



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 6649 OF 2026 (S-RES)

BETWEEN:

B. SHANKAREGOWDA
S/O LATE BOREGOWDA
AGED ABOUT 71 YEARS
RETIRED ASSISTANT MASTER
R/AT NO.1765 BEHIND TELEPHONE EXCHANGE
POST OFFICE ROAD, HEBBAL 2ND STAGE
MYSORE-570017.

...PETITIONER

(BY SRI. SHARATH S GOWDA., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF PERSONNEL
AND ADMINISTRATIVE REFORMS
REP. BY ITS PRINCIPAL SECRETARY
VIDHANA SOUDHA BANGALORE-560001.
2. STATE OF KARNATAKA
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
REP. BY ITS PRINCIPAL SECRETARY
M.S. BUILDING, BANGALORE-560001.
3. ACCOUNT GENERAL (A AND D) KARNATAKA
PRINCIPAL ACCOUNTANT GENERAL OFFICE
PARK HOUSE ROAD, BANGALORE- 560001.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
ISSUE WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER





APPROPRIATE WRIT DIRECTING THE RESPONDENT AUTHORITIES TO TREAT THE PERIOD OF 15 YEARS AS 10 YEARS 8 MONTHS FOR THE PURPOSE OF RECOVERY OF THE COMMUTED VALUE OF PENSION, BY CONSIDERING THE REPRESENTATION GIVEN BY THE PETITIONER VIDE ANNEXURE-E DATED: 29/01/26.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. This writ petition is filed under Articles 226 & 227 of the Constitution of India, seeking the following relief/s:

*"a. Issue Writ in the nature of Mandamus or any other appropriate Writ directing the Respondent authorities to treat the period of 15 years as 10 years 8 months for the purpose of recovery of the commuted value of pension, by considering the representation given by the Petitioner vide **Annexure-E** dated:29/01/26*

b. Issue writ in the nature of Mandamus directing 3rd Respondent to not deduct any amount towards recovery of commuted pension as Petitioner has already completed 10 years 8 months subsequent to his retirement.

c. Grant such other reliefs that this Hon'ble



Court may deem fit in the fact and circumstances of the matter."

2. The learned counsel appearing for the petitioner submits that, the petitioner is venting out his grievance after his retirement and submitted a representation seeking release of commuted value of pension along with the regular pension. Since the said representation was not considered, the petitioner is before this Court.

3. He further contended that, in identical circumstances, a Co-ordinate Bench of this Court, in W.P.No.107063/2025 disposed of on 24.09.2025 has held as follows:

"1. The Petitioner is before this Court seeking for the following reliefs: a. Issue a writ of mandamus order or direction directing the 3rd respondent to stop recovery of the commuted value of pension beyond 12 years. Or In the alternative direct the R3 to release the additional commuted value of pension by calculating the 1/3rd commuted value of pension for a period of 15 years and to pay the arrears of commuted value of pension together with interest at 12% per annum from the date on which they were granted the commuted value of



pension; and b. To consider the representation submitted by the petitioner dated 22.11.2024 (vide Annexure-E) in accordance with law, within a time frame specified by this Hon'ble Court. c. To pass such other order as this Hon'ble Tribunal deems fit in the facts and circumstances of the case.

2. The respondents proposing to recover the commuted value of pension beyond 12 years, the petitioner submitted the representation on 22.11.2024 at Annexure-E. 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.

3. 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*



22.11.2024 submitted by the petitioner at Annexure-E 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 counsel for the petitioner also relied on a judgment of a Division Bench of this Court in W.A.No.255/2025 disposed of on 16.12.2025, wherein the State Government was directed to consider the representations submitted by the appellant – Association therein.

5. Learned counsel for the petitioner submits that the petitioner will submit one more representation enclosing all these judgments.

6. In view of the above, without expressing any opinion on the merits of the case, the following order is passed:

7. The writ petition stands disposed of.



8. The petitioner is permitted to submit additional representation, enclosing all these judgments within two weeks from the date of receipt of a copy of this order.

9. If such a representation is submitted, the competent authority is directed to consider of the same within three months from date of receipt of a copy of the representation.

10. Till then, it is made clear that the respondents are directed not to pass any order for recovery from the petitioner's commuted value of pension.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

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List No.: 1 Sl No.: 3