



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 201638 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION AND
UNDER WATER DEVELOPMENT,
VIKASA SOUDHA, BENGALURU - 560 001.
2. THE CHIEF ENGINEER,
MINOR IRRIGATION NORTH ZONE,
VIJAYAPURA - 586 101.
3. THE SUPERINTENDENT ENGINEER MINOR IRRIGATION
AND UNDER WATER DEVELOPMENT DEPARTMENT,
KALABURAGI 585 102.
4. THE ACCOUNTANT GENERAL (A AND E),
IN KARNATAKA PARK HOUSE ROAD,
BENGALURU - 560 001.

...PETITIONERS

(BY SMT MAYA T.R., HCGP)

AND:

SRI SIDDARAM REDDY,
S/O PRABHANNA,
AGED ABOUT 68 YEARS,
OCC : RETIRED WORKS INSPECTOR,
OCC: THE ASSISTANT EXECUTIVE ENGINEER
MINOR IRRIGATION, SUB-DIVISION, YADAGIR,
R/A: POST KONGANDI, SHAHAPUR TALUKA,
YADAGIR DISTRICT - 585 304.

...RESPONDENT



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO

- I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OF THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION TO SET ASIDE THE ORDER DATED 03.09.2024 PASSED BY THE HON'BLE KARNATAKA ADMINISTRATIVE TRIBUNAL AT KALABURAGI IN APPLICATION NO.20822/2023 VIDE ANNEXURE-B.
- II) PASS ANY OTHER APPROPRIATE ORDER IN LIGHT OF FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The State has preferred an appeal in the present matter seeking for the following reliefs:
 - a) *Issue a writ of certiorari or any other writ of the nature of certiorari or any other appropriate writ or order or direction to set aside the order dated 03.09.2024 passed by the hon'ble karnataka administrative tribunal at kalaburagi in application no.20822/2023 vide Annexure-b.*
 - b) *Pass any other appropriate order in light of facts and circumstances of the case.*
2. Karnataka State Administrative Tribunal, Kalaburagi (for short 'the Tribunal'), vide its order dated 03.09.2024, in application No.20822/2023 passed the following order:



“ **ORDER**

- i) *The application is allowed.*
- ii) *The endorsements bearing No.MID289MIS202 and ಮುಇಂ/ಸನೀ &ಅಂಞ/ಉಪವಿ/ಸಿ-2/2022-23 dated 07.03.2023 and 18.03.2023 passed by the 1st and 2nd respondents respectively, are set aside.*
- iii) *The matter is remitted to authorities to take a fresh decision by considering the decision of the Hon'ble High Court (Supra) as per that by considering the Rule then requesting extend benefits by granting additional qualifying service, within three months from the date of receipt of copy of this order.”*

- 3. Aggrieved by the aforesaid order, the above reliefs have been sought.
- 4. A perusal of the above order would indicate that the matter is remitted to the authorities to take a fresh decision, by considering the decision of this Court in the case of the **Secretary to Government Public Works Department, M.S. Building, Bengaluru and Others Vs. Smt. Janabi** reported in **2016 ILR KAR 1565: 2016(3) KCCR 2680** and considering the applicable Rule extended benefits by granting additional qualifying service, within three months from the date of receipt of copy of this order.



The said order has been passed on 03.09.2024, apparently till date; no order has been passed subsequent to the order passed by the Tribunal.

5. Learned High Court Government Pleader appearing for the petitioners contends that the Rule applicable as on the date of superannuation alone ought to be taken into consideration. It is further submitted that, if the order of the Tribunal is implemented as it stands, the effect would be to apply the Rule that was in force at the time of recruitment. It is also urged that the Tribunal has issued a specific and positive direction to add two years towards additional qualifying service in favour of the respondent.
6. We are unable to accept the aforesaid submissions. A careful reading of the order passed by the Tribunal indicates that no such positive direction has been issued for addition of two years of qualifying service. The Tribunal has merely directed that the reasoning adopted in **Janabi** (supra) be applied to the facts of the present case.
7. In **Janabi** (supra), this Court has categorically held that the Rule as obtaining on the date of superannuation would govern the field. It is therefore



for the petitioners to apply the relevant Rule as on the date of superannuation and pass appropriate orders in accordance with law. The contention that the Tribunal has mandated addition of two years of qualifying service is thus misconceived and contrary to the record.

8. In the absence of any error apparent on the face of the record, or any perversity in the order impugned, no ground is made out for interference in an intra-court appeal. Accordingly, the appeal stands **dismissed** at the stage of admission.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**