



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 101035 OF 2026 (S-RES)

BETWEEN:

1. SRI. MOHAMMAD IQBAL ZAHIRUDDIN JAMADAR
AGE. 73 YEARS, OCC. RETD. SHERISTEDAR AT
PRL. SENIOR CIVIL JUDGE COURT, HUBBALLI,
DIST. DHARWAD, NOW R/AT. HOUSE NO.134,
TAJ NAGAR, UNKAL, HUBBALLI,
DIST. DHARWAD-580031.
2. SRI. BUDANSAHEB
S/O. ABDUL WAHID LAKKADHARE,
AGE. 73 YEARS, OCC. RETD. SHERISTEDAR
AT PRL. LABOUR COURT, HUBBALLI,
DIST DHARWAD.
NOW R/AT. GOUSIYA TOWN, ISLAMPUR ROAD,
OLD HUBBALLI, DIST. DHARWAD-580024.
3. SRI. ABDUL AZIZ S/O. ABDUL GAFFAR PATHAN
AGE. 72 YEARS, OCC. RETD. SHERISTEDAR AT
PRL. CIVIL JUDGE COURT, GADAG,
DIST. GADAG.
NOW R/AT NO. 143/1, BAFNA LAYOUT,
BEHIND SIDDHARUDHA MATH,
HUBBALLI, DIST. DHARWAD-580029.

...PETITIONERS

(BY SRI. P.G.CHIKKANARAGUND, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY,
FINANCE DEPARTMENT,
VIDHANA SOUDHA, BENGALURU-560001.
2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,





DEPT. OF PERSONNEL AND
ADMINISTRATIVE REFORMS,
VIDHANA SOUDHA BENGALURU-560001.

3. THE PRL. DISTRICT JUDGE,
PRL. DISTRICT AND SESSIONS COURT,
DHARWAD.
4. THE PRL. DISTRICT JUDGE
PRL. DISTRICT AND SESSIONS COURT,
GADAG.
5. THE ACCOUNTANT GENERAL IN
KARNATAKA (A AND E),
PARK HOUSE ROAD,
BANGALURU-560001.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN ORDER OR DIRECTION, MANDAMUS DIRECTING THE RESPONDENTS TO TREAT THE PERIOD 15 YEARS IN SUB-RULE (14) OF RULE 376 OF KARNATAKA CIVIL SERVICE RULES 1958 AS 10 YEARS AND 8 MONTHS (128 MONTHS) FOR RECOVERY OF LUMP SUM AMOUNT PAID TO THE APPLICANTS IN MONTHLY INSTALLMENT FROM PENSION PAYABLE TO THE APPLICANTS AND TO EXTEND ALL CONSEQUENTIAL BENEFITS ARISING THERETO, IN THE INTEREST OF JUSTICE AND EQUITY; ISSUE ANY OTHER ORDER OR DIRECTION, DIRECTING THE RESPONDENTS TO REFUND THE EXCESS AMOUNT OF COMMUTATION OF PENSION HAVING ALREADY BEEN RECOVERED FROM THE APPLICANTS WHO HAVE PAID MORE THAN 10 YEARS AND 8 MONTHS AS PER THE REPRESENTATION DATED 02/09/2025 VIDE ANNEXURE-D AND DIRECT THE RESPONDENT NO.1 TO 5 TO PAY FULL PENSION TO THE APPLICANTS, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

Learned Additional Government Advocate accepts notice for respondents.

2. The petitioners have approached this Court seeking for the following prayer:

"(a) Issue an order or direction, Mandamus directing the respondents to treat the period 15 years in sub-rule (14) of Rule 376 of Karnataka Civil Service Rules 1958 as 10 years and 8 months (128 months) for recovery of lumpsum amount paid to the Applicants in monthly installment from pension payable to the Applicants and to extend all consequential benefits arising thereto, in the interest of justice and equity.

b) Issue any other order or direction, directing the respondents to refund the excess amount of commutation of pension having already been recovered from the applicants who have paid more than 10 years and 8 months as per the representation dated 02/09/2025 vide Annexure-D and direct the respondent No.1 to 5 to pay full pension to the applicants, in the interest of justice and equity.



(c) Grant any other such order or direction as this Hon'ble court may deems fit and proper under the facts and circumstances of the case, in the interest of justice and equity."

3. Learned counsel for the petitioners submits that in an identical circumstance, the Co-ordinate Bench of his Court in W.P.No.107168/2025 disposed of on 25.09.2025 has passed the following order.

"1. Learned Additional Government Advocate accepts notice for the respondents.

2. The petitioner is before this Court seeking for the following reliefs:

a. Issue a Writ in the nature of Mandamus directing the respondents to treat the period 15 years, in sub-rule (14) of rule 376 of Karnataka Civil Service rules 1958 as 10 years and 8 months (128 months) for recovery of lumpsum amount paid to the petitioner in monthly installment from pension payable to the petitioner and to extend all consequential benefits arising thereto, in the interest of justice and equity.



b. Issue any other order or direction, directing the respondents to refund the excess amount of communication of pension having already been recovered from the petitioner who has paid more than 10 years and 8 months as per the representation dated 28.08.2025 vide annexure-d and direct the respondent no.1 to 5 to pay full pension to the petitioner.

c. Issue any other order or direction as this Hon'ble court may deems fit and proper under the circumstances of the case, in the interest of justice and equity.

3. The respondents proposing to recover the commuted value of pension beyond 12 years, the petitioner submitted the representation on 28.08.2025 at Annexure-D. 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.

4. 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 28.08.2025 submitted by the petitioner at Annexure-D 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. Learned Additional Government Advocate does not dispute the position as considered by the Co-ordinate Bench of this Court.

5. The petitioners are retired government servants drawing pension. Upon retirement, they opted for commutation of pension. The respondents initiated recovery of the commuted value of pension treating the recovery period as 15 years under Rule 376 (xiv) of the Karnataka



Civil Service Rules. The petitioners contend that the recovery ought to be restricted to ten years eight months (128 months) and a representation in this regard dated 02.09.2025 (Annexure-D) was submitted. Non-consideration of the representation and recovery being continuing, the petitioners have approached this Court.

6. It is well settled that when a representation is submitted to a statutory authority, the authority is bound to consider and pass appropriate orders within a reasonable time. The Co-ordinate Bench of this Court in W.P.No.107168/2025 has granted similar relief in identical circumstances which the respondents do not dispute the applicability to the present facts. In view of the same, the petitioners are entitled for a similar relief. Accordingly, this Court pass the following:

ORDER

- i. The writ petition is ***allowed.***



- ii. A mandamus is issued directing the respondents to consider the representation dated 02.09.2025 vide Annexure-D within a period of six [6] weeks from the date of receipt of copy of this order.
- iii. It is needless to say that until such representation is considered and order is passed, no recovery shall be made from the petitioners.

Sd/-
JUSTICE K.S.HEMALEKHA

EM
CT:VH
List No.: 1 Sl No.: 29