



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 28351 OF 2024 (S-RES)

BETWEEN:

1. MR. C.R.PADMANABHA,
S/O LATE C.N. RAMANAIAK,
AGED ABOUT 71 YEARS,
RETIRED OFFICE MANAGER,
KPC LIMITED, KARNATAKA
R/AT NO.28/1, "ANUSHA"
5TH MAIN, 7TH CROSS, S.V.G. NAGAR,
BENGALURU - 560 072.
2. MR.A.T.CHANDRASHEKAR,
S/O LATE ANAGANUKOPPA THIMMAIAH,
AGED ABOUT 73 YEARS,
RETIRED ACCOUNTS OFFICER,
KPC LIMITED, KARNATAKA
R/AT NO.44, "ANANYA",
19TH CROSS, RAGHAVENDRA LAYOUT,
KAMMAGONDANAHALLI,
BENGALURU - 560 015.
3. MR.G.LAKSHMINARAYANA,
S/O LATE R.GANGABYRAIAH,
AGED ABOUT 71 YEARS,
RETIRED ASSISTANT ACCOUNTS OFFICER,
KPC LIMITED, KARNATAKA,
R/AT NO.75, 3RD CROSS,
SAHAKARANAGAR,
DEFENSE COLONY,
BENGALURU - 560 092.

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Location: High
Court of
Karnataka



4. MR.H.GANGADHARAI AH,
S/O LATE HANUMANTHAPPA,
AGED ABOUT 71 YEARS,
RETIRED ASSISTANT ACCOUNTS OFFICER,
KPC LIMITED, KARNATAKA
R/AT NO.2/117/118 (4TH ROW HOUSE),
"SRI NARASIMHA KRUPA",
MEENAKSHI LAYOUT, 2ND PHASE,
KALENA AGRAHARA,
NEAR VITTOLA APARTMENT,
BANNERGHATTA ROAD,
BENGALURU - 560 076.
5. MR.B.R. APPANNA SETTY,
S/O LATE B. RANGANATHA SETTY,
AGED ABOUT 71 YEARS,
RETIRED ASSISTANT
EX. ENGINEER(C)/EC 835,
R/AT NO.75, RAJESHWARI NILAYA,
6TH CROSS, CT BED,
BANASHANKARI 2ND STAGE,
BANGALORE - 560 070.
6. MR.MA. SIRMULLA,
S/O LATE ALLABKSH SIRMULLA,
AGED ABOUT 73 YEARS,
RETIRED ASSISTANT
EX. ENGINEER(C)/EC 878,
R/AT NO.43, AASHIYANA,
GURUNATH NAGAR,
HUBLI - 580 024,
DHARWAD DIST. KARNATAKA.
7. MR.G.S. SRINIVASMURTHY,
S/O LATE G.SHIVARAMAIAH,
AGED ABOUT 73 YEARS,
RETIRED PRIVATE SECRETARY,



R/AT NO.89, 4TH CROSS,
MUNIREDDY LAYOUT,
DODDAKALLASANDRA,
BANGALORE - 560 062.

8. MR.H.S. RAIA RAO,
S/O LATE H.S. SUBBA RAO,
AGED ABOUT 73 YEARS,
RETIRED ASSISTANT.
EX. ENGINEER(C)/EC 847,
R/AT NO. F. 434, 7TH C' CROSS,
11TH MAIN, BEL LAYOUT,
BHARATH NAGAR,
BANGALORE - 560 091,
KARNATAKA.
9. MR. PRAKASH ANANT ITAGIKAR,
S/O LATE ANANTH RAMA ITAGIKAR,
AGED ABOUT 69 YEARS,
SR. MERIT GRADE TYPIST/ EC4336,
R/AT "VAISHNAV" NO.454,
1ST CROSS, 8TH MAIN,
JNANABHARATHI 1ST STAGE,
VALGEREHALLI,
BANGALORE - 560 059, KARNATAKA.
10. MR.J.N.RATHOD,
S/O LATE N.C.RATHOD,
AGED ABOUT 69 YEARS,
AEE @NG. RTD. E.C.NO.1265,
R/AT NO.14, SRI NILAYA,
CHETHANA VIHARA NERA,
BHAVANI PARK, VIDHYA NAGARA,
HUBLI - 580 021.
11. MRS.B. YASHODHA,
S/O LATE BHASKAR,



AGED ABOUT 71 YEARS,
RETIRED ASSISTANT,
BESCOM/N-6 DIVISION, KARNATAKA,
R/AT NO.28/1, 5TH MAIN,
7TH CROSS, SVG NAGAR,
BANGALORE - 560 072.

...PETITIONERS

(BY SRI. RAMANANDA A.D., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF FINANCE,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. KARNATAKA POWER CORPORATION LTD.,
(GOVERNMENT OF KARNATAKA UNDERTAKING),
BY ITS MANAGING DIRECTOR,
KPCL, NO.82, SHAKTHI BHAVAN,
6TH FLOOR, RACE COURSE ROAD,
BENGALURU - 560 001.
3. THE FINANCE DIRECTOR,
KPCL, NO.82, SHAKTHI BHAVAN,
5TH FLOOR, RACE COURSE ROAD,
BENGALURU - 560 001.
4. BESCOM.,
(GOVERNMENT OF KARNATAKA UNDERTAKING),
BY ITS MANAGING DIRECTOR
OF BESCOM,
KR CIRCLE, NRUPATHUNGA ROAD,
NUNEGUNDLAPALLI, AMBEDKAR VEDHI,
BENGALURU - 560 001.



5. THE CHIEF GENERAL
MANAGER FINANCE AND
CONTROLLER PENSION SECTION (BESCOM),
KR CIRCLE, NRUPATHUNGA ROAD,
NUNEGUNDLAPALLI, AMBEDKAR VEDHI,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.G.RAMESH NAIK, AGA FOR R1;
SRI.AJAY J NANDALIKE, ADVOCATE FOR R2 AND R3;
SMT.SWAMINI G MOHANAMBAL AND
SRI.SANDEEP PATIL, ADVOCATES FOR R4 AND R5)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECTIONS TO
RESPONDENTS TO STAY FURTHER RECOVERY OF PORTION OF
COMMUTATION OF PENSION IMMEDIATELY AS THE PETITIONERS
IS SUFFERING RECURRING FINANCIAL LOSS EVERY MONTH IN
PENSION WHO HAVE PAID MORE THAN 10 YEARS AND 8 MONTHS
AS PER REPRESENTATION VIDE ANNEXURE - A DATED 27.08.2024
WHICH DISCLOSES THE NAMES OF THE PETITIONERS VIDE
ANNEXURE - K AND ETC.,

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

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



ORAL ORDER

In this petition, petitioners have sought for the following reliefs;

i. To issue directions to Respondents to stay further recovery of portion of commutation of pension immediately, as the Petitioners is suffering recurring financial loss every month in pension who have paid more than 10 years and 8 months as per representation vide ANNEXURE-A dated 27-08-2024 which discloses the names of the Petitioners vide ANNEXURE-K.

ii. To Issue a writ of Mandamus directing the Respondents to refund the excess amount of commutation of pension having already been recovered for the petitioners who have paid for 15 years instead of 10 years and 8 months as per the representation dated 27-08-2024 vide ANNEXURE-A which discloses the name of the Petitioners vide ANNEXURE-K.

iii. To Issue any other writ, order or direction, which this Hon'ble High Court may deem fit and proper in view of the facts and circumstances of the case. Exempt the Petitioners from filling certified copies of ANNEXURE-D, ANNEXURE-F, ANNEXURE-G and ANNEXURE-J of Interim Orders passed by various other High Courts, viz Interim Order dated 21-08-2023 in CWP 9426/2023, CWP 16334/2023, CWP 9927/2023, CWP 11763/2023 of High Court of Punjab and Haryana vide ANNEXURE-D, Interim Order in WP 8222/2024 dated 15-04-2024 passed by High



Court of Punjab and Haryana Vide ANNEXURE-F, Interim Order dated 08-08-2024 passed by High Court of Kerala staying the Recovery of Commutated value of Pension in WPC No.22753/2024 Vide ANNEXURE-G and Interim Order dated 23-09-2024 passed by High Court of State of Telangana in WPC NO.26042/2024 vide ANNEXURE-J in the Interest of justice.

iv. Exempt the petitioner from issuance of advance notices to the respondents, in the interest of justice, and

v. Award cost of the writ petition to the Petitioner in the interest of justice."

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

3. The issue in controversy is directly and squarely covered by the order passed by the co-ordinate Bench of this Court in **W.P.No.5625/2025 c/w W.P.No.23448/2024 and W.P.No.34844/2024** dated **12.01.2026**, wherein it is held as under:

These writ petitions are filed under Articles 226 & 227 of the Constitution of India, seeking the following relief:

W.P.No.5625/2025:

"a) Restrain the Respondent State from recovering the excess commuted value of pension from the Petitioners as shown under Annexure B to B10.



b) To quash the Respondent Act of deducting the excess commuted value of pension of the Petitioners as evident from Annexure A to A10 and B to B10.

c) Direct the Respondent State to refund the excess amount recovered from petitioner along with future interest calculated at the rate of 9% from the date of recovery to till the date of realization.

d) Pass such other order or direction, this Hon'ble Court deems fit in the circumstance of the case.

W.P.No.23448/2024:

i) To issue directions to Respondents to stay further recovery of portion of commutation of pension immediately, as the Petitioners are suffering recurring financial loss every month in pension who have paid more than 10 years and 8 months as per representation vide ANNEXURE-A dated 01-07-2024 which discloses the names of the petitioners vide ANNEXURE-C.

ii. To Issue a writ of Mandamus directing the Respondents to refund the excess amount of commutation of pension having already been recovered for the petitioners who have paid for 15 years instead of 10 years and 8 months as per the representation dated 01-07-2024 vide ANNEXURE-A which discloses the name of the Petitioners vide ANNEXURE-C.



iii. To Issue any other writ, order or direction, which this Hon'ble High Court may deem fit and proper in view of the facts and circumstances of the case.

iv. Exempt the petitioner from filling certified copies of ANNEXURE, In the Interest of justice.

v. Exempt the petitioner from issuance of advance notices to the respondents, in the interest of justice, and

vi. Award cost of the writ petition to the Petitioner in the interest of justice.

W.P.No.34844/2024:

a. Restrain the Respondent State from recovering the excess commuted value of pension from the petitioners as shown under Annexure-A to A28.

b. Direct the respondent to retain from deducting the excess commuted value of pension of the petitioners as evident from Annexure-A to A28 and B to B28.

c. Direct the respondent State to refund the excess amount recovered from petitioner along with future interest calculated at the rate of 9% from the date of recovery to till the date of realisation.

d. Pass such other order or direction, this Hon'ble Court deems fit to the circumstances of the case."

2. The learned counsel appearing for the petitioners submits that, the petitioners are venting out their grievance



after their retirement and submitted certain representations seeking release of commuted value of pension along with the regular pension. Since the said representations were not considered, the petitioners are 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 petitioners 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.



5. Learned counsel for the petitioners submits that the petitioners 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:

- (i) The writ petitions stand disposed of.*
- (ii) The petitioners are permitted to submit additional representation, enclosing all these judgments within two weeks from the date of receipt of a copy of this order.*
- (iii) If such a representation is submitted, the competent authority is directed to dispose of the same within three months from date of receipt of a copy of the representation.*
- (iv) Till then, the respondents are directed not to pass any order for recovery from the petitioners' commuted value of pension.*

4. In view of the aforesaid order passed under identical circumstances in **W.P.No.5625/2025 c/w WP.No.23448/2024 and W.P.No.34844/2024** dated **12.01.2026**, the present petition also deserves to be disposed of in terms of the said order.

5. In the result, I pass the following;



ORDER

(i) Petition stands disposed of in terms of the order passed by the co-ordinate Bench of this Court in ***W.P.No.5625/2025*** c/w ***W.P.No.23448/2024*** and ***W.P.No.34844/2024*** dated ***12.01.2026***.

(ii) The petitioners are permitted to submit additional representations, enclosing all the judgments referred to in the aforesaid order dated ***12.01.2026*** within a period of two weeks from the date of receipt of a copy of this order.

(iii) If such representations are filed / submitted, the competent authority is directed to dispose of the same within a period of three months from date of receipt of a copy of the representations.

(iv) Till then, the respondents are directed not to pass any order for recovery from the petitioners' commuted value of pension.

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

BH/SRL
List No.: 1 Sl No.: 34