

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION NO.26036 OF 2018 (S-R)

BETWEEN :

SRI H. CHANNABASAVIAH
S/O. HONNAPPA,
AGED ABOUT 78 YEARS,
RETIRED PROFESSOR
SRI JAGADGURU RENUKACHARYA
COLLEGE OF SCIENCE,
ARTS AND COMMERCE
RACE COURSE ROAD,
BANGALORE - 560 009.

R/AT NO. 360, 4TH MAIN,
12TH 'B' CROSS, WCR 2ND STAGE
MAHALAKSHMIPURA
BANGALORE - 560 086.

...PETITIONER

(BY SRI C. M. NAGABUSHANA, ADVOCATE - VIDEO
CONFERENCING)

AND :

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
MUTLI-STORIED BUILDING
BANGALORE - 560 001.
- 2 . THE COMMISSIONER OF
COLLEGIATE EDUCATION

PALACE ROAD
TECHNICAL EDUCATION BUILDING
BANGALORE - 560 001.

- 3 . THE DIRECTOR OF COLLEGIATE EDUCATION
PALACE ROAD
TECHNICAL EDUCATION BUILDING
BANGALORE - 560 009.
- 4 . THE JOINT DIRECTOR
REGIONAL OFFICE,
DEPARTMENT OF EDUCATION
BANGALORE - 560 009.
- 5 . THE PRINCIPAL
SRI JAGADGURU RENUKACHARYA
COLLEGE OF SCIENCE,
ARTS AND COMMERCE
RACE COURSE ROAD,
BANGALORE - 560 009.

...RESPONDENTS

(BY MS. SAVITHA T.H., H.C.G.P. FOR R1-R4;
R5 – SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 09.08.2017 (ANNEXURE-H) OF THE SECOND RESPONDENT AND TO DIRECT THE RESPONDENTS TO RELEASE THE PENSION BENEFITS OF ONE INCREMENT FROM 01.01.1998 TO 31.03.1999 AS PER THE RULE 313 OF THE KCSRs WITH INTEREST ON THE SAID AMOUNT AT CURRENT MARKET RATE FROM THE DATE OF RELIEVING FROM THE SAID POST TILL THE DATE OF ITS PAYMENT AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING :

ORDER

The petitioner in this writ petition has called in question the order dated 09.08.2017 passed by 2nd respondent declining to release pension taking into account the service rendered by the petitioner between 30.06.1998 to 31.03.1999 on re-employment.

2. Heard Sri C.M. Nagabushana, learned counsel appearing for petitioner, Ms. Savitha T.H., learned H.C.G.P. appearing for respondents No.1 to 4 and perused the material on record.

3. The petitioner was appointed as a 'Tutor' in Mathematics in Sri Jagadguru Renukacharya College, Bengaluru on 14.10.1965 and was promoted from time to time and at relevant point of time was holding the post of Selection Grade Lecturer. On 30.06.1998 the petitioner retired on attaining the age of superannuation. Since the petitioner retired on 30.06.1998 after commencement of academic year, it transpires that the Government re-

employed him and continued his service upto 31.03.1999 and accordingly fixed his pension up to the date of superannuation i.e., 30 June, 1998.

4. The issue in the petition is the service that the petitioner rendered on re-employment between 30.06.1998 to 31.03.1999. As indicated hereinabove, pension to the petitioner was settled immediately after his retirement in the year 1998 itself. After receiving pension without demur and keeping quiet for 18 long years, the petitioner for the first time gave a representation on 03.11.2016 contending that he was entitled to an additional increment between the period 30.06.1998 to 31.03.1999 which was the period of re-employment of the petitioner. The petitioner having accepted pension, after 18 long years lost his right even to contend that he was entitled to an additional increment between the period 30.06.1998 to 31.03.1999 as the petitioner would not be a regular employee to get increment, but a re-employed pensioner. Be that as it may, the petitioner has lost his

right to claim any benefit that he would have been entitled to in the year 1998, for having kept quiet for 18 years and then giving a representation and contending that a representation came to be rejected only in the year 2017. It is trite law that mere giving of representations will not obviate delay. Writ petition lacks merit and is dismissed.

Sd/-
JUDGE

hnm