

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.150 OF 2024 (S-R)

C/W

CIVIL CONTEMPT PETITION NO.88 OF 2024

REVIEW PETITION NO.526 OF 2024

WRIT APPEAL NO.164 OF 2024 (S-RES)

WRIT APPEAL NO.175 OF 2024 (S-R)

WRIT APPEAL NO.267 OF 2024 (S-RES)

WRIT APPEAL NO.1689 OF 2024 (S-R)

IN W.A.No.150/2024:

BETWEEN:

- 1 . THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF KANNADA, CULTURE
AND INFORMATION,
VIKASA SOUDHA,
BENGALURU 560 001.
- 2 . THE DIRECTOR
INFORMATION DEPARTMENT
NOW KNOWN AS COMMISSIONER
INFORMATION AND PUBLIC RELATION DEPT.
NO.17, VARTHA SOUDHA
INFANTY ROAD,
BENGALURU 560 001.

...APPELLANTS

**(BY SRI. REUBEN JACOB, AAG WITH
SMT. MAMATHA SHETTY, AGA)**

AND:

- 1 . SRI YALLAGAIHAH G.
S/O GANGAIAH
AGED ABOUT 71 YEARS
RETIRED ATTENDER IN
KARNATAKA MEDIA ACADEMY
R/AT IN GORVABHOVI PALYA
TAVAREKERE HOBLI
BENGALURU SOUTH TALUK.
- 2 . SRI R. G. SIDDARAMESH
S/O LATE S. H. RAJANNA
AGED ABOUT 61 YEARS
LIBRARY ASST. OFFICE OF
THE KARNATAKA MEDIA ACADEMY,
PODIUM BLOCK,
V. V. TOWERS
BENGALURU 560 001.
- 3 . KARNATAKA MEDIA ACADEMY
REP. BY ITS SECRETARY
PODIUM BLOCK,
V V TOWER,
DR. AMBEDKAR VEEDHI
BENGALURU 560 001.

...RESPONDENTS

(BY SRI. PRUTHVEEN PRAHLAD KATTIMANI, ADV. FOR R1 & R2;
R3 - SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
ORDER DATED 12/10/2023 PASSED BY THE HON'BLE COURT
(SINGLE JUDGE) IN W.P. NO.22535/2019 AND PRAY TO ALLOW
THIS WRIT APPEAL.

IN C.C.C.No.88/2024:**BETWEEN:**

C. DODDAPPAIAH
 S/O CHIKKAPPAIAH
 AGED 74 YEARS
 RETIRED SUPERINTENDENT
 KARNATAKA STATE TEMPERANCE BOARD
 6TH FLOOR, V. V. TOWER,
 DR. AMBEDKAR VEEDHI,
 BANGALORE - 560 001.
 NOW RESIDING AT NO.101
 2ND FLOOR, SRIDEVIPARADISE,
 RAJAGOPAL LAYOUT, VADDARAPALYA,
 BANGALORE - 560 061.

...COMPLAINANT

(BY SRI. RANGANATHA S. JOIS, ADV. WITH
 SRI. S.Y.RODAGI, ADV.)

AND:

1 . THE STATE OF KARNATAKA
 REP. BY ITS SECRETARY
 DEPARTMENT OF INFORMATION
 AND PUBLIC RELATIONS,
 VIKASA SOUDHA
 BANGALORE - 01.

...PROFORMA RESPONDENT

2 . SRI K. V. THRILOKA CHANDRA, IAS
 SECRETARY,
 DEPARTMENT OF INFORMATION
 AND PUBLIC RELATIONS,
 VIKASA SOUDHA,
 BANGALORE - 01.
 STATE OF KARNATAKA

3 . SRI N. S. MAHESH
 SECRETARY,
 KARNATAKA STATE TEMPERANCE BOARD
 6TH FLOOR, V V TOWER,

DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.

- 4 . SRI HEMANTH M. NIMBALKAR
COMMISSIONER
KARNATAKA STATE INFORMATION
AND PUBLIC RELATIONS
NO.17, VARTHA SOUDHA
BHAGAVAN MAHAVEER ROAD,
BANGALORE - 560 001.

...ACCUSED

(BY SRI. REUBEN JACOB, AAG WITH
SMT. MAMATHA SHETTY, AGA)

THIS CCC IS FILED UNDER SECTION 11 & 12 OF THE
CONTEMPTS COURT ACT, PRAYING TO INITIATE CONTEMPT
PROCEEDINGS AGAINST THE ACCUSED AND TO PUNISH THEM
FOR THEIR WILLFUL DISOBEDIENCE TO THE ORDER OF THIS
HON'BLE HIGH COURT DATED 09.10.2023 MADE IN
W.P.NO.23966/2022 (S-R) VIDE ANNEXURE-A, THEREBY CAUSE
THE IMPLEMENTATION OF THE ORDER OF THIS HON'BLE COURT
IN ITS TRUE SPIRIT BY GRANTING THE BENEFITS OF PENSION,
GRATUITY, ETC.,

IN R.P.No.526/2024:

BETWEEN:

- 1 . STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INFORMATION
AND PUBLIC RELATIONS
VIKASA SOUDHA,
BENGALURU 560 001.
- 2 . THE COMMISSIONER
DEPARTMENT OF INFORMATION

AND PUBLIC RELATIONS,
NO.17, VARTHA SOUDHA,
BHAGAVAN MAHAVEER ROAD,
BENGALURU - 560 001.

...PETITIONERS

(BY SRI. REUBEN JACOB, AAG WITH
SMT. MAMATHA SHETTY, AGA)

AND:

1 . C. DODDAPPAIAH
SON OF CHIKKAPPAIAH,
AGED 72 YEARS,
RETIRED SUPEINTENDENT,
KARNATAKA STATE TEMPERANCE BOARD
6TH FLOOR,
V V TOWER,
DR. AMBEDKAR VEEDHI,
BANGALORE 560 001.

NOW RESIDING AT NO.12,
VRUNDAVANA, III 'C' CROSS,
KATRIGUPPE MAIN ROAD,
BANGALORE - 560 085.

2 . THE KARNATAKA STATE TEMPERANCE BOARD
REPRESENTED BY ITS SECRETARY,
6TH FLOOR, V V TOWER,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. RANGANATHA S. JOIS, ADV. WITH
SRI. S.Y.RODAGI, ADV.)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W
ORDER 47 RULE 1 OF THE CODE OF CIVIL PROCEDURE, 1908,
PRAYING TO ALLOW THE REVIEW PETITION AND REVIEW THE
FINAL ORDER DATED JULY 03, 2024, PASSED BY THIS HON'BLE

COURT IN W.A.NO.151/2024, AND CONSEQUENTLY ALLOW THE SAID W.A.NO.151/2024.

IN W.A.No.164/2024:

BETWEEN:

- 1 . THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF KANNADA, CULTURE
AND INFORMATION,
VIKASA SOUDHA,
BENGALURU 560 001.
- 2 . THE DIRECTOR
INFORMATION DEPARTMENT
NOW KNOWN AS COMMISSIONER
INFORMATION AND PUBLIC RELATION DEPT.
NO.17, VARTHA SOUDHA
INFANTY ROAD,
BENGALURU 560 001.

...APPELLANTS

(BY SRI. REUBEN JACOB, AAG WITH
SMT. PRATHIBHA R.K., AGA)

AND:

- 1 . SRI. K. MUNIRAJU
S/O LATE KITTAPPA
AGED ABOUT 52 YEARS
FIRST DIVISION ASSISTANT
KARNATAKA MEDICAL ACADEMY
PODIUM BLOCK,
V V TOWER,
BENGALURU 560 001.
- 2 . KARNATAKA MEDIA ACADEMY
REPRESENTED BY ITS SECRETARY
PODIUM BLOCK,
V V TOWER
DR AMBEDKAR VEEDHI

BENGALURU 560001

...RESPONDENTS

(BY SRI. RAMAKRISHNA N., ADV. FOR R1;
R2 - SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 12.10.2023 PASSED BY THE HON'BLE COURT (SINGLE JUDGE) IN WP No.41264/2019 AND PRAY TO ALLOW THIS WRIT APPEAL.

IN W.A.No.175/2024:

BETWEEN:

THE KARNATAKA STATE TEMPERANCE BOARD,
REPRESENTED BY ITS SECRETARY,
N.S MAHESH
S/O N.A SOMANNA,
AGED ABOUT 43 YEARS,
6TH FLOOR, V.V TOWER,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001.

...APPELLANT

(BY SMT. VANDANA N., ADV.)

AND:

1 . SRI. C. DODDAPPAIAH,
S/O CHIKKAPPAIAH,
AGED 72 YEARS,
RETIRED SUPERINTENDENT
KARNATAKA STATE TEMPERANCE BOARD,
6TH FLOOR, V.V TOWER,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001.

NOW RESIDING AT NO.101
2ND FLOOR, SRI DEVI PARADISE,
RAJAGOPAL LAYOUT,

VADDARAPALYA,
BENGALURU-560 061.

2 . THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF INFORMATION AND PUBLIC RELATIONS,
VIKASA SOUDHA,
BENGALURU-560 001.

3 . THE COMMISSIONER
DEPARTMENT OF INFORMATION AND PUBLIC RELATIONS,
NO.17, VARTHA SOUDHA,
BHAGAVAN MAHAVEER ROAD,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. RANGANATH S. JOIS, ADV. FOR C/R1;
SMT. MAMATHA SHETTY, AGA FOR R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS
WRIT APPEAL AND SET ASIDE THE ORDER DATED 09.10.2023
PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE
COURT IN WRIT PETITION No. 23966/2022 IN THE INTEREST OF
JUSTICE AND EQUITY.

IN W.A.No.267/2024:

BETWEEN:

KARNATAKA MEDIA ACADEMY
REPRESENTED BY ITS SECRETARY,
ROOPA C.
AGED ABOUT 50 YEARS
PODIUM BLOCK, V.V. TOWERS,
DR. AMBEDKAR VEEDHI, BANGALORE 560 001.

...APPELLANT

(BY SMT. VANDANA N., ADV.)

AND:

- 1 . SRI. YALLAGAIHAH G
S/O GANGAIAH
AGED ABOUT 71 YEARS
RETIRED ATTENDAR IN
KARNATAKA MEDIA ACADEMY
RESIDING IN GORVABHOVI PALYA
TAVARAKERE HOBLI,
BANGALORE SOUTH TALUK.
- 2 . SRI. R.G. SIDDARAMESH
S/O LATE S.H. RAJANNA
AGED ABOUT 61 YEARS
LIBRARY ASSISTANT OFFICE OF THE
KARNATAKA MEDIA ACADEMY
PODIUM BLOCK, V.V. TOWERS,
BANGALORE 560 001.
- 3 . THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF KANNADA, CULTURE AND INFORMATION
VIKAS SOUDHA,
BANGALORE 560 001.
- 4 . THE DIRECTOR
INFORMATION DEPARTMENT
NOW KNOWN AS COMMISSIONER
INFORMATION AND PUBLIC RELATION DEPT.
NO.17, VARTHASOUDHA
INFANTRY ROAD
BENGALURU 560 001.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R3 & R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE ORDER DATED 12/10/2023 PASSED BY THE HON'BLE COURT (SINGLE JUDGE) IN WP NO.22535/2019 AND PRAY TO ALLOW THIS WRIT APPEAL.

IN W.A.No.1689/2024:

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INFORMATION
AND PUBLIC RELATIONS,
M. S. BUILDING,
BENGALURU - 560 001.

...APPELLANT

(BY SMT. MAMATHA SHETTY, AGA)

AND:

1 . C. DODDAPPAIAH
SON OF CHIKKAPPA,
AGED 72 YEARS
RETIRED SUPERINTENDENT,
KARNATAKA STATE TEMPERANCE
BOARD,
6TH FLOOR, V V TOWER,
DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.

NOW RESIDING AT NO. 12,
VRUNDAVANA, III 'C' CROSS,
KATRIGUPEE MAIN ROAD,
BANGALORE - 560 085.

2 . THE KARNATAKA STATE TEMPRENCE
BOARD
REPRESENTED BY ITS SECRETARY,
6TH FLOOR, V V TOWER,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

3 . THE DIRECTOR

KARNATAKA STATE TOURISM
DEPARTMENT,
NO. 17, VARTHA SOUDHA,
BHAGAVAN MAHAVEER ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY RANGANATHA S. JOIS, ADV. FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE FINAL ORDER DATED JANUARY 10, 2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP No.106/2024 IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS AND PETITIONS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 10.11.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

The question raised in these appeals as well as the review petition is common. We have therefore condoned the delay in filing Writ Appeal No.1689/2024 and Review Petition No.526/2024. We proceed to consider the review petition along with the writ appeals.

2. Writ Appeals No.150/2024, 164/2024 and 267/2024 are filed challenging the common order dated 12.10.2023 passed by the learned Single Judge in Writ Petitions No.22535/2019 c/w. 41264/2019. R.P.No.526/2024 is filed seeking a review of the judgment dated 03.07.2024 passed by the Division Bench of this Court in Writ Appeal No.151/2024. Writ Appeal No.175/2024 is filed challenging the order 09.10.2023 passed by the learned Single Judge in Writ Petition No.23966/2022 and Contempt of Court Case No.88/2024 is filed alleging disobedience of the same order. Writ Appeal No.1689/2024 is filed challenging the order dated 10.01.2022 passed by the learned Single Judge in Writ Petition No.106/2014.

3. We have heard Shri. Reuben Jacob, learned Additional Advocate General along with Smt. Mamatha Shetty, learned Additional Government Advocate and Shri. Prathibha R.K, learned Additional Government Advocate appearing for the State and Shri. Pruthveen Prahlad Kattimani, learned counsel, Shri. Ranganatha S Jois, learned counsel along with Shri. S.Y. Rodagi, learned advocate, Shri. Ramakrishna N, learned counsel, Smt. Vandana N, learned counsel appearing for the employees.

4. The learned Additional Advocate General appearing for the appellants submits that the question decided in W.P.No.34512/1999 which has been affirmed until the Apex Court was completely different from the issue decided in W.P.No.23966/2022 and in the present common judgment. It is submitted that in W.P.No.34512/1999, the writ petitioners were employees of a grant-in-aid Educational Institution and that the question decided was whether the employees of such an Institution are entitled to pension in terms of the provisions of the Karnataka

Education Act, 1983 and orders and Rules governing Grant-in-Aid Institutions thereof. It is submitted that in the instant case, the Karnataka Press Academy was created by a Government Order dated 25.01.1982. It was re-named as the Karnataka Media Academy ('Media Academy' for short). The bye-laws of the Media Academy specifically provided that the service conditions regarding pay, increment, leave, joining time, travelling and dearness allowance of the staff of the Media Academy shall be governed by the Karnataka Civil Services Rules ('KCSRs' for short) at the same terms and conditions applicable to the Government servants. It is submitted that there is no provision with regard to the provisions for pension under the KCSRs being made applicable to the employees of the Media Academy.

5. It is further contended that the Media Academy was not a Grant-in-Aid Educational Institution and that provisions of the Education Act or the Code would not be applicable to the Media Academy. It is submitted that there were no Rules or Bye-laws which were applicable to the employees of the Media Academy which made the provisions

of pension under the KCSRs applicable to the employees. It is submitted that Rules 222 and 223 of the KCSRs specifically provide that provisions of the part shall not be applicable to employees of a Municipality or a Local Board or Grant-in-Aid Schools and Institutions. It is submitted that it is only considering the provisions applicable to grant-in-aid educational Institutions that this Court had held that employees of a Film Institute which is a Grant-in-Aid Institution and is educational in nature are entitled to pension.

6. In the instant case, it is contended that the employees of the Karnataka State Temperance Board ('Temperance Board' for short) or the Media Academy are not in the service of the Government and they are not Government servants in terms of the definition as provided under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 ('KCS (CC&A) Rules' for short). It is further submitted that by the omission of Rule 2-A from the KCSRs by Notification dated 29.01.2014, it is made doubly clear that persons who are not Government

employees would not be entitled to the benefit or applicability of Rule 285 of the KCSRs which provides for a retiring pension. It is further contended that in the case of Employees of the Karnataka State Sericulture Research and Development Institute, a similar question was considered by judgment dated 02.08.2024 in Writ Petition No.45513/2011. It was held that Rules 2-A and 285 of the KCSRs are applicable to a Government servant and not to an employee of an Autonomous Institution who has subscribed to the provident fund constituted by the Institution. The writ petition was accordingly dismissed.

7. In Writ Petitions No.8906/2021 c/w. 8030/2020 also, a Division Bench of this Court by order dated 22.02.2024 held that the employees of the Karnataka Silk Industries Corporation Limited ('KSIC' for short), who had started service as Government servants and who had opted to be governed by the service conditions of the KSIC, where Contributory Provident Fund was made applicable were estopped from claiming pensionary benefits from the State Government. The learned Additional Advocate General would

also submit that the definition of "Government Servant" under Rule 2(d) of the KCS (CC&A) Rules would be applicable to understand the provisions of the KCSRs as well.

8. The learned counsel appearing for the respondents/employees would, on the other hand, contend that the Review Petition No.526/2024 is not maintainable since a Contempt of Court Case had already been filed and the order under review had become final. It is submitted that W.A.No.175/2024 is not maintainable since W.A.No.151/2024 had already been filed and had been dismissed.

9. Relying on the decisions of the Apex Court in ***Sanjay Kumar Agarwal v. State Tax Officer and Another*** reported in **2023 SCC OnLine 1406** and ***Parsion Devi and Others v. Sumitri Devi and Others*** reported in **(1997) 8 SCC 715**, it is submitted that since there is no error apparent on the face of the judgment in

W.A.No.151/2024, Review Petition No.526/2024 is not maintainable.

10. Further, it is contended that respondent No.1, who was the writ petitioner before the learned Single Judge in W.P.No.23966/2022 was appointed in pursuance to a decision of the Committee and after prior approval of the State Government in a post created by Government Order dated 23.06.1984. It is submitted that the fact that the respondents have failed to frame Cadre & Recruitment Rules ('C&R Rules' for short), would make no difference to the situation since the appointment was in a Government Organization and in a post duly approved by the Government. It is submitted that after having made the provisions of the KCSRs applicable to employees like the petitioner, the appellant is estopped from claiming that the provisions with regard to pension are not applicable to them. It is further submitted that in respect of employees of several other Boards and Statutory Bodies, the KCSR is made applicable and pension is granted by the Government itself.

11. The learned counsel would also place reliance on the decisions of the Apex Court in:-

- ***Devkinandan v. State of Bihar*** reported in ***AIR 1971 SC 409***; and
- ***State of Karnataka v. Subrahmanya*** reported in ***AIR 2011 KAR 1891***.

12. We have considered the contentions advanced. We notice that the writ petitioners before the learned Single Judge in all these cases were employees either of the Temperance Board or the Media Academy. Both the Media Academy and the Temperance Board were Government Bodies formed on the strength of the Government Orders issued exercising the executive power of the State. There does not appear to be any serious objection with regard to the contention that they were appointed as against posts created by the Government with the approval of the Government. In the case of the Media Academy, it is clear that there is a provision in the Bye-laws, which says that the employees will be governed by the provisions of the KCSRs insofar as their pay, allowances and other conditions of

service are concerned. However, it is pertinent to note that there is no provision in the Bye-laws making the service of the employees of either the Temperance Board or the Media Academy pensionable in terms of the KCSRs.

13. Rule 2(d) of the KCS (CC&A) Rules reads as follows:-

*"(d) **"Government Servant"** means a person who is a member of the Civil Services of the State of Karnataka or who hold a civil post in connection with the affairs of the State of Karnataka and includes any person whose services are temporarily placed at the disposal of the Government of India, the Government of another State, a local authority, any person or persons whether incorporated or not and also any person in the service of the Central or another State Government or a local or other authority whose services are temporarily placed at the disposal of the Government of Karnataka."*

14. Rule 2(1) of the KCSRs provides for the application of the Rules, which reads as follows:-

***"2. Application.-**(1) Save as otherwise provided in these rules, this shall apply to all persons appointed to Civil Services and serving in connection with the affairs of the State of Karnataka."*

15. Thereafter, the Rules refer to Government Servants. Though a Government Servant is not specifically defined in the KCSRs, the definition as contained in the KCS (CC&A) Rules would have to be looked into to understand the applicability of the KCSRs as well.

16. Rules 222 and 223 provide as follows:-

"222. *The service of a Government servant does not qualify for pension unless it conforms to the following three conditions:-*

First - The service must be under Government.

Second - The employment must be substantive and permanent.

Third - The service must be paid for by Government.

These three conditions are fully explained in the following sections.

[Note.- Service of Government servants deputed to work under the Tungabhadra Board is deemed to be service qualifying for pension under this rule:]

[Provided minimum qualifying service required for a Government servant for earning pension is [10 years]:

[Provided further that Government servants retired between 1-9-2003 and 8-9-2006 shall be eligible for notional fixation but not for any arrears upto 22nd October, 2007.]

223. *The service of a Government servant does not qualify unless he is appointed and his duties and pay are regulated by the Government, or under conditions*

determined by the Governor. The following are examples of persons excluded from pension by this rule:-

- (1) servants of a Municipality or a Local Board;*
- (2) servants of a grant-in-aid Schools and Institutions."*

17. The decision of this Court in the case of the ***State of Karnataka and another v. Shankar M.R. and another*** decided on **07.01.2005** in **Writ Appeal No.134/2003 (S)**, specifically reads as follows:-

"3. x x x x x Therefore, if the grant-in-aid rules framed under the KFC and other Financial Manuals provide for pensionary benefits to the 1 respondent, undeniably, he is entitled to such benefits by force of rule 6 of the Rules framed for film institutes. It is not the case of the appellants that the post held by the 1st respondent as Manager in the establishment of the 2nd respondent-Institute is not an aided post. If the post held by the 1st respondent was an aided post, it is trite, the 1st respondent is entitled to seek pensionary benefits. It is also not the case of the appellants that the grant-in-aid code framed under the KFC and other Financial Manuals does not provide for pensionary benefits. Looking from any angle, we do not find any flaw in the order of the learned single Judge. Writ Appeal is devoid of merit. It is accordingly dismissed. No costs."

18. It is therefore clear that in the said case the question decided was whether an employee of a Grant-in-

Aid Education Institution was entitled for pension in terms of the rules applicable to such Institutions. In the case of the Temperance Board as well as the Media Academy, the situation obtaining is that they are obviously not Grant-in-Aid Institutions and there is no provision either in the Bye-laws, Regulations, C&R Rules or in any executive order applicable to them, which makes their service pensionable in terms of KCSRs.

19. In the light of the specific definition of Government servant, under the KCS (CC&A) Rules and the clear provisions of the KCSRs which makes pension applicable only to Government Servants, we are of the clear view that the contention that employees of the Media Academy or the Temperance Board are eligible to pension as Government servants cannot be accepted.

20. The learned counsel appearing for the respondents would contend that in respect of several other Institutions, like Silk Board, the Government has passed orders extending the benefit of pension to the employees of

such Institutions. According to us, the very fact that the Government has passed such orders and the writ petitioners seek to place reliance on such orders would clearly prove that such orders, making the pension rules applicable to employees other than Government employees, would clearly show that the Government, in its discretion, has to pass such orders to make pension available to such employees. In the absence of such orders, the employees of Institutions like the Temperance Board and the Media Academy cannot claim that they are entitled to pension as a matter of right.

21. This brings us to the next question whether the writ petitioners, who are also employees of Government Institutions, would be entitled to the same treatment as employees of other Boards and Institutions. According to us, that is, a question for the Government to consider and it would not be in the *realm* of judicial review under Article 226 of the Constitution of India to decide whether the employment of the petitioners in an Institution created by the Government is to be made pensionable or not. We are therefore of the opinion that it is for the Government to take

an informed decision taking note of all relevant aspects of the matter as also the orders passed in respect of other Institutions and to take a decision whether the employment of the writ petitioners is to be made pensionable. We are therefore, clearly of the opinion that the directions issued by the learned Single Judge to pay pension and arrears to the writ petitioners was not proper.

22. In the result:-

- (i) The Writ Appeals No.150/2024, 164/2024, 175/2024, 267/2024 and 1689/2024 are ***allowed***.
- (ii) The Review Petition No.526/2024 is ***allowed***. The judgment dated 03.07.2024 passed in Writ Appeal No.151/2024 is reviewed and recalled.
- (iii) Writ Petitions shall stand ordered directing the appellant Government to take up the request made by the writ petitioners seeking pension and to pass an informed order thereon after hearing the Media Academy and the Temperance Board as well.

- (iv) The needful shall be done within a period of four months from the date of receipt of a copy of this judgment.
- (v) In the light of the orders passed, the Contempt of Court Case No.88/2024 is ***dropped.***

Notice issued shall stand discharged in the Contempt of Court case.

All interlocutory applications shall stand dismissed in all the matters.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*