

**Sangappa vs the Commissioner**

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**Court :** Karnataka Orders

**Decided On :** Feb-25-2025

**Judge :** R.Nataraj

**Appeal No. :** WP/200512/2025

**Appellant :** Sangappa

**Respondent :** The Commissioner

**Judgement :**

-1-

IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 25TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR. JUSTICE R.NATARAJ WRIT PETITION NO.200512 OF 2025 (S-R) BETWEEN: SANGAPPA S/O. SHANKAR RAO CHINCHUR, AGE: ABOUT 62 YEARS, OCC. RETIRED D'MAN, K.U.W.S AND D. BOARD, KALABURAGI. R/O. HARI KRISHNAGAR, UDNUR ROAD, NEAR VERGIS APARTMENT, KALABURAGI-585102. PETITIONER (BY SRI. DEEPAK V BARAD, ADVOCATE) AND: THE COMMISSIONER KALABURAGI MAHANAGAR PALIKE, KALABURAGI-585105. RESPONDENT

Digitally signed by (BY SRI. D.P.AMBEKAR, ADVOCATE) SUMA Location: THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 HIGH COURT KARNATAKA OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE

RESPONDENT CORPORATION TO CONSIDER THE LETTER OF THE EE, KUWS AND D BOARD, DIVISION KALABURAGI DATED 28.03.2023 (ANNEXURE-B) AND THE REPRESENTATION FILED BY THE PETITIONER DATED 23.12.2024 (ANNEXURE-C) AND TO MAKE PAYMENT OF PENSION AND LEAVE CONTRIBUTION OF THE PETITIONER DEPUTATION PERIOD TO THE KUWS AND D BOARD IMMEDIATELY IN THE INTEREST OF JUSTICE AND EQUITY. -2-

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE R.NATARAJ

## **ORAL ORDER**

(PER: HON'BLE MR. JUSTICE R.NATARAJ) The petitioner has sought for a writ in the nature of mandamus to direct the respondent to consider a communication dated 28.03.2023 addressed by the Executive Engineer of Karnataka Urban Water Supply and Drainage Board, Kalaburagi division as well as his representation dated 23.12.2024 and disburse pension and leave contribution for the period of deputation.

2. The petitioner contends that he was a permanent

employee as a drafts man at Karnataka Urban Water Supply and Drainage Board, Kalaburagi division. He was deputed to the respondent from 05.07.1997 to 13.11.2017 and retired from service on 31.10.2022. He contends that as per the provisions of the Karnataka Civil Service Rules, the respondent was bound to remit the pension and leave contribution to the Karnataka Urban Water Supply and Drainage Board, for having

rendered 20 years of service on deputation. He contends that the respondent did not remit the pension and leave contribution which was bound to be done every year. As a result, the Karnataka Urban Water Supply and Drainage Board, Kalaburagi division had deducted a sum of Rs.3,68,010/- from the DCRG amount released and paid to the petitioner after his retirement. After a follow up, the Executive Engineer of Karnataka Urban Water Supply and Drainage Board, vide his letter bearing No.KWD/EE/VK/HRD/3/RVPM/2022-23/3359 dated 28.03.2023 had requested the respondent to remit the said amount of pension and leave contribution amounting to Rs.3,68,010/- plus

interest amounting to Rs.5,81,055/-. The petitioner contends that despite the communication, the respondent did not remit the amount to the board. The petitioner therefore submitted a representation dated 23.12.2024 requesting the respondent to comply with the communication of the Executive Engineer referred supra. Since the same is not done, the petitioner is before this Court.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that the respondent was -4-

bound to remit the pension and leave contribution every year and since the respondent failed to do so, the corresponding amount is deducted from the DCRG released to the petitioner. He therefore contends that a direction be issued to the respondent to consider the letter addressed by the Executive Engineer dated 28.03.2023 of the Karnataka Urban Water Supply and Drainage Board, as well as the representation of the petitioner.

4. The learned counsel for the respondent fairly

submitted that the representation of the petitioner dated 23.12.2024 and the communication addressed by the Executive Engineer of the Karnataka Urban Water Supply and Drainage Board, dated 28.03.2023 shall be considered in accordance with law and appropriate orders would be passed.

5. In view of the aforesaid submission, this writ

petition is disposed off directing the respondent to consider the representation of the petitioner dated 23.12.2024 in the light of the letter bearing No.KWD/EE/VK/HRD/3/RVPM/2022-23/3359 dated 28.03.2023 addressed by the Executive Engineer of the Karnataka Urban Water Supply and Drainage Board to the -5- respondent. This shall be complied within a period of three months from the date of receipt of a copy of this order. Sd/- (R.NATARAJ) JUDGE HJ List No.: 1 Sl No.: 43

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