



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201572 OF 2026 (S-R)

BETWEEN:

SRI. DHULAPPA
S/O MALIKAPPA,
AGED ABOUT 71 YEARS,
SENIOR CITIZEN,
ADHAAR NO.3821 3867 2577,
OCC. RETIRED HEAD CONSTABLE,
PRESENTLY R/AT, PLOT NO.16,
SACHIDANANDA LAYOUT,
NR NAGAR KALABURAGI,
KARNATAKA-585 102.



...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-560 001.
2. THE PRINCIPAL SECRETARY
DEPARTMENT OF HOME AFFAIRS,
M.S. BUILDING,



BENGALURU-560 001.

3. THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
KARNATAKA PARK HOUSE ROAD,
BENGALURU-560 001.
4. THE COMMANDANT, KSRP
6TH BN, GULBARGA-585 102.
5. THE DEPUTY DIRECTOR
DEPARTMENT OF TREASURIES,
DISTRICT TREASURY OFFICE,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1, R2 AND R5;

SRI. SUDHIRSING R VIJAPUR, DSGI FOR R3)

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 3RD RESPONDENT 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 PERCENT PER ANNUMB) ISSUE A WRIT OF MANDAMUS DIRECTING THE 1ST RESPONDENT TO CONSTITUTE AN EXPERT COMMITTEE FOR THE RE-ASSESSMENT OF THE QUANTUM OF COMMUNICATION OF PENSION AND THE YEARS OF RESTORATION OF FULL PENSIONC) ISSUE ANY OTHER WRIT, ORDER, DIRECTION AS THIS HONOURABLE COURT DEEMS FIT.

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

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



ORAL ORDER

The petitioner in the writ petitions is before this Court under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

"a) Issue a writ of mandamus directing the 3rd respondent 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 percent per annum.

b) Issue a writ of mandamus directing the 1st respondent to constitute an expert committee for the re-assessment of the quantum of communication of pension and the years of restoration of full pension.

c) Issue any other writ, order, direction as this Honourable Court deems fit,"

2. Heard the learned counsel for the petitioner, learned Additional Government Advocate, for respondent Nos.1, 2 and 5 and Sri Sudhirsingh R Vijapur, learned DSGI for respondent No.3.

3. It is the case of the petitioner, who is retired government servants that, at the time of retirement he



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 is before this Court.

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 him at the time of their 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**

NJ
List No.: 2 Sl No.: 1