



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2023

PRESENT

THE HON'BLE MR JUSTICE G.NARENDAR

AND

THE HON'BLE MR JUSTICE C.M. POONACHA

CIVIL CONTEMPT PETITION NO. 746 OF 2020

BETWEEN:

1. SRI GANGANNA M N
S/O NINGAIAH
AGED ABOUT 65 YEARS,
RESIDING AT "SRI RANGA",
2ND 'B' CROSS, 4TH MAIN,
SADASHIVANAGAR,
TUMKUR-572101.
2. SRI SOMASUNDARAIAH,
S/O SIDDALINGAPPA
AGED ABOUT 63 YEARS
RESIDING AT MANUVINAKURIKE (AT)
DASALUKUNTE P.O, KORATAGERE TALUK,
TUMKUR DISTRICT-572121.

...COMPLAINANTS

(BY SRI. JANARDHANA G., ADVOCATE)

AND:

1. SRI PRADEEP P
COMMISSIONER FOR
COLLEGIATE EDUCATION,
GOVERNMENT OF KARNATAKA,
PALACE ROAD,
BENGALURU-560001.

Digitally
signed by C
HONNUR SAB
Location: High
Court of
Karnataka



2. MR. MALLESHWARAPPA S,
DIRECTOR FOR COLLEGIATE EDUCATION
GOVERNMENT OF KARNATAKA,
PALACE ROAD,
BENGALURU-560001.

...ACCUSED

(BY SRI. KIRAN KUMAR, HCGP FOR RESPONDENTS)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF THE CONTEMPT OF COURT ACT, BY THE COMPLAINANT, WHEREIN HE PRAYS THAT THE HON'BLE COURT BE PLEASED TO TAKE COGNIZANCE OF THE OFFENCE COMMITTED BY THE ACCUSED FOR DISOBEYING THE ORDERS OF THIS HON'BLE COURT DATED 23.09.2015 IN W.P.NOS.39456-39460/2015 VIDE ANNEXURE-A1 AND CONSEQUENTLY PUNISH THEM FOR THE SAID ACT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, G.NARENDAR J., MADE THE FOLLOWING:

ORDER

Heard the learned counsel for the complainants and the learned Additional Government Advocate.

2. The case of the complainants is that there is a violation of the interim order dated 23.09.2015 granted in W.P. Nos.39456 to 39460/2015 whereby, this Court was pleased to pass the following interim order:-

*"The learned counsel for the State is directed to accept notice on behalf of respondents No.1 to 4.
Issue notice to respondent No.5.*



Meanwhile, the operation of the order dated 15-12-2014 passed by the Regional Joint Director with regard to re-fixation of the salary is hereby stayed."

3. It is the case of the complainants that despite the interim order of stay, staying re-fixing the salary, the respondents are paying pension calculating the same from the date of approval of the post and not from the date on which they were appointed and that on account of the interim order granted, the respondents are required to calculate the period between the date of appointment and the date of approval for the purposes of calculation of the pension.

4. In our opinion, the said interpretation sought to be placed by the complainants appears to be misconceived. The order of which violation is complained of does not direct payment or inclusion of the disputed period for the purposes of calculating and paying the pension. In fact, the said issue is one of the issues which is pending consideration in the pending W.P. Nos.39456-39460/2015. It would be inappropriate for this Bench in the course of disposing off the



Contempt Petition to make observations which would impinge directly on the issue pending before the learned Single Judge.

5. In that view of the matter, we deem it appropriate to close the Contempt Proceedings without expressing any opinion on the merits of the claim and by further reserving liberty to the complainants to seek for revival of the Contempt Proceedings after orders of the learned Single Judge in the pending W.P. Nos.39456-39460/2015.

6. The Contempt Petition stands closed.

In view of disposal of the petition, I.A. 1/2023 does not survive for consideration and is accordingly disposed off.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

CHS
List No.: 1 Sl No.: 13