IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12th DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION NO.34058 OF 2025 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
M.S. BUILDING
BENGALURU-560 001.

2. THE COMMISSIONER OF SCHOOL EDUCATION
NEW PUBLIC OFFICES
K.R. CIRCLE
BENGALURU-560 001.

...PETITIONERS

(BY SRI REUBEN JACOB, ADDITIONAL ADVOCATE GENERAL)

AND:

1. SRI RANGASWAMY A.R.
AGED ABOUT 62 YEARS
S/O. RANGAIAH
RETD. READER/DEPUTY DIRECTOR
PUBLIC INSTRUCTIONS DEPARTMENT
RESIDING AT NO.134
SRIRANGA NILAYA, 12TH CROSS
BILEKALLU, BYADARAHALLI
ULLAL MAIN ROAD
VISHWANEEDAM POST
BENGALURU NORTH-560 091.

2. THE ACCOUNTANT GENERAL A AND E
IN KARNATAKA
RESIDENCY PARK ROAD
BENGALURU - 560 091.

...RESPONDENTS

(BY SRI ANIL KUMAR B.O. AND SRI VINAYAKA S. PANDIT,
ADVOCATES, FOR R-1;
VIDE ORDER DATED 5-12-2025, NOTICE TO R-2 IS DISPENSED WITH)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ORDER DATED 19-3-2025 IN APPLICATION NO.2175 OF 2024 ON THE FILE OF HON'BLE KARNATAKA ADMINISTRATIVE TRIBUNAL, BENGALURU, AS PER ANNEXURES-A AND B.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 28-4-2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, ***VENKATESH NAIK T. J.,*** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV ORDER

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This writ petition is filed by the petitioners/State questioning the correctness and legality of the order dated 19.03.2025 passed in Application No.2175/2024 by the Karnataka State Administrative Tribunal, Bengaluru, (*hereinafter referred to as "KSAT"*), wherein the KSAT quashed the endorsement issued by the first petitioner/State and further directed the petitioners/State to grant all consequential benefits to respondent No.1, to which, he would be entitled to, in the post of promoted cadre.

2. Brief facts of respondent No.1's case before the KSAT in nutshell is as under:

Respondent No.1 - Rangaswamy A.R. was appointed as a School Headmaster on 17.01.1994 and he was promoted to the cadre of Professor, C.T.E., Jamkhandi, on 31.05.2023 (*which is equivalent to Reader/DDPI*). Respondent No.1 handed over the charge and he reported for duty in the promoted post i.e., Professor on 31.05.2023 at 5.20 p.m., in view of his promotion and on the same day, he was relieved from service in view of his retirement. On 14.08.2023, respondent No.1 submitted a representation to petitioner No.1-State requesting for his promotional benefits from the date of his promotion. However, the petitioner No.1/State Government issued an endorsement dated 30.05.2024 rejecting the request of respondent No.1 dated 14.08.2023. Hence, respondent No.1 filed application No.2175/2024 before the KSAT, Bengaluru. In turn, the KSAT allowed the said application. Being aggrieved by the order passed by the KSAT, the State Government preferred this petition.

3. The dispute in the present case lies in a narrow compass because it relates to fixation of pay to respondent No.1 in the promoted post. Admittedly, respondent No.1 was serving as Senior Lecturer, DIET, Ramanagara and he was promoted to the post of Professor, C.T.E., Jamkhandi, on 31.05.2023, on which date, he retired from service on superannuation. Respondent No.1 had reported to the promoted post at 5.20 p.m. on 31.05.2023. Thus, the State Government has fixed the pensionary benefits and such other incidental benefits of respondent No.1 by taking the pay scale of respondent No.1 in the cadre of Senior Lecturer. Now respondent No.1 claims that his pay scale for the purpose of fixation of pension and such other incidental benefits has to be taken in the cadre of Professor, C.T.E., Jamkhandi, i.e., in the promoted post,

which came into effect from 31.05.2023. The State has rejected the said claim on the ground that Rules governing promotion of Government servants more particularly Rule 23, Rule 33 and Rule 42 of the Karnataka Civil Services Rules, read with Section 4 of Karnataka State Civil Services (Regulation of Promotion, Pay and Pension) Act, 1973, provide for calculating the pay of the retiring person on the next day in the promoted post, if the said person retires on the same day of his promotion and that the KSAT, while considering the case on merits, has wrongly interpreted Rule 32 of KCS Rules and held that the petitioners were wrong in calculating the pensionary benefits of respondent No.1 of his previous post and not calculating the same for the promoted post and the said finding of the KSAT is wrong. Hence, the State Government has preferred the instant petition.

4. Heard learned Additional Advocate General Sri. Reuben Jacob for the petitioners/State and learned counsel Sri. Anil Kumar B.O. and Sri. Vinayaka S. Pandit appearing for respondent No.1.

5. Learned Addl. Advocate General vehemently contended that respondent No.1 was promoted to the post of Professor, C.T.E., Jamkhandi, Bagalkote District, from the post of Senior Lecturer, DIET, Ramanagara, on 31.05.2023 and he had reported to duty at 05.20 p.m. on 31.05.2023, but he retired on the same day i.e., on 31.05.2023 on attaining the superannuation. Hence, the petitioners have calculated the pensionary benefits of respondent No.1 only in the cadre of Senior Lecturer (previous post) and not in the promoted cadre as Rule 23 mandates that the pay scale of a Government servant has to be calculated from the next date, if he reports to duty post 12 noon. In the present case, admittedly respondent No.1 reported to duty at 5.20 p.m., as such, his pay ought to have been calculated only from the next date i.e. from 01.06.2023. However, as on 01.06.2023, respondent No.1 had retired from service and hence, the pay scale for the purpose of determining the pensionary benefits was calculated in the cadre of Senior Lecturer (previous post).

Hence, learned Addl. Advocate General prayed to allow the petition and set aside the order passed by the Tribunal.

6. *Per contra*, Sri B.O. Anil Kumar, learned counsel for respondent No.1 vehemently contended that Rule 23 of the Karnataka Civil Service Rules provides that the pay of a Government servant begins when he takes charge of the appointment, in respect of which, it is earned and if the charge is transferred after noon, the transfer does not affect the allowance until the next day. The same rule provides that promotions involving change of duties shall take effect from the date when the Government servant assumes the duties of that post. Therefore, the case of respondent No.1 is that of promotion and he took charge of the promotional post as Professor, C.T.E. at Jamkhandi on 31.05.2023 itself. Hence, Rule 23 which clarifies the position in respect of promotion is applicable to respondent No.1. Therefore, respondent No.1 is entitled for promotional benefits and consequential pensionary benefits.

7. Learned counsel further contended that the endorsement dated 30.05.2024 issued by the petitioners is wholly illegal, unreasonable and opposed to Rule 23 of the Karnataka Civil Service Rules. Rule 33 of the Karnataka Civil Service Rules referred to in the endorsement is inapplicable to the present facts and circumstances of the case as Rule 33 deals with permanent posts, creation and abolition of posts, which has no nexus to respondent No.1's case. Therefore, the endorsement issued by the petitioners requires to be set aside. It is further contended that the first respondent was promoted and he assumed charge of promotional post on the same day and therefore he is entitled for the corresponding pay and other benefits.

8. In support of his contention, learned counsel for respondent No.1 relied upon the following citations,

1. ***Director (Admin. & HR), KPTCL & others V/s. C.P.Mundinamani & others*** reported in ***(2023) 14 SCC 411***.

2. ***Government of West Bengal & others V/s. Dr.Amal Satpathi & others*** reported in ***2024 SCC Online SC 3512***.

and the learned counsel prays to dismiss the petition filed by the petitioners.

9. We have heard learned counsels on both side and perused the material available on record. In the instant case, the facts are not disputed. Respondent No.1 was regularly promoted as Professor, C.T.E., Jamkhandi, vide order dated 31.05.2023 in the respective pay scale and his name appears at serial No.9 of Annexure-A1. The petitioners/State Government also admits that respondent No.1 has reported for duty as Professor, C.T.E., Jamkhandi on 31.05.2023 (afternoon). Admittedly, respondent No.1 was entitled for a particular pay scale on having reported to the promoted post. There is no rule which deprives a person who has been promoted on a regular line of promotion from the pay scale of higher post. Respondent No.1 was promoted and he reported for duty on 31.05.2023 in the afternoon. According to respondent

No.1, Rule 33 is wrongfully applied by the State. In fact, the State has to apply Rule 23 to the case of respondent No.1. Hence, it is just and necessary to read Rule 23 and 33 of KCSR. Rule 23 and 33 of the Karnataka Civil Service Rules read as follows:

> *"23. Unless it be otherwise provided by special rule or contract the pay of Government servant begins when he takes charge of the appointment in respect of which it is earned. If the charge is transferred afternoon, the transfer does not affect allowances until the next day. Twelve Noon will be treated as Forenoon.*
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> *If, however, the substantive appointment of a Government servant is changed while he is officiating in an appointment or if while so officiating, a Government servant is appointed for the first time to some substantive office, then, provided that the tenure of his officiating appointment is not interrupted by his new substantive appointment he may draw the pay thereof without joining it from the date on which the substantive office becomes vacant.*
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> *Promotions involving change of duties shall take effect from the date when the Government servant assumes the duties of that post."*
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> *33. '**Permanent Post'** is defined in Rule 8 (34). Without the authority of Government,-*
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> *(i) no new appointment may be created; and no addition may be made to the pay and allowances of any Government Servant;*
>
> *(ii) no appointment may be abolished; and the pay and allowances of no appointment may be reduced;*

(iii) no class or grade of Government servants may be created or abolished, and the pay of no class or grade of Government servant may be raised or reduced."

In this case, the proviso to Rule 23 clearly implies that promotion involving change of duty will take effect from the date when the Government servant assumes the duties of that post. Respondent No.1 was promoted regularly from the post of Senior Lecturer, DIET, Ramanagara to the post of Professor, C.T.E., Jamkhandi, and reported for duty and assumed charge on 31.05.2023 of higher post of Professor.

10. Learned Addl. Advocate General brought to our notice the judgment of the Hon'ble Apex Court in the case of ***Dr.Amal Satpathi*** *supra,* wherein at para 19, it is held as under:

19. *It is a well settled principle that promotion becomes effective from the date it is granted, rather than from the date a vacancy arises or the post is created. While the Courts have recognized the right to be considered for promotion as not only a statutory right but also a fundamental right, there is no fundamental right to the promotion itself. In this regard, we may gainfully refer to a recent decision of this Court in the case of Bihar State Electricity Board v. Dharamdeo Das, wherein it was observed as follows:*

"18. It ***is no longer res integra that a promotion is effective from the date it is granted and not from the date when a vacancy occurs on the subject post or when the post itself is created. No doubt, a right to be considered for promotion has been treated by courts not just as a statutory right but as a fundamental right, at the same time, there is no fundamental right to promotion itself.*** *In this context, we may profitably cite a recent decision in Ajay Kumar Shukla v. Arvind Rai where, citing earlier precedentsin Director, Lift Irrigation Corporation Ltd. v. Pravat Kiran Mohanty and Ajit Singh v. State of Punjab,, a three Judge Bench observed thus:*

> *41. This Court, time and again, has laid emphasis on right to be considered for promotion to be a fundamental right, as was held by K. Ramaswamy, J., in Director, Lift Irrigation Corpn. Ltd. v. Pravat Kiran Mohanty in para 4 of the report which is reproduced below:*
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> > *"4...........There is no fundamental right to promotion, but an employee has only right to be considered for promotion, when it arises, in accordance with relevant rules. From this perspective in our view the conclusion of the High Court that the gradation list prepared by the corporation is in violation of the right of respondent-writ petitioner to equality enshrined under Article 14 read with Article 16 of the Constitution, and the respondent-writ petitioner was unjustly denied of the same is obviously unjustified."*
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> *42. A Constitution Bench in Ajit Singh v. State of Punjab,, laying emphasis on*

Article 14 and Article 16(1) of the Constitution of India held that if a person who satisfies the eligibility and the criteria for promotion but still is not considered for promotion, then there will be clear violation of his/her's fundamental right. Jagannadha Rao, J. speaking for himself and Anand, C.J., Venkataswami, Pattanaik, Kurdukar, JJ., observed the same as follows in paras 22 and 27:

"Articles 14 and 16(1) : is right to be considered for promotion a fundamental right

22. Article 14 and Article 16(1) are closely connected. They deal with individual rights of the person. Article 14 demands that the 'State shall not deny to any person equality before the law or the equal protection of the laws'. Article 16(1) issues a positive command that:

'there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State'.

It has been held repeatedly by this Court that clause (1) of Article 16 is a facet of Article 14 and that it takes its roots from Article 14. The said clause particularises the generality in Article 14 and identifies, in a constitutional sense "equality of opportunity" in matters of employment and appointment to any office under the State. The word "employment" being wider, there is no dispute that it takes within its fold, the aspect of promotions to posts above the stage of initial level of recruitment. Article 16(1) provides to every employee otherwise eligible for promotion or who comes within the zone of consideration, a fundamental right to be "considered" for promotion. Equal opportunity *here means the right to be "considered" for promotion. If a person satisfies the eligibility and zone criteria but is not considered for promotion, then there will be a clear infraction of his fundamental right to be "considered" for promotion, which is his personal right. "Promotion" based on equal opportunity and seniority attached to such promotion are facets of fundamental right under Article 16(1)*

27. In our opinion, the above view expressed in Ashok Kumar Gupta [Ashok Kumar Gupta v. State of U.P.,, and followed in Jagdish Lal [Jagdish Lal v. State of Haryana and other cases, if it is intended to lay down that the right guaranteed to employees for being "considered" for promotion according to relevant rules of recruitment by promotion (i.e. whether on the basis of seniority or merit) is only a statutory right and not a fundamental right, we cannot accept the proposition. We have already stated earlier that the right to equal opportunity in the matter of promotion in the sense of a right to be "considered" for promotion is indeed a fundamental right guaranteed under Article 16(1) and this has never been doubted in any other case before Ashok Kumar Gupta [Ashok Kumar Gupta v. State of U.P.], right from 1950."

11. In the light of the above decision, learned Addl. Advocate General contended that the Hon'ble Apex Court has consistently held that retrospective seniority cannot be given to an employee from a date when he was not even born in the cadre, nor can seniority be given with

retrospective effect as that might adversely affect the direct recruits. They have been appointed valiantly in the meantime. In ***Dr.Amal Satpathi's*** case at paras 20 and 21, the Hon'ble Apex Court observed that:

> *"**20**.In the instant case, it is evident that while respondent No.1 was recommended for promotion before his retirement, he could not assume the duties of the Chief Scientific Officer. Rule 54(1)(a) of the West Bengal Service Rules, clearly stipulates that an employee must assume the responsibility of a higher post to draw the corresponding pay, thus, preventing posthumous or retrospective promotions in the absence of an enabling provision.*
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> ***21**. While we recognize respondent No.1's right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right to the promotion itself. The legal precedents discussed above establish that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation. Considering that respondent No.1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific Officer, as he did not serve in that capacity."*

12. Whereas, in the instant case, the date of superannuation of respondent No.1 was 31.05.2023 and on the same day, he was promoted and he also took charge as the Professor, C.T.E., Jamkhandi, in the promotional post. Therefore, the ratio laid down in the

case of ***Dr.Amal Satpathi*** is not aptly applicable to the case on hand. Whereas in ***C.P.Mundinamani*** case cited *supra*, the Hon'ble Apex Court at paras 15 to 21 held as under:

> ***15***. *Now so far as the submission on behalf of the appellants that the annual increment is in the form of incentive and to encourage an employee to perform well and therefore, once he is not in service, there is no question of grant of annual increment is concerned, the aforesaid has no substance. In a given case, it may happen that the employee earns the increment three days before his date of superannuation and therefore, even according to Regulation 40(1) increment is accrued on the next day in that case also such an employee would not have one-year service thereafter. It is to be noted that increment is earned on one-year past service rendered in a timescale. Therefore, the aforesaid submission is not to be accepted.*
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> ***16***. *Now, so far as the submission on behalf of the appellants that as the increment has accrued on the next day on which it is earned and therefore, even in a case where an employee has earned the increment one day prior to his retirement but he is not in service the day on which the increment is accrued is concerned, while considering the aforesaid issue, the object and purpose of grant of annual increment is required to be considered.*
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> ***17***. *A government servant is granted the annual increment on the basis of his good conduct while rendering one-year service. Increments are given annually to officers with good conduct unless such increments are withheld as a measure of punishment or linked with efficiency. Therefore, the increment is earned for rendering service with good conduct in a year/specified period. Therefore, the moment a government servant has rendered service for a specified period with good conduct, in a timescale, he is entitled to the annual increment and it can be said that he has earned the annual increment for rendering the specified period of service with good conduct. Therefore, as such,*

he is entitled to the benefit of the annual increment on the eventuality of having served for a specified period (one year) with good conduct efficiently. Merely because the government servant has retired on the very next day, how can he be denied the annual increment which he has earned and/or is entitled to for rendering the service with good conduct and efficiency in the preceding one year.

***18**. In Gopal Singh v. Union of India, 2020 SCC OnLine Del 2640 (sic Nand Vijay Singh) in paras 20, 23 and 24, the Delhi (sic Allahabad) High Court has observed and held as under :*

> *"20. Payment of salary and increment to a central government servant is regulated by the provisions of F.R., CSR and Central Civil Services (Pension) Rules. Pay defined in F.R. 9(21) means the amount drawn monthly by a central government servant and includes the increment. A plain composite reading of applicable provisions leaves no ambiguity that annual increment is given to a government servant to enable him to discharge duties of the post and that pay and allowances are also attached to the post. Article 43 of the CSR defines progressive appointment to mean an appointment wherein the pay is progressive, subject to good behaviour of an officer. It connotes that pay rises, by periodical increments from a minimum to a maximum. The increment in case of progressive appointment is specified in Article 151 of the CSR to mean that increment accrues from the date following that on which it is earned. The scheme, taken cumulatively, clearly suggests that appointment of a central government servant is a progressive appointment and periodical increment in pay from a minimum to maximum is part of the pay structure. Article 151 of CSR contemplates that increment accrues from the day following which it is earned. This increment is not a matter of course but is dependent upon good conduct of the central government servant. It is, therefore, apparent that central government employee earns increment on the basis of his good conduct for specified period i.e. a year in case of annual increment. Increment in pay is thus an integral part of progressive appointment and accrues from the day following which it is earned.*

23. Annual increment though is attached to the post & becomes payable on a day following which it is earned but the day on which increment accrues or becomes payable is not conclusive or determinative. In the statutory scheme governing progressive appointment increment becomes due for the services rendered over a year by the government servant subject to his good behaviour. The pay of a central government servant rises, by periodical increments, from a minimum to the maximum in the prescribed scale. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day.

24. … In isolation of the purpose it serves the fixation of day succeeding the date of entitlement has no intelligible differentia nor any object is to be achieved by it. The central government servant retiring on 30th June has already completed a year of service and the increment has been earned provided his conduct was good. It would thus be wholly arbitrary if the increment earned by the central government employee on the basis of his good conduct for a year is denied only on the ground that he was not in employment on the succeeding day when increment became payable. In the case of a government servant retiring on 30th of June the next day on which increment falls due/becomes payable looses significance and must give way to the right of the government servant to receive increment due to satisfactory services of a year so that the scheme is not construed in a manner that if offends the spirit of reasonableness enshrined in Article 14 of the Constitution of India. The scheme for payment of increment would have to be read as whole and one part of Article 151 of CSR cannot be read in isolation so as to frustrate the other part particularly when the other part creates right in the central government servant to receive increment. This would ensure that scheme of progressive appointment remains intact and the rights earned by a government servant remains protected and are not denied due to a fortuitous circumstance."

***19**. The Allahabad High Court in Nand Vijay Singh v. Union of India, 2021 SCC OnLine All 1090 while* *dealing with the same issue has observed and held in para 24 as under :*

> *"24. Law is settled that where entitlement to receive a benefit crystallises in law its denial would be arbitrary unless it is for a valid reason. The only reason for denying benefit of increment, culled out from the scheme is that the central government servant is not holding the post on the day when the increment becomes payable. This cannot be a valid ground for denying increment since the day following the date on which increment is earned only serves the purpose of ensuring completion of a year's service with good conduct and no other purpose can be culled out for it. The concept of day following which the increment is earned has otherwise no purpose to achieve. In isolation of the purpose it serves the fixation of day succeeding the date of entitlement has no intelligible differentia nor any object is to be achieved by it. The central government servant retiring on 30th June has already completed a year of service and the increment has been earned provided his conduct was good. It would thus be wholly arbitrary if the increment earned by the central government employee on the basis of his good conduct for a year is denied only on the ground that he was not in employment on the succeeding day when increment became payable. In the case of a government servant retiring on 30th of June the next day on which increment falls due/becomes payable looses significance and must give way to the right of the government servant to receive increment due to satisfactory services of a year so that the scheme is not construed in a manner that if offends the spirit of reasonableness enshrined in Article 14 of the Constitution of India. The scheme for payment of increment would have to be read as whole and one part of Article 151 of CSR cannot be read in isolation so as to frustrate the other part particularly when the other part creates right in the central government servant to receive increment. This would ensure that scheme of progressive appointment remains intact and the rights earned by a government servant remains protected and are not denied due to a fortuitous circumstance."*

> ***20***. *Similar view has also been expressed by different High Courts, namely, the Gujarat High Court in State of Gujarat v. Takhatsinh Udesinh Songara, [2022 SCC OnLine Guj 2522], the Madhya Pradesh High Court in Yogendra Singh Bhadauria v. State of M.P., [2020 SCC OnLine MP 4654], the Orissa High Court in Arun Kumar Biswal v. State of Odisha, [2021 SCC OnLine Ori 2368] and the Madras High Court in P. Ayyamperumal v. Central Administrative Tribunal, [2017 SCC OnLine Mad 37963]. As observed hereinabove, to interpret Regulation 40(1) of the Regulations in the manner in which the appellants have understood and/or interpretated would lead to arbitrariness and denying a government servant the benefit of annual increment which he has already earned while rendering specified period of service with good conduct and efficiency in the last preceding year. It would be punishing a person for no fault of him. As observed hereinabove, the increment can be withheld only by way of punishment or he has not performed the duty efficiently. Any interpretation which would lead to arbitrariness and/or unreasonableness should be avoided. If the interpretation as suggested on behalf of the appellants and the view taken by the Full Bench of the Andhra Pradesh High Court is accepted, in that case it would tantamount to denying a government servant the annual increment which he has earned for the services he has rendered over a year subject to his good behaviour. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day.*
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> ***21***. *In the present case the word "accrue" should be understood liberally and would mean payable on the succeeding day. Any contrary view would lead to arbitrariness and unreasonableness and denying a government servant legitimate one annual increment though he is entitled to for rendering the services over a year with good behaviour and efficiently and therefore, such a narrow interpretation should be avoided."*

13. From perusal of decisions cited *supra* and the Rules quoted above, it transpires that for Government

servants, regular promotion takes effect and financial benefits begin from the date on which the employee actually assumes charge of the higher post.

14. Learned AAG, while placing reliance on ***Dr.Amal Satpathi's*** case, submitted that respondent No.1 assumed charge in the afternoon on the date of his superannuation, thus, he is not entitled to promotional benefits. In fact, in ***Dr.Amal Satpathi's*** case, the employee had not served in the higher cadre, thus, the Hon'ble Apex Court declined to grant any relief.

15. It is settled law that where the entitlement to receive promotional benefits crystallises in law, denial thereof would be arbitrary, unless, justified by valid reasons. The only reason for denying benefits of the promotional post, culled out from the Rules is that, the employee took charge of the promotional post in the afternoon on the date of his superannuation.

16. Admittedly, the Government promoted the first respondent to higher cadre on the date of his

superannuation. Now, the petitioner/State Government is denying promotional benefits to first respondent. Any interpretation that leads to arbitrariness or unreasonableness ought to be avoided. When the Government promoted its employee on the date of his superannuation and if he takes charge of higher post, then the Government cannot deny the consequential promotional benefits. In case of increment, the same will accrue from the next date. Therefore, the simple reading of Rule 23 makes it clear that when the promotion begins from the date the Government servant assumes the post, it is wrong to assume that the financial benefits would accrue from the next date. Therefore, we are in complete agreement with the view taken by the KSAT.

17. In view of the foregoing discussions and for the reasons stated above, the KSAT has rightly directed the petitioners/Government to grant all consequential benefits arising out of promotion to respondent No.1 to the cadre of Professor, C.T.E., Jamkhandi, vide Notification No.EP 31 DPI 2023 dated 31.05.2023 (Annexure-A1) issued by the

petitioners and consequential reporting to duty by the first respondent to the said cadre. Thus, the KSAT has rightly quashed the endorsement bearing No.EP 77 DPI 2023 dated 30.05.2024 (Annexure-A5) issued by the first petitioner. Under the circumstances, we proceed to pass the following:

ORDER

i) The petition is ***dismissed***.

ii) However, in the facts and circumstances of the case, there shall be no order as to costs.

iii) This order is passed in the peculiar facts and circumstances of the present case and shall not be treated as precedent.

iv) Pending IAs, if any, stand disposed of, as they do not survive for consideration.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

MN