



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200459 OF 2026 (S-R)

BETWEEN:

MOHAN BACHA
S/O NARSING RAO,
AGE: 74 YEARS, OCC: RETIRED AUDIT OFFICER
EXECUTIVE ENGINEER
PUBLIC WORK PORT AN INLAND
WATER TRANSPORT DEPARTMENT
BIDAR, R/O 8-10-29 AKKAMAHADEVI COLONY,
NEAR RANG MANDIR, BIDAR
TQ. AND DIST. BIDAR-585401.

...PETITIONER

Digitally signed
by VARSHA N
RASALKAR
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. JAIRAJ KASHAPPA BUKKA, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY
PUBLIC WORK AND INLAND WATER
TRANSPORT DEPARTMENT,
VIDHANA SOUDHA, BENGALURU-560001.
2. THE EXECUTIVE ENGINEER,
PUBLIC WORK AND INLAND WATER
TRANSPORT DEPARTMENT BIDAR-585101.
3. THE ACCOUNTANT GENERAL



(A AND E) IN KARNATAKA, PARK,
HOUSE ROAD, BENGALURU-560001.

...RESPONDENTS

(BY SRI. VIRANAGOUDA M. BIRADAR, AGA FOR R1 & R2;
SRI. SUDHIRSINGH R. VIJAPUR., DSGI FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES TO CONSIDER THE PETITIONER REPRESENTATION DATED 19.01.2026 VIDE ANNEXURE-C; B) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES REFUND THE EXCESS AMOUNT OF COMMUTATION OF PENSION HAVING ALREADY PAID STARTING FROM 01.02.2012 TO 01.10.2022 AND THE COMMUTATION PENSION IS TO BE MODIFIED TO 10 YEARS AND 8 MONTHS INSTEAD OF 15 YEARS AND SAME SHALL BE MODIFIED IN THE PENSION PAYMENT ORDER, C) ISSUE A WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITY TO REFUND THE AMOUNT OF RS.109200/- WHICH IS COLLECTED TILL DATE, D) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITY UNTIL SUCH REPRESENTATION IS CONSIDERED AND ORDER IS PASSED NO RECOVERY CAN BE MADE FROM THE PETITIONER, E) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES PAY THE FULL PENSION AND EXTEND ALL THE CONSEQUENTIAL BENEFITS TO THE PETITIONER ARISING THERETO.



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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for the petitioner.

2. Learned Additional Government Advocate is directed to take notice for respondent Nos.1 and 2. Sri.Sudhirsingh R.Vijapur, learned Deputy Solicitor General of India is directed to take notice for respondent No.3.

3. Petitioner was Audit Officer in the office of Executive Engineer Public Work Ports and Inland Water Transport Department Bidar Division and after attaining superannuation, he filed pension papers before the respondent authorities seeking to disburse his pension. Based on which, the respondent authorities granted the pension and set the pension for the amount of Rs.8,400/- commuted pension was set at Rs.2,800/- and monthly reduced pension was set at Rs.5,600/- and the commuted



amount of Rs.2,800/- is to be deducted upto 31.07.2027 starting from 01.02.2012.

4. Petitioner made a representation dated 19.01.2026 before the respondent authorities seeking reduction of the deduction period for the commutation amount from 15 years to 10 years and 8 months. However, the same was not considered. Hence, the petitioner is perforced to approach this Court.

5. Learned counsel for the petitioner contends that the Co-ordinate Bench of this Court at Dharwad Bench in W.P.No.105244/2025 and the Principal Bench, Bengaluru, in W.P.No.23448/2024 have considered similar prayer of other employees and stayed the deduction from the pension. It is also submitted by the learned counsel for the petitioner that the Co-ordinate Bench of this Court in W.P.No.108193/2025 at Dharwad Bench and W.P.No.19172/2024 at the Principal Bench, Bangaluru, passed an order directing the respondent authorities to



consider the representation of the petitioners therein. Therefore, the petitioner seeks similar order in his favour, as he is similarly placed as that of those petitioners. In view of non-consideration of the representation so made by the petitioner dated 19.01.2026 at Annexure-C, he is before this Court.

6. Having heard the learned counsel for the petitioner and the learned Additional Government Advocate appearing for respondent-State and on perusal of the orders relied upon by the petitioner which are annexed to the petition, this Court deems it appropriate to allow the petition with a direction to consider petitioner's representation dated 19.01.2026, in the manner known to law and in accordance to the similar orders passed by this Court on the earlier occasion.

7. Accordingly, I pass the following:

ORDER

i. The petition is allowed.



- ii. The writ of mandamus is issued directing respondent Nos.2 and 3 to consider the representation of the petitioner dated 19.01.2026 vide Annexure-C and pass suitable orders within a period of eight weeks from the date of receipt of copy of this order.
- iii. It is also needless to mention that no recovery proceedings shall be initiated until consideration of the representation of the petitioner. Petitioner is at liberty to produce any additional material in support of his case before the concerned authorities.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

VNR
LIST NO.: 1 SL NO.: 33.9
CT:SI