



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.2421 OF 2022 (S-RES)

C/W

WRIT PETITION NO.9333 OF 2023 (S-RES)

IN WP No.2421/2022:

BETWEEN:

1. HANUMANTHA GOUDA F. PATIL
S/O SRI FAKEERA GOUDA PATIL
C/O SHIVAKUMAR V.G.
AGED ABOUT 72 YEARS,
FLAT NO.230,
MAHAVEER WILLOW APARTMENT
2ND FLOOR, NO.19/2
VALAGENAHALLI VILLAGE,
KENGARI SATELLITE TOWN,
BENGALURU – 560 060
2. EARAIAH HIEMATH
S/O NINGAYYA
C/O CHETHANSTHAVARAMATH
AGED ABOUT 65 YEARS
NO.1/1, 7TH D CROSS,
JAI JAWAN NAGARA,
CHIKKABANASAVAADI,
BENGALURU – 586 043
3. B.S. CHANNABASAPPA,
SINCE DEAD BY HIS LR
SMT. CHANDRAKALA
W/O LATE CHENNABASAPPA
AGED ABOUT 60 YEARS,
R/AT NO.921/10, 9TH CROSS,
LABOUR COLONY,



NITTUVALLI ROAD,
DAVANAGERE – 577 002

4. M. DURGAPPA
S/O KEMPU MARAPPA
AGED ABOUT 70 YEARS,
NO.3456/3269, 9TH CROSS, 2ND MAIN
VIJAYANAGAR EXTENSION,
YATRAPURA POST,
HARIHARA, DAVANAGERE – 577 601
5. SYED GHOUSE MOHIDDIN
S/O SYED IMAM SAB
SINCE DEAD BY HIS LR's
 - (a) D. BASIRA BANU,
W/O LATE SYED GHOUSE MOHIDDIN,
AGED ABOUT 70 YEARS,
R/O BHAGATH SINGH NAGAR,
1ST MAIN ROAD, 3RD CROSS ROAD,
DAVANAGERE – 577 002
 - (b) AYESHA SHABSHUM
D/O LATE SYED GHOUSE MOHIDDIN,
AGED ABOUT 52 YEARS,
R/O BHAGATH SINGH NAGAR,
1ST MAIN ROAD, 3RD CROSS ROAD,
DAVANAGERE – 577 002
 - (c) SAYYED SHAKEEL G.,
S/O LATE SYED GHOUSE MOHIDDIN,
AGED ABOUT 50 YEARS,
R/O BHAGATH SINGH NAGAR,
1ST MAIN ROAD, 3RD CROSS ROAD,
DAVANAGERE – 577 002
 - (d) AREEFA SHABSHUM,
D/O LATE SYED GHOUSE MOHIDDIN,
AGED ABOUT 48 YEARS,
R/O BHAGATH SINGH NAGAR,
1ST MAIN ROAD, 3RD CROSS ROAD,
DAVANAGERE – 577 002



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- (e) SAYYED KHALEEL G.,
S/O LATE SYED GHOUSE MOHIDDIN,
AGED ABOUT 46 YEARS,
R/O BHAGATH SINGH NAGAR,
1ST MAIN ROAD, 3RD CROSS ROAD,
DAVANAGERE – 577 002
6. JIGALI NAZIRSAB
SINCE DEAD BY HIS LRs
MR FIROZ
S/O LATE JIGALINAZIRSAB
AGED ABOUT 60 YEARS,
NO.334 JUBLIWALA ROAD
DAVANAGERE – 570 002
7. SHANKARAIHAH GURUPADAPPA SALIMAT
AGED ABOUT 64 YEARS,
C/O PRAKASH R.M.,
NO.27, 4TH MAIN,
NEAR ONES ENGLISH MEDIUM SCHOOL,
KAREKALLU, KAMAKSHIPALYA
BENGALURU – 560 079
8. RAGHUNATH HANUMANTHAPPA MADAPUR
AGED ABOUT 69 YEARS,
RAJESHWARI NAGAR, 6TH CROSS
RANEBENNUR, HAVERI – 581 115
9. EARAIAH KARIBASAVAIAH PATIL
AGED ABOUT 70 YEARS,
C/O B.T. GANESHAPPA,
LATTI TIMMEGOUDA
NO.43/3, SANGAM NILAYA,
2ND CROSS, SRI RANEBENNUR CHALAN ROAD,
MANDYA – 571 401
10. VIRUPAKSHAPPA VEERAPPA HADALI
S/O VEERAPPA HADALI,
AGED ABOUT 70 YEARS,
C/O I V HADATE
NO.46/3, R.D. JAYAPPA BUILDING,
CHIKKAJALAHATTI,
BENGALURU NORTH – 560 066



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11. VIRUPAKSHAPPA BASAPPA TALAVAGERI
AGED ABOUT 64 YEARS,
C/O DEEPAK CHAKRASAATE
NO.328, 1ST FLOOR,
8TH CROSS, PADMANABHANAGAR,
BENGALURU – 560 070
12. SHIVAPPA GUDDAPPA KARUR
SINCE DEAD BY HIS LR
SMT RENUKA,
W/O LATE SHIVAPPA GUDDAPPA KARUR
C/O HARI M R,
63RD BLOCK, 2ND MAIN ROAD,
65TH CROSS, BENGALURU – 560 010
13. VIJAYA KUMAR KRISHNARO BANDI
AGED ABOUT 65 YEARS,
C/O VIJAY BANDI,
FLAT NO.102, SLV KAVERI,
BEL LAYOUT, 2ND BLOCK
BENGALURU – 560 092
14. SHIVAJI LAXMAN BAGALKOT
AGED ABOUT 64 YEARS,
C/O AVINASH S. JADAV,
FANUC INDIA PVT. LTD.,
PLOT NO.155, KIADB INDUSTRIAL AREA,
BOMMASANDRA,
BENGALURU – 560 099
15. KENCHAPPA HANUMAPPA HUCHNNAVAR
AGED ABOUT 64 YEARS,
C/O ASHWINI HUCHANNAVAR,
NO.34, RANGANATH SWAMY NILAYA
1ST C MAIN, 4TH BLOCK,
SHIVANAHALLI, RAJAJI NAGAR
BENGALURU – 560 010
16. MALLANAGOWDA V. MUKKANAGOUDAR
S/O VEERANA GOUDA MUKKANAGOUDAR,
AGED ABOUT 69 YEARS,
NO.183, 5TH CROSS,
2ND STAGE HEBBAL,
MYSURU – 570 017



17. BASAVAREDDY DEVAREDDY GANGAL
AGED ABOUT 66 YEARS,
C/O V T MARACHAREDDY
NO.532, OPPOSITE TO POLICE STATION,
R T NAGAR, BENGALURU – 560 032
18. SRIMANTHA SAIBANNA HUGAR
AGED ABOUT 67 YEARS,
C/O VIJAKUMAR
NO.10, ISHWARI LAYOUT,
CHIKKABTTAHALLI,
BENGALURU – 560 097
19. RACHAIAH V. HIREMATH,
AGED ABOUT 65 YEARS,
C/O I R HIREMATH
NO.49, GROUND FLOOR,
4TH CROSS, SOCIETY COLONY,
NANJAPPA LAYOUT,
NEAR PADMAVATHI SCHOOL,
ADUGODI, BENGALURU – 560 030
20. ERAPPA BASAPPA MAIDARGI
AGED ABOUT 70 YEARS,
C/O NAGARAJ S PATIL,
HOUSE NO.3, GROUND FLOOR
1ST MAIN, DWARAKANAGARA EAST,
RAJA RAJESHWARI NAGAR,
BENGALURU – 560 098
21. SHIVAPPA BASAPPA MUGALAHALLI
AGED ABOUT 71 YEARS,
NO.114 16TH CROSS,
1ST MAIN, MTS LAYOUT,
Kengeri Upanagara,
BENGALURU – 560 060
22. MAQBOOL AHMAD M D
AGED ABOUT 65 YEARS,
C/O VINOD KALE A.,
NISARGA LAYOUT
NEAR VENKATESH TEMPLE,
4TH CROSS, 1ST MAIN,
JIGANI, BENGALURU – 560 099



23. BETEGERI KURUBAR MARILINGAPPA OMKARAPPA
S/O OMKARAPPA
AGED ABOUT 65 YEARS,
NO.33/30, M I G-2
3RD LINK ROAD, KUVEMPUNAGAR
BELLARY – 583 103
24. CHITADARGI RAGHAVENDRA GOWDA
AGED ABOUT 68 YEARS,
C/O MOHAN RAO L.,
NO.4, 1ST CROSS, 1ST MAIN,
DEFENSE COLONY, SAHAKARNAGAR,
KODEGEHALLI MAIN ROAD,
BENGALURU NORTH – 560 091
25. KUSHTAGI SETHURAM VENKATARAMACHAR
SINCE DEAD BY HIS LR
SMT K. KALAVATI
W/O LATE KUSHTAGI SETHURAM VENKATARAMANACHAR
C/O CHANDRAPPA NENE,
TEVAR POST, CHATANAHALLI PETROL BUNK,
SHIVAMOGGA – 577 216
26. NAGENDRAPPA
AGED ABOUT 70 YEARS,
C/O PRAMOD
JIGALI ROAD LINES,
OPPOSITE TO SCHOOL, MALEBENNURU
DAVANAGERE – 577 001
27. PARASHURAMAPPA R. KAKANDAKI
SINCE DEAD BY HIS LR's
 - (a) GANGAMMA PARASHURAMAPPA KAKHANDAKI,
W/O LATE PARASHURAMAPPA R. KAKHANDAKI,
AGED ABOUT 58 YEARS,
R/O AIHOLE VILLAGE AND POST,
HUNAGUND TALUK,
BAGALKOT DISTRICT – 587 124
 - (b) HANUMAPPA PARASHURAMAPPA KAKHANDAKI,
S/O LATE PARASHURAMAPPA R. KAKHANDAKI,
AGED ABOUT 42 YEARS,



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R/O AIHOLE VILLAGE AND POST,
HUNAGUND TALUK,
BAGALKOT DISTRICT – 587 124

(c) MANJUNATHA PARASHURAMAPPA KAKHANDAKI,
S/O LATE PARASHURAMAPPA R. KAKHANDAKI,
AGED ABOUT 42 YEARS,
R/O AIHOLE VILLAGE AND POST,
HUNAGUND TALUK,
BAGALKOT DISTRICT – 587 124

(d) SHIVALEELA PARASHURAMAPPA KAKHANDAKI,
D/O LATE PARASHURAMAPPA R. KAKHANDAKI,
AGED ABOUT 36 YEARS,
R/O AIHOLE VILLAGE AND POST,
HUNAGUND TALUK,
BAGALKOT DISTRICT – 587 124

28. SHEKARAPPA PRABHAPPA BALIGAR
S/O PRABHAPPA BALIGAR
AGED ABOUT 64 YEARS,
C/O BASAVARAJ SHIVALINGAPPA
DURGIGUDI SOUTH 12TH CROSS, HONNALI
DAVANAGERE – 577 217

...PETITIONERS

(BY SRI. NARAYANA BHAT M., ADV. FOR P5 (I TO v),
P27 (A TO D))

AND:

THE KARNATAKA URBAN WATER SUPPLY AND
DRAINAGE BOARD
REPRESENTED BY ITS
MANAGING DIRECTOR
NO.5 JAL BHAVAN
BANNERGHATTA MAIN ROAD
BENGALURU – 560 029

...RESPONDENT

(BY SMT. NAYANA TARA B.G., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 226 OF CONSTITUTION
OF INDIA PRAYING TO QUASH ORDER BEARING NO.K.J.M./HRD-
6/LEGAL/2741/2018-19 DATED 08.03.2019 PRODUCED AT ANNEX-N
AS THE SAME IS ILLEGAL, CONTRARY TO LAW AS LAID BY THIS



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HON'BLE COURT IN W.P.NO.16391/1992 DATED 08.07.1998
PRODUCED AT ANNEX-B AND ALSO VIOLATIVE OF ARTICLES 14, 16
AND 21 OF THE CONSTITUTION AND ETC.,

IN WP NO.9333/2023:

BETWEEN:

1. M. DURAGAPPA
S/O KEMPU MARAPPA,
AGED ABOUT 71 YEARS
#3456/3269, 9TH CROSS, 2ND MAIN,
VIJAYANAGAR EXTENSION,
YANTRAPURA POST, HARIHARA
DAVANAGERE DIST
2. SYED GHOUSE MOHIDDIN
S/O SYED IMAM SAB
AGED ABOUT 73 YEARS
#677B/123, 3RD CROSS,
KSRTC BUS STAND ROAD,
BHAGATH SINGH NAGAR,
DAVANAGERE – 577 002
3. JIGALI NAZIR SAB
S/O JIGALI CHAMAN SAB
AGED ABOUT 68 YEARS
#334, JUBLIWELL ROAD
DAVANAGERE – 577 001
4. SRI SHANKARAIHAH GURUPADAPPA SALIMATH
AGED ABOUT 65 YEARS
GANDHI CHOWK
KAMATAGI POST, HUNAGUND TALUK,
BAGALKOT DISTRICT.
5. SRI RAGHUNATH HANUMANTHAPPA MADAPUR
AGED ABOUT 70 YEARS
RAJESHWARI NAGARA, 6TH CROSS,
RANEBENNUR, HAVERI DISTRICT
6. SRI EARAIAH KARBASIAH PATIL
AGED ABOUT 71 YEARS



MALLAPURA, RONA TALUK
GADAGA DISTRICT

7. SRI VIRUPAKSHAPPA VEERAPPA HADALI
AGED ABOUT 71 YEARS
MALLAPURA, RONA TALUK
GADAGA DISTRICT.
8. SRI VIRUPAKSHAPPA BASAPPA TOLADAGERI
AGED ABOUT 65 YEARS
LIG 8, RADHAKRISHNA NAGARA
GADAG.
9. SRI SHIVAPPA GUDDAPPA KERUR
AGED ABOUT 71 YEARS,
SARSWATHAPUR,
KALAGATAGI ROAD,
DHARWAD,
10. SRI MOHAN KARAVEERAPPA SHIROL
AGED ABOUT 70 YEARS,
HOUSE NO.25, SHIVASHAKTHI NAGAR,
GOKUL ROAD, HUBLI
DHARWAD DISTRICT
11. SRI VIJAYAKUMAR KISHAN RAO BANDI
AGED ABOUT 62 YEARS
SMT VIJAYALAKSHMI BANDI
W/O VIJAYAKUMAR KISHAN RAO BANDI
AGED ABOUT 60 YEARS
KUSHTAGI, YALABURGA TALUK,
KOPPAL DISTRICT
12. SRI MADIVALAPPA ULAVAPPA KAMATI
AGED ABOUT 65 YEARS
LAKAMANAHALLI,
NEAR KHB COLONY, OM NAGARA
2ND CROSS, NAVANAGARA
DHARWAD
13. SRI SHIVAJI LAKSHMAN BAGALKOT
AGED ABOUT 65 YEARS,
HONNUR POST, JAMAKANDI TALUK,
BAGALKOT DISRICT.



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14. SRI KENCHAPPA HANUMAPPA HUCHHANNANAVAR
AGED ABOUT 65 YEARS,
NO.2364, KENCHALARAKOPPA,
SAVADATTI, BELGAUM DISTRICT.
15. SRI MALLANAGOWDA MUKKANAGOWDAR
AGED ABOUT 65 YEARS,
PLOT NO.109, YALAMALI LAYOUT,
KALASAPURA ROAD, GADAG.
16. SRI BASAVAREDDY DEVAREDDY GANGAL
AGED ABOUT 67 YEARS,
NAMRATHA PARK, BAIRI DEVARAKOPPA,
HUBLI, DHARWAD DISTRICT.
17. SRI SRIMANTHA SAIBANNA HUGAR
AGED ABOUT 71 YEARS,
NELOGAL SEDAM POST,
KALABURGI DISTRICT.
18. SRI RACHAIAH V. HIEMATH,
AGED ABOUT 66 YEARS,
BEHIND VIJAYANAGARA HIGH SCHOOL,
GADAG.
19. SRI ERAPPA BASAPPA MAIDURAGI
AGED ABOUT 71 YEARS,
KARIYAMMA BADAVANE,
VIVEKANANDA ROAD, GADAG.
20. SRI SHIVAPPA BASAPPA MUGEHALI
AGED ABOUT 72 YEARS,
COLLEGE ROAD, HUNAGUND,
BAGALKOT DISTRICT.
21. SRI MADHUKAR VASUDEV BISE
AGED ABOUT 65 YEARS,
HOUSE NO.1118, BICHYHUGALLI,
SHAPURA, BELGAUM.
22. SRI B. VIJAYAKUMAR,
AGED ABOUT 64 YEARS,



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QUARTERS, ROOPANAGUDI ROAD,
NEAR HULIGEMMA TEMPLE, BELLARY.

23. SRI MURTHUJA SAB HASANSAB PIJAR
AGED ABOUT 67 YEARS,
RAMANJANEYA NAGARA, BALAGAL CROSS,,
COWLA BAZAAR, BELLARY.
24. SRI MAQBOOL AHAMED M.D.
S/O ISMAIL
AGED ABOUT 66 YEARS,
R/O H.NO.74, NALA ROAD,
COWL BAZAR, BELLARY.
25. SUGUR PABHAKAR CHANDRASHEKARAPPA
AGED ABOUT 66 YEARS,
R/O NO.64 GANDHICHOWK,
COWL BAZAR, BELLARY.
26. SRI.BETAGERI KURUBAR MARILINGAPPA OMKARAPPA
AGED ABOUT 66 YEARS,
R/O H.NO.33/30, M.I.G.-2,
3RD LINK ROAD, KUVEMPU NAGAR,
BELLARY.
27. SRI.CHITTAVADAGI RAGHAVENDRA
GOWDA GOVINDAGOWDA,
AGED ABOUT 69 YEARS,
R/O CHITTAVADAGI POST,
HOSAPET, BELLARY DISTIRCT.
28. B.S. CHANNABASAPPA
S/O HANUMAPPA
DEAD BY L.R.'s
SMT. LEELAVATHI
W/O B.S. CHANNABASAPPA
29. SRI.KUSHTAGI SHETHURAM VENKATARAMACHAR
DEAD BY LR'S
SMT. KALAVATHI
W/O SETHURAM VENKATARAMACHAR
AGED ABOUT 62 YEARS,
R/O S.S.PET, BEHIND ESHWAR TEMPLE,
VENKATESHWARA NILAYA, BELLARY.



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30. NAGENDRAPPA
S/O NARAYANAPPA THASILKAR
AGED ABOUT 71 YEARS,
R/O PLOT NO.9, NEW RAGAHAVENDA COLONY
KALABURGI.
31. PARASHURAMAPPA
S/O RAMAPPA KANKADAKI
AGED ABOUT 71 YEARS,
R/O ILKAL, HUNUGAND TALUK,
BAGALKOT DISTRICT.
32. SHEKARAPPA
S/O PRABHAPPA BALIGAR
AGED ABOUT 65 YEARS,
R/O SHIRAGUPPI,
TALUK HUBLI, DHARWAD DISTRICT.

...PETITIONERS

(BY SRI. JAGADEESHGOUD PATIL, ADVOCATE)

AND:

1. THE KARNATAKA URBAN WATER SUPPLY AND
DRAINAGE BOARD
REP. BY ITS MANAGING DIRECTOR
CAUVERY BHAVAN,
BANGALORE – 560 009
2. THE CHIEF ACCOUNTS OFFICER
KARNATAKA URBAN WATER SUPPLY
AND DRAINAGE BOARD,
CAUVERY BHAVAN,
BANGALORE – 560 009
3. THE EXECUTIVE ENGINEER
KARNATAA URBAN WATER SUPPLY
AND DRAINAGE BOARD,
MANAGING DIRECTOR,
CAUVERY BHAVAN
BANGALORE – 560 009

...RESPONDENTS

(BY SMT. NAYANA TARA B.G., ADVOCATE)



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THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 08/03/2019 BEARING NO.ಸಂಖ್ಯೆ..ಕಜಮ/ಹೆಚ್.ಆರ್.ಡಿ:6/ಲೀಗಲ್/2741/2018-19 PASSED BY THE 1ST RESPONDENT AT ANNEXURE-L AND ETC.,

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

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

ORAL ORDER

In W.P.No.2421/2022, petitioners seek the following reliefs:

"a) Issue writ of certiorari or any other appropriate writ or an order or direction quashing order bearing No. K.J.M./HRD-6/LEGAL/2741/2018-19 dated 08/03/2019 produced at Annexure-N as the same is Illegal, contrary to law as laid by this Hon'ble Court in W.P.No.16391/1992 dated 08/07/1998 produced at Annexure-B and also violative of Article 14, 16 and 21 of the Constitution.

b) Issue writ of mandamus or any other appropriate writ or an order or direction directing the respondent to consider the representation dated 31/01/2019 produced at Annexure-P and the one dated 18/01/2022 produced at Annexure-P-1 and grant them the benefit of pay scale of Rs.120-240 in the place of Rs.90-200 from the date of their initial appointment and grant them all consequential benefits to meet the ends of justice.

c) Issue writ of mandamus or any other appropriate writ or an order or direction directing the respondents to



grant the pay scale of Rs.120-240 from the date of their appointment in the Cadre of Jr. Work Inspector and further grant them arrears of salary and all other consequential benefits consequent to quashing of Annexure-N to meet the ends of justice.

d) Issue writ of mandamus or any other appropriate writ or an order or direction directing the respondent to revise the pay fixation of all the petitioners on fixation in the scale of Rs.120-240 from the date of joining service and revise the same on the basis of the revision of pay scales notified from time to time and also revise the monthly pension accordingly to meet the ends of justice.

e) Issue writ of mandamus or any other appropriate writ or an order or direction directing the respondent to compute the arrears of salary upon re-fixation so also the arrears of pension and difference in other terminal benefits computed on re-fixation of the salary to meet the ends of justice.

f) Issue writ of mandamus or any other appropriate writ or an order or direction directing the respondent to pay interest at the rate of 14 percent per annum on arrears computed as stated above from the date on which same are due till payments are made, to meet the ends of justice.

g) Grant the petitioners cost of this proceeding and pass such other Order/s as this Hon'ble Court deem fit to meet the ends of justice."



In W.P.No.9333/2023, petitioners seek the following reliefs:

“a) Quash the order dated 08/03/2019 bearing No.ಸಂಖ್ಯೆ.ಕಜಮ/ಹೆಚ್.ಆರ್.ಡಿ:6/ಲೀಗಲ್/2741/2018-19 ದಿನಾಂಕ: 08.03.2019 passed by the 1st respondent at Annexure-L.

b) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents to consider the case of the petitioners as per judgment dated 08.07.1998 passed by this Hon'ble Court in W.P.No.16391/1992 at Annexure-G and order 24.01.2000 in W.A.No.970/1999 and 1378/1999 passed by this Hon'ble Court at Annexure-H and also order dt.3/6/2006 in W.P.No.8659/2001(S) and Writ Appeal No.1590/2006, 10149:10153/2011, 27.07.2011-Annexure-N, P & Q and grant them the benefits which has been granted to other employees as per the order of this Hon'ble Court in the interest of justice and equity.

c) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to re-fix the salary of the petitioners in the scale of Rs.120-240 from the date of their joining and grant them all the consequential benefits together with interest.

d) Direct the respondents to pay the costs of this writ petitions and grant such other relief or reliefs which this Hon'ble Court deems fit under the facts and circumstances of the case to meet the ends of justice.”

2. Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.



3. A perusal of the material on record will indicate that in relation to the employees identically / similarly situated to the petitioners, this Court in W.P.No.16391/1992 dated 08.07.1998 has held as under:

“ORDER

1. *The petitioner is seeking for issue of a writ of mandamus or any other appropriate writ, order or direction directing the respondents to refix the salary of the petitioner in the pay scale of Rs.120-240 from the date of joining and grant him all consequential benefits after quashing the Annexure-J bearing Reference No.CEB: 4: EGE:87-Vol-III Bangalore 114 dated 9-4-1992 urging the following legal contentions.*

2. *The petitioner was appointed as Junior Work Inspector on 19th July 1975 vide appointment order Annexure-A in the Public Health and Engineering Division at Bagalkot. Subsequently, the Karnataka Urban Water Supply and Drainage Board Act, 1973, was enacted and the service of the petitioner was transferred to the Karnataka Water Supply and Drainage Board with effect from 14th August 1975. The petitioner was appointed in the scale of Rs.90-200. Subsequently he was promoted as on the date of filing the writ petition and he was working as accounts Assistant. The pay scales in the Board were rationalised. On the rationalisation of the pay scale three categories of*



Maistries were created namely first category 90-200, second category 80-145, and third category Rs.90-200 respectively. Again, the pay scales were re-classified with effect from 1.9.1971. On reclassification the first and second category who were drawing Rs.90-200 and Rs.80-145 were reclassified as Rs.120-240, whereas the third category who were drawing Rs.90-200 were not included in the re-classified pay scale.

3. *There was some anomaly in the pay fixation in so far as the Maistries of the department is concerned. The Government of Karnataka represented by its Under Secretary of P.W.& E Department passed another order vide Annexure-B redesignated the Maistries as Work Inspectors. In pursuance of the said order, the categories of the Maistries referred to above in so far as the 3rd category of Maistries in the pay scale of Rs.90-200 were not given the scale of Rs.120-240. The petitioner was appointed in the scale of Rs.90-200 included in the scale of Rs.120-240 in accordance with the Government order at Annexure-B. The allocation statement bearing reference No.PED:EST: 2:52:83 480-19 dated 17-4-1992 is produced at Annexure-C.*

4. *The petitioner's pay scale was fixed as per Annexure-D, his pay scale was fixed at Rs.120-240 and the arrears were already given to him as per Government Order at Annexure-B. He contends that there is no mistake of any kind in fixing the pay scale of Rs.120-240. Thereafterwards, the respondents reopened the matter and*



contrary to the Government Order referred to above initiated proceedings to refix the pay scale of Rs.90-200 and to recover the arrears already paid to the petitioner.

5. *Aggrieved by the said action, the petitioner and others were approached this Court in W.P.Nos.4429/84 and other connected matters. After hearing the parties, Writ petitions were allowed with a direction to the respondents quashing the orders impugned in the said writ petitions reserving liberty to the respondent Board to determine the issue afresh in accordance with law and take action as is permissible in law. In pursuance of the said order, notice was issued by the Board dated 6.10.1989 calling upon the petitioner to state his defence to enable the Board to take further action in that regard. The petitioner submitted his explanation at ANNEXURE-G dated 6.11.1989. On the basis of the said explanation, the Board drawn up the proceedings dated 9.4.1992 vide Annexure-J fixed the pay scale for the petitioner at Rs.90-200 instead of Rs.120-240 as per the Government Order and revised pay scale came into with effect from 1-9-1971, the said revised pay scale was applicable for the petitioner subsequent to that date he was appointed in the post of Junior Inspector at Annexure-H.*

6. *Therefore, the petitioner submits that the Board without applying its mind applied its revised pay scale and the Government Order refixed the pay scale for the petitioner of Rs.90-200 at Annexure-J. Hence, the learned counsel for the petitioner submits that the action of the*



respondents is contrary to the directions of the Government and the same is violative of Articles 14, 16 and 21 of the Constitution of India. It is further contended that the submission of the objections to the show case notice issued by the Board was not considered applying its mind and they have not assigned any reasons in fixing the pay scale of Rs.90-200 instead of Rs.120-240. Further the learned counsel would submits that the action of respondent is not sustainable in view of the Government Order dated 10.9.1980 at Annexure-B. The Government has directed the Board to fix the pay scale of Rs.120-240 irrespective of their date of appointment who were designated as Junior Work Inspectors who were holding the pay scale of Rs.90-200 and its equivalent pay scale in the revised pay scale of Rs.960-1760. Therefore, the learned counsel submits that the first respondent Managing Director has not applied his mind to the rationalisation of the pay scale and the revised pay scale of the Government Orders at Annexures 'B' & 'H'. Therefore, the petitioner is entitled for the reliefs sought for in this writ petition.

7. *The respondent Board has not filed its counter. The petition averments and Government Orders Annexures 'B' & 'H' are not disputed for the reason that the said Government Orders are self-explanatory. The respondents have not applied their mind with reference to the said Government Orders, it is clear from the proceedings at Annexure-J which is impugned in this writ petition. No satisfactory explanation is given as to why the petitioner's pay scale was not fixed at Rs.120-240 for which the*



petitioner is legally entitled in view of the Government Orders at Annexures 'B' & 'H'. Therefore, the impugned order at Annexure-J while fixing the pay scale of the petitioner of Rs.90-200 instead of Rs.120-240. The action of the respondent is arbitrary and contrary to the Annexure-B and H. Hence, the impugned Order Annexure-J is wholly unsustainable in law. For the reasons stated supra, the petitioner is entitled for the relief sought for in this writ petition. Hence, the Annexure-J in not fixing the pay scale of Rs.120-240 at column 4 of the Order dated 9.4.1992 against the name of the petitioner is bad in law. Hence, I pass the following order:

8. Writ petition is allowed. Rule made absolute. The impugned order Annexure-J in so far as the petitioner is concerned in not fixing his pay scale at column 4 of Rs.120-240 is bad in law to that extent Annexure-J is quashed and further respondents are hereby directed to refix the pay scale on the basis of the Government Orders Annexure-B dated 10.9.1980 and Annexure-H dated 31.5.1989 and pay all the consequential benefits."

4. The respondent-Board having assailed the same in W.A.No.970/1999, the same came to be dismissed vide Order at Annexure – C dated 24.01.2000 as hereunder:

"JUDGMENT

The appellant did not file its statement of objections.



2. The learned Single Judge relying upon Annexures-B and H held that the respondents had been placed in the pay scale of 120-240.

3. We have gone Annexure-B and H and a reading of the same would go to show that the Maistries, whose scale of pay was classified in the year 1970 as 90-200 was re-classified in the scale 120-240 with effect from 1.2.1971. Counsel for the appellant was unable to show that Annexures-B and H at any subsequent stage were withdrawn by the respondents. The order passed by the Single Judge is in terms of the Government Orders Annexures-B and H and, therefore, there is no infirmity in the order passed by the Single Judge.

4. Dismissed.”

5. The Special Leave Petition in SLP Nos.31434-31439/2011 filed by the respondent – Board was also dismissed by the Apex Court vide final Order dated 28.11.2011. Meanwhile, the aforesaid judgment passed by this Court in W.P.No.16391/1992 dated 08.07.1998 was followed by the Co-ordinate Bench of this Court in W.P.No.8659/2001 dated 03.06.2006 vide Annexure – D as hereunder:

“ORDER

The challenge raised in this writ petition is to the first respondent's order, dt.9/4/1992 (Annex G) refixing the scale downward.



2. Sri Bhat, the learned counsel for the petitioner submits that the issue is no more in gray area. It is covered by the order, dt.8/7/1998 passed by the learned Single Judge of this Court in W.P.No.16391/1992 (Annex.H). In the said petition, the very same order which is impugned in this petition is quashed and consequential directions were given to refix the pay scale on the basis of Govt. Orders, dt.10/9/1980 and 31/5/1989. He further submits that the said order was confirmed by the Division Bench of this Court, by its order, dt.24/1/2000 passed in W.A.Nos.970/1999 and 1378/1999 (Annex.J).

3. Sri Bhat presses for the disposal of this petition in terms of the covered matter. I notice that there is a delay of about 9 years in filing, this writ petition. On being pointedly questioned the delay aspect of the matter, Sri Bhat submits that in view of the covered matter, the petitioner-employees of the respondent No.1 Board were only representing appealing to the respondents to redress their grievances. They have come to this Court as their expectations were belied. He submits that, if this petition is thrown out on the ground of delay and laches, it would create an anomalous situation where equals would be treated unequally and similarly placed employees would be treated dissimilarly. In this regard, he has relied upon a judgment of the Apex Court in the Case of K.I SHEPHARD VS. UNION OF INDIA reported in AIR 1988 BC 686. The relevant portion is extracted hereinbelow:



"19 Some of the excluded employees have not come to Court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners. Ordinarily the successful parties should have been entitled to costs but in view of the fact that they are going back to employment, we do not propose to make orders of costs against their employers."

4. In view of the order impugned herein being the same which was impugned in W.P.No.16391/1992 and in view of the Supreme Court's order referred to hereinabove, I deem it fit and just to grant the same relief to the petitioners as was granted to the petitioner in the above said writ petition.

5. In the result, this writ petition is disposed of in terms of this Court in order, dt.8/7/1998 passed by this court in W.P.No.16391/1992. The respondents shall complete the process of refixation of the pay-scales within an outer limit of 4 months from today. No order as to costs."

6. The aforesaid order was confirmed by the Hon'ble Division Bench vide Annexure – E dated 27.07.2011 in W.A.Nos.1590/2006 and connected matters, wherein it is held as under:

"JUDGMENT

These appeals by the appellant are directed against the order dated 3rd June 2006 passed in



W.P.No.8659/2001, wherein respondent Nos.1 to 6 had sought for a direction to the appellant to consider the representation submitted by them on 4.12.2000 vide Annexure-K to the writ petition and to grant the benefits which had been granted to other employees as per the order of this Court produced at Annexure-H to the writ petition.

2. The grievance of respondent Nos.1 to 6 before the learned Single Judge was that the appellant by its order dated 9.4.1992 vide Annexure-G to writ petition had re-fixed the payscale of respondent Nos.1 to 6 downward and in view of the said anomaly, they had submitted detailed representation dated 4.12.2000 vide Annexure-K to the writ petition to consider their grievances and to extend the benefit to respondent Nos.1 to 6 on par with other employees, as per the order passed by this Court on 8.7.1998 in W.P.No.16391/1992. When the writ petition under challenge had come up for consideration before the learned Single Judge on 3rd June 2006, on that day, learned counsel for respondent Nos.1 to 6 submitted that the matter is directly covered by the order of this Court dated 8.7.1998 passed in W.P.No.16391/1992 produced at Annexure-H to the writ petition, wherein the order dated 9.4.1992 passed by the appellant was quashed and consequently a direction was issued to re-fix the payscale on the basis of the Court orders and the said order was confirmed by the Division Bench of this Court by its judgment dated 24.1.2000 in W.A.No.970/1999 and W.A.1378/1999, produced at Annexure-J to the writ petition.



Considering the rival contentions of the counsel appearing for the parties and placing reliance on the order dated 24.1.2000 passed by the Division Bench of this Court in W.A.No.970/1999 and W.A.No.1378/1999, confirming the order dated 8.7.1998 passed in W.P.No.16391/1992 and also relying on the judgment of the Apex Court reported in 1988 SC 686 (KI SHEPHARD V/S. UNION OF INDIA), the writ petition filed by respondent Nos.1 to 6 was disposed of, in passed terms of the order dated 8.7.1998 in W.P.No.16391/1992, with a direction to the appellant to re-fix the payscale of respondent Nos.1 to 6 within an outer limit of four months. Being aggrieved by the said order passed by the learned Single Judge, the appellant has presented these writ appeals.

3. We have heard the counsel appearing for the appellant and the counsel appearing for the respondents.

4. After careful perusal of the order passed by the learned Single Judge, we do not find any error of law, much less, material irregularity or miscarriage of justice. What emerges from the order impugned is that the counsel for respondent Nos.1 to 6 submitted that the matter is covered by the order dated 8.7.1998 passed in W.P.No.16391/1992 by this Court, confirmed the Division Bench of this Court by its judgment dated 24.1.2000 passed in W.A.No.970/1999 and W.A.No.1378/1999 produced at Annexure-H and J to the writ petition. However, the counsel for the appellant submitted that there was inordinate delay of more than 9 years in redressing their grievance and therefore, their



representation dated 4.12.2000 cannot be considered and they cannot be treated on par with the petitioner in W.P.No.16391/1992. Placing reliance on the judgment of the Hon'ble Supreme Court reported in 1988 SC 686 (K. I SHEPHARD V/S. UNION OF INDIA), the learned Single Judge has disposed of the writ petition filed by respondent Nos.1 to 6. The relevant portion of the judgment of the Apex Court relied on by the learned Single Judge reads thus:

*"19
Some of the excluded employees have not come to Court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners. Ordinarily the successful parties should have been entitled to costs but in view of the fact that they are going back to employment, we do not propose to make orders of costs against their employers."*

The Apex Court in the aforesaid decision has observed that there is no justification in penalising the employees who have not come to Court and ordered that they shall also be entitled for the same benefits as the petitioners and in view of parties going back to employment, the Apex Court did not propose to make orders with regard to costs against their employers.

5. In the instant case, it is not the case of the appellant that they have assailed the correctness of the Judgment of the Division Bench of this Court in W.A.No.970/1999 and W.A.No.1378/1999, confirming the order dated 8.7.1998 passed in W.P.No.16391/1992 passed by the learned Single Judge and it has become final and



binding on the appellant. Taking all these relevant factors into consideration, we are of the considered view that, the learned Single Judge is justified in disposing of the writ petition filed by respondent Nos.1 to 6 in terms of the order dated 8.7.1998 passed in W.P.No.16391/1992. Therefore, we do not find any justification or good ground as such made out by the appellant to interfere with the order passed by the learned Single Judge. The submission of the appellant that there was delay in redressing the grievance by respondent Nos.1 to 6 cannot be considered for the reason that the same has been rightly considered and rejected by the learned Single Judge, placing reliance on the judgment of the Apex Court and the order passed in the earlier round of litigation in a similar case, as stated supra.

6. Having regard to the facts and circumstances of the case, the appeals filed by the appellant stand dismissed, as devoid of merits. Ordered accordingly.”

7. Subsequently, the petitioners herein and others claiming parity approached this Court in W.P.Nos.13638/2006 and connected matters, which were allowed and disposed of in terms of the earlier orders passed by this Court vide final Order dated 06.03.2012, which reads as hereunder:

“ORDER



Petitioners in these petitions have sought for a direction, directing the respondents to consider the representation submitted by petitioners on 19th July 2006 vide Annexure G and grant the benefits which have been granted to other employees. Further, petitioners have sought for quashing the order dated 9th April 1992 vide Annexure C and consequential re-fixation made in pursuance to Annexure C, is arbitrary capricious and violative of Articles 14, 16, and 21 and 300-A of the Constitution of India and to direct the respondents to step up the pay of the petitioners on par with Shri.M.A. Menasinakai and pay them all the consequential benefits. Petitioners have also sought for a direction to the contesting respondents to pay all consequential benefits including arrears from the date of his appointment as on date, to meet the ends of justice.

2. Facts in brief are that, the petitioners herein were appointed in the erstwhile Department of Public Health and Engineering of the Government of Karnataka. Later, they were transferred to the Board on its formation along with the works. Pursuant to a Government Order, the petitioners who were in the pay scale of Rs.90-200/- were extended the pay scale of Rs.120-240/-, Thereafter the said benefit was taken away and the petitioners approached this Court, by filing writ petitions along with several others and the same was allowed. Thereafter, the Board issued notice to all the employees and once again reduced the pay scales. One Shri. M.A. Menasinakai approached this Court and he is junior to the petitioners and the writ petition filed by him



was allowed and the order of the learned single judge was challenged in the writ appeal, which was rejected and Shri.M.A. Menasinakai has been extended the pay scale of Rs.120-240/- from the date of his initial appointment and therefore, several others also had approached this Court and the writ petitions filed by them were allowed. It is the further case of the petitioners that, since Shri.M.A.Menasinakai, who is junior to the petitioners, is drawing higher pay scale, the said benefit is required to be extended to the petitioners also. In addition to that, the petitioners also entitled to arrears on the same treatment which has been extended to Shri.M.A. Menasinakai. Since the same has not been extended despite repeated representations, these petitioners felt necessitated to present these writ petitions seeking appropriate reliefs as stated supra.

3. I have gone through the grounds urged in the writ petitions.

4. After careful evaluation of the material available on record, it emerges that Shri. M.A Menasinakai has filed writ petition No.16391/1992, questioning the correctness of the order dated 9th April 1992 passed vide Annexure J therein and the writ petition filed by Shri.M.A. Menasinakai was allowed by this Court, by its order dated 8th July 1998, quashed the order passed by the competent authority, insofar as the petitioner therein was concerned, in not fixing his pay scale at column 4 of Rs.120-240/- is bad in law. Further, the respondents were directed to re-fix the



pay scale on the basis of the Government Orders vide Annexure B dated 10th September 1980 and Annexure H dated 31st May 1989 and pay all the consequential benefits. Assailing the correctness of the order passed by the learned single Judge of this Court dated 8th July 1998 in Writ Petition No.16391/1992, the respondents therein filed Writ Appeal Nos.970/1999 and 1378/1999. The said writ appeals had come up for consideration on 24th January 2000 and the writ appeals filed by the respondents were dismissed, confirming the order passed by the learned Single Judge, holding that there is no infirmity in the order passed by the learned Single Judge vide Annexures D and E respectively. In view of quashing of the Government Orders, by virtue of the disposal of the writ petition, and its confirmation in writ appeal, the order dated 9th April 1992, bearing No.CEB/4/EGE/87-Vol-3/Bangalore/114 in so far as these four petitioners are concerned, stands quashed.

5. So far as the other prayer sought for in the writ petitions is concerned, it is the case of the petitioners that they have submitted a detailed representation to the respondents to consider the representation and extend the benefit as is provided to Shri.M.A Menasinakai, who is junior to these petitioners and they are also entitled to equal treatment and also entitled to the fixation of the pay scale at Rs.120-240/-, as directed by this Court and these orders have become final. When such being the case, the respondents ought to have considered the representation submitted by these petitioners. Not considering the representation submitted by petitioner and keeping the



same in abeyance taking into undue advantage of the quashing of the Government Order issued dated 9th April 1992 is not justifiable. Therefore, it would suffice for this Court, if appropriate direction is issued to respondents to consider Annexure G dated 19th July 2006, jointly submitted by the petitioners in W.P.Nos.13638/2006 & 61899-61900/2012, and Annexure K dated 14th June 2006 submitted by petitioner in W.P.No.13615/2006.

6. In the light of the facts and circumstances of the case, the writ petitions filed by petitioners is disposed of, with a direction to respondents to consider Annexure G dated 19th July 2006, jointly submitted by the petitioners in W.P.Nos.13638/2006 & 61899-61900/2012, and Annexure K dated 14th June 2006 submitted by petitioner in W.P.No.13615/2006 and dispose of the same, as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this order, if not already considered and disposed of."

8. Subsequently, since the said directions issued by this Court were not complied with by the respondent – Board, the petitioners approached this Court once again in W.P.No.102786-102789/2015, which was disposed of vide final order dated 07.03.2017 as hereunder:



“ORDER

The learned counsel for the petitioners submits that the petitioners are the junior and senior work inspectors under respondents as daily wage employees. They have been transferred to the respondent No.1 – the Karnataka Urban Water Supply and Drainage Board. The respondents have clearly discriminated among the similar employees by not extending the benefits. Aggrieved by the same they preferred W.P.No.16391/1992 seeking direction directing the respondents to refix the salary of the petitioner in the pay scale of Rs.120-240 from the date of joining and to grant all consequential benefits. The said writ petition came to be allowed on 8th July 1998 and the same was taken in Writ Appeal No.970/1999 and 1378/1999, which came to be dismissed confirming the order passed in the writ petition.

2. Being Aggrieved the respondent has preferred the appeal before the Hon'ble Supreme Court, which also came to be dismissed. In view of the same, the learned counsel submitted that these petitioners are similar to that of the petitioners, who preferred the writ petition. Hence, seeking direction to consider the case of the petitioners in the light of the judgment referred to above.

3. Learned counsel for the respondent submits that these writ petitions may be disposed of reserving liberty to the petitioners to consider in the light of the said judgments referred to above.



4. Accordingly, the writ petitions stand disposed of directing the respondents to consider the case of the petitioners and pass appropriate orders in the light of the writ petitions and writ appeals within six months from the date of receipt of a certified copy of this order. In order to enable the respondents to pass appropriate orders, Annexure-K is quashed.”

9. The respondent – Board filed a Writ Appeal in W.A.No.100543/2017 before the Dharwad Bench of this Court, which was unconditionally withdrawn vide Annexure – K dated 30.01.2018. Similarly, some of the petitioners filed W.P.Nos.5335-5366/2015, which was disposed of vide final Order dated 10.09.2018 as hereunder:

“ORDER

The learned counsel for the petitioners submits that the petitioners are the junior and senior work inspectors under respondents as daily wage employees. They have been transferred to the respondent No.1- the Karnataka Urban Water Supply and Drainage Board. The respondents have clearly discriminated among the similar employees by not extending the benefits. Aggrieved by the same they preferred W.P.No.16391/1992 seeking direction directing the respondents to re-fix the salary of the petitioners in the pay scale of Rs.120-240 from the date of joining and to grant all consequential benefits. The said writ



petition came to be allowed on 8th July 1998 and the same was taken up in Writ Appeal No.970/1999 and 1378/1999, which came to be dismissed confirming the order passed in the writ petition.

2. Being aggrieved the respondents preferred an appeal before the Hon'ble Supreme Court, which also came to be dismissed. In view of the same, the learned counsel submitted that these petitioners are similar to that of those petitioners, who preferred the above writ petition. Hence, petitioners are seeking direction to consider the case of the petitioners in the light of the judgments referred to above.

3. Learned counsel for the respondents submits that these writ petitions may be disposed of reserving liberty to the respondents to consider case of the petitioners in the light of the above judgments.

4. Accordingly, the writ petitions stand disposed of directing the respondents to consider the case of the petitioners and pass an appropriate orders in the light of the orders passed in the writ petition and writ appeals within six months from the date of receipt of a certified copy of this order. In order to enable the respondents to pass appropriate orders, Annexure-H is quashed.

Accordingly, memo filed by the learned counsel for the petitioners dated 06.09.2018 for disposal is accepted."



10. Since the respondent – Board did not comply with the aforesaid directions, the petitioners and others filed contempt proceedings in CCC No.780 of 2019 (Civil), which was disposed of vide final Order dated 24.01.2020, during pendency of which, the claim of the petitioners was once again rejected by the respondent – Board vide impugned order dated 08.03.2019, as a result of which, the petitioners contempt proceedings were dropped reserving liberty in favour of the petitioners to approach this Court by way of the present petitions. Accordingly, the petitioners are before this Court seeking the aforesaid reliefs.

11. The aforesaid sequence of events and the earlier round of litigation in relation to the petitioners and other identically situated persons is sufficient to come to the conclusion that the petitioners would be entitled to the benefit of pay scale of Rs.120-240 in the place of Rs.90-200 subject to meeting the required criteria without reference to their date of initial appointment. Under these circumstances, I am of the considered opinion that the impugned order deserves to be quashed by issuing certain directions.



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C/W WP No. 9333 of 2023

12. In the result, I pass the following:

ORDER

- (i) Both the petitions are allowed.
- (ii) The impugned order at Annexure – N dated 08.03.2019 in W.P.No.2421/2022 and Annexure – L in W.P.No.9333/2023 is hereby quashed.
- (iii) The respondent/s is/are directed to grant benefit of Pay Scale together with arrears of salary and other benefits, etc., to the petitioners in both the petitions without reference to their date of initial appointment within a period of six weeks from the date of receipt of a copy of this order.

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