

Dr Kiran Kumar N vs State of Karnataka

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Court : Karnataka

Decided On : Dec-20-2024

Judge : S Sunil Dutt Yadav

Appeal No. : WP/12453/2024

Appellant : Dr Kiran Kumar N

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF DECEMBER, 2024 BEFORE THE
HON'BLE MR JUSTICE S SUNIL DUTT YADAV WRIT PETITION NO.
12453 OF 2024 (S-RES) BETWEEN:

1. DR. KIRAN KUMAR N., S/O NEELAKANTAPPA K. K., R/AT NO.779,
22ND MAIN, 36 A CROSS, JAYANAGAR, 4TH T BLOCK,
BANGALORE-560041.
2. DR. UMA S. R., D/O S. RAJAGOPALACHARI, R/AT NO.153, 2ND
CROSS, JAYANAGAR 1ST BLOCK, BANGALORE-560011. Digitally

signed by VIJAYA P Location: HIGH

3. DR. SOWMYA K. R., COURT OF KARNATAKA AGE 49 YEARS, D/O RANGARAJ URS K. N., R/AT NO.194, 1ST CROSS, BYRASANDRA, 1ST BLOCK EAST, BANGALORE-560011.

4. DR. MALLAYYA C. HIEMATH, S/O CHANDRAYYA, R/AT NO.3009/3-1, 2ND FLOOR, 17TH CROSS, 2ND MAIN, BSK 2ND STAGE, BANGALORE-70. -2-

5. DR. PURNIMA BANDARI, D/O NEELAGIRIYAPPA BHANDARI, R/AT NO.58/10, 1ST CROSS, LAKSHMINAGAR, BASAVESHWAR NAGAR, BENGALURU-79.

6. DR. GURUPRASAD C. N., S/O C. S. NAGARAJA IYER, R/AT NO.384/12, 6TH MAIN, 14TH CROSS, LAKKASANDRA EXTN., WILSON GARDEN, BANGALORE-560030.

7. DR. SEEMA MERWADE, AGED 48 YEARS, D/O L. D. MERWADE, R/AT NO.24, 3RD MAIN, 1ST STAGE, AGB LAYOUT, MAHALAKSHMIPURAM, BANGALORE-86.

8. DR. SAVITHA B. NAIK, AGE 47 YEARS, D/O K. BHASKER NAIK, R/AT NO.1591, 35TH CROSS, 16TH MAIN, BANASHANKARI 2ND STAGE, BANALORE-560070.

9. DR SUMAN B., S/O BASAVARAJAPPA B. N., R/AT S3, 3RD FLOOR, SHIVAGANGA OPERA, MASTI VENKATESH IYENGAR ROAD, HANUMANTHANAGAR, BANGALORE-19. -3-

10. DR. CHCNADRAKALA J., D/O JAYARAM B., R/A 2335, HOMBELAKU, 8TH CROSS, 1ST MAIN, SWAMY VIVEKANANDA NAGAR, HOSKOTE, BANGALORE RURAL-562114.

11. DR. J. NAGARATHNA, D/O JAVANAIAH, R/O 7, KANAKA, II FLOOR, II BLOCK, II PHASE, 80 FEET ROAD, BTM VI STAGE,

BANGALORE-560076.

12. DR. SURESH T., AGE 55 YEARS, S/O THUKARAMA BS, R/AT NO.72, 12TH MAIN, BSK 1ST STAGE, SRINAGAR, BANGALORE-560050.

13. DR. KALAVATHI M., AGE 53 YEARS, D/O D. MUNIYAPPA, R/O 1884, NIKHILESH SOWKYA, 10TH MAIN, 32 CROSS, BSK 2ND STAGE, BANGALORE-560070.

14. DR. P. HEMA MITHILY, AGE 51 YEARS, D/O B. PADMANABHAN, R/A 214M, 19TH MAIN CROSS, 1ST BLOCK, R T NAGAR, BANGALORE-560032. PETITIONERS (BY SRI. VENKATESH SOMAREDDI, ADVOCATE) -4- AND:

1. STATE OF KARNATAKA, REP. BY PRINCIPAL SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE (MEDICAL EDUCATION), NO.105, 1ST FLOOR, VIKASA SOUDHA, BENGALURU-560001.

2. GOVERNMENT DENTAL COLLEGE AND RESEARCH INSTITUTE, REP. BY ITS DEAN CUM DIRECTOR, FORT, VICTORIA HOSPITAL CAMPUS, BENGALURU-02. RESPONDENTS (BY MS. NAVYA SHEKHAR, AGA FOR R1; SMT. SUMANA BALIGA, ADVOCATE FOR R2) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PETITIONERS ARE GOVERNED BY OLD PENSION SCHEME

(OPS) AND DIRECT THE RESPONDENTS TO EXTEND ALL THE

BENEFITS UNDER THE OLD PENSION SCHEME (OPS) TO THE PETITIONERS AND ETC., THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV -5-

ORAL ORDER

The present petition has been filed seeking issuance of appropriate writ to declare that the petitioners are governed by Old Pension Scheme and to direct respondents to extend all benefits under the Old Pension Scheme to the petitioners. The petitioners have also sought for issuance of appropriate writ or orders prohibiting / restraining the respondents from applying the New Defined Pension Scheme dated 01.04.2006 introduced by the Government of Karnataka as per Government Order at Annexure-'D' to the petitioners.

2. Learned counsel for the petitioners has filed a memo and has also produced copy of the Government

Order dated 16.12.2024.

3. Learned Additional Government Advocate affirms passing of the Government Order dated 06.12.2024.

4. It is clear that in terms of the Government

Order enclosed, the provision of New Defined Pension

-6- Scheme would be applicable only as regards those employees who have joined after 01.04.2006. Taking note that the petitioners joined employment by way of notification dated 26.08.2000, in terms of the Government

Order dated 06.12.2024, petitioners are entitled for

benefits as regards the superannuation benefit under the old scheme.

5. Accordingly, the petition is allowed taking note

of the contents of the circular while observing that the petitioners would be entitled to benefits under the old pension scheme. Sd/- (S SUNIL DUTT YADAV) JUDGE
MCR