



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201636 OF 2026 (S-R)

BETWEEN:

ABDUL RAHIM S/O ABDUL RAHAMAN,
AGE : 73 YEARS, OCC : ARMED HEAD CONSTABLE,
DAR, YADAGIR, R/O H.NO.5-93-29/30,
NEAR MADINA MAJEED, MEHBOOB NAGAR,
RING ROAD, KALABURAGI 585104.

...PETITIONER

(BY SRI. AMEERAHAMAJA ABDULKADAR GUNNAPURA,
ADVOCATE)

AND:

1. ADDL. PRL SECRETARY TO GOVT.,
HOME DEPARTMENT, VIDHAN SOUDHA,
BENGALURU 560001.
2. THE ADDL CHIEF SECRETARY TO GOVT.,
GOVT. OF KARNATAKA,
DEPARTMENT OF FINANCE,
VIDHAN SOUDHA, BENGALURU 560001.
3. THE PRINCIPAL ACCOUNTANT GENERAL,
(A AND E) KARNATAKA, P.B.NO.5329,
PARK HOUSE, BENGALURU 560001.





4. THE SUPETINTENDENT OF POLICE,
YADAGIR DIST 585201.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1, 2 AND 4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES TO CONSIDER, THE PETITIONER REPRESENTATION DATED 25.03.2026 VIDE ANNEXURE-B, IN THE INTEREST OF JUSTICE AND EQUITY; B) ISSUE A WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITY AFTER COMPLETION 10 YEARS 08 MONTHS THE DEDUCTION SHALL BE STOPPED AND THE FULL PENSION SHALL BE RESTORED SINCE FROM 01.06.2023 INSTEAD OF 15 YEARS AND ALSO THE SAME IS TO BE RECTIFIED IN THE PENSION PAYMENT ORDER, IN THE INTEREST OF JUSTICE AND EQUITY; C) DIRECT THE RESPONDENT NO.3 NO RECOVERY PROCEEDINGS SHALL BE INITIATED UNTIL CONSIDERATION OF THE REPRESENTATION OF THE PETITIONER; D) ISSUE A WRIT OR ANY OTHER ORDER DIRECTION AS DEEMS FIT IN THE PRESENT CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.



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

Heard the learned counsel for the petitioner, learned Additional Government Advocate on behalf of respondent Nos.1 to 3 and learned counsel Sri Sudhirsingh R. Vijapur on behalf of respondent No.4.

2. Petitioner who is a retired Armed Head Constable in Police Department, DAR, Yadgir is before this court seeking for the following reliefs :

- a) *Issue writ in nature of mandamus directing the respondent authorities to consider the petitioner representation dated 25.03.2026 vide Annexure-B;*
- b) *Issue a writ in the nature of mandamus directing the respondent authority after completion 10 years 08 months the deduction shall be stopped and the full pension shall be restored since from 01.06.2023 instead of 15 years and also the same is to be rectified in the pension payment order;*
- c) *Direct to respondent No.3 no recovery proceedings shall be initiated until consideration of the representation of the petitioner;*



- d) Issue a writ or any other direction as deems fit in the present circumstance of the case, in the interest of justice and equity.*

3. It is the case of the petitioner that he had retired from service after attaining the age of superannuation of 30.09.2012. He had submitted his pension paper before the respondent - authorities seeking to disburse his pension and considering the same his pension was set at Rs.13,350/- and commuted pension was set at Rs.4,450/- which was required to be recovered in monthly installments over a period of 15 years. It appears that subsequently petitioner has given a representation on 25.03.2026 vide Annexure-B on the ground that excess recovery towards commuted value of the pension has been made from him and accordingly had prayed to stop the recovery from his monthly pension. Grievance of the petitioner is that the said representation is not considered by the competent authority till date. Under similar circumstances, this Court has directed the competent authority to consider the representation of the



retired employees and till then, it is directed that the competent authority shall not recover the commuted value from petitioner's pension. Under the circumstances, the following order :

- i) Writ petition is ***allowed***.
- ii) A writ of mandamus is issued directing the 4th respondent to consider the representation of the petitioner at Annexure-B dated 25.03.2026 and pass appropriate orders on the same in accordance with law within a period of two months from the date of receipt of copy of this order.
- iii) Till then, there shall be no recovery from the petitioner towards the commuted value of pension.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE