



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 24<sup>TH</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY**

**WRIT PETITION NO. 201546 OF 2026 (S-R)**

**BETWEEN:**

SRI VIJAYAKUMAR S/O VITHAL RAO,  
AGED ABOUT 70 YEARS, 8 MONTHS,  
SENIOR CITIZEN  
ADHAAR NO.9582 4956 6616  
OCC : RETIRED ASSISTANT SUB INSPECTOR,  
PRESENTLY R/A NO.9-12-475, 7<sup>TH</sup> CROSS,  
VIDYA NAGAR COLONY, BIDAR,  
KARNATAKA 585401.

...PETITIONER

(BY SRI. BIRADAR SHARANAPPA SHANKAREPPA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
R/BY ITS ADDITIONAL CHIEF SECRETARY,  
FINANCE DEPARTMENT,  
GOVERNMENT OF KARNATAKA,  
VIDHANA SOUDHA,  
BENGALURU 560001.
2. THE PRINCIPAL SECRETARY,  
DEPARTMENT OF HOME AFFAIRS,  
MS BUILDING, BENGALURU 560001.





3. THE PRINCIPAL ACCOUNTANT  
GENERAL (A AND E) KARNATAKA  
PARK HOUSE ROAD,  
BENGALURU 560001.
4. THE SUPRERINTENDENT OF POLICE,  
SP OFFICE, MANGLAPET,  
BIDAR 585402.
5. THE DEPUTY DIRECTOR,  
DEPARTMENT OF TREASURIES,  
DISTRICT TREASURY OFFICE,  
BIDAR 585401.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF MANDAMUS DIRECTING THE 3<sup>RD</sup> RESPONDENT TO STOP RECOVERY OF THE COMMUTED PORTION OF PENSION BEYOND 10 YEARS AND 8 MONTHS AND REFUND THE AMOUNT RECOVERED BEYOND THE SAID PERIOD WITH INTEREST AT THE RATE OF 12% PER ANNUM; B) ISSUE A WRIT OF MANDAMUS DIRECTING THE 1<sup>ST</sup> RESPONDENT TO CONSTITUTE AN EXPERT COMMITTEE FOR THE RE-ASSESSMENT OF THE QUANTUM OF COMMUTATION OF PENSION AND THE YEARS OF RESTORATION OF FULL PENSION; C) ISSUE ANY OTHER WRIT, ORDER, DIRECTION AS THIS HONOURABLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

**ORAL ORDER**

1. The petitioner in the above captioned writ petition  
is before this Court seeking for the following reliefs:

- a) Issue a writ of mandamus directing the 3<sup>rd</sup> respondent to stop recovery of the commuted portion of pension beyond 10 years and 8 months and refund the amount recovered beyond the said period with interest at the rate of 12% per annum;
- b) Issue a writ of mandamus directing the 1<sup>st</sup> respondent to constitute an expert committee for the re-assessment of the quantum of commutation of pension and the years of restoration of full pension;
- c) Issue any other writ, order, direction as this Hon'ble Court deems fit in the interest of justice and equity.

2. Heard the learned counsel for the parties.

3. It is the case of the petitioner who is a retired government servant that, at the time of retirement, petitioner was paid lump sum amount after commutation of his pension, and towards the recovery of the commutation amount paid to him, amount is being deducted from his



pension every month. According to the petitioner, the respondents have already recovered the lump sum commutation amount paid to the petitioner and in spite of the same, monthly deduction from the pension amount of the petitioner has not been stopped. It is under these circumstances, the petitioner has preferred the petition seeking for the aforesaid reliefs.

4. The petitioner has not approached the competent authority before approaching this Court in this writ petition. According to the petitioner, the respondents have already recovered the commutation amount which was paid to the petitioner at the time of his retirement. If that is so, it is for the petitioner to file necessary representation before the competent authority and seek recovery of the excess amount, if any recovered from the petitioner. The respondents are bound to consider the said representation and pass appropriate orders.

5. Under the circumstances, I am of the opinion that, if the writ petition is disposed of permitting the



petitioner to submit appropriate representation to the competent authority to stop the monthly recovery from his pension towards commutation amount paid to him at the time of his retirement and if it is found that, the respondents have recovered excess amount from the petitioner, to make a request for refund of such amount, the same would serve the ends of justice.

6. Accordingly, the following:

**ORDER**

The writ petition is disposed of with permission to the petitioner to submit appropriate representation to the concerned authority along with the copy of this order and in the event, if such a representation is submitted by the petitioner, the competent authority within a period of three months from the date of receipt of such representation shall consider the said representation in accordance with law, and if it is found that the respondents have recovered



excess amount from the petitioner towards  
commutation amount, such excess amount shall  
be refunded to the petitioner, forthwith.

**Sd/-**  
**(S.VISHWAJITH SHETTY)**  
**JUDGE**

SN  
List No.: 2 Sl No.: 2