



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 29<sup>TH</sup> DAY OF NOVEMBER, 2024**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**WRIT PETITION NO. 105511 OF 2024 (S-R)**

**BETWEEN:**

SHILADHAR L. NATIKAR,  
AGE: 63 YEARS, OCC: RETIRED ACCOUNTANT,  
R/O.C/O. DURGAPPA MALEPPA GADAD,  
GADDANKERI CROSS, TQ: DIST: BAGALKOTE.

...PETITIONER

(BY SRI. SANTOSH B. MALLIGAWAD, ADVOCATE)

**AND:**

1. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED,  
REPRESENTED BY THE MANAGING DIRECTOR,  
KAVERI BHAVAN, BENGALURU-560009.
2. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED,  
REPRESENTED BY THE DIRECTOR (HUMAN RESOURCE),  
KAVERI BHAVAN, BENGALURU-560009.

...RESPONDENTS

(BY SRI. SHIVARAJ P. MUDHOL, ADVOCATE)

V N  
BADIGER



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227  
OF THE CONSTITUTION OF INDIA PRAYING TO

1. ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING  
THE IMPUGNED ENDORSEMENT DATED 08/07/2024 BEARING  
NO.KAVIPRANI/KCO5/60431/2024-25/24861/1254 VIDE  
ANNEXURE-F.
2. ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING  
RESPONDENT NO.1 TO DISBURSE THE COMPLETE TERMINAL  
BENEFITS IN TERMS OF REPRESENTATION DATED 02/08/2024  
VIDE ANNEXURE-E AND ETC.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING,  
THIS DAY, THE COURT MAE THE FOLLOWING:

**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR)

Petitioner is working as Accounts Officer and attained the superannuation on 31.05.2024 while working at Bagalkote. During his service the petitioner who was saddled with Departmental Enquiry for the certain misappropriation of bills and scrutinizing of records. However, on enquiry being concluded, the petitioner was exonerated by giving a clean chit. Along with Departmental Enquiry, respondents instituted criminal proceedings against the petitioner before the jurisdictional Magistrate, wherein cognizance was taken and the case was registered. Charge sheet is filed in C.C.No.26/2017 later it was renumbered as C.C.No.230/2017. During which period, petitioner was provided 50% provisional pension and retirement benefits. Petitioner is aggrieved by the impugned endorsement, whereby his retirement benefits are withheld with respect to 50% of the retirement benefits.



2. Petitioner relies upon a Judgment of a Division Bench of this Court in the case of ***Mallikarjun Savanur vs. The Karnataka Power Transmission Corporation Ltd., Writ Appeal No.100422/2023*** dated 16.11.2023, which dealt with an identical matter on a challenge made before the coordinate bench of this Court. Admittedly, according to the petitioner, the Departmental Enquiry has ended in a clean chit and exoneration of all charges against the petitioner. Simultaneously, criminal proceedings is pending before the criminal Court, but that would not *per se* restrict or bar the respondent-employer from disbursing the pensionary retirement benefits, which is due to the petitioner even if it ends in a conviction. Hence, the petitioner is before this Court.

3. Learned counsel Sri Shivaraj P. Mudhol representing respondents contends that in the Department Enquiry the petitioner was exonerated, however, criminal prosecution is still pending against the petitioner for similar offence. However, the fact remains that the petitioner has retired and 50% provisional pension and



retirement benefits are disbursed. He also fairly agrees with the Judgment passed in the above mentioned case, wherein in an identical situation this Court has directed the respondents to disburse the pensionary benefits and retirement benefits in accordance to law and the Judgment so rendered. Therefore, nothing further remains for consideration in this case, as already the Division Bench of this Court in Writ Appeal No.100422/2023 has taken a view in favour of the employee that the retirement benefits cannot be withheld merely due to the pendency of the criminal proceedings. Under the circumstances, I pass the following :

ORDER

- (i) Petition is allowed.
- (ii) The impugned endorsement bearing No.KaViPraNi/KCO5/60431/2024-25/24861/1254, dated 08.07.2024 vide Annexure-F is hereby quashed.



(iii) In view of 50% of the retirement benefits having already been disbursed in favour of the petitioner, the remaining 50% of the retirement benefits shall be disbursed in favour of the petitioner, subject to any deductions in accordance with law in consonance to the Judgment passed in Writ Appeal No.100422/2023 within a period of 8 weeks from the date of receipt of copy of this order.

**Sd/-**  
**(PRADEEP SINGH YERUR)**  
**JUDGE**