED BY THE R2 VIDE ANNEXURE-A15 IS ILLEGAL AND UNSUSTAINABLE IN LAW. SET ASIDE THE ORDERS DATED 26.08.2019 PASSED IN APPLICATIONS No. 6507/2019 AND 6508/2019 ON THE FILE OF KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BENGALURU VIDE ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri S. Subhash, learned counsel for the petitioners
and Sri R. Ravindranath, learned Additional Government
Advocate for the respondents.



2. The unsuccessful applicants in Application Nos.6507–6508/2016 are before this Court, impugning the order dated 26.08.2019 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short “the Tribunal”).

3. The brief facts of the case are that the applicants are retired Government servants who were appointed, after their retirement, to the Karnataka WAQF Tribunal, Mysuru, on a consolidated monthly salary of Rs. 6,000/- and Rs. 3,500/- respectively. The said salary was subsequently increased to Rs.7,250/- and Rs. 4,800/- respectively on the recommendation of respondent No. 1.

3.1 It is further stated that the revision of consolidated salary payable to employees re-appointed on a contract basis in Special Courts and Fast Track Courts was approved by the Registrar General of the High Court of Karnataka, pursuant to which the salaries of the petitioners were revised. When a further revision was permitted, representations were submitted seeking such revision, which were also recommended by the Presiding Officer, Karnataka WAQF Tribunal, Mysuru. However, the said recommendation came to be rejected by



communication dated 22.08.2014 (Annexure-A15), citing the Government policy against the appointment of retired employees.

3.2 The Tribunal, by the impugned order, rejected the applications, also placing reliance on the said Government policy.

4. Sri S. Subhash, learned counsel for the petitioners, submits that the State Government, by communication dated 19.08.2009, permitted the WAQF Tribunal to appoint the requisite staff. Pursuant thereto, the petitioners were appointed by the Presiding Officer of the Karnataka Waqf Tribunal by orders dated 25.08.2009 and 01.03.2010 (Annexures-A4 and A5).

4.1 It is further submitted that the consolidated remuneration was revised on 26.03.2010 (Annexure-A6). The learned counsel submits that such revision of consolidated remuneration was also approved by the Government, as evidenced by Annexure-A7, and was made effective by Government Order dated 18.08.2012.



4.2 It is contended that when the appointments of the petitioners were made with the approval of the State Government, and the revision of consolidated remuneration was also permitted and sanctioned by the Government, the endorsement rejecting the further revision of consolidated remuneration is contrary to the earlier decisions of the State Government.

4.3 It is lastly submitted that the Tribunal, without adverting to the aforesaid aspects, proceeded to reject the application.

5. The learned Additional Government Advocate appearing for the respondents submits that the Government has implemented a policy not to permit the appointment of retired Government employees on a contract basis. It is contended that the re-appointment of the petitioners, without approval, is contrary to the said policy, and therefore, they are not entitled to revision of the consolidated remuneration. It is further submitted that the Tribunal, having appreciated the said policy of the Government, has rightly rejected the application.



6. Heard learned counsel for the parties and perused the writ papers.

7. It is, however, not in dispute that the State Government had approved the appointment of requisite staff by the Presiding Officer, Karnataka WAQF Tribunal, Mysuru. The petitioners were appointed pursuant to the said sanction by orders dated 25.08.2009 and 01.03.2010, on a consolidated salary of Rs. 6,000/- and Rs. 3,500/- respectively.

7.1 By Government Order dated 26.03.2010, the consolidated salary was revised and the same was given effect. The Government, by order dated 19.05.2010, also approved the entitlement for revision of the consolidated salary. The consolidated salary was again revised by Government Order dated 18.08.2012.

8. The petitioners submitted representations seeking payment of revised salary in terms of the Government Order dated 18.08.2012. The said representations culminated in an endorsement dated 22.08.2014, rejecting the claim on the ground that the Government has a policy not to re-appoint



retired employees. The said endorsement has been affirmed by the Tribunal.

8.1 The documents referred to above clearly disclose that the appointment of the petitioners on a contract basis, with a consolidated salary, was duly approved. The consolidated salary stipulated in the orders of appointment was revised from time to time and such revisions were given effect to. However, when a further revision was effected by Government Order dated 18.08.2012, the same came to be denied by placing reliance on the Government policy.

8.2 When both the appointment of the petitioners and the revision of consolidated salary were approved by the Government, including under Government Order dated 18.08.2012, the petitioners would be entitled to the benefit of such revised consolidated salary from the date it came into effect. The endorsement dated 22.08.2014 neither cancels the appointments of the petitioners nor withdraws the pay revision granted under the Government Order dated 18.08.2012. Consequently, the said Government Order continues to operate and bind the authorities.



8.3 When the orders of appointment remain valid and the pay revision order is in force, the endorsement dated 22.08.2014, taking a contrary stand, is unsustainable. Significantly, the endorsement does not even refer to any Government order embodying the policy not to appoint retired employees, nor does it withdraw the approval granted for the appointment of the petitioners in the Karnataka WAQF Tribunal, Mysuru, or the pay revision sanctioned under Government Order dated 18.08.2012.

8.4 In such circumstances, the denial of pay revision in terms of the Government Order dated 18.08.2012, by taking a contrary stand in the endorsement dated 22.08.2014, cannot be sustained in law. The said endorsement fails to withstand judicial scrutiny and is liable to be set aside.

8.5 The Tribunal, in the impugned order, without advertng to the aforesaid aspects, has merely accepted the contents of the endorsement and, by placing reliance on the Government policy against appointment of retired Government servants, rejected the application.



9. In light of the above discussion, this Court holds that the petitioners are entitled to revision of consolidated salary in terms of the Government Order dated 18.08.2012. Accordingly, the following order:

Order

- (i) Writ petition is ***allowed***.
- (ii) The order dated 26.08.2019 in Application Nos.6507-6508/2016 passed by Karnataka State Administrative Tribunal, Bengaluru, is hereby set aside.
- (iii) The endorsement dated 22.08.2014 (Annexure A15) bearing number MWD 226 WES 2013 passed by Under Secretary, Department of Minorities Welfare, Hajj and WAQF, is hereby quashed.
- (iv) The respondent authorities are directed to settle all the financial benefits in the light of the above observations made in terms of Government Order dated 18.08.2012.



- (v) The above exercise shall be completed within
three months from the date of placing a copy
of this judgment before the authorities.

Pending I.A., if any, stands disposed of.

**SD/-
(S.G.PANDIT)
JUDGE**

**SD/-
(K. V. ARAVIND)
JUDGE**