



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 13<sup>TH</sup> DAY OF NOVEMBER, 2025**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**WRIT APPEAL NO. 548 OF 2025 (S-RES)**

**C/W**

**WRIT APPEAL NO. 579 OF 2025 (S-RES)**

**WRIT APPEAL NO. 608 OF 2025 (S-RES)**

**WRIT APPEAL NO. 611 OF 2025 (S-RES)**



**IN WA No. 548/2025:**

**BETWEEN:**

1. K HARISHA,  
S/O LATE KESHAVA MURTHY,  
AGED ABOUT 52 YEARS,  
WORKING AS EXECUTIVE ENGINEER,  
BELLARY THERMAL POWER STATION,  
KUDATHINI POST,  
BELLARY DISTRICT-583152  
AND RESIDING AT TRANSMISSION 'MANDARA',  
VIDYARANYAPURA,  
SRINGERI TALUK AND POST,  
CHIKAMAGALORE DISTRICT-577139.

...APPELLANT

(BY SRI. S.S.NAGANAND, SENIOR COUNSEL ALONG WITH  
SUBRAMANYA BHAT M., ADVOCATE)

**AND:**

1. KARNATAKA POWER CORPORATION LTD.,





**NC: 2025:KHC:46254-DB  
WA No. 548 of 2025  
C/W WA No. 579 of 2025  
WA No. 608 of 2025  
AND 1 OTHER**

NO. 82, SHAKTI BHAVAN,  
RACE COURSE ROAD,  
BENGALURU-560001,  
BY ITS MANAGING DIRECTOR.

2. UPENDRA PATKAR,  
S/O RAMAKRISHNA PATKAR,  
AGED ABOUT 61 YEARS,  
RETIRED SUPERINTENDING ENGINEER (MECH),  
RESIDING AT 'SWATSTI',  
NO 4-5A-5, 1ST MAIN, GATION LAYOUT,  
ACHUTHANAGARA, UDUPI-576107
3. Y K VENKATESH HEGGADE,  
S/O Y D KISHNAPPA HEGGADE,  
AGED ABOUT 62 YEARS,  
RESIDING AT YADUR POST  
HOSANAGARA TALUK,  
SHIMOGA DIST-577448
4. N A SUNIL, S/O APPU,  
AGED ABOUT 44 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
AND RESIDING AT KPCL COLONY,  
HOSANGADI-576 282
5. KC HARISHA,  
S/O K CHANDRAPPA GOWDA,  
AGED ABOUT 54 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
AND RESIDING AT KPCL COLONY,  
HOSANGADI-576 282
6. SHASHIDHARA SHETTY,  
S/O SHEKHAR SHETTY,  
AGED ABOUT 36 YEARS,  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
AND RESIDING AT KPCL COLONY,  
MASTIKATTE-577 448
7. RAVIKUMAR S,



S/O SHIVANANDIAH M B,  
AGED ABOUT 49 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435.

8. NAGESH GOWDA,  
S/O KANTAPPA GOWDA,  
AGED ABOUT 55 YEARS  
WORKING AS SUPERINTENDING ENGINEER  
YERAMARAS THERMAL POWER STATION  
CHIKKSUGUR RAICHUR -584134
9. KAVYASHREE J,  
S/O JAVARAJ M,  
AGED ABOUT 41 YEARS,  
WORKING AS ASSISTANT ENGINEER  
BALLARY THERMAL POWER STATION  
KUDATINI, BALLARY DIST-583152
10. MADHUSUDHAN K,  
S/O K D KULLEGOWDA,  
AGED ABOUT 53 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435.
11. SATHYANARAYANA SHARMA,  
S/O RAGHAVENDRA H G,  
AGED ABOUT 41 YEARS,  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
TRANSIT OFFICE NO.47, GOVT OF KARNATAKA  
STAFF QUARTERS, RK PURAM PH-2,  
SEC6 NEW DELHI-110022.
12. MALLAPPA S MARI,  
S/O SIDDAPPA L MARI,  
AGED ABOUT 47 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
VARAHI GENERATING STATION,  
KPCL, HOSANGADI, UDUPI DIST-576282.



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WA No. 608 of 2025  
AND 1 OTHER**

13. ARUN KUMAR A,  
S/O ARAVINDAKSHAN R,  
AGED ABOUT 48 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
VARAHI GENERATING STATION,  
KPCL, HOSANGADI,  
UDUPI DIST-576282.
14. SOUMYA S,  
D/O SUNDAR POOJARY,  
AGED ABOUT 45 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION, KPCL,  
JOG FALLS, SHIMOGA-577435.
15. SANNARAJA H K,  
S/O KRISHNALAH,  
AGED ABOUT 49 YEARS,  
WORKING AS ASSISTANT ENGINEER BALLARY  
THERMAL POWER STATION,  
KUDATINI BALLARY DIST-583152
16. ERAJU H K, S/O KRISHNANAIH,  
AGED ABOUT 47 YEARS,  
WORKING AS ASSISTANT ENGINEER (MECH),  
EE(GATES) DIVISION KARGAL,  
KPCL, KARGAL, SHIMOGA-577435.
17. GIRISH S R,  
S/O RAMANA P RAO,  
AGED ABOUT 52 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
BALLARY THERMAL POWER STATION  
KUDATINI  
BALLARY DIST-583152
18. PRASAD T V,  
S/O VENKATARAMANA GOWDA,  
AGED ABOUT 52 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
(MECHANICAL), KPCL,



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AND 1 OTHER**

SHAKTI BHAVAN  
BANGALORE-01.

...RESPONDENTS

(BY SRI. K.SHASHIKIRAN SHETTY, AG ALONG WITH,  
SRI. AJAY J ANANALIKE, SMT. SANJANA S JAIN AND  
SRI. RACHEL RAJU ALICE, ADVOCATE FOR R-1;  
SRI. M.S.BHAGWAT, SENIOR COUNSEL FOR  
SRI. ADITHYA R.CHAKRAGIRI, ADVOCATE FOR R2 TO R6,  
R8, R10 TO R14, R17 & R18;  
R7, R9, R15 & R16 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS WRIT  
APPEAL AND SET ASIDE THE ORDER DATED 04/12/2024  
PASSED IN WP NO.11925/2012, ON THE FILE OF THE LEARNED  
SINGE JUDGE AND DISMISS THE ABOVE WRIT PETITION.

**IN WA NO. 579/2025**

**BETWEEN:**

1. MANJUNATH H SONNADA  
AGED ABOUT 46 YEARS, EE(M)  
OFFICE OF CE (C.O AND M)  
SHAKTHIANGAR RTPS,  
RAICHUR-584 170
2. DUSHYANTH  
S/O TIRUMALEGOWDA  
AGED ABOUT 48 YEARS,  
WORKING AS EXECUTIVE ENGINEER,  
CETD OFFICE,  
KARNATAKA POWER CORPORATION LTD,  
GREEN BUILDING, DRUG CONTROLLER OFFICE  
CAMPUS, BANGALORE-560001
3. GIRISH A. HONGUNTIKAR  
AGED ABOUT 48 YEARS, EE(M)  
OFFICE OF CE (C, O AND M)  
SHAKTHINAGAR, RTPS, RAICHUR-584170.



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WA No. 608 of 2025  
AND 1 OTHER**

4. AMRUTHA RAO  
EE(M) AGED ABOUT 58 YEARS  
OFFICE OF SE MINES  
SHAKTIBHAVAN,  
RACE COURSE ROAD,  
BANGALORU 560 001

...APPELLANTS

(BY SRI. SACHINDRA KARANTH., ADVOCATE)

**AND:**

1. KARNATAKA POWER CORPORATION LTD.,  
NO.82, SHAKTHI BHAVAN,  
RACE COURSE ROAD,  
BANGALORE-560001
2. UPENDRA PATKAR,  
S/O RAMAKRISHNA PATKAR,  
AGED ABOUT 61 YEARS,  
RETIRED SUPERINTENDING ENGINEER (MECH),  
RESIDING AT 'SWATSTI',  
NO 4-5A-5, 1ST MAIN, GATION LAYOUT,  
ACHUTHANAGARA, UDUPI-576107
3. Y K VENKATESH HEGGADE,  
S/O Y D KISHNAPPA HEGGADE,  
AGED ABOUT 62 YEARS,  
RESIDING AT YADUR POST  
HOSANAGARA TALUK,  
SHIMOGA DIST-577 448
4. N A SUNIL,  
S/O APPU,  
AGED ABOUT 44 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
AND RESIDING AT KPCL COLONY,  
HOSANGADI-576 282
5. K C HARISHA,  
S/O K CHANDRAPPA GOWDA,  
AGED ABOUT 54 YEARS,



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AND 1 OTHER**

WORKING AS EXECUTIVE ENGINEER AND  
RESIDING AT KPCL COLONY,  
HOSANGADI-576 282

6. SHASHIDHARAPPA SHETTY,  
S/O SHEKARA SHETTY,  
AGED ABOUT 37 YEARS,  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
AND RESIDING AT KPCL COLONY,  
MASTIKATTE-577 448
7. RAVIKUMAR S,  
S/O SHIVANANDIAH M B,  
AGED ABOUT 49 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435.
8. NAGESH GOWDA,  
S/O KANTAPPA GOWDA,  
AGED ABOUT 55 YEARS  
WORKING AS SUPERINTENDING ENGINEER  
YERAMARAS THERMAL POWER STATION  
CHIKKSUGUR RAICHUR -584134
9. KAVYASHREE J,  
S/O JAVARAJ M,  
AGED ABOUT 41 YEARS,  
WORKING AS ASSISTANT ENGINEER  
BALLARY THERMAL POWER STATION  
KUDATINI, BALLARY DIST-583152
10. MADHUSUDHAN K,  
S/O K D KULLEGOWDA,  
AGED ABOUT 53 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435.
11. SATHYANARAYANA SHARMA,  
S/O RAGHAVENDRA H G,



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WA No. 608 of 2025  
AND 1 OTHER**

AGED ABOUT 41 YEARS,  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
TRANSIT OFFICE  
NO.47, GOVT OF KARNATAKA STAFF QUARTERS  
RK PURAM PH-2, SEC6  
NEW DELHI-110022.

12. MALLAPPA S MARI,  
S/O SIDDAPPA L MARI,  
AGED ABOUT 47 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
VARAHI GENERATING STATION,  
KPCL, HOSANGADI, UDUPI DIST-576282.
13. ARUN KUMAR A,  
S/O ARAVINDAKSHAN R,  
AGED ABOUT 58 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
VARAHI GENERATING STATION,  
KPCL, HOSANGADI, UDUPI DIST-576282.
14. SOUMYA S,  
D/O SUNDAR POOJARY,  
AGED ABOUT 45 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435.
15. SHIVAPRASAD M.R.  
S/O RAMA NAIK M.,  
AGED ABOUT 44 YEARS,  
ASSISTANT ENGINEER  
KPCL, JOGFALLS,  
SHIMOGA DISTRICT. (HAS SINCE RESIGNED)
16. SANNARAJA H K,  
S/O KRISHNAJAH,  
AGED ABOUT 49 YEARS,  
WORKING AS ASSISTANT ENGINEER  
BALLARY THERMAL POWER STATION  
KUDATINI BALLARY DIST-583152.



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WA No. 608 of 2025  
AND 1 OTHER**

17. ERAJU H K  
S/O KRISHNAIAH,  
AGED ABOUT 47 YEARS,  
WORKING AS ASSISTANT ENGINEER (MECH),  
EE(GATES) DIVISION KARGAL,  
KPCL, KARGAL, SHIMOGA-577435.
18. GIRISH SR  
S/O RAMANA P RAO,  
AGED ABOUT 52 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
BALLARY THERMAL POWER STATION  
KUDATINI BALLARY DIST-583152
19. PRASAD TV,  
S/O VENKATARAMANA GOWDA,  
AGED ABOUT 42 YEARS,  
WORKING AS EXECUTIVE ENGINEER  
(MECHANICAL), KPCL, SHAKTI BHAVAN,  
BANGALORE-01.
20. K. HASEENA  
EE(E), MAJOR  
OFFICE OF ECES  
SHARAVATHI HYDRO ELECTRIC PROJECT,  
SHIMOGA DISTRICT-577 435
21. SHIVA PRAKASH S  
EE(M), MAJOR OFFICE OF EE 3,  
KUDITINI, BELLARY-583 152
22. RAJESHWARI N.  
EE(M), MAJOR OFFICE OF CE (C.O M)  
SHAKTHINAGAR, RTPS, RAICHUR
23. H. SUMA EE(M)  
MAJOR OFFICE OF CE(T.D)  
GREEN BUILDING KPCL,  
BANGALORE-560001



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AND 1 OTHER**

24. M. RAMESH  
AEE(M), MAJOR  
OFFICE OF SE(E)  
KUDITINI, BELLARY-583 152
25. K. SHARADHA  
EE (M) MAJOR  
OFFICE OF EE (PURCHASE) BTPS  
KUDITINI, BELLARY 583152
26. Y. RAVENDRA BHAT  
RETD.EE(M), MAJOR  
YALLUNTUR POST, NEAR GOLIANGADI,  
KUNDAPURA TALUK, UDUPI DISTRICT.
27. S. HARI  
RETD SE(M), MAJOR  
OFFICE OF CE (CO AND M)  
SHAKTHINAGAR, RTPS, RAICHUR-584170.
28. JAGADEISH S KULKUMATAGI EE(M),  
MAJOR OFFICE OF CE (C, O AND M)  
SHAKTHINAGAR, RTPS,  
RAICHUR-584170.
29. K. HARISH  
EE(M), MAJOR  
OFFICE OF SE(O), KUDITINI,  
BELLARY-583 152
30. K.S. THOMAS  
AEE(M), MAJOR OFFICE OF SE (O),  
BTPS, KUDITINI, BELLARY-583152.
31. RAMANA,  
S/O LATE KESHAVA MURTHY,  
AGED ABOUT 54 YEARS,  
WORKING AS EXECUTIVE ENGINEER,  
PLANT POWER SUPPLY DIVISION  
RAIACHUR THERMAL POWER STATION,  
SHAKTINAGAR POST,



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AND 1 OTHER**

RAICHUR DISTRICT-584170  
AND RESIDING AT TYPE-3-12, RTPS COLONY,  
SHAKTINAGAR POST,  
RAICHUR DISTRICT 584170.

32. ARUNA KUMARI S., EE(E),  
MAJOR, OFFICE OF CE(O AND M)  
BTPS, KUDITINI, BELLARY-583 152
  33. KUMAR RAMESH BABU AEE(E),  
MAJOR, OFFICE OF EE- CHP 2, BTPS,  
KUDITINI, BELLARY-583 152.
  34. MARKANDDIAH HEREMAT EE(E),  
MAJOR, OFFICE OF EE-HT SHAKTHINAGAR,  
RTPS, RAICHUR-584 170.
  35. SHIVAKUMAR PATIL EE(M),  
MAJOR OFFICE OF CE (C, O AND M)  
SHAKTHINAGAR, RTPS,  
RAICHUR-584170. (SINCE RETIRED)
  36. CHANNABASAVARAJ, AEE (E),  
MAJOR OFFICE OF CE (C, O AND M)  
SHAKTHINAGAR, RTPS,  
RAICHUR-584 170 (SINCE RETIRED)
- ...RESPONDENTS
- (BY SRI. K.SHASHIKIRAN SHETTY, AG ALONG WITH  
SRI. AJAY J ANANDALIKE, SMT.SANJANA S JAIN &  
SRI.RACHEL RAJU ALICE, ADVOCATE FOR R1;  
SRI. M.S.BHAGWAT, SENIOR COUNSEL FOR  
SRI. ADITHYA R.CHAKRAGIRI, ADVOCATE FOR R2 TO  
R6, R8, R10 TO R14, R17 & R18;  
R7, R9, R15, R16, R17 & R19 SERVED-UNREPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE  
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE  
ORDER DATED 04/12/2024 PASSED BY THE LEARNED  
SINGLE JUDGE IN WP NO.11925/2012 AND ALLOW THE  
WRIT APPEAL FILED BY THE APPELLANTS, ETC.



**NC: 2025:KHC:46254-DB  
WA No. 548 of 2025  
C/W WA No. 579 of 2025  
WA No. 608 of 2025  
AND 1 OTHER**

**IN WA NO. 608/2025:**

**BETWEEN:**

1. SRI MARKANDAYYA HIREMATH  
AEE **(1/3RD ABT)**  
S/O PATRAYYA HIREMATH,  
AGED ABOUT 56 YEARS,  
WORKING AS EXECUTIVE ENGINEER(ELE),  
EE HT-1 DIVISION  
RAIACHUR THERMAL POWER STATION,  
SHAKTINAGAR POST, RAICHUR DISTRICT-584170  
AND RESIDING AT TYPE-4-86, RTPS COLONY,  
SHAKTINAGAR POST,  
RAICHUR DISTRICT, 584170  
...APPELLANT  
(BY SRI. ANASUYA DEVI K S., ADVOCATE)

**AND:**

1. KARNATAKA POWER CORPORATION LTD.,  
NO. 82, SHAKTI BHAVAN, RACE COURSE ROAD,  
BENGALURU-560001,  
BY ITS MANAGING DIRECTOR
2. UPENDRA PATKAR,  
S/O RAMAKRISHNA PATKAR,  
AGED ABOUT 61 YEARS,  
RETIRED SUPERINTENDING ENGINEER (MECH),  
RESIDING AT 'SWATSTI', NO 4-5A-5, 1<sup>ST</sup> MAIN,  
GATION LAYOUT, ACHUTHANAGARA,  
UDUPI-576107
3. Y K VENKATESH HEGGADE,  
S/O YD KISHNAPPA HEGGADE,  
AGED ABOUT 62 YEARS,  
RESIDING AT YADUR POST  
HOSANAGARA TALUK,  
SHIMOGA DIST 577 448



**NC: 2025:KHC:46254-DB  
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C/W WA No. 579 of 2025  
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AND 1 OTHER**

4. N A SUNIL,  
S/O APPU,  
AGED ABOUT 44 YEARS,  
WORKING AS EXECUTIVE ENGINEER AND  
RESIDING AT KPCL COLONY,  
HOSANGADI-576 282
5. K C HARISHA,  
S/O K CHANDRAPPA GOWDA,  
AGED ABOUT 54 YEARS,  
WORKING AS EXECUTIVE ENGINEER AND  
RESIDING AT KPCL COLONY,  
HOSANGADI-576 282
6. SHASHIDHARA SHETTY,  
S/O SHEKHAR SHETTY,  
AGED ABOUT 36 YEARS,  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
AND RESIDING AT KPCL COLONY,  
MASTIKATTE-577 448
7. RAVIKUMAR S,  
S/O SHIVANANDIAH M B,  
AGED ABOUT 49 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION, KPCL,  
JOG FALLS, SHIMOGA-577435
8. NAGESH GOWDA,  
S/O KANTAPPA GOWDA,  
AGED ABOUT 55 YEARS  
WORKING AS SUPERINTENDING ENGINEER  
YERAMARAS THERMAL POWER STATION  
CHIKKSUGUR RAICHUR 584134
9. KAVYASHREE J,  
S/O JAVARAJ M,  
AGED ABOUT 41 YEARS,  
WORKING AS ASSISTANT ENGINEER  
BALLARY THERMAL POWER STATION  
KUDATINI BALLARY DIST-583152



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WA No. 608 of 2025  
AND 1 OTHER**

10. MADHUSUDHAN K,  
S/O K D KULLEGOWDA,  
AGED ABOUT 53 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435
11. SATHYANARAYANA SHARMA,  
S/O RAGHAVENDRA H G,  
AGED ABOUT 41 YEARS,  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
TRANSIT OFFICE NO.47,  
GOVT OF KARNATAKA  
STAFF QUARTERS RK PURAM PH-2,  
SEC6 NEW DELHI-110022
12. MALLAPPA S MARI,  
S/O SIDDAPPA L MARI,  
AGED ABOUT 47 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
VARAHI GENERATING STATION,  
KPCL, HOSANGADI, UDUPI DIST-576282
13. ARUN KUMAR A,  
S/O ARAVINDAKSHAN R,  
AGED ABOUT 48 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
VARAHI GENERATING STATION, KPCL,  
HOSANGADI, UDUPI DIST-576282
14. SOUMYA S,  
D/O SUNDAR POOJARY,  
AGED ABOUT 45 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435
15. SANNARAJA H K,  
S/O KRISHNAIAH,  
AGED ABOUT 49 YEARS,



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AND 1 OTHER**

WORKING AS ASSISTANT ENGINEER  
BALLARY THERMAL POWER STATION KUDATINI  
BALLARY DIST-583152

16. ERAJU H K  
S/O KRISHNANAIH,  
AGED ABOUT 47 YEARS,  
WORKING AS ASSISTANT ENGINEER (MECH),  
EE(GATES) DIVISION KARGAL, KPCL,  
KARGAL, SHIMOGA-577435
17. GIRISH S R,  
S/O RAMANA P RAO,  
AGED ABOUT 52 YEARS,  
WORKING AS EXECUTIVE ENGINEER BALLARY  
THERMAL POWER STATION  
KUDATINI BALLARY DIST-583152
18. PRASAD T V,  
S/O VENKATARAMANA GOWDA,  
AGED ABOUT 52 YEARS,  
WORKING AS EXECUTIVE ENGINEER (MECHANICAL),  
KPCL, SHAKTI BHAVAN, BANGALORE-01

...RESPONDENTS

(BY SRI. K.SHASHIKIRAN SHETTY, AG ALONG WITH  
SRI. AJAY J ANANDALIKE, SMT. SANJANA S JAIN &  
SRI. RACHEL RAJU ALICE, ADVOCATE FOR R1;  
SRI. M.S.BHAGWAT, SENIOR COUNSEL FOR  
SRI. ADITHYA R.CHAKRAGIRI, ADVOCATE FOR R2 TO  
R6, R8, R10 TO R14 & R17 & R18;  
R7, R9, R15 & R16 SERVED - UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF  
THE KARNATAKA HIGH COURT ACT, PRAYING TO CALL FOR  
RECORDS IN WP No. 11925/2012 (S-RES) AND ON  
CONSIDERATION OF ORDER OF THE LEARNED SINGLE  
JUDGE DATED 04.12.2024 AND MAY BE PLEASED TO SET  
ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE IN WP  
No. 11925/2012 (S-RES) DATED 04.12.2024 FILLED BY THE  
RESPONDENT Nos. 2 TO 19 AND DISMISS THE SAID WRIT  
PETITION, ETC.



**NC: 2025:KHC:46254-DB  
WA No. 548 of 2025  
C/W WA No. 579 of 2025  
WA No. 608 of 2025  
AND 1 OTHER**

**IN WA NO. 611/2025:**

**BETWEEN:**

1. SHRI KUMAR RAMESH BABU G  
S/O RAMESHABABU G  
AGED ABOUT 40 YEARS  
ASSISTANT EXECUTIVE ENGINEER (EEL)  
O/O EXECUTIVE ENGINEER CHPEI, BTPS,  
KARNATAKA POWER CORPORATION LTD,  
BELLARY, BALLARY DISTRICT PRESENTLY WORKING  
AT BELLARY THERMAL POWER STATION,  
KUDATINI, BALLARY-583 152  

...APPELLANT
- (BY SRI. VIJAYA KUMAR. V.B, ADVOCATE)

**AND:**

1. THE KARNATAKA POWER CORPORATION LIMITED  
NO. 82, SHAKTHI BHAVAN  
RACE COURSE ROAD  
BENGALURU-560 001
2. SRI.UPENDRA PATKAR  
S/O RAMAKRISHNA PATKAR  
AGED ABOUT 48 YEARS  
EXECUTIVE ENGINEER KPCL,  
VARAHI HYDRO ELECTRIC PROJECT (VHEP)  
HOSANGADI  
PRESENTLY AGED 61 YEARS,  
RETIRED SUPERINTENDING ENGINEER (MECH),  
R/AT SWATSTI,  
NO. 4-5A-5, 1 MAIN ROAD,  
GATION LAYOUT, ACHUTHANAGARA,  
UDUPI-576107
3. SRI.Y.K.VENKATESHA HEGGADE  
S/O Y.D.KRISHNAPPA HEGGADE  
AGED ABOUT 49 YEARS  
ASSISTANT EXECUTIVE ENGINEER  
KPCL, VHEP, HOSANGADI



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PRESENTLY AGED 62 YEARS,  
R/AT YADUR POST, HOSANAGARA TALUK,  
SHIMOGA DISTRICT-577 448

4. SRI.N.A.SUNIL  
S/O APPU, AGED ABOUT 31 YEARS  
ASSISTANT EXECUTIVE ENGINEER KPCL,  
VHEP, HOSANGADI  
PRESENTLY AGED 44 YEARS,  
WORKING AS EXECUTIVE ENGINEER,  
R/AT KPCL COLONY, HOSANGADI-576 282
5. SRI.K.C.HARISHA  
S/O K. CHANDRAPPA GOWDA  
AGED ABOUT 41 YEARS  
ASSISTANT EXECUTIVE ENGINEER  
KPCL, VHEP, HOSANGADI  
PRESENTLY AGED 54 YEARS,  
WORKING AS EXECUTIVE ENGINEER,  
R/AT KPCL COLONY, HOSANGADI-576 282
6. SRI.SHASHIDHARAPPA SHETTY  
S/O SHEKHARA SHETTY  
AGED ABOUT 25 YEARS  
ASSISTANT ENGINEER  
KPCL, VHEP, HOSANGADI  
PRESENTLY WORKING AS  
ASSISTANT EXECUTIVE ENGINEER,  
R/AT KPCL COLONY,  
MASTIKATTE-577 448
7. SRI.RAVI KUMAR S  
S/O SHIVANANDALAH M.B.  
AGED ABOUT 37 YEARS  
ASSISTANT EXECUTIVE ENGINEER KPCL,  
VHEP, HOSANGADI  
PRESENTLY AGED 49 YEARS,  
WORKING AS EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATING STATION,  
KPCL, JOG FALLS, SHIMOGA-577435



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8. SRI.NAGESH GOWDA B  
S/O KANTAPPA GOWDA  
AGED ABOUT 42 YEARS  
ASSISTANT EXECUTIVE ENGINEER  
KPCL, VHEP, HOSANGADI  
PRESENTLY WORKING AS SUPERINTENDING  
ENGINEER,  
YERAMARAS THERMAL POWER STATION,  
CHIKKSUGAR RALCHUR-584 134
9. SMT.KAVYASHREE J  
D/O JAVARAJ M  
AGED ABOUT 28 YEARS  
ASSISTANT ENGINEER KPCL, VHEP,  
HOSANGADI  
PRESENTLY WORKING AS ASSISTANT ENGINEER,  
BALLARY THERMAL POWER STATION,  
KUDATINI, BALLARY-584 134
10. SRI.MADHUSUDHAN K  
S/O K.D.KULLE GOWDA  
AGED ABOUT 40 YEARS  
ASSISTANT EXECUTIVE ENGINEER KPCL,  
JOG FALLS, SHIMOGA DISTRICT  
PRESENTLY WORKING EXECUTIVE ENGINEER (ELE),  
SHARAVATHI GENERATION STATION,  
KPCL, JOG FALLS, SHIMOGA-577 435
11. SRI.SATHYANARAYANA SHARMA  
S/O RAGHAVENDRA H.G.  
AGED ABOUT 28 YEARS  
ASSISTANT ENGINEER  
KPCL, JOG FALLS  
SHIMOGA DISTRICT  
PRESENTLY WORKING AS  
ASSISTANT EXECUTIVE ENGINEER,  
TRANSIT OFFICE, NO-47 , GOVERNMENT OF  
KARNATAKA STAFF QUARTERS,  
RK PURAM, PH-2, SEC-6, NEW DELHI-110022
12. SRI.MALLAPPA S.MARI



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S/O SIDDAPPA L. MARI  
AGED ABOUT 34 YEARS  
ASSISTANT EXECUTIVE ENGINEER  
KPCL, JOG FALLS  
SHIMOGA DISTRICT  
PRESENTLY WORKING AS  
EXECUTIVE ENGINEER,  
VARAHI GENERATING STATION,  
KPCL,  
HOSANGADI,  
UDUPI DIST-576 282

13. SRI.ARUN KUMAR A  
S/O ARAVINDAKSHAN R  
AGED ABOUT 45 YEARS  
ASSISTANT EXECUTIVE ENGINEER  
KPCL, JOG FALLS  
SHIMOGA DISTRICT  
PRESENTLY WORKING AS  
EXECUTIVE ENGINEER (ELE),  
VARAHL GENERATING STATION,  
KPCL HOSANGADI,  
UDUPI-576 282

14. SMT.SOUMYA S  
D/O SUNDAR POOJARY  
AGED ABOUT 39 YEARS  
ASSISTANT ENGINEER  
KPCL, JOG FALLS  
SHIMOGA DISTRICT  
PRESENTLY WORKING AS  
EXECUTIVE ENGINEER,  
SHARAVATHI  
GENERATING STATION,  
KPCL, JOG FALLS,  
SHIMOGA-577 435

15. SRI.SHIVAPRASAD M.R  
S/O RAMA NAIK M  
AGED ABOUT 32 YEARS  
ASSISTANT ENGINEER KPCL,



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JOG FALLS  
SHIMOGA DISTRICT  
PRESENTLY RESIGNED FROM SERVICE

16. SRI.SANNARAJA H K  
S/O KRISHNALAH  
AGED ABOUT 36 YEARS  
ASSISTANT ENGINEER KPCL.,  
JOG FALLS SHIMOGA DISTRICT  
PRESENTLY WORKING AS  
ASSISTANT ENGINEER (ELE),  
BALLARY  
THERMAL POWER STATION,  
KUDATHINI,  
BALLARY-583 152
  
17. SRI ERAJU H.K  
S/O KRISHNALAH  
AGED ABOUT 34 YEARS  
ASSISTANT ENGINEER KPCL,  
LINGANAMAKKI  
SHIMOGA DISTRICT  
PRESENTLY WORKING  
AS ASSISTANT ENGINEER (MECH),  
EE (GATES),  
DIVISION KARGAL,  
KPCL, KARGAL,  
SHIMOGA-577 435
  
18. SRI.GIRISH S.R  
S/O RAMANA R.RAO  
AGED ABOUT 39 YEARS  
ASSISTANT EXECUTIVE ENGINEER  
KPCL, JOG FALLS  
SHIMOGA DISTRICT  
PRESENTLY WORKING AS  
EXECUTIVE ENGINEER,  
BALLARY  
THERMAL POWER STATION,  
KUDATHINI,  
BALLARY-583152



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19. SRI.T.V.PRASAD  
S/O VENAKTARAMANA GOWDA  
AGED ABOUT 28 YEARS  
ASSISTANT EXECUTIVE ENGINEER KPCL,  
CETD, BENGALURU  
PRESENTLY WORKING  
AS EXECUTIVE ENGINEER (MECH),  
KPCL, SHAKTHI BHAVAN,  
BAGALORE-560001.

...RESPONDENTS

(BY SRI. K. SHAHSIKIRAN SHETTY, AG ALONG WITH  
SRI. AJAY J ANANDALIKE, SMT.SANJANA S JAIN &  
SRI. RACHEL RAJU ALICE, ADVOCATE FOR R1;  
SRI. M.S.BHAGWAT, SENIOR COUNSEL FOR  
SRI. ADITHYA R.CHAKRAGIRI, ADVOCATE FOR R2 TO  
R6, R8, R10 TO R14, R18 & R19;  
R7, R9, R15, R16 & R17 SERVED - UNREPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE  
KARNATAKA HIGH COURT ACT PRAYING TO, SET ASIDE  
THE IMPUGNED ORDER DATED 04.12.2024 PASSED BY THE  
LEARNED SINGLE JUDGE IN WP No-11925/2012.

THESE APPEALS, COMING ON FOR PRELIMINARY  
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS  
UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MS. JUSTICE TARA VITASTA GANJU



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**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra-court appeals have been filed being aggrieved by the judgment and order dated 04.12.2024 passed by the learned Single Judge in W.P.No.11925/2012.

2. For the sake of convenience, the parties are referred to as per their ranking in the writ petition No.11925/2012.

3. The petitioners are all graduate Engineers of different batches appointed as Assistant Engineer in the Karnataka Power Corporation Ltd (hereinafter referred to as 'the KPCL'). The private respondents were initially appointed as Junior Engineers and having obtained the degree and acquired eligibility, got promoted and appointed by transfer as Assistant Engineer. The recruitment and service conditions of the Assistant Engineer in the KPCL are governed under the provisions of the Cadre and Recruitment Rules, 1992 of the KPCL. There are two sources of recruitment to the post of Assistant Engineer (Civil/Electrical/Mechanical/Instrumentation) viz., by direct



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recruitment of the persons having a degree or equivalent qualification in respective Engineering discipline and by transfer of Junior Engineer having three years diploma qualification on acquiring an Engineering degree or equivalent. The Rule further provides that for the purpose of consideration of promotion to the post of Assistant Executive Engineer, the Junior Engineer appointed by transfer as Assistant Engineer on or after 22.03.1981, one third (1/3<sup>rd</sup>) service rendered as Junior Engineer subject to maximum four (4) years for the purpose of consideration for promotion to the post of Assistant Executive Engineer shall be taken into account is further subjected to two conditions namely:

i. The seniority shall be fixed in the category of Assistant Engineer with reference to notional date arrived at after giving weightage of service as aforesaid.

ii. To become eligible for promotion for Assistant Executive Engineer, the Junior Engineer who is appointed as Assistant Engineer by transfer shall be put in minimum service of two years on duty as Assistant Engineer, after such appointment and a



total service of seven years as Assistant Engineer inclusive of the weightage given to him.

4. The directly recruited Assistant Engineer(s) have filed the Writ Petition No. 11925/2012 for the following prayers:

- (a) QUASH by issue a writ of certiorari or any other writ order or direction, as the case may be, the Promotion Rules under Chapter III - Promotion Scheme of the KPCL Services Cadre, Recruitment, Probation and Promotion and Seniority Rules 1997 in so far as it relates to the cadre of Assistant Engineers at Serial No.6, note providing counting of 1/3<sup>rd</sup> of service rendered by the Junior Engineers prior to appointment as Assistant Engineer for seniority as being arbitrary and illegal;
- (b) DECLARE the elevation scheme providing transfer of Junior Engineers with degree qualification to the post of Assistant Engineers without insisting on any minimum period of service in the cadre of Junior Engineer as being arbitrary and illegal;
- (c) DECLARE the action of the Respondents in appointing on transfer or under elevation scheme the Assistant Engineers with B.E. (Industrial Production) and B.E. (Automobiles) contrary to the Recruitment Rules as illegal and arbitrary.



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- (d) DIRECT by the issue of an appropriate order in the nature of mandamus or any other appropriate writ or direction as the case may be directing the Respondents to conduct an enquiry as to how employees who are in service could obtain Engineering Degree in Regular Course and take appropriate action thereon.
- (e) DIRECT by the issue of an appropriate order in the nature of mandamus or any other order directing the Respondents to re-do the seniority list as per the directions to be issued by this Hon'ble Court after considering the above prayers and grant all consequential benefits;
- (f) PASS such other orders just and expedient in the circumstances of the case including the award of costs.
- (g) ISSUE WRIT OR ORDER declaring that withdrawal of the elevation scheme at Item No.282/07, Extract of minutes of the 282<sup>nd</sup> meeting of the Board of Directors of Karnataka Power Corporation Limited dated 16/11/2021 (Annexure W) and Order bearing No. A1P1C / 2668 dated 16/12/2021 with effect from 16/11/2021 (Annexure - X) is unconstitutional and void and further declare that withdrawal / annulling the elevation scheme has come into effect with effect from the day Annexure - G is operated and review all promotions and redo the seniority list of Assistant Engineering and other higher cadres namely Assistant Executive Engineer, Superintending Engineer;



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- (h) DECLARE that operation of Elevation to Higher Position Scheme for the year 2021-2022 is unconstitutional and void pursuant to the decision at Item No.282/07, Extract of Minutes of the 282<sup>nd</sup> Meeting of the Board of Directors of Karnataka Power Corporation dated 16/11/2021 (Annexure W), and the Order bearing No. A1P1C / 2668 dated 16/12/2021 (Annexure - X) and STRIKE DOWN the same, in the interest of justice and equity.

5. The learned Single Judge having considered the judgment in the case of **K.Narayanan and Others Vs. State of Karnataka and Others (1994 SUPP (1) SCC 44)** which was the judgment in respect of the same Rules of the Karnataka Public Works Engineering Department Service adopted by the KPCL and the judgment in the case of **Devi Prasad Vs. Government of A.P. (1980 Supp. SCC 206)** and **P. Sudhakar Rao and others Vs. U. Govinda Rao and others (2013 8 SCC 693)**, held that the KPCL having taken a policy decision to comply with the judgment in **K. Narayanan** (*supra*) cannot be allowed to sleep over the matter, but is bound to give effect to by considering the past service only for the purpose of eligibility and also to ensure that the fixation of



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the deemed date is not from the date when the concerned employee was not even born in the cadre.

6. The Cadre and Recruitment Rules, 1992 have been replaced by the KPCL (Cadre, Recruitment, Probation, Promotion and Seniority) Rules, 1977 (hereinafter referred to as the Recruitment Rules, 1977).

7. The learned Single Judge has held that the elevation scheme for giving promotion to the persons who had acquired the qualification to be promoted as Assistant Engineer in this scheme/project bearing number SR062 dated 04.03.2003 in terms of which, any Junior Engineer who acquired higher qualification is entitled to be upgraded to the post of Assistant Engineer does not militate against the Recruitment Rules, 1997. The learned Single Judge has disposed of the writ petition by issuing the following directions:

*"20. Therefore, in the light of the above, this writ petition is **disposed off** on the following terms:*

*(i) The orders of appointment of the respondent No.2 to 22 as Assistant Engineers by appointment on transfer or by applying the elevation*



*scheme, are not disturbed but are subject to the following:*

- (a) *The respondent No.1 shall forthwith review all promotions granted to the Junior Engineers by transfer as per its earlier policy in memo No.A1P1A/4367 dated 28.03.1987 in the light of the judgments of the Hon'ble Supreme Court in **K. Narayanan and others** and **P. Sudhakar Rao and others**, referred supra.*
- (b) *The appointments of the respondent Nos.2 to 22 and similarly situated personnel shall be reviewed and reconsidered by treating 1/3<sup>rd</sup> weightage of past service in the post of Junior Engineer for the limited purpose of eligibility and their notional date shall be subject to vacancies and shall not be given effect to from a date when they were not born in service.*
- (c) *For implementation of the elevation scheme, a Junior Engineer shall have a minimum qualifying service in the post before being promoted to the post of Assistant Engineer.*



(d) *In all cases of appointment by transfer or under a ladder scheme, Junior Engineers promoted to the post of Assistant Engineers shall be placed below direct recruit assistant engineers based on their respective dates of entry into service.*

(e) *The aforesaid exercise shall be done by the respondent No.1 within a period of six months from the date of receipt of a certified copy of this Order.*

(ii) *The question whether appointment on transfer or under the elevation scheme given to Assistant Engineers with B.E. (Industrial Production) and B.E. (Automobile) is in violation of the Karnataka Power Corporation Limited (Cadre, Recruitment, Probation, Promotion and Seniority) Rules, 1997 or not, is kept open to be considered in an appropriate case.*

(iii) *Similarly, the legality of withdrawal of the elevation scheme with effect from 16.11.2021 is kept open to be considered in an appropriate case.*

(iv) *Likewise, the constitutionality of the elevation scheme for the year 2021-22 is also kept open to be considered in an appropriate case.*



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*(v) The respondent No.1 is reserved liberty to take action against all those Assistant Engineers, who have availed the benefit of promotion by transfer or under the elevation scheme, if it is found that the bachelors degree obtained by them is not in accordance with law. "*

8. Learned Senior Counsel appearing for the appellants submitted that vide impugned judgment and order, the long standing seniority list has been disturbed. It is well settled law that long standing seniority of the employee should not be disturbed.

9. In the present case, it is not the long standing seniority which would get disturbed but it is the seniority of the Junior Engineer who on promotion as Assistant Engineer by transfer have been given seniority from the date when they were not even born in the service would get disturbed. It is only for 5 years the seniority has remained in operation and therefore, it cannot be said that the seniority is a long standing seniority between the employees.

10. It is cardinal principle of seniority that a person who is not born in the cadre cannot be given seniority before he



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enters into the service cadre. The cardinal principle has to be followed in giving seniority to the Assistant Engineers who were appointed to the post of Assistant by transfer after having acquired degree during their service. Their seniority has to be counted only from the date when they were promoted in the cadre of Assistant Engineer and by giving notional seniority of four (4) years or 1/3<sup>rd</sup> of their service rendered as Junior Engineer or to the maximum of four (4) years cannot be countenanced and this would be against the judgment of the Supreme Court in the case of **K. Narayanan** (*supra*). Further an illegality cannot be perpetuated merely on the ground that for a period of a few years the seniority list was not challenged. Fundamentally when the Assistant Engineers promoted by transfer cannot have any legal right for seniority from the date when they were not promoted. If in law they are not entitled to the seniority from the date when not born on the cadre, they would not acquire a right in law for seniority if an incorrect and illegal seniority list remained in force for a few years. Further, weightage of 1/3<sup>rd</sup> service upto 4 years maximum on the post of Junior Engineer is only for the eligibility and not for seniority.



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We, therefore, do not find any substance in these appeals,  
which are hereby **dismissed**.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(TARA VITASTA GANJU)  
JUDGE**

RKA  
List No.: 1 Sl No.: 1