

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No.

OF 2020

IN THE MATTER OF:

Sri. Master RKGMM Mahaswamiji
Principal District & Sessions Judge _..... PETITIONER

versus

The Registrar General,
Hon'ble High Court of Karnataka & Ors. RESPONDENTS

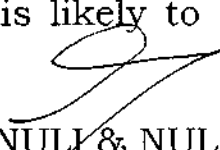
MEMO INSTEAD OF AFFIDAVIT
to treat the matter as most urgent and fix the date of
hearing through video conference for grant of interim
reliefs as prayed before the swearing ceremony /
assuming the office by Sri. P. N. Desai (District judge at
Sr.No.5 of the statement dated 20.04.2020 and
notification dated 30.04.2020

The advocate for the Petitioner most respectfully submits as under;

1. It is a case of superseding / passing over of a senior District judge (who was appointed on 25.02.2008 under reserve category ie., Schedule caste) by junior district judge and recommendation of Respondent No.11 by the Hon'ble collegium of Karnataka High Court is unlawful, arbitrary, and in clear violation of statutory rules / administrative instructions contained in the official memorandum dated 09.10.1985 and involved bias of *malafide* and it is clearly violated the functional rights guaranteed to the Petitioner under Articles 14 and 16 of the Indian Constitution.
2. It is a case wherein Petitioner is suffering mental agony since 6 years due to repeated wrong information in writing, inordinate delay or proceedings, manifest discrimination, repeated

injustice caused, involving bias of malafide and clear violation of articles / provisions of Constitution of India.

3. If one of the interim reliefs ie., not to precipitate / staying the swearing ceremony / assuming the office by the Respondent No.11 (Sri. P. N. Desai) as Judge, Hon'ble High Court of Karnataka, is not granted, very purpose of writ petition before the Hon'ble Supreme Court will be defeated and it may cause failure of complete justice and clear infraction of fundamental rights guaranteed to the Petitioner under Articles 14 and 16 of the Constitution.
4. That on 30.04.2020, the Hon'ble collegium of this Court, the Government of India, Ministry of Law and Justice has appointed the recommended and approved District judges ie., Respondent No.5, 7 to 9, including the Respondent No.11 against whom, the Petitioner has legitimate, legal and constitutionally guaranteed claim..
6. And for the reasons urged in the grounds column of the Writ petition, advocate for Petitioner most respectfully pray that treat the matter as most urgent and fix the date of hearing through video conference for grant of interim reliefs as prayed before the swearing ceremony / assuming the office by Sri. P. N. Desai, as Judge, High Court of Karnataka (shown at Sr.No.5 of the statement dated 20.04.2020 and notification dated 30.04.2020) is likely to take place on the 04.05.202.


(NULI & NULI)

Advocate for Petitioner

PLACE :

DATE:02.05.2020

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. _____ OF 2020
(WITH PRAYER FOR INTERIM RELIEF)

IN THE MATTER OF:

Sri. Master RKGMM Mahaswamiji
Principal District & Sessions Judge ..PETITIONER

versus

The Registrar General,
Hon'ble High Court of Karnataka & Ors
...RESPONDENTS

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ADVOCATE FOR THE PETITIONER: M/S. NULI & NULI

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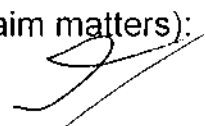
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PROFORMA FOR FIRST LISTING**SECTION****The case pertains to** (Please tick/check the correct box):

- ☐ Central Act: (Title)
☐ Section:
☐ Central Rule: (Title) NA
☐ Rule No(s): NA
☐ State Act : (Title) NA
☐ Section: NA
☐ State Rule : (Title) NA
☐ Rule No(s): NA
☐ Impugned Interim Order: N.A.
☐ Impugned Final Order/Decree: N.A.
☐ High Court :
☐ Names of Judges:
☐ Tribunal/Authority : NA
1. Nature of matter: ☐ Civil ☐ Criminal
2. (a) Petitioner/appellant No.1 : Sri. Master RKGMM Mahaswamiji
Principal District & Sessions
Judge
(b) e-mail ID: NA
(C) Mobile phone number: NA
3. (a) Respondent No. 1: The Registrar General,
Hon'ble High Court of Karnataka & Ors.
(b) e-mail ID: NA
(C) Mobile phone number: NA
4. (a) Main category classification:
(b) Sub classification:
5. Not to be listed before: NA
- 6A). Similar disposed of matter which citation,
if any & case details : No similar matter is
disposed of.
- B) Similar pending matter with case details : No similar matter is
pending.
7. **Criminal Matters:** Yes
(a) Whether accused/convict has surrendered: ☐ Yes ☐ No
(b) FIR No. N.A. Date: N.A.
(c) Police Station: N.A.
(d) Sentence Awarded: N.A.

- (e) Period of sentence undergone including period of detention / custody undergone: N.A.
8. **Land Acquisition Matters:**
- (a) Date of Section 4 notification: NA
- (b) Date of Section 6 notification: NA
- (c) Date of Section 17 notification: NA
9. **Tax Matters:** State the tax effect: NA
10. **Special Category** (first Petitioner/Petitioner herein only):
- ☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/child ☐ Disabled
- ☐ Legal Aid case ☐ In custody
11. Vehicle Number (in case of Motor Accident Claim matters):

Date: 02.05.2020


(M/S. NULI & NULI)
Advocate for the Petitioner
Registration No.2021
Email: sanjaynuli@gmail.com

WRIT PETITION (C) No. _____ OF 2020

...RESPONDENTS

1. The Petition is/are within time.
2. The Petition is barred by time and there is delay ofdays in filing the same against order dated and petition for Condonation of days delay has been filed.
3. There is delay ofdays in re-filing the petition and petition for condonation of days delay in refiling has been filed.

DATED: 02.05.2020

SYNOPSIS:

That, the Petitioner is aspiring senior-most District Judge to be appointed, the Judge of Hon'ble High Court of Karnataka and in this regard, he is working hard, making good performance and discharging his duties both at judicial and administrative side, honestly and sincerely since over 12 years. The Petitioner is aggrieved by the impugned Full Court adverse decision / resolution dated 06.11.2019 of the Hon'ble High Court of Karnataka wherein his request dated 25.04.2019 for grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority were rejected and the same is intimated to the Petitioner by the *communication letter* dated 13.11.2019. Further, his request for reconsideration of the impugned full Court decision by considering his representations dated 20.11.2019, 22.11.2019 and 11.12.2019, is also rejected and same was intimated through *E-mail letter* dated 24.03.2020. And further aggrieved by the Respondent No.11 being appointed by the notification dated 30.04.2020.

Further, the name of the Petitioner was also ignored and not taken into consideration for promotion/elevation along with his batch mates although the consideration of functional promotion as District Judge (Super time scale) was pending and his service record / CR's from the date of his appointment as District Judge i.e., 25.02.2008 to December, 2018 is clear from any adverse remarks. It is learnt that the Respondent No.11 who is promotee and Junior than the Petitioner is recommended for promotion/elevation as Judge, Hon'ble High Court of

Karnataka during the month of July 2019. Further, during pendency of reconsideration of request of the Petitioner to grant functional promotion as District Judge (Super time scale) and restoration of original seniority by considering his representations dated 20.11.2019, 22.11.2019 and 11.12.2019, it is learnt that Respondent No.12 and 13 who are also promotees and junior than Petitioner are also recommended for promotion/elevation as judge(s), Hon'ble High Court of Karnataka.

Therefore, the Petitioner has been constrained to prefer this Writ Petition seeking to issue any appropriate writ or order quashing the impugned full Court decision dated 06.11.2019 / communication letter dated 13.11.2019 respectively and another impugned full Court decision dated 19.03.2020/ E-mail communication letter dated 24.03.2020, taken to reject the request of Petitioner for consideration and reconsideration for grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority AND issue any appropriate Writ or order quashing the new practice of calling of extra judgments, (*not forming part of CRs*) introduced from June, 2019 and applied for the 1st time to the Petitioner (deviating from regular practice / procedure already adopted in terms of official memorandum issued by Government of Karnataka dated 09.10.1985) apart from annual confidential reports wherein remarks regarding quality of judgments also contained AND issue any appropriate writ or order quashing the relevant proceedings / recommendation/s of Hon'ble collegium made by the Respondent No.1, in respect of names of Respondent No.11, 12 and 13 without considering / ignoring / superseding / by passing the name of the

Petitioner (who are juniors than the Petitioner and they were recommended during pendency of consideration and reconsideration of request of the Petitioner for grant of super time scale and for restoration of original seniority etc). AND Issue any appropriate writ, order or specific direction, directing the Respondent No.1 to grant functional promotion as District Judge (Super time scale) to the Petitioner and restore seniority to his original position / place with consequential benefits as per Law AND Issue any appropriate Writ or direction directing the Respondent No.1 to consider and recommend the name of Petitioner for promotion/elevation along with his batch mates and the Respondent No.11, 12 and 13 may be considered for promotion / elevation after giving due preference to the Petitioner as per law in the ends of justice and fairness and necessary protection for the present and future career of the Petitioner etc. on the following among other facts and grounds.

LIST OF DATES

25.02.2008 That, the Petitioner was selected as District Judge through Direct Appointment along with seven other candidates, under the reserved category i.e., Schedule caste (Adi-Karnataka) and was inducted to Karnataka Judiciary on 25/02/2008. After an induction training, the Petitioner was posted in Bijapur as III Addl. District & Sessions Judge. Thereafter the Petitioner served at various places in different capacities. He was posted in Chamrajnagar as Principal District and Sessions Judge, in

Bangalore as Additional District Judge, in Kodagu-Madikeri as Principal District and Sessions Judge, in Bangalore at Karnataka Lokayuktha as Additional Registrar (Enquiries), at Bangalore, further at the Hon'ble High Court of Karnataka as Registrar (Review and Statistics) and from 16.09.2019 till today, the Petitioner is posted at Shivamogga as Principal District and Sessions Judge. He is serving as Senior most District and Sessions Judge in Karnataka Higher Judiciary since 25.02.2008, having put in continuous service for more than 12 years with unblemished service record.

20.08.2015 That, in the notification dated 25.06.2015, it was noticed for the first time that the Petitioner was not granted with functional promotion as District Judge (Selection grade), but the same was granted to District Judges junior than the Petitioner. In the information letter dated 20.08.2015, it was falsely / wrongly informed to the Petitioner in pursuance of his letters dated 03.07.2015 and 06.08.2015 that consideration of functional promotion as District Judge (selection grade) was deferred in view of the observations made in the order dated 14.11.2013 passed in W.P.No.41112/2008 by the Hon'ble High Court. That, the Petitioner then gave a representation dated 21.09.2015 for

expunction of informed observations but it was again falsely / wrongly replied to after lapse of about 9 months vide letter dated 08.07.2016 which was sent after a subsequent letter by the Petitioner dated 13.06.2016 seeking stage of consideration of his representation. It was stated that, the only way these observations could be expunged is by challenging the said order before the appropriate forum.

20.08.2016 That, the Petitioner sought certified copy of the order dated 14.11.2013 in Writ Petition No.41112/2008 containing the observations as informed in the reply letter dated 08.07.2016 as same is not available anywhere on the web. However, an unsatisfactory reply was given twisting the matter stating that, "...*there is no such practice of providing certified copy of judgment on the administrative side*". The Petitioner herein was thus victimized and kept in dark by making the observations/adverse remark behind his back. It is to be noted that repeated false/wrong information was being given to the Petitioner and it trite to state that the same is made with *ulterior motive* to cause harm to the career of the Petitioner. It is also pertinent to note that that, the Respondent No.11 was working in the office of Hon'ble High Court as Registrar (judicial)

when the aforesaid communication had happened.

- 08.01.2018 That, the said Writ petition No.42650/2016 (S-Pro) was dismissed on 08.01.2018 with an observation that there is no stricture.
- March 2017 That, believing the above written information(s), the Petitioner herein was constrained to file a Writ Petition No.42650/2016 (S-Pro). Even in the objection of March, 2017 to the said Writ petition, it was neither disclosed that the observations are in the note nor the copy of the note produced.
- 24.11.2017 That in the meanwhile, in pursuance of letter of Petitioner dated 16.11.2017, the Hon'ble High Court of Karnataka communicated to the Petitioner vide letter dated 24.11.2017 that, the contents of observations made by Hon'ble Judge is in the note dated 14.11.2013. Thus, due to repeated wrong information given and in the process of filing the Writ petition and representation(s) for expunction twice, nearly 4 years went futile without there being any fault on the part of the Petitioner.
- 01.09.2018 It is further submitted that, the Petitioner then sent representation dated 10.01.2018 and 11.01.2018 seeking expunction of

observations made in the *note* dated 14.11.2013 and by the *letter* dated 01.09.2018, the Petitioner was informed that the remarks in the note dated 14.11.2013 of the Additional Personal Secretary to Hon'ble Judge made against the Petitioner is treated as *non est* and expunged on and from the date they were made.

03.09.2018 That, thereafter the Petitioner had sent first requisition/letter dated 25.01.2018 seeking to grant selection grade and super time scale both (*before expunction of observations/adverse remarks*). Then, the Petitioner sent a requisition/letter dated 03.09.2018 (*after expunction of adverse remarks*), and another requisition/letter dated 29.10.2018 for non-receipt of reply and non-grant of deferred functional promotion as District Judge (selection grade and also super time scale) and yet another requisition/letter dated 11.02.2019 with covering letter seeking to grant deferred functional promotion as District Judge (Selection grade and also super time scale).

05.10.2016 That, during the pendency of Writ petition No.42650/2016 (S-Pro) of the Petitioner, his batch mates and districts judges junior than the Petitioner were granted with functional promotion as District Judge

(Super time scale) by the notification dated 05.10.2016. On the same day, revised functional promotion as District Judge (Selection grade) and as district judge (Super time scale) was also granted on the same date i.e., 05.10.2016 to the batch mates and others.

17.11.2018 That, in pursuance of letters/requisitions dated 22.05.2018, 30.06.2018, 03.08.2018 and 29.10.2018, reply dated 17.11.2018 was received by the Petitioner and it was stated that soon after the committees are reconstituted the matter will be placed before the concerned committee for further consideration of functional promotion as District Judge (selection grade and Super time scale).

23.04.2019 That, after repeated requests, it was seen that the functional promotion as District Judge (Selection grade) was only granted for the reasons unknown, although the Petitioner was eligible and entitled for grant of both selection grade and super time scale at once with retrospective effect as it were deferred thinking that the observations were made in the judicial order. Moreover, there was no bar / rule prohibiting to grant both at once. But as per para 6 (1) (a) of executive instructions/official memorandum dated 09.10.1985 (page No.4), immediately after

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the expunction of adverse remarks, selection grade, super time scale and promotion and original seniority had to be considered/restored. Thus, again the Petitioner was victimized and made a scape goat by not granting super time scale and not restoring the original seniority, by granting only selection grade by not following the binding existing statutory rule / executive instructions / official memorandum dated 09.10.1985 governing the matter. The selection grade only granted even after lapse of about 8 months (by causing inordinate delay with ulterior motive), from the date of expunction of adverse remarks even after repeated requisitions dated 03.09.2018, 29.10.2018 and 11.02.2019. Thus, the Petitioner was treated unfairly in clear violation of above mentioned official memorandum and caused injustice.

25.04.2019 That, then, on 25.04.2019, the Petitioner sent further representation/requisition requesting to grant functional promotion as District Judge (Super time scale) also.

11.06.2019 That, it is respectfully submitted that, on the oral request of the Petitioner, the then Hon'ble acting Chief Justice directed the then Registrar General to place the file / subject matter of the Petitioner for consideration of functional promotion as

District Judge (super time scale), before the Hon'ble Administrative Committee-I stating *that he is entitled for super time scale and due to mistake of registry, why he (Petitioner) should suffer*. The Petitioner had also requested the Hon'ble the Chief Justice on 06.06.2019 to grant functional promotion as District Judge (super time scale) and Hon'ble Chief Justice told to the Petitioner that 'We will consider'. Accordingly, on 11.06.2019, the matter of the Petitioner was placed before the Hon'ble AC-I and on 15.06.2019 there was full Court meeting. But the outcome of the same was not hosted on web. When the Petitioner enquired in the office, the concerned clerk told that the resolution has not come and upon further enquiry, the then registrar General told that "it will be considered positively". But, even on 11.06.2019, super time scale was not granted to the Petitioner again causing injustice as he was waiting for the same and continuously suffering since more than five years.

25.06.2019 That, it is respectfully submitted that, on 25.06.2019, the Petitioner learnt that the process for elevation of District Judges had commenced. But in the submission letter dated 25.06.2019 the name of the Petitioner was not found at the serial number 7 as the Petitioner is senior than

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Respondent No. 11 and junior to Respondent No.10. When the Petitioner requested for grant of super time scale, the Hon'ble Chief Justice told again that 'we will consider' and when the Petitioner questioned regarding the process of elevation of the Junior District Judge over the Petitioner, stating that the Petitioner would suffer irreparable loss and future prospects, the Hon'ble Chief Justice kept silent. Then, the Petitioner learnt that the Hon'ble Administrative Committee-I held on 11.06.2019 passed a resolution to call for judgments passed by the Petitioner, although there is no such procedure / practice to call for judgments for consideration of super time scale, apart from regular annual confidential report judgments (not forming the part of CRs) and same yard stick was not applied to the batch mates of the Petitioner and other district judges, who were granted with functional promotion as District Judge (Super time scale). It is respectfully further submitted that, when the Petitioner enquired, the then acting chief Justice of Karnataka informed the Petitioner will be considered for promotion / elevation next time.

07.07.2019 That, due to above facts (calling of extra judgments etc. apart from annual confidential report judgments) and the

adverse opinion / view expressed and ignoring the name of Petitioner for promotion / elevation, the Petitioner is aggrieved. The Petitioner herein had also addressed a letter to the Hon'ble Chief Justice of India and hence, under the compelling circumstances.

06.11.2019 That, in pursuance of letter dated 20.11.2019 of Petitioner, the relevant extract of full Court resolution dated 06.11.2019 was forwarded by the covering letter dated 27.11.2019, stating that discussion held in respect of quality of judgments and it is resolved that the judicial officer does not deserve to be granted functional promotion as District Judge (Super time scale) and as regards to failure to consider the case of this judicial officer for elevation, as the issue pertains to collegium of this Court, no decision was taken on the said aspect.

13.11.2019 That thereafter, as expected, by the letter dated 13.11.2019 from the Hon'ble High Court, it was informed that "After considering your representation under reference, the Hon'ble High Court has taken a decision to reject your request for grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority".

- 22.11.2019 That, by the letter dated 31.08.2019, the remarks recorded by the Sr. Judge in annual confidential report for the period from 01.01.2018 to 23.05.20018 were communicated, The Petitioner sent representation in pursuance of letter dated 16.09.2019 of Hon'ble High Court and by the letter dated 22.11.2019 it is informed that the said remark is *advisory, no orders are called for*. That, Petitioner sent representation dated 20.11.2019 and further requisition/representation 22.11.2019 stating that he wrote request letter dated 07.07.2019 as being aggrieved as one/two district judge(s) junior to the Petitioner were recommended for promotion/elevation, superseding/bypassing the Petitioner. The same was with bona-fide intention as injustice was caused to the Petitioner.
- 11.12.2019 Then, the Petitioner sent another requisition / representation dated 11.12.2019 stating that in his opinion he passed very good and quality oriented judgments both at Civil and Criminal side and gave justice to the best of his level and good consciousness, and if further improvement is needed, he undertakes and assures that he will further improve the quality of judgment / orders up to the satisfaction of Hon'ble High Court.



03.01.2020 That in pursuance of letter / representation of Petitioner dated 04.12.2019, the Respondent No.1 furnished the particulars with regard to judgments / order called for and downloaded from the NJDG and they are :-
1] O.S. No. 1661/2004, dated 06.03.2013,
2]Crl. Mis. No. 3304/2013, dated 29.06.2013, 3] S.C. No. 380/2012, dated 02.12.2013, (received from the office of Principal City Civil and Sessions Judge, Bangalore City) 4] RA No.120/2012, dated 16.04.2015 (received from Principal District and Sessions Court, Kodagu - Madikeri) and 5] Spl.Case (Atrocity) No.21/2012, dated 02.01.2017. It is respectfully submitted that, on 03.01.2020, the Petitioner was granted with three advance increments w.e.f., 01.11.2014 for passing of LLM., examination. But, it is of no use because the Petitioner cannot get the benefit / fruit of it. The pay scale and annual increments of the Petitioner are also stagnated by reaching the maximum pay scale in the selection grade as on 01.02.2018.

05.03.2020 That in the month of November, 2019 the judgments over the span of 5 years of some district judges were called for scrutiny to grant functional promotion as district judge (selection grade) and on 20.02.2020, by the notification dated 20.02.2020, 31 district judges were granted selection grade within

3½ months and by the notification dated 05.03.2020, 27 district judges were granted selection grade within 4 months.

24.03.2020 That, thereafter, after lapse of more than 3 months the Hon'ble High Court vide an E-mail dated 24.03.2020, informed the Petitioner that *"After considering your representations under reference, the Hon'ble High Court has taken a decision to reject your request for reconsideration of grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority"*. The personal audience was fixed on 20.02.2020 and the Petitioner submitted the contents of his representations. The personal audience after taking the adverse decision is against natural justice and is unfair. It is to be noted that, prior to that date, the Respondent No.12 and 13 were recommended for promotion / elevation. It is respectfully submitted that, judicial officers confidential record, Part-B, Para-I, itself is specifically containing the particulars regarding quality of judgment/order (to be assessed on the basis of judgment/orders (5) selected at random by the unit Head or Hon'ble Administrative judge *in the case of District Judge*. – (a) Language, (b) Narration, (c) Clarity in thought, (d) Reasoning, and (e) Conclusion (copies and judgments and

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orders to be enclosed). As such, calling of extra judgments for consideration / scrutiny, not for the purpose of recording the remarks in the CR./ confidential report is malafide and illegal. That, it is learnt that during pending consideration of representations of the Petitioner requesting to reconsider the impugned decision of Hon'ble High Court, the Respondent No.12 and 13 are recommended by the Respondent No.1 for promotion / elevation. The relevant information is not available with the Petitioner and Hon'ble Court may call the records for the same from the Respondent No.1.

24.04.2020 That the Petitioner has sought for reason / copy of relevant extract of resolution of the Hon'ble collegium in respect of non-consideration of the case of the Petitioner for regular promotion / elevation along with his batch mates. Further, the Petitioner has also sought for copy of relevant extract of resolution of the Hon'ble collegium in respect of non-consideration of the Petitioner's case for regular promotion / elevation along with Respondent No.12 and 13. The response of the same is awaited.

30.04.2020 That the recommendation made by Hon'ble Collegium of Karnataka High Court for promotion / elevation of Respondent No.11

is approved by Hon'ble Supreme Court collegium by the statement dated 20.04.2020.

02.05.2020 That, being aggrieved the Petitioner has filed the present Writ Petition.

IN HONOURABLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION No...../2020

BETWEEN

Sri. Master RKGMM Mahaswamiji
Principal District & Sessions Judge,
Shivamogga District,
KARNATAKA STATE.

..... PETITIONER

AND

1. The Registrar General,
Hon'ble High Court of Karnataka.
Bangalore – 01,
Karnataka
2. The Government of Karnataka,
Represented by its Secretary
Law and Parliamentary Affairs,
Vidhana Soudha, Bangalore - 01.
3. The Secretary General
Hon'ble Supreme Court of India.
Tilak Marg, Mandi House,
New Delhi, Delhi – 110001.
4. Union of India
Represented by its Secretary (Law)
Ministry of Law and Justice,
Sashtri Bhavana, A – wing,
New Delhi – 110001.
5. Sri. Shivashankar Amarannavar,
Presently working as Principal District and Sessions
Judge, City Civil Court, Bangalore.
6. Sri. R. J., Sathish Singh,
Presently working as Principal District
and Sessions Judge,
Belagavi.
7. Smt. Uma M. G.,
Presently working as Principal District
and Sessions Judge,
Ramanagar.

8. Sri. V. Srishananda,
Presently working as Principal District
and Sessions Judge,
Bangalore.
9. Sri. Hanchate Sanjeevakumar,
Presently working as Principal District and
Sessions Judge,
Tumkur.
10. Smt. S. Mahalaxmi Nerale,
Presently working as Principal Judge,
Small cause Court,
Bangalore.

**(Respondent No.5 to 10 are direct recruits,
batch mates and Senior than Petitioner and
he has no grievance against them. Hence,
notice may be exempted)**

11. Sri. Padmaraj Nemachandra Desai,
Major, Presently working as Principal Judge, Family
Court, Bangalore,
R/o NGV, Koramangala,
Bangalore - 47.
12. Sri. Rajendra Badamikar,
Registrar (General),
High Court of Karnataka
Bangalore.
R/o NGV, Koramangala, Bangalore - 47.
13. Smt. J. M. Khazi,
Registrar Vigilance,
High Court of Karnataka.
Bangalore.
R/o NGV, Koramangala, Bangalore - 47.

**(Respondent No.11 to 13 are
promotees and junior than
Petitioner and under challenge)**

..... RESPONDENTS

MEMORANDUM OF WRIT PETITION UNDER ARTICLE

32 OF THE CONSTITUTION OF INDIA, 1950

TO
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA
THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

- (1) That, the Petitioner is aspiring senior-most District Judge to be appointed, the Judge of Hon'ble High Court of Karnataka and in this regard, he is working hard, making good performance and discharging his duties both at judicial and administrative side, honestly and sincerely since over 12 years. The Petitioner is aggrieved by the impugned Full Court adverse decision / resolution dated 06.11.2019 of the Hon'ble High Court of Karnataka wherein his request dated 25.04.2019 for grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority were rejected and the same is intimated to the Petitioner by the *communication letter* dated 13.11.2019. Further, his request for reconsideration of the impugned full Court decision by considering his representations dated 20.11.2019, 22.11.2019 and 11.12.2019, is also rejected and same was intimated through *E-mail letter* dated 24.03.2020. And further aggrieved by the Respondent No.11 being appointed by the notification dated 30.04.2020.
- (2) Further, the name of the Petitioner was also ignored and not taken into consideration for promotion/elevation along with his batch mates although the consideration of functional promotion as

District Judge (Super time scale) was pending and his service record / CR's from the date of his appointment as District Judge i.e., 25.02.2008 to December, 2018 is clear from any adverse remarks. It is learnt that the Respondent No.11 who is promotee and Junior than the Petitioner is recommended for promotion/elevation as Judge, Hon'ble High Court of Karnataka during the month of July 2019. Further, during pendency of reconsideration of request of the Petitioner to grant functional promotion as District Judge (Super time scale) and restoration of original seniority by considering his representations dated 20.11.2019, 22.11.2019 and 11.12.2019, it is learnt that Respondent No.12 and 13 who are also promotees and junior than Petitioner are also recommended for promotion/elevation as judge(s), Hon'ble High Court of Karnataka.

- (3) Therefore, the Petitioner has been constrained to prefer this Writ Petition seeking to issue any appropriate writ or order quashing the impugned full Court decision dated 06.11.2019 / communication letter dated 13.11.2019 respectively and another impugned full Court decision dated 19.03.2020/ E-mail communication letter dated 24.03.2020, taken to reject the request of Petitioner for consideration and reconsideration for grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority AND issue any appropriate Writ or order quashing the new practice of calling of extra judgments, *(not forming part of CRs)* introduced from June, 2019 and applied for the 1st time to the Petitioner (deviating from regular practice / procedure

already adopted in terms of official memorandum issued by Government of Karnataka dated 09.10.1985) apart from annual confidential reports wherein remarks regarding quality of judgments also contained AND issue any appropriate writ or order quashing the relevant proceedings / recommendation/s of Hon'ble collegium made by the Respondent No.1, in respect of names of Respondent No.11, 12 and 13 without considering / ignoring / superseding / by passing the name of the Petitioner (who are juniors than the Petitioner and they were recommended during pendency of consideration and reconsideration of request of the Petitioner for grant of super time scale and for restoration of original seniority etc). AND Issue any appropriate writ, order or specific direction, directing the Respondent No.1 to grant functional promotion as District Judge (Super time scale) to the Petitioner and restore seniority to his original position / place with consequential benefits as per Law AND Issue any appropriate Writ or direction directing the Respondent No.1 to consider and recommend the name of Petitioner for promotion/elevation along with his batch mates and the Respondent No.11, 12 and 13 may be considered for promotion / elevation after giving due preference to the Petitioner as per law in the ends of justice and fairness and necessary protection for the present and future career of the Petitioner etc. on the following among other facts and grounds.

2. BRIEF FACTS OF THE CASE

2.1 It is respectfully submitted that, the Petitioner was selected as District Judge through Direct

Appointment along with seven other candidates, under the reserved category i.e., Schedule caste (Adi-Karnataka) and was inducted to Karnataka Judiciary on 25/02/2008. After an induction training, the Petitioner was posted in Bijapur as III Addl. District & Sessions Judge. Thereafter the Petitioner served at various places in different capacities. He was posted in Chamrajnagar as Principal District and Sessions Judge, in Bangalore as Additional District Judge, in Kodagu-Madikeri as Principal District and Sessions Judge, in Bangalore at Karnataka Lokayuktha as Additional Registrar (Enquiries), at Bangalore, further at the Hon'ble High Court of Karnataka as Registrar (Review and Statistics) and from 16.09.2019 till today, the Petitioner is posted at Shivamogga as Principal District and Sessions Judge. He is serving as Senior most District and Sessions Judge in Karnataka Higher Judiciary since 25.02.2008, having put in continuous service for more than 12 years with unblemished service record.

- 2.2 It is respectfully submitted that, in the notification dated 25.06.2015, it was noticed for the first time that the Petitioner was not granted with functional promotion as District Judge (Selection grade), but the same was granted to District Judges junior than the Petitioner. In the information letter dated 20.08.2015, it was falsely / wrongly informed to the Petitioner in pursuance of his letters dated 03.07.2015 and 06.08.2015 that consideration of functional promotion as District Judge (selection grade) was deferred in view of the observations made in the order dated 14.11.2013 passed in

W.P.No.41112/2008 by the Hon'ble High Court. The information letter dated 20.08.2015 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-1 (PG. 58 TO).**

2.3 It is further submitted that, the Petitioner then gave a representation dated 21.09.2015 for expunction of informed observations but it was again falsely / wrongly replied to after lapse of about 9 months vide letter dated 08.07.2016 which was sent after a subsequent letter by the Petitioner dated 13.06.2016 seeking stage of consideration of his representation. It was stated that, the only way these observations could be expunged is by challenging the said order before the appropriate forum. The reply letter dated 08.07.2016 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-2 (PG. 59 TO).**

2.4 It is respectfully submitted that, believing the above written information(s), the Petitioner herein was constrained to file a Writ Petition No.42650/2016 (S-Pro). Even in the objection of March, 2017 to the said Writ petition, it was neither disclosed that the observations are in the note nor the copy of the note produced. The copy of statement of objections dated March, 2017 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-3 (PG. 60 TO 74).**

2.5 In the meanwhile, the Petitioner sought certified copy of the order dated 14.11.2013 in Writ Petition No.41112/2008 containing the observations as informed in the reply letter dated 08.07.2016 as same is not available anywhere on the web. However, an

unsatisfactory reply was given twisting the matter stating that, "...*there is no such practice of providing certified copy of judgment on the administrative side*". A copy of the said letter dated 20.08.2016 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-4 (PG. 75 TO)**. The Petitioner herein was thus victimized and kept in dark by making the observations/adverse remark behind his back. It is to be noted that repeated false/wrong information was being given to the Petitioner and it trite to state that the same is made with *ulterior motive* to cause harm to the career of the Petitioner. It is also pertinent to note that that, the Respondent No.11 was working in the office of Hon'ble High Court as Registrar (judicial) when the aforesaid communication had happened.

2.6 Thereafter, the said Writ petition No.42650/2016 (S-Pro) was dismissed on 08.01.2018 with an observation that *there is no stricture*. The order dated 08.01.2018 passed in the Writ Petition No.42650/2016 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-5 (PG. 76 TO 80.)**

2.7 It is respectfully submitted, that in the meanwhile, in pursuance of letter of Petitioner dated 16.11.2017, the Hon'ble High Court of Karnataka communicated to the Petitioner vide letter dated 24.11.2017 that, the contents of observations made by Hon'ble Judge is in the note dated 14.11.2013. The copy of communication of contents of said note dated 24.11.2017 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-6 (PG. 81 TO)**.

Thus, due to repeated wrong information given and in the process of filing the Writ petition and representation(s) for expunction twice, nearly 4 years went futile without there being any fault on the part of the Petitioner.

2.8 It is further submitted that, the Petitioner then sent representation dated 10.01.2018 and 11.01.2018 seeking expunction of observations made in the *note* dated 14.11.2013 and by the *letter* dated 01.09.2018, the Petitioner was informed that the remarks in the note dated 14.11.2013 of the Additional Personal Secretary to Hon'ble Judge made against the Petitioner is treated as *non est* and expunged on and from the date they were made. The said letter dated 01.09.2018 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-7 (PG. 82 TO)**.

2.9 It is respectfully submitted that, thereafter the Petitioner had sent first requisition/letter dated 25.01.2018 seeking to grant selection grade and super time scale both (*before expunction of observations/adverse remarks*). Then, the Petitioner sent a requisition/letter dated 03.09.2018 (*after expunction of adverse remarks*), and another requisition/letter dated 29.10.2018 for non-receipt of reply and non-grant of deferred functional promotion as District Judge (selection grade and also super time scale) and yet another requisition/letter dated 11.02.2019 with covering letter seeking to grant deferred functional promotion as District Judge (Selection grade and also super time scale). The copy of Requisition dated 03.09.2018, is produced placed for the perusal of this Hon'ble Court as **ANNEXURE**

P-8 (PG. 83 TO 84..). The Copy of Requisition dated 29.10.2018 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-9 (PG. 85 TO 86).** The Copy of Requisition dated 11.02.2019 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-10 (PG. 91 TO).**

2.10 That, during the pendency of Writ petition No.42650/2016 (S-Pro) of the Petitioner, his batch mates and districts judges junior than the Petitioner were granted with functional promotion as District Judge (Super time scale) by the notification dated 05.10.2016. On the same day, revised functional promotion as District Judge (Selection grade) and as district judge (Super time scale) was also granted on the same date i.e., 05.10.2016 to the batch mates and others. The copy of said notifications dated 05.10.2016 is produced placed for the perusal of this Hon'ble Court as **ANNEXURE P-11 (PG. 92 TO 93).**

2.11 Then, in pursuance of letters/requisitions dated 22.05.2018, 30.06.2018, 03.08.2018 and 29.10.2018, reply dated 17.11.2018 was received by the Petitioner and it was stated that soon after the committees are reconstituted the matter will be placed before the concerned committee for further consideration of functional promotion as District Judge (selection grade and Super time scale). The said reply letter dated 17.11.2018 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-12 (PG. 94 TO)**

2.12 It is respectfully submitted that, after repeated requests, it was seen that the functional promotion as

District Judge (Selection grade) was only granted for the reasons unknown, although the Petitioner was eligible and entitled for grant of both selection grade and super time scale at once with retrospective effect as it were deferred thinking that the observations were made in the judicial order. Moreover, there was no bar / rule prohibiting to grant both at once. But as per para 6 (1) (a) of executive instructions/official memorandum dated 09.10.1985 (page No.4), immediately after the expunction of adverse remarks, selection grade, super time scale and promotion and original seniority had to be considered/restored. The copy of said notification dated 23.04.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-13 (PG. 103 TO 105)**. Thus, again the Petitioner was victimized and made a scape goat by not granting super time scale and not restoring the original seniority, by granting only selection grade by not following the binding existing statutory rule / executive instructions / official memorandum dated 09.10.1985 governing the matter. The selection grade only granted even after lapse of about 8 months (by causing inordinate delay with ulterior motive), from the date of expunction of adverse remarks even after repeated requisitions dated 03.09.2018, 29.10.2018 and 11.02.2019. Thus, the Petitioner was treated unfairly in clear violation of above mentioned official memorandum and caused injustice.

2.13 It is respectfully submitted that, then, on 25.04.2019, the Petitioner sent further representation/requisition requesting to grant functional promotion as District Judge (Super time scale) also. The copy of said

requisition dated 25.04.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-14 (PG. 106 TO 107.)**.

2.14 It is respectfully submitted that, on the oral request of the Petitioner, the then Hon'ble acting Chief Justice directed the then Registrar General to place the file / subject matter of the Petitioner for consideration of functional promotion as District Judge (super time scale), before the Hon'ble Administrative Committee-I stating *that he is entitled for super time scale and due to mistake of registry, why he (Petitioner) should suffer*. The Petitioner had also requested the Hon'ble the Chief Justice on 06.06.2019 to grant functional promotion as District Judge (super time scale) and Hon'ble Chief Justice told to the Petitioner that 'We will consider'. Accordingly, on 11.06.2019, the matter of the Petitioner was placed before the Hon'ble AC-I and on 15.06.2019 there was full Court meeting. But the outcome of the same was not hosted on web. When the Petitioner enquired in the office, the concerned clerk told that the resolution has not come and upon further enquiry, the then registrar General told that "it will be considered positively". But, even on 11.06.2019, super time scale was not granted to the Petitioner again causing injustice as he was waiting for the same and continuously suffering since more than five years.

2.15 It is respectfully submitted that, on 25.06.2019, the Petitioner learnt that the process for elevation of District Judges had commenced. But in the submission letter dated 25.06.2019 the name of the

Petitioner was not found at the serial number 7 as the Petitioner is senior than Respondent No. 11 and junior to Respondent No.10. When the Petitioner requested for grant of super time scale, the Hon'ble Chief Justice told again that 'we will consider' and when the Petitioner questioned regarding the process of elevation of the Junior District Judge over the Petitioner, stating that the Petitioner would suffer irreparable loss and future prospects, the Hon'ble Chief Justice kept silent. Then, the Petitioner learnt that the Hon'ble Administrative Committee-I held on 11.06.2019 passed a resolution to call for judgments passed by the Petitioner, although there is no such procedure / practice to call for judgments for consideration of super time scale, apart from regular annual confidential report judgments (not forming the part of CRs) and same yard stick was not applied to the batch mates of the Petitioner and other district judges, who were granted with functional promotion as District Judge (Super time scale). The copy of submission letter dated 25.06.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-15 (PG.108 TO)**.

2.16 It is respectfully further submitted that, when the Petitioner enquired, the then acting chief Justice of Karnataka informed the Petitioner will be considered for promotion / elevation next time.

2.17 Due to above facts (calling of extra judgments etc. apart from annual confidential report judgments) and the adverse opinion / view expressed and ignoring the name of Petitioner for promotion / elevation, the

Petitioner is aggrieved. The Petitioner herein had also addressed a letter to the Hon'ble Chief Justice of India and hence, under the compelling circumstances. The copy of said request letter dated 07.07.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-16 (PG. 109 TO 114).**

2.18 It is respectfully further submitted that by the letter dated 31.08.2019, the remarks recorded by the Sr. Judge in annual confidential report for the period from 01.01.2018 to 23.05.20018 were communicated, which are as follows:-

11. Special remarks, if any : - Needs improvement
through training } advisory

The Petitioner sent representation in pursuance of letter dated 16.09.2019 of Hon'ble High Court and by the letter dated 22.11.2019 it is informed that the said remark is *advisory, no orders are called for*. The copy of letter dated 31.08.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-17 (PG. 115 TO).** Copy of representation dated 23.09.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-18 (PG. 116 TO 117).** Copy of communication letter dated 22.11.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-19 (PG. 118 TO 123).** The copy of the judgments mentioned at para-12 are not produced for judicial scrutiny as the remarks passed is advisory as aforementioned.

2.19 It is respectfully submitted that thereafter, as expected, by the letter dated 13.11.2019 from the

Hon'ble High Court, it was informed that "After considering your representation under reference, the Hon'ble High Court has taken a decision to reject your request for grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority" and copy of the said letter dated 13.11.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-20 (PG. 124 TO).**

2.20 It is respectfully further submitted that, Petitioner sent representation dated 20.11.2019 and further requisition/representation 22.11.2019 stating that he wrote request letter dated 07.07.2019 as being aggrieved as one/two district judge(s) junior to the Petitioner were recommended for promotion/elevation, superseding/bypassing the Petitioner. The same was with bona-fide intention as injustice was caused to the Petitioner. The copy representation dated 20.11.2019 and 22.11.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-21 (PG. 125 TO 130).**

2.21 In pursuance of letter dated 20.11.2019 of Petitioner, the relevant extract of full Court resolution dated 06.11.2019 was forwarded by the covering letter dated 27.11.2019, stating that discussion held in respect of quality of judgments and it is resolved that the judicial officer does not deserve to be granted functional promotion as District Judge (Super time scale) and as regards to failure to consider the case of this judicial officer for elevation, as the issue pertains to collegium of this Court, no decision was taken on the said aspect. The copy of covering letter dated

27.11.2019 along with relevant extract of full Court resolution dated 06.11.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-22 (PG. 131. TO 133.)**.

2.22 Then, the Petitioner sent another requisition / representation dated 11.12.2019 stating that in his opinion he passed very good and quality oriented judgments both at Civil and Criminal side and gave justice to the best of his level and good consciousness, and if further improvement is needed, he undertakes and assures that he will further improve the quality of judgment / orders up to the satisfaction of Hon'ble High Court. The copy of said representation dated 11.12.2019 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-23 (PG. 134 TO 143)**.

2.23 It is respectfully further submitted that in pursuance of letter / representation of Petitioner dated 04.12.2019, the Respondent No.1 furnished the particulars with regard to judgments / order called for and downloaded from the NJDG and they are :- 1] O.S. No. 1661/2004, dated 06.03.2013, 2] Crl. Mis. No. 3304/2013, dated 29.06.2013, 3] S.C. No. 380/2012, dated 02.12.2013, (received from the office of Principal City Civil and Sessions Judge, Bangalore City) 4] RA No.120/2012, dated 16.04.2015 (received from Principal District and Sessions Court, Kodagu - Madikeri) and 5] Spl.Case (Atrocity) No.21/2012, dated 02.01.2017 (downloaded from NJDG). The copy of the letter dated 03.01.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-24**

(PG. 144 TO 145). The brief description of said judgments are made in the grounds column.

2.24 It is respectfully submitted that, thereafter, after lapse of more than 3 months the Hon'ble High Court vide an E-mail dated 24.03.2020, informed the Petitioner that *"After considering your representations under reference, the Hon'ble High Court has taken a decision to reject your request for reconsideration of grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority"*. The personal audience was fixed on 20.02.2020 and the Petitioner submitted the contents of his representations. The personal audience after taking the adverse decision is against natural justice and is unfair. It is to be noted that, prior to that date, the Respondent No.12 and 13 were recommended for promotion / elevation. The copy of said E-mail letter dated 24.03.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-25 (PG. 146 TO)**.

2.25 It is respectfully submitted that, on 03.01.2020, the Petitioner was granted with three advance increments w.e.f., 01.11.2014 for passing of LLM., examination. But, it is of no use because the Petitioner cannot get the benefit / fruit of it. The pay scale and annual increments of the Petitioner are also stagnated by reaching the maximum pay scale in the selection grade as on 01.02.2018. The copy of the corrigendum order dated 03.01.2020 regarding granting of three advance increments and letter of AG is placed for the perusal of this Hon'ble Court as **ANNEXURE P-26 (PG. 147 TO 152)**.

2.26 It is respectfully submitted that, judicial officers confidential record, Part-B, Para-I, itself is specifically containing the particulars regarding quality of judgment/order (to be assessed on the basis of judgment/orders (5) selected at random by the unit Head or Hon'ble Administrative judge *in the case of District Judge*. – (a) Language, (b) Narration, (c) Clarity in thought, (d) Reasoning, and (e) Conclusion (copies and judgments and orders to be enclosed). As such, calling of extra judgments for consideration / scrutiny, not for the purpose of recording the remarks in the CR./ confidential report is malafide and illegal. The copy of judicial officers confidential record format is produced and marked at **ANNEXURE P-27 (PG. 153 TO 154)**.

2.27 It is respectfully further submitted that, it is learnt that during pending consideration of representations of the Petitioner requesting to reconsider the impugned decision of Hon'ble High Court, the Respondent No.12 and 13 are recommended by the Respondent No.1 for promotion / elevation. The relevant information is not available with the Petitioner and Hon'ble Court may call the records for the same from the Respondent No.1.

2.28 It is respectfully further submitted that in the month of November, 2019 the judgments over the span of 5 years of some district judges were called for scrutiny to grant functional promotion as district judge (selection grade) and on 20.02.2020, by the notification dated 20.02.2020, 31 district judges were

granted selection grade within 3½ months and by the notification dated 05.03.2020, 27 district judges were granted selection grade within 4 months. The copy of notification dated 20.02.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-28 (PG. 155 TO 157)**. The copy of notification dated 05.03.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-29 (PG. 158 TO 160)**.

2.29 It is respectfully further submitted that the Petitioner has sought for reason / copy of relevant extract of resolution of the Hon'ble collegium in respect of non-consideration of the case of the Petitioner for regular promotion / elevation along with his batch mates. Further, the Petitioner has also sought for copy of relevant extract of resolution of the Hon'ble collegium in respect of non-consideration of the Petitioner's case for regular promotion / elevation along with Respondent No.12 and 13. The response of the same is awaited. The copy of said requisitions dated 24.04.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-30 (PG. 161 TO 169)**.

2.30 It is respectfully submitted that the recommendation made by Hon'ble Collegium of Karnataka High Court for promotion / elevation of Respondent No.11 is approved by Hon'ble Supreme Court collegium by the statement dated 20.04.2020. The copy of statement dated 20.04.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-31 (PG. 170 TO)** and Respondent No.11 is appointed by the notification dated 30.04.2020. The copy of notification

dated 30.04.2020 is placed for the perusal of this Hon'ble Court as **ANNEXURE P-32 (PG. 7/ TO)**.

3. GROUNDS

- A. That, the grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority and promotion/elevation of the Petitioner are interconnected. If super time scale was granted at once along with selection grade on 23.04.2019 or on 11.06.2019, the case of the Petitioner ought to be considered for promotion/elevation along with his batch mates. The Respondent No.11 is a promotee who is less meritorious, having lesser educational qualifications and experience and is junior to the Petitioner. Even if, super time scale was granted subsequently on 13.11.2019, the seniority of the Petitioner ought to be restored at his original position retrospectively and he would have become the senior to the Respondent No.11. Because, the Petitioner's fundamental rights guaranteed under Article 14 and 16 of Constitution of India, 1950 in respect of promotional post will be lost the wrong is not remedied by this Hon'ble Court.

THE GROUNDS FOR DIRECTION TO GRANT FUNCTIONAL PROMOTION AS DISTRICT JUDGE (SUPER TIME SCALE)

- a. Because, the Hon'ble High Court does not have the power to reject selection grade / super time scale of District Judges as it does not constitute a separate cadre. The Hon'ble High Court cannot in exercise of its general powers of control under Article 235 of the Constitution withhold the increment beyond Rs.1,800/- in the selection grade pay scale unless

there is a rule or an executive instruction which authorises it to do so. The selection grade post is not a post to which promotion has to be made, nor is there any efficiency bar rule attached to it. Further, it is not shown that the Governor had issued any executive instructions, enabling the High Court to withhold increments in the extended pay scale which is in this case called as selection grade / super time scale. The pay scale to which a judicial officer is entitled is a condition of service which can be regulated by a statute or rules made under the proviso to Article 309 or by executive instructions issued under Article 162 of the Constitution. It cannot come within the range of the expression 'control' in Article 235 of the Constitution. It is only where there is such a law, rule or executive instruction, the High Court may act under Article 235 of the Constitution to sanction it or to refuse to sanction it. There is no element of selection and it is just an extended pay scale. The refusal on the part of the High Court to Sanction the selection grade pay scale / super time scale when it became due automatically, on the ground that he is not found fit to be sanctioned that scale of pay, is erroneous.

- b. Because, the impugned adverse decisions of Hon'ble High Court of Karnataka dated 06.11.2019 and 19.03.2020, rejecting the functional promotion as District Judge (super time scale) and restoration of original seniority of the Petitioner are biased and against the principles of natural justice. The Hon'ble High Court did not consider the Petitioner's representations wherein the Petitioner has also

begged for the mercy and apologized for mistake which occurred unknowingly in respect of letter dated 07.07.2019.

- c. Because, pay scale and selection grade and annual increments are stagnated as on 01.02.2018. Due to the said impugned adverse decisions, the present and future career of the Petitioner is considerably affected. On 03.01.2020, the Petitioner was granted with 3 advance increments w.e.f., 01.11.2014 for passing of LLM. examination. However, they have become infructuous because the Petitioner cannot get the benefit of the same. The pay scale and annual increments of the Petitioner are also stagnated as they have reached the maximum pay scale in the selection grade as on 01.02.2018.
- d. The impugned adverse decisions of rejection of super time scale and restoration of original seniority of the Petitioner were wrong as they have been passed without considering any material on record. The Petitioner is made to suffer disproportionately for trivial reasons and there is no justification in the impugned adverse decisions to punish the Petitioner by rejecting pay scale and original seniority to which the Petitioner is legitimately entitled.
- e. Because, the reasons communicated to the Petitioner are vague and indefinite. In the information letter dated 13.11.2019 and the full Court resolution extract dated 06.11.2019, it is only mentioned that a discussion which was held in respect of quality of judgments rendered by the judicial officer and that it was resolved that judicial officer does not deserve to be granted functional promotion as District Judge

(Super time scale). There is absolutely nothing in respect of defects or deficiencies of the judgments and how they are not having quality and other relevant particulars. Moreover, it is wrongly mentioned that four judgments were called from the judicial officer. As per Annexure- letter dated 03.01.2020, furnishing the particulars with regard to following judgments/order called for and downloaded from the NJDG:- 1] O.S. No.1661/2004, dated 06.03.2013, 2] CrI.Mis.No.3304/2013, dated 29.06.2013, 3] S.C. No. 380/2012, dated 02.12.2013, (received from the office of Principal City Civil and Sessions Judge, Bangalore City) 4] RA No.120/2012, dated 16.04.2015 (received from Principal District and Sessions Court, Kodagu - Madikeri) and 5] Spl.Case (Atrocity) No.21/2012, dated 02.01.2017 (downloaded from NJDG). It is humbly submitted that, in the opinion of the Petitioner, the quality of said judgments is satisfactory.

- f. It is settled position of Law that the *merit* in respect of performance, efficiency, eligibility and suitability etc., (over all aspects) for grant of pay scale and promotion is to be assessed on the basis of service records / annual confidential reports / relevant CRs. As per Government order No.LAW 26 LAC 2005, BANGALORE, Dated 22nd April, 2006 the district judges who have put in not less than three years of continuous service in the cadre of District Judge (selection grade) shall be eligible to be considered for promotion to the cadre of District Judge (super time scale), on the merit cum seniority basis. As per the official memorandum No.DPAR 5 SRU 84, Bangalore

Dated 9th October, 1985. (Existing Rule/Instructions issued by the Government of Karnataka Under Article 309 and 162 of Indian Constitution, governing the matter) it is specifically mentioned that Orders were issued from time to time constituting the Departmental promotional committees to assess the suitability and merit of candidates for the purpose of promotion within the state service. Accordingly the following instructions are issued for giving promotions on the basis of seniority cum merit to state service posts. It is mentioned at page No.2 that since the passing of prescribed departmental examinations and the availability of up to date confidential reports are the two important factors relevant for consideration by the departmental promotion committee. At page No.3, the Procedure of departmental promotion committees states that: - (i). The departmental promotion committee should consider the confidential reports of officials for the period of five years immediately preceding the date of consideration of his suitability for promotion. Therefore, it is crystal clear that confidential reports of the official for the period of five years, should be considered for assessment of merit/suitability for promotion. But this procedure is deviated by calling extra judgments over the period of three years, (not forming the part of CRs) to consider super time scale of the Petitioner.

- g. Because, the service record, work performance / annual confidential reports / CRs of the Petitioner from date of his appointment i.e., 25.02.2008 to December, 2018 is clear and unblemished and there is no any adverse remarks against the Petitioner or

regarding quality of judgments / orders of the Petitioner in respect to: a) Language, b) Narration, c), Clarity of thought, d) reasoning and e) Conclusion. As per aforementioned official memorandum dated 09.10.1985, the merit/suitability for promotion ought to have been assessed on the basis of relevant CRs of the Petitioner which has not been done.

- h. Because, the rejection of request of the Petitioner for grant of functional promotion as District Judge (super time scale) and restoration of original seniority will amount to imposition of punishment on him without there being any iota of material to impose such punishment. The same is unknown to any law and moreover due process of law has not been followed. It is a settled principle of Law that no one shall be punished except in accordance with a fair procedure established by law. In the present case, the fundamental rights of the Petitioner under Articles 14 and 16 of the Constitution for promotion have been violated by the arbitrary actions of the Respondent No. 1. The Petitioner's right to lead a dignified life is also violated and as the Petitioner faces constant humiliation after his batch mates and district judges junior to the Petitioner, are also granted functional promotion as District Judge (super time scale) about four years back.
- i. Because, the Hon'ble High Court has failed to take into consideration the following submissions made in the representation dated 11.12.2019 for reconsideration of functional promotion as District Judge (Super time scale) and restoration of seniority:

9(1). "I joined to higher judicial service as District Judge on 25.02.2008 along with my other 7 batch mates and put in continuous service and completed 12 years as on 25.02.2020 and served as Additional District Judge, Principal District Judge and other various capacity".

9(2). The "quality of judgments / orders invariably depend upon the pleadings, facts and circumstances of each case and assistance extended by the learned counsels on both sides by providing rulings and points / points of Law; whether the parties contest the matter or not and point/s or issue/s involved in the matter etc. Whereas, in criminal cases, it depends upon whether the prosecution witness supports the prosecution case or turns hostile etc".

9(3). As the judgments / orders both at Civil and Criminal side and my conclusion/s in the judgments / orders are based on decisions / rulings of the Hon'ble High Court of Karnataka and the Hon'ble other High Courts and Hon'ble Supreme Court of India and relevant provisions of law and I feels and confident that I have given justice to orders / judgments to the best of my level and good consciousness".

9(4). "Only basing on untested judgments / orders (not regular judgments called annually as part of annual confidential report),

it is not correct to assess the judicial officer, whether he is deserving or not and annual confidential reports and performance to be looked into. As per my knowledge, there are no adverse remarks in the annual confidential reports including judgments called for, annually and there are no allegations / charges or enquiry pending and I am sincerely and honestly discharging my duty both at judicial side and administrative side without remarks, up to the satisfaction of the Hon'ble High Court of Karnataka”.

9(5). “As regard to performance of work / duty, in my service as District Judge, I worked hard and reached more than prescribed quota every month, even in the month of transfer and also in the month of summer vacation viz., (May) and I am keeping up the same by working hard from 10 am., to more than 8.30 pm., on every working days. Even when I was serving at Lokayukta as Additional Registrar (Enquiries), I was submitting 10 reports monthly, when others were giving maximum of 7 reports. After I was transferred to Shivamogga District as Principal District and Sessions Judge on 16.09.2019, I reached more than prescribed quota on the next month itself i.e., in the month of October, 2019 and November, 2019 also and maintaining and keeping up the same.”.

9(6). “If, in the opinion of my Lordships, in respect of quality of orders / judgments, if I

need improvement, I undertake and assure that I will further improve himself under the guidance of Hon'ble High Court of Karnataka, as the learning process is life long and I am keen and interested to learn, work hard and pass good.

9(7). "As I worked and is working as Principal District Judge, I saw and assessed various judgments and orders of subordinate judicial officers and I am also reading the judgments of Hon'ble High Court of Karnataka and Hon'ble Supreme Court of India and I am incorporating the new things in my judgments/ orders. Thus, my orders / judgments are going improving and I also undertake to further improve under the guidance of Hon'ble High Court of Karnataka to the best of my level and work hard and honestly and serve the judiciary to the best of my level and ability to the satisfaction of the Hon'ble High Court of Karnataka and please afford me an opportunity and not to put an end / full stop of my promotional career as I alone remained in my batch and is waiting for super time scale since more than 3½ years as I did not receive correct information in time".

9(8). "My batch mates and other District Judges junior than the Petitioner, have been granted as District Judges (super time scale) and Petitioner was also granted as District Judge (selection grade) on the basis of annual confidential reports, judgments called for,

annually (to record remarks in the CRs) and there are no adverse remarks in respect of my judgments / orders”.

9(9). “Further, conclusion based on quality of untested judgments / orders (i.e., called apart from regular annual confidential report judgments) that judicial officer 'does not deserve to be granted functional promotion as District Judge (Super time scale) amount / become remark/sand5 or 6 untested judgments / orders may not decide future of honest / sincere judicial officer and said remarks may be expunged in the ends of justice for best interest of my career and future if necessary”.

ADDITIONAL GROUNDS FOR DIRECTION TO GRANT SUPER TIME SCALE.

- j. Because, calling of extra judgments and taking a plea that they are required for consideration is without the authority of law. The Hon'ble promotion committee / AC-I, resolved to call for extra judgments of the Petitioner over the span of three years, in the month of June for consideration of super time scale and deviated from the regular procedure adopted all along. It is to be noted that the same was done even when the confidential reports of the Petitioner from the date of appointment i.e. 25.02.2008 to December, 2018 were already recorded and readily available for the assessment of merit. Therefore, the Hon'ble Committee exceeded its powers and acted in the

absence of any enabling provision providing for such procedure.

- k. Because, such calling the extra judgments passed by the Petitioner over the span of 3 years (not forming the part of CRs) stating that it is required for consideration of super time scale, and not for recording any missing confidential reports, is mala-fide, arbitrary and unconstitutional. It is also against the provisions of Karnataka Civil Services (confidential reports) Rules 1985 and official memorandum of Government of Karnataka dated 09.10.1985. As per the provisions of the said Rules, 1985, if there is any adverse remark, it shall be communicated to the public servant concerned and the aggrieved public servant may submit his representation within six weeks and the same may be considered, and the decision of the authority is to be communicated expeditiously. However, in the present case, no such opportunity is given to the Petitioner and merely a remark is passed by Hon'ble Committee that judicial officer does not deserve for super time scale. The Petitioner was not provided with any opportunity to expunge the said remark as per Karnataka Civil Services (Confidential Reports) Rules 1985. The law does not permit the adverse remark to affect the entire career of a public servant and such yard stick has been applied for the first time to the Petitioner. Further, according to official memorandum dated 09.10.1985 issued by the Government of Karnataka to DPCS, under Article 162 of Constitution of India containing the procedure at para 5 (page No.3) is existing binding rule / executive instruction and it is to be assiduously observed and

strictly followed for promotion to the State Services on the basis of seniority cum merit. As per the said procedure, the departmental promotion committee should consider the confidential reports of officials for a period of 5 years immediately preceding the date of consideration of his suitability of his promotion.

1. The Hon'ble promotion committee / AC-I played a dual role which is impermissible by law. The remarks in annual confidential report of a District Judge are recorded by the concerned Hon'ble Administrative Judge and in the said ACR, the remarks regarding the quality of the judgments are mentioned. In the present case the Hon'ble promotion committee / AC-I, has resolved by passing the remarks as if it is recording the remarks in the ACR regarding the quality in respect of judgments by stating that the judicial officer does not deserve to be granted functional promotion as District Judge (Super time scale). Thus, the Hon'ble promotion committee has also played the role of the Hon'ble Administrative Judge and it is impermissible under law and illegal.
- m. Because there has been a discrimination in the criteria to assess the merit of the judicial officers. The batch mates of the Petitioner i.e., Respondent No.5 to 10 and Respondent No.11 to 13 and others were granted with super time scale by assessing the merit on the basis of remarks made in the relevant annual confidential reports / CRs. The selection grade to the Petitioner is also granted by assessing the merit on the basis of Crs. But, all of a sudden on 11.06.2019, the Hon'ble AC-I resolved to call for extra judgments over the span of 3 years to consider the super time scale and for

restoration of seniority, by introducing new practice of calling of extra judgments which are not part of the CRs and applied it to the Petitioner only. A similar yardstick for assessment of merit is not applied to Respondent Nos. 5 to 13. Moreover, such a practice it is alien to the system and capable of being abused. Such a practice is not mentioned specifically either in the G.O. dated 22.04.2006 or in the executive instructions i.e. official memorandum dated 09.10.1985 governing the field. It is a settled law that if such power is claimed, it has to be explicit and cannot be read by necessary implication for the obvious reason that such deviation from the rules likely to cause irreparable and irreversible harm.

- n. Because, due to the repeated supply of incorrect information, the Petitioner is deprived from getting selection grade and super time scale in time, along with his batch mates. The Petitioner herein seeks parity. Therefore, non-granting the selection grade and super time scale at once to the Petitioner after the adverse remarks in the note dated 14.11.2013 were expunged, is unfair and clear violations existing executive instructions i.e., official memorandum dated 09.10.1985, para 6 (page No.4). The law permits for the same and the Petitioner is eligible and entitled for both.
- o. Because, in order to defer the functional promotion as District Judge (Selection grade), the adverse remarks were not communicated to the Petitioner before being relied upon. It is a settled law by this Hon'ble Court that un-communicated adverse remarks *cannot be*

relied upon. The Petitioner was unnecessarily driven from pillar to post and made to file Writ petition No.42650/2016 (S-Pro) by providing wrong information repeatedly and not giving copy of the adverse remarks. As mentioned above, the entire process consumed nearly four years and had the correct and timely information been, the Petitioner would have got selection grade and super time scale along with his batch mates and would have been recommended for elevation along with Respondent No.5 to 10.

- p. Because, the process in reaching the impugned decision is not correctly observed and it is influenced by placing the letter dated 07.07.2019, before Hon'ble promotion committee / AC-I, and also before Hon'ble full Court. It is humbly submitted that the letter dated 07.07.2019 was sent by the Petitioner seeking help of Hon'ble Chief Justice of India, with a bona-fide intention and the same should not be termed as misconduct.
- q. Because, usually even a delinquent public servant who has committed grave proven misconduct (upon enquiry after following the required procedure and natural justice) is punished with deferring the promotion for one or two years, but in case of Petitioner, *it is really unfortunate* that his promotion is deferred indefinitely.
- r. Because, even the extra judgments called (which were not part of the CRs) during the month of June - July - 2019 for consideration of super time scale are of a good quality and the Petitioner has done justice to the best of his ability and good consciousness. The judgments are well reasoned decisions based on

relevant rulings, provisions of law and oral and documentary evidence on record. Moreover, for the purposes of promotion, the quality of judgment does not has to be excellent or extraordinary and a well-reasoned decision is sufficient.

- s. Because the impugned decisions are against the letter and spirit of the Government order No.LAW 26 LAC 2005, BANGALORE, DATED 22nd April, 2006.The object of which is that a person of a considerable experience needs be suitably rewarded to keep his tempo of work with high moral values and ought not to be allowed to stagnate or degenerate. The scheme is intended to afford reasonable opportunity to all the officers in the grade to get financial upgradation in a time frame on functional basis to judicial officers. The rejection to grant super time scale will really defeat the object of the scheme.
- t. Because, the super time scale should be granted to the eligible District Judges in terms of Government order No. LAW 26 LAC 2005 dated 22.04.2006. As per said GO., 10% of Cadre strength of District Judges who have put in service of not less than three years of continuous services in the cadre of District Judges (Selection grade) shall be eligible to be considered for promotion to the cadre of District Judges (Super time scale) on merit cum seniority basis with effect from the date as may be determined by the High Court which shall not be prior to 01.07.1996. Admittedly, the Petitioner is a senior District Judge having put in continuous service of more than 12 years and he is only eligible Senior District Judge in the zone of

consideration for super time scale. It is not the case that the Petitioner is unfit to discharge his duties and responsibilities. Rejection of super time scale is clear violation of his fundamental right under Article 16(1) of Indian Constitution. Equal opportunity and seniority are two facets of fundamental right under Article 16(1) of the Constitution. In respect of merit is concerned, merit means satisfactory record of service and moreover, it is settled law that senior even though less meritorious shall have priority. Further, selection grade / super time scale is only a financial upgradation that has been given by the Government. Therefore, it cannot override the seniority and the rejection of super time scale and restoration of original seniority of the Petitioner is manifestly discriminatory, incorrect and erroneous.

- u. Because, as per official memorandum No.FD 17 SRS 78, dated 28.09.1978, it is specifically mentioned that a competent authority can impose on a Government servant, the penalty of deduction of pay to lower stage or that of withholding increments in the time scale or both, it follows that such punishments have to be imposed only as a result of a departmental enquiry held against a Government servant. In this case, no departmental enquiry was conducted to impose the punishment to reject super time scale and restoration of seniority which goes on to show that the intention of the Hon'ble High Court was to punish the Petitioner, which is unconstitutional and in clear violation of Article 311(2) of the Constitution of India.

- v. Because the promotional avenues are to remove the stagnation and to avoid frustration. The denial of super time scale and regular promotion/elevation to the Petitioner tantamount to deprivation of his right to be considered fairly for promotion and any such decision is ultra vires Articles 14 and 16 of the Constitution of India.

II. GROUNDS for direction to recommend for promotion / elevation along with batch mates of the Petitioner by restoring the original seniority.

- w. Because, it is a case of super session/passing over a senior district judge by the junior district judge(s). The Petitioner has fundamental rights guaranteed under Article 14 and 16 of the Constitution of India and he is in the zone of consideration for promotion/elevation, fairly along with his batch mates being a senior belonging to 25.02.2008 direct district judges batch, than the Respondent No.11 to 13 who are promotees from the cadre of civil judges and having lesser length of service than the Petitioner.
- x. Because, the service record, work performance and confidential reports of the Petitioner from the date of his appointment i.e., 25.02.2008 to December, 2018 is clear and unblemished and there is no any adverse remarks against the Petitioner or regarding the quality of judgments/orders of the Petitioner. Further, there is no any kind of allegation or departmental enquiry pending against the Petitioner. He has never been found guilty of misconduct and no penalty or punishment has ever been imposed upon him. The

Petitioner is eligible, fit, suitable, merit oriented, efficient, performing and hard-working judicial officer and is in no way inferior to the other judicial officers who have been promoted.

- y. Because, failure to consider the case of the Petitioner in the list marked at Annexure – M, to recommend for promotion/elevation as judge of the Hon'ble High Court of Karnataka is arbitrary, unlawful and a clear violation of his fundamental rights guaranteed under Article 14 and 16 of the Constitution
- z. Because, the Petitioner is senior most district judge, and is entitled to promotion/elevation under existing statutory rules/executive instructions contained in official memorandum dated 09.10.1985 which is issued by the Government under Article 162 of the Constitution.
- aa. Because, the Petitioner is has better educational qualifications than the Respondent No. 11. The Petitioner is holder of MA and LL.M. degrees, whereas, the Respondent No.11 is Bsc., LLB. (Special). The Petitioner has worked at Judicial side more than that of the Respondent No.11 who has for most parts of his service career worked at OOD. field in the Hon'ble High Court of Karnataka. The Petitioner is also a senior belonging to the 2008 batch of District Judges appointed through direct recruitment, whereas the Respondent No.11 to 13 are promotees / judges who were appointed from the Civil Judges cadre.

- bb. Because, the consideration of grant of super time scale and restoration of seniority was deliberately postponed from one date to another date for one or other reason. *The Petitioner could not challenge the recommendation of the Respondent No.11 immediately, as he was forced to wait for the result of grant of super time scale and remedy available on administrative side and also with immediate fear that adverse remark(s) may put in the CRs for the period i.e., from the month of 28.05.2019 to 15.09.2019. It is to be noted that after the letter dated 07.07.2019 from the Hon'ble Supreme Court, the Respondent No.1 seems to have acted in retaliation as it placed the said letter before Hon'ble AC-I and Hon'ble full Court and consequently the Petitioner has been prejudiced. The adverse decision to reject the super time scale and restoration of original seniority is taken after an inordinate delay of 14 months from the date of expunction of the adverse remarks in the note dated 14.11.2013 and after a lapse of about 7 months from the date of grant of selection grade.*
- cc. Because, if super time scale is granted and the original seniority is restored, the Petitioner would be entitled for promotion/elevation along with his batch mates as both these matters are overlapping. It is a settled law that senior most person at basic level is to be considered at first and then the others in the line of seniority. The Petitioner is therefore entitled for retrospective promotion as same is denied unlawfully and unconstitutionally.
- dd. Because, in the case of the Petitioner, the assessment of merit is made upon inadmissible, irrelevant and

trivial adverse material on record. The assessment is made in an unfair manner in a clear violation of the relevant rules.

ee. Because, if the names of Respondent Nos.11, 12 and 13 are considered for promotion/elevation as Judges of the Hon'ble High Court of Karnataka, ignoring the seniority and merit of the Petitioner whose name was at serial number 7 of the submission letter at Annexure - M and at Serial No.5 in the statement of Hon'ble Supreme Court collegium, a grave injustice and serious loss would be caused to the Petitioner herein. The same will seriously injure the career and future prospects of the Petitioner.

ff. Because, the Respondent No.11 was promoted during pendency of consideration of super time scale and restoration of original seniority of the Petitioner, which is against the rules applicable to the present case. As per instructions contained in at Para5 (i) and (iii) of Official memorandum dated 09.10.1985, *the departmental promotion committee should consider the confidential reports of officials for the period of five years immediately preceding the date of consideration of his suitability for promotion. Further according to (iii) Similarly, if the departmental promotion committee could come to the conclusion that the only reason for not recommending his promotion is on account of any particular adverse remarks(s) against which a representation submitted within the time limit stipulated under the confidential report Rules, was pending decision on the date of meeting of the departmental promotion committee a specific mention should*

invariably be made in its proceedings that he has not been recommended only on account of such an adverse remark. It is humbly submitted that, for this purpose, it is the responsibility of the officer convening a meeting of the departmental promotion committee to clearly bring to the notice of the committee the gist of pending representations if any, and the adverse remarks contained in any of the confidential reports for a period of five years immediately preceding the date of consideration of his suitability for promotion. The said procedure was not followed in the present case which reflects the existence of bias and favoritism by the Respondent No.1.

gg. Because, likewise, during pendency of representations of the Petitioner for reconsideration of his super time scale and restoration of seniority, the Petitioner was called for a belated personal audience on 20.02.2020, (which not given prior to taking of adverse decision) but by that time, Respondent No.12 and 13 were already recommended for promotion/elevation to the Hon'ble High Court of Karnataka. Therefore, in such circumstances, the Hon'ble Court may presume that the rejection of the request for consideration of super time scale and original seniority of the Petitioner was predetermined.

hh. Because, the Respondent No.11 to 13 are promotees and Petitioner is a direct recruit, the service of Respondent No.11 to 13 must have been counted from the date of their regularization, but the service rendered by them in the Fast Track Courts is also counted. The Respondent No.11 has spent most of his

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service in OOD in the Hon'ble High Court only (*even at the time of repeated wrong information given*) and got favour and benefited by superseding the Petitioner. Therefore, the recommendation of Respondent No.11 to 13 for promotion/elevation at the cost of the loss of a senior impermissible, arbitrary and contrary to seniority rules and in violation of fundamental rights of the guaranteed Under Article 14 and 16 of the Indian Constitution.

- ii. Because, the Petitioner is eligible and entitled for super time scale and consequential benefit of promotion retrospectively and restoration of original seniority, as per law, as there is no ground to reach to a conclusion that the Petitioner does not deserve to be granted super time scale, restoration of original seniority and consequential benefits like promotion/elevation etc.
- jj. Because, if the impugned adverse decision(s) and recommendations are not quashed and reliefs as prayed in this writ petition are not granted, the Petitioner will suffer irreparable loss and hardship. A considerable harm and serious consequences will be caused to the career of the Petitioner and if the same are quashed and reliefs prayed by the Petitioner are granted, no such hardship, irreparable loss and harm would be caused to the concerned Respondents No.11 to 13
- kk. It is respectfully submitted that, the additional grounds if any, will be urged at the time of argument.

4. **ALTERNATIVE REMEDY**

The Petitioner is aggrieved by the impugned adverse decision/s taken by the Hon'ble High Court to reject functional promotion as District Judge (Super time scale) and for restoration / refixation of original seniority and during pendency of his consideration and reconsideration of super time scale and restoration of his original seniority, Respondent No.11, 12 and 13 are recommended for promotion / elevation. **Further**, the representations / request of the Petitioner for **reconsideration** of his super time scale and for restoration of original seniority is also **rejected**. *Therefore*, the Petitioner has **no other alternative and efficacious remedy**, but to challenge the above said adverse decision/s / proceedings / recommendations / malafide administrative actions as aforesaid and seek the relevant and required reliefs etc through this writ petition by invoking the extraordinary and exceptionable jurisdiction of this Hon'ble Court under article 32 of Constitution of India, 1950.

5. **PENDENCY OF ANY OTHER WRITS ON THE SIMILAR CAUSE OF ACTION.**

The Petitioner has not filed any other writ petition except before this Hon'ble Supreme Court and no writ petition on the same cause of action/s is pending in any of Hon'ble High Court/s.

6. JURISDICTION

The cause of action to file this writ petition is arose within this jurisdiction of this Hon'ble Supreme Court as the unlawful and unconstitutional recommendation of Respondent No.11, for promotion / elevation as judge, Hon'ble High Court of Karnataka is **approved** by the Hon'ble Supreme Court collegium in the **statement dated 20.04.2020** (marked at Annexure-30). Further, the offices of Petitioner and Respondent No.3 and 4 are situated and they are residing at Delhi within the jurisdiction of this Hon'ble Supreme Court. The Respondent No.3 is made as party as recommendation of Respondent No.11 for promotion / elevation is approved by the Hon'ble Supreme Court collegium and recommendation for promotion / elevation of Respondent No.12 and 13 may be in the process towards the Hon'ble Supreme Court. The Respondent No.4 is made as party as Respondent No.4 is also proper and necessary party. The reliefs prayed is against the Respondent No.1, and 11 to 13 only. The Respondent No.2 is also proper and necessary party and the files / records of Petitioner and Respondents are with Respondent No.1.

7. CAUSE OF ACTION AND LIMITATION

The cause of action for filing of this writ petition first accrued / arose in the month of July, 2019 when the Respondent No.1 recommended the Respondent No.11 for promotion / elevation by postponing / dragging the consideration of grant of super time scale of Petitioner by introducing the new practice of

calling of extra judgments, forming not part of CRs which is not specifically contained in the instructions in official memorandum dated 09.10.1985 for consideration of promotion on seniority cum merit basis in terms of G.O., dated 22.04.2006; further, although, the adverse remarks in the note dated 14.11.2013 are treated as *non est* and *expunged* on and from the date they were made as per Annexure-7 and the service records, work performance / annual confidential reports from the date of the appointment ie., 25.02.2008 to December, 2018 is clear and without any adverse remarks. Further, the cause of action also arose on the date of recommendation of Respondent No.12 and 13 for elevation during pendency of *reconsideration* of request for grant of super time scale and restoration / re-fixation of original seniority of the Petitioner. *Further*, the cause of action also arose when letter dated 13.11.2019 wherein it is informed that the Hon'ble High Court, Karnataka took an adverse decision to reject the request of the Petitioner for grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority. *Furthermore*, the cause of action also arose when E-mail letter dated 24.03.2020 uploaded informing that the Hon'ble High Court of Karnataka has taken a decision to *reject the request for reconsideration* for grant of functional promotion as District Judge (Super time scale) and for restoration of original seniority. The Petitioner has sought copy of reason / full Court resolution dated 19.03.2020, copy of reason / relevant extract of resolution / recommendations of Respondent No.11 in the month of July, 2019 and also copy of reason /

relevant extract of resolution / recommendations of Respondent No.12 and 13 in the month of January / February, 2020 and same are not yet furnished and Petitioner is waiting for the same. The cause of action/s are continuous and interlinked / overlapping to each other. The Petitioner could not file Writ petition challenging the recommendation of Respondent No.11 for elevation immediately for the reason that his functional promotion as District Judge (Super time scale) and for restoration of original seniority was kept pending *deliberately* by postponing for one or other reasons without granting or taking any decision immediately as per official memorandum dated 09.10.1985, with malafide and without legal basis / justification. *Further*, there was also immediate fear that adverse remark/s may be put / recorded in the CRs of the Petitioner for the period i.e., from 28.05.2019 to 15.09.2019 and Petitioner was forced to wait for the result of consideration and reconsideration of his request for functional promotion as District Judge (Super time scale) and for restoration / re-fixation of original seniority and to exhaust the remedy available at administrative side and there is closure of Courts due to COVID - 19, pandemic spread threat and it is within the limitation period.

8. GROUNDS FOR INTERIM PRAYER

(a). As already submitted the Petitioner is hard working, meritorious, with high educational qualification (M.A., LL.M.) and Senior District judge than Respondent No.11, who is less educational qualification (Bsc., LL.B.) who was recommended for

promotion / elevation in the month of July, 2019 *unlawfully and unconstitutionally* and in gross violation of executive instructions contained at para 5(iii) of official memorandum dated 09.10.1985 etc and Petitioner is eligible and entitled for super time scale and restoration / refixation of seniority and consequential benefit like promotion / elevation along with his batch mates belonged to 25.02.2008 batch ie., Respondent No.5 to 10 instead of Respondent No.11 who being junior district judge gave *wrong entry* by superseding / passing over the Petitioner the senior district judge.

- (b). So called adverse remark / observations in the note dated 14.11.2013 is treated as *non est* and expunged on and from the date they were made and same is communicated to the Petitioner on 01.09.2018. Therefore, the Petitioner is legally / lawfully entitled for super time scale and restoration / refixation of original seniority and consequential benefits thereof as per law.
- (c). 4 years wasted by giving *repeated false / wrong information in writing and concealed* the so called observations / adverse remarks with ulterior motive to cause harm to the career of the Petitioner as already narrated. If correct information was given in time, the Petitioner would get selection grade and super time scale and promotion / elevation along his batch mates.
- (d) The recommendation of Respondent No.11 for promotion / elevation is made *during pendency of consideration of super time scale and restoration of*

original seniority of the Petitioner, it is unlawful and unconstitutional and arbitrary and in clear violation of executive instructions issued under Article 162 of the Constitution, contained at Para 5(iii) of the official memorandum dated 09.10.1985 that too, kept pending with bias of *malafide* / ill will / improper motive by postponing the consideration by calling extra judgments (*not forming the part of Crs*) over the span of 3 years although the relevant CRs are already written and readily available as above said.

(e). There was no urgency / exigency or any legal impediment to consider the case of the Petitioner at first for grant of super time scale and restoration of seniority and then, recommendation for promotion / elevation as per law. As such, it is clear cut case of bias of *malafide*, favoritism, discrimination and unfair treatment and gross violation of Article 14 and 16 of the Petitioner guaranteed by Constitution.

(f). The recommendation of Respondent No.12 and 13 for promotion / elevation is made during pendency of *reconsideration* of request for grant of super time scale and restoration of original seniority of the Petitioner in the month of January / February, 2020 and it is unlawful and unconstitutional and arbitrary and in clear violation of executive instructions issued under Article 162 of the Constitution, contained at Para 5(iii) of the official memorandum dated 09.10.1985 that too, kept pending with *malafide* / improper motive without taking decision in time / immediately, on the plea that Respondent No.1 is giving personal audience to the Petitioner, that too, after taking the adverse decision by violating the

principles of natural justice to cause deliberate delay *merely to reject the request for reconsideration* and it is made after lapse of more than 3 months.

- (g). There was no urgency / exigency or any legal impediment to *reconsider* the case / request of the Petitioner at first for grant of super time scale and restoration of seniority and then, recommendation for promotion / elevation of Respondent No.12 and 13 could have been made as per law. As such, it is clear cut case of bias of malafide, favoritism, discrimination and unfair treatment and gross violation of Article 14 and 16 of the Petitioner guaranteed by Constitution.
- (h). The rejection of super time scale and restoration / re-fixation of seniority of the Petitioner without valid reason and legal basis and ignoring / superseding / pass over the name of the Petitioner for promotion / elevation. are arbitrary, bias of malafide, discriminatory and contrary to Law / statutory rules i.e., official memorandum dated 09.10.1985 etc.
- (g). The grounds urged in the grounds column may be read / treated as part and parcel for grant of interim prayers also.
- (i). If interim relief/s are not granted in this matter, the very purpose of filing of the Writ petition would be defeated and futile exercise and it will cause irreparable loss and Petitioner would suffer considerably due to deprivation of legal and constitutional fundamental rights guaranteed under Article 14 and 16 etc.

Therefore, the order for Stay of impugned recommendation of Respondent No.11 for promotion

/ elevation by the Hon'ble High Court of Karnataka Collegium and approved by Hon'ble Supreme Court Collegium and stay the impugned adverse decision/s and recommendations of Respondent No.12 and 13 for promotion / elevation by the Hon'ble High Court of Karnataka Collegium, may kindly be granted and matter be disposed off expeditiously in the interest of justice.

9. **MAIN PRAYERS**

WHEREFORE, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:-

- a) Call for records in respect of relevant proceedings / resolutions / recommendations made by Respondent No.1/impugned decision/s of Hon'ble High Court of Karnataka from the Respondent No.1.
- b) Issue any appropriate writ or order quashing the impugned adverse decision of Hon'ble High Court communicated by the letter dated 13.11.2019 marked at **Annexure P-20** / full Court resolution / decision dated 06.11.2019 marked at **Annexure P-22**, and another impugned full Court decision dated 19.03.2020 of the Hon'ble High Court of Karnataka, took to reject the request of Petitioner for consideration and reconsideration for grant of functional promotion as District Judge (Super time scale) and for restoration / refixation of original

seniority, as arbitrary, erroneous, prejudiced / with bias and unjust/unfair etc.

- c) Issue any appropriate Writ or order quashing the new practice of calling of extra judgments, (*not forming the part of CRs*) introduced from June, 2019 and first applied to the Petitioner, (deviating from regular practice / procedure adopted in terms of official memorandum issued by Government of Karnataka dated 09.10.1985) apart from annual confidential reports wherein remark regarding the judgments also contained, as discriminatory / partial, illegal and contrary to provisions of Karnataka Civil Services (Confidential reports) Rules, 1985 and official memorandum dated 09.10.1985 and also G.O., No.LAW 26 LAC 2005, BANGALORE, DATED 22nd April, 2006 and also hit by Article 14 of the Indian Constitution.
- d) Issue any appropriate writ or order quashing the relevant proceedings / recommendation of Hon'ble collegium of Karnataka High Court made by the Respondent No.1, in respect of name of Respondent No.11 and approved by the Hon'ble Supreme Court collegium as per statement marked at Annexure - 32 and appointed by the notification dated

30.04.2020 marked at Annexure -Z(1) (who is junior than the Petitioner and he was recommended during pendency of consideration of request of the Petitioner for grant of super time scale and restoration / refixation of original seniority of the Petitioner etc) as *arbitrary*, unconstitutional, unlawful and total ignoring / disregard of existing, binding / mandatory executive instructions contained at para 5(iii) of the official memorandum dated 09.10.1985, i.e., motivated by improper / ill will / bias of malafide / prejudiced, unjust and unfair etc.,

e) Issue any appropriate writ or order quashing the relevant proceedings / recommendation of Hon'ble collegium of Karnataka High Court made by the Respondent No.1, in respect of name of Respondent No.12 and 13 (who are juniors than the Petitioner and they were recommended during pendency of *reconsideration* of request of the Petitioner for grant of super time scale and restoration / refixation of original seniority etc) as *arbitrary*, unconstitutional, unlawful and total ignoring / disregard of existing, binding / mandatory executive instructions contained at para 5(iii) of the official memorandum dated 09.10.1985, i.e., *motivated by improper / ill will / bias of*

malafide / prejudiced, unjust and unfair etc.,

f) Declare that non reconsideration immediately and non-grant of functional promotion as District Judge (selection grade and super time scale) and restoration of original seniority of the Petitioner *at once* even though adverse remark / observations in the note dated 14.11.2013 is *treated as non est* and expunged on and from the date they were made, is *unfair*, malafide, arbitrary, contrary and clear violation of statutory rules / binding executive instructions mentioned at para 6.(1) (a) of official memorandum dated 09.10.1985.

g) Issue any appropriate writ, order or specific direction, directing the Respondent No.1 to grant functional promotion as District Judge (Super time scale) to the Petitioner and to restore / re-fix the seniority to his original position / place below the Respondent No.10 and above the Respondent No.11 and consequential benefits admissible under law.

h) Issue any appropriate Writ or direction directing the Respondent No.1 to consider and recommend the name of Petitioner for regular promotion / elevation along with his batch mates and

the Respondent No.11 to 13 may be considered for promotion / elevation after giving due priority / preference to the Petitioner in the ends of justice and fairness.

i) The Hon'ble Court may give / grant necessary protection for present and future career of the Petitioner from the hands of Respondent No.1 as Respondent No.1 had rejected the super time scale of the Petitioner, erroneously in *retaliation* and prejudicing that the Petitioner wrote a letter dated 07.07.2019 to the Hon'ble Supreme Court seeking help and same was also placed before Hon'ble Administrative Committee - I and Hon'ble Full Court, with ulterior motive / malafide and got adverse decision against the Petitioner.

AND

j) Grant such other reliefs as this Hon'ble Court deems fit to grant under the facts and circumstances of this case in the interest of justice and equity.

10. INTERIM PRAYER

a. Therefore, the order for Stay of impugned recommendation of Respondent No.11 for promotion / elevation made by the Hon'ble collegium of High Court of Madras.

approved by the Hon'ble Supreme Court Collegium by the statement dated 20.04.2020 marked at ANNEXURE I-31 and appointed by notification dated 30.04.2020 until disposal of this writ petition.

- b. Order for Stay of impugned recommendation of Respondent No.12 and 13 for promotion / elevation by the Hon'ble collegium of High Court of Karnataka (by calling the relevant records) until disposal of this writ petition.
- c. Stay the impugned adverse decision/s of Hon'ble High Court of Karnataka dated 06.11.2019 and 19.03.2020 / (letter dated 13.11.2019 marked at Annexure - 20 and E-mail letter dated 24.03.2020 marked at Annexure - 25) took to reject the request of the Petitioner for consideration and reconsideration of functional promotion as District Judge (Super time scale) and for restoration of original seniority until disposal of the petition.
- d. Pending consideration of main prayers / reliefs, the Hon'ble Supreme Court may direct the Respondent No.1 to grant super time scale to the Petitioner in the interest of justice.

- (a) Pass any such order or orders as this Hon'ble Court may be deemed appropriate in the facts and circumstances of case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY
DRAWN BY

ANAND SANJAY M. NULI
ADVOCATE

FILED BY

DRAWN ON: 30.04.2020

FILED ON: 02.05.2020

(M/S. NULI & NULI)
ADVOCATE FOR THE PETITIONER

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. _____ OF 2020

IN THE MATTER OF:

Sri. Master RKGMM Mahaswamiji
Pri. District & Sessions Judge PETITIONER

AND

The Registrar General,
Hon'ble High Court of Karnataka & Ors. RESPONDENTS

AFFIDAVIT

I, Sri. Master RKGMM Mahaswamiji, Pri. District &
Sessions Judge, Shivamogga District, Karnataka State,
do hereby solemnly affirm and state as under:-

1. That I am the Petitioner in the above Petition and I
am fully conversant with the facts and
circumstances of the instant case and competent to
swear and file this affidavit.
2. That I have read over the accompanying Writ
Petition (Paras 1 to) (pages to), Synopsis and
List of Dates (B to), and I.As, and the same are



No. of Corrections . . .

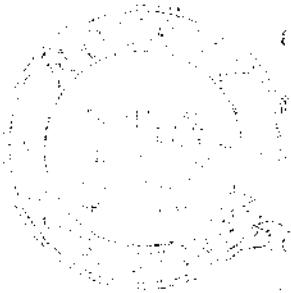
true and correct to the best of my knowledge and belief, based on record of the case and nothing material has been concealed therefrom.

3. That the Annexures are the true copy of their respective originals.

Mh. 02/05/2020
DEPONENT

VERIFICATION

Verified at on this day of May, 2020 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.



Subscribed by me:

M. H. S. S.
of District KAR. 431/2
Shivamogga.

M. H. S. S.

Mh. 02/05/2020
DEPONENT

SWORN TO BEFORE ME

MOHAN, N. P. S. S.
NOTARY,
SHIVAMOGGA CITY

Date..02/05/2020

ANNEXURE-

P1

R.O.C. GOB(I) 36/2011

No.....

D.DIS.

HIGH COURT OF KARNATAKA,

BANGALORE,

DATED: 20TH AUGUST 2015.

Ph.No.22954783/780

58

FROM

DATED: 20.08.2015

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BANGALORE - 1

To

Sri. Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Kodagu-Madikeri.

Sir,

Sub:- Matter regarding non-grant of functional promotion as
District Judge (Selection Grade).

Ref:- Letter No.Des.3187 & 3935/2015 dated 3.7.2015 &
6.8.2015 of the Prl. District and Sessions Judge,
Kodagu-Madikeri.

With reference to the subject cited above, I am directed to inform that the Hon'ble Full Court in the meeting held on 17.06.2015 has resolved to defer the consideration of your functional promotion as District Judge (Selection Grade), in view of pendency of HVC No.233/2014 and also in view of the observations made in the order dated 14.11.2013 passed in W.P.No.41112/2008 by Hon'ble Shri Justice Ram Mohan Reddy, against the order passed in Misc. Appeal No.12/2006.

This is for your information.

Yours faithfully,

(JOHN MICHAEL CUNHA)
REGISTRAR GENERAL.

20/8

-TRUE COPY-

ANNEXURE P2

HIGH COURT OF KARNATAKA,
HIGH COURT BUILDINGS, BENGALURU-1.
DATED: 08.07.2016

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FROM
THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To,
SRI. MASTER RKGMM MAHASWAMIJI,
Prl. District and Sessions Judge,
Kodagu-Madikeri

Sir,

Sub: Request for expunction of observation made in W.P.
No. 41112/2008.

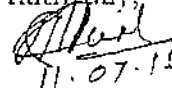
Ref: Your Representation Des. No. 4704/2015 dated
21.09.2015 & subsequent letter No. 2472/2016 dated
13.06.2016.

* * *

With reference to your representation on the subject cited above, the Hon'ble Committee constituted for consideration of representation for expunction of observation made in W.P. No. 41112/2008 dated 14.11.2013 has passed the following:-

"The expunction is sought of the observations made in the Judicial Order. The only way these observations could be expunged is by challenging the said order in the appropriate forum. On the administrative side, it is not possible to expunge the remarks made on the Judicial side. Therefore, the question of expunging the observations made in the Judicial Order by the learned single Judge of this Court would not arise."

Yours faithfully,


11.07.16

(JOHN MICHAEL CUNHA)
REGISTRAR GENERAL

8/7/16

-TC- 2

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION No. 42650 of 2016(S-PRO)

BETWEEN:

Sri Master RKGMM Mahawamiji.

..PETITIONER

A N D:

The Registrar General,
High Court of Karnataka,
Bengaluru.

..RESPONDENT

**STATEMENT OF OBJECTIONS FILED ON
BEHALF OF RESPONDENT**

Under Rule 21 of the Karnataka High Court Writ Proceedings Rules, the Respondents above named respectfully submit as under:-

1. The Petitioner has filed the above Writ Petition, praying to quash the adverse observations made against the petitioner resulting in petitioner being not given the Functional Promotion (Selection Grade). District Judge; To issue any appropriate writ, order or direction,

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directing the respondent to delete/expunge the observations order dated 14.11.2013 in W.P. 41112/2008 with reference to order dated 01.8.2008 in MA No. 12/2006 passed by the Petitioner and for such other reliefs.

2. It is respectfully submitted that the averment of the Petitioner that he is aggrieved by the letter dated:08.07.2016 issued by the Respondent - do not warrant any specific remarks from the Respondent.

3. It is respectfully submit^{ted} that to the effect that the Petitioner had applied and was selected as Direct District Judge and he had been posted subsequently as III Addl. District & Sessions Judge, Bijapur are all admitted facts, as such, the same do not warrant any remarks from the Respondent.

4. It is respectfully submitted that to the effect that he received Notification dated 25.06.2015 (on 02.07.2015) and notified for the first time that the Petitioner has not been granted with (Selection Grade) Functional Promotion, however, the same was granted to District Judges junior to the Petitioner. However, it is submitted that the Government Order No. LAW 26 LAC 2005 Bangalore dated 22.04.2006 governs the issue of Grant of Functional Promotions to the District Judges to the cadre of District Judge (Selection Grade) by the High Court on "merit-cum-seniority" basis with effect from the date as may be determined by the High Court.... Copy of the Government Order referred to above is produced herewith and marked as ANNEXURE-R1. It is incorrect to state that the High Court has not considered Petitioner's case for promotion, on the contrary, the High Court has duly considered his candidature also in terms of the aforesaid Government Order and also by following

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the directions issued by the Hon'ble Supreme Court in its judgment dated 21.03.2002 in the case of All India Judges Association Vs. Union of India and others. Therefore, the criteria adopted by the High Court is "merit cum seniority" basis which has consequently, deferred the promotion of the Petitioner. It is submitted that the expression "merit cum seniority" basis, is to be construed as the promotion to the cadre of the District Judge (Selection Grade) which is not automatic. Accordingly, the Hon'ble Committee has considered all aspects relating to the Petitioner and has resolved to defer the promotion of the Petitioner.

5. It is respectfully submitted that he received a reply dated 20.08.2015 (Annexure-B) from the Respondent intimating the Petitioner that the Hon'ble Full Court in its meeting held on 17.06.2015 had resolved to defer the consideration of functional promotion as District Judge

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(Selection Grade) in view of observations made in the order dated: 14.11.2013 passed in W.P.No.41112/2008.

6. It is respectfully submitted that the Petitioner had visited office of Vigilance and perused observations made by his Lordship Hon'ble Justice Mr. Ram Mohan Reddy (since retired) to the effect that "..... makes no sense, the language is deplorable" are concerned, it is submitted that - the same do not warrant any specific remarks. However, it is not clearly stated by the Petitioner as to under which circumstance he had visited the office of the Vigilance; whether he had been called for being advised or for any other purpose, has not been revealed. The Petitioner has not even stated that he had visited the said office pursuant to a written communication of whatsoever nature from the Hon'ble High Court.

7. It is further submitted that the petitioner has made a representation as per Annexure-E to expunge the observation made by His Lordship, while passing the order in W.P.No. 41112/2008 is concerned, the copy of the order passed in W.P. No. 41112/2008 do not indicate the remarks "... makes no sense, the language is deplorable" anywhere in the said order, which is at Annexure "C". On a perusal of Annexure-B produced by the Petitioner it reveals that the same do not form part of the order dated 14.11.2013. As such, the Petitioner has completely misguided himself with regard to "order passed on judicial side" from that of the "order passed by the Hon'ble Sitting Judge of High Court" in a different capacity. While considering the case of petitioner for promotion, as per the aforesaid Government Order, the Hon'ble High Court has considered his case on the basis of "merit cum seniority". The Petitioner has filed this Writ Petition on an erroneous impression that

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proportion to the cadre of District Judge (Selection Grade)
in as it is only on "seniority basis". On the other hand,
it is on the basis of "merit cum seniority".

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8. It is submitted that the Petitioner himself has sought
for expunction of remarks made in the order passed in
W.P.No.41112/2008 dated 14.11.2013 and it was
informed to him that observation made on the judicial
side in a Court Order cannot be expunged on the
administrative side. However, it is not the case of the
Petitioner that adverse remarks had been communicated
to him in accordance with the Rules governing the issue
of "annual performance reports" and if so, he has sought
expunction of adverse remarks within 45 days from the
date of communication of adverse remarks and that the
Respondent had not expunged the same within time etc..
The Petitioner has completely misguided himself by
mixing issues relating to the provisions of "The

8

Karnataka Civil Services (Performance Reports) Rules, 2000 with that of opinion of Hon'ble Administrative Judge concerned -- who has expressed his opinion -- after he has passed a judicial order relating to M.A. No.12/2006, handled by the Petitioner.

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9. It is respectfully submitted that the stand of the Petitioner that the remarks pertaining to his language in the order dated 01.08.2008 passed by the Petitioner in M.A.No.12/2006 might have remained uncorrected due to oversight and in-experience but the same do not call for any observations/remarks in any manner, is an averment made by the Petitioner to suit his convenience. The Hon'ble High Court of Karnataka, being the appellate and revisional authority on judicial side and also having ample powers under Article 227 of the Constitution of India is vested with ample powers to pass appropriate

order, if the same is necessitated when the orders of the
subordinate courts are challenged before it.

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10. It is respectfully submitted that the Petitioner has stated that he has been selected as a District Judge by direct recruitment on 25.02.2008 and that when he passed the order on which remarks have been made on the judicial side, he was still a fresher and newly appointed District Judge having less than six months experience etc. But, the said fact cannot be a ground to seek exemption from the rule of procedure of grant of promotion to the District Judge (Selection Grade) Cadre - which is only on the basis of "merit cum seniority".

11. It is respectfully submitted that the ground taken by the Petitioner to dilute the intensity of his mistake by stating that he has improved would not cure the earlier deficiencies. It is submitted that as per the eligibility

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criteria in the Government Order, the period of consideration is five years. Admittedly, the Petitioner has entered service in the year 2008. As such, for consideration of his candidature for promotion, all the relevant facts relating to his service during the relevant five year period would have been considered by the Hon'ble Committee of the High Court constituted for the said purpose. The petitioner can have no grievance on that score.

12. It is respectfully submitted that at the cost of repetition, Respondent submits that the Petitioner has mis-guided himself. The observations made by a Sitting Judge of the Hon'ble High Court is with regard to the quality, language, etc., of the judgment passed by a Subordinate Court Judge, namely the Petitioner, which had come to his knowledge at the time of disposal of Writ Petition No.41112/2008. The Petitioner has not set out

any law as to how and under which provision of law, the same has to be invariably communicated to the Petitioner. What has since transpired is that the opinion of the Hon'ble Judge relating to the impugned judgment in respect of which the Hon'ble Judge had made his remarks was placed before the Hon'ble Chief Justice for his consideration. The Hon'ble Chief Justice has passed orders to place the same in the Service Record of the Petitioner.

13. It is respectfully submitted that the Petitioner has questioned the authority with regard to expression of opinion by the Hon'ble Sitting Judge of High Court and the same being unnecessary and unwarranted etc., for the reason that it would affect his Seniority position etc., The Petitioner being a Direct District Judge ought to know the difference between 'observation made in a judicial order' and 'observations made on the basis of a

judicial order". In this regard, it is pertinent to submit that during the relevant period under consideration for promotion i.e., from the year 2008 to 2013, the Petitioner had also been directed to improve his language while writing judgment and also his skills during the year 2011. The Petitioner has deliberately not revealed the same in the instant Writ Petition. A copy of communication dated 02.07.2014 from High Court to the petitioner is produced herewith and marked as ANNEXURE - R2, which reveals that the Petitioner was directed to improve as noted in ACRs for the year 2011, which was later treated as being advisory in nature. Though, the said remarks were later on ordered to be converted from "adverse remarks" to "advisory remarks", the Petitioner has not whispered anything about the same. As such, the Petitioner has come before this Hon'ble Court by suppression of material facts. On this ground alone, the Writ Petition is liable to be dismissed.

14. It is further submitted that the Petitioner has been duly informed by letter of the Respondent dated: 20.08.2015 that the Hon'ble Full Court in the meeting held during the month of June 2015 that it has resolved to defer the consideration of functional promotion of the Petitioner as District Judge (Selection Grade), in view of pendency of HVC No.233/2014 and also in view of observations made in the order dated 14.11.2013 passed in W.P. No. 41112/2008 by Hon'ble Shri. Justice Ram Mohan Reddy, in the order passed in M.A No.12/2006. Now, as per the intimation received from Vigilance Branch of High Court, the HVC No.233/2014(JO) has been closed by the Orders of Hon'ble Acting Chief Justice.

15. It is respectfully submitted that the Petitioner's averment that if the observations against the Petitioner

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are not expunged/deleted, irreparable loss, hardship and considerable hardship etc. would be caused to him may be correct; but the Respondent submits that while considering the case of Petitioner for being Promoted to the cadre of District Judge (Selection Grade), the Respondent is duty bound to follow the procedure of "merit cum seniority" basis. As such, the Petitioner cannot claim the promotion as a matter of right, as the Respondent being the Authority empowered to grant functional promotion to the cadre of District Judge (Selection Grade) would take every care and caution with regard to selection of candidates to the next higher cadre. As such, Petitioner's contention cannot be accepted as gospel truth.

16. It is respectfully submitted that the Respondent reserves liberty to file additional statement if necessary.

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...depending upon the facts and
circumstances.

It is respectfully submitted that the since
the resolutions of Hon'ble Committee
shall be placed for consideration of
the Hon'ble Court.

All other arguments and contentions which are not
specifically covered herein, are hereby denied as false
and vexatious.

WHEREFORE, Respondent most respectfully prays
that the Hon'ble Court be pleased to **DISMISS** the above
petition, in the interest of justice and equity.

BANGALORE,
DATED: 03.2017

E.S. Indires
(E.S. INDIRESH)
HIGH COURT GOVT. PLEADER
AND
ADVOCATE FOR RESPONDENT

- TC - 2

ANNEXURE P-4

GOB.II.ACR. 130/2015

HIGH COURT OF KARNATAKA,
HIGH COURT BUILDINGS, BENGALURU-1.
DATED: 20.08.2016

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FROM

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To,

SRI. MASTER RKGMM MAHASWAMIJI,

Prl. District and Sessions Judge,

Kodagu-Madikeri

Sir,

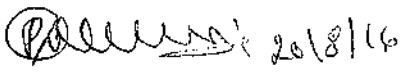
Sub: Request to furnish certified copy of order
dated 14.11.2013 in W.P. No. 41112/2008.

Ref: Your letter dated 28.07.2016

* * *

With reference to your letter on the subject cited above, requesting for the certified copy of order in WP No. 41112/2008 dated 14.11.2013, I am directed to inform that there is no such practice of providing certified copy of Judgment on the Administrative side.

Yours faithfully,


(PARASHURAM K. DODAMANI)
DEPUTY REGISTRAR
20/8/16

- TC 7

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JANUARY 2018

BEFORE

THE HON'BLE MR.JUSTICE RAGHVENDRA S. CHAUHAN

WRIT PETITION No. 42650 of 2016 (S-PRO)

BETWEEN:

SRI. MASTER RKOMM MAHASWAMIJI
S/O LATE R K GANGANNA,
AGED ABOUT 42 YEARS
WORKING AS PRL. DISTRICT & SESSIONS JUDGE
KODAGU - MADIKERI
KARNATAKA

... PETITIONER

(BY SRI. M S BHAGWAT, ADV.)

AND

REGISTRAR GENERAL
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
AMBEDKAR VEEDHI
BANGALORE - 560001

... RESPONDENT

(BY SMT. JYOTI M., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN W.P. 41112/2008 DATED 14.11.2013 AT ANNEX-C FROM THE RESPONDENT AND CONSEQUENTLY QUASH THE ADVERSE OBSERVATIONS MADE AGAINST THE PETITIONER RESULTING IN PETITIONER BEING NOT GIVEN THE

77

FUNCTIONAL PROMOTION (SELECTION GRADE), DISTRICT JUDGE; DIRECT RESPONDENT TO DELETE / EXPUNGE THE OBSERVATIONS ORDER DATED 14.11.2013 IN W.P.41112/2008 WITH REFERENCE TO ORDER DATED 01.08.2008 AT ANNEX-C IN M.A.12/2006 PASSED BY THE PETITIONER.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner has filed the present writ petition for the following reliefs:-

- (a) *Call for records in W.P.No.41112/2008 dated 14.11.2013, marked Annexure 'C', from the respondent and consequently quash the adverse observations made against the petitioner resulting in petitioner being not given the functional promotion (Selection Grade), District Judge;*
- (b) *Issue any appropriate writ, order or direction, directing the respondent to delete/expunge the observations order dated 14.11.2013 in W.P.No. 41112/2008 with reference to order dated 01.08.2008 in M.A.No.12/2006 passed by the petitioner.*

2. The learned counsel for the petitioner submits that while passing the order dated 14.11.2013, in W.P. No.41112/2008, a learned Single Judge had passed certain strictures against the petitioner. Due to the passing of the strictures, the petitioner was denied the grant of Selection Grade by this Court. By letter dated 20.08.2015, the petitioner was informed that the Full Court, in its meeting held on 17.06.2015, has resolved to deny the Selection Grade, to the petitioner, ostensibly on the ground that certain observations have been made in the order dated 14.11.2013. The petitioner had filed a representation for expunging the strictures recorded in the order dated 14.11.2013. However, by letter dated 08.07.2016, the Registrar General of this Court informed the petitioner that the Committee had considered his representation. However, as he was seeking expunging of strictures passed in a judicial order dated 14.11.2013, it was not within the jurisdiction of the Committee to expunge the same.

Therefore, the question of expunging the observations made in a judicial order by the learned Single Judge of this Court, would not even arise. Hence the present petition before this Court.

3. Heard the learned counsel for the petitioner, and perused the order dated 14.11.2013.

4. In the order dated 14.11.2013, in para-4, the learned Single Judge has observed as under:

"The lower appellate Court without noticing the relevant facts, misguided itself to conclude that the appeal was liable to be dismissed. The order of the Tahsildar suffers from perversity of approach, violation of principles of natural justice and non-compliance with the order of this Court. Sequentially, the order of the lower appellate Court is illegal and unsustainable."

5. A bare perusal of the observation made by the learned Single Judge clearly reveals that the learned Single Judge has not passed any strictures against the

petitioner. The learned Single Judge has merely observed that the Lower Appellate Court has not noticed the relevant facts, it has misguided itself to conclude that the plea was liable to be dismissed. Such an observation made by the learned Single Judge cannot be said to be strictures being passed against the Lower Appellate Court.

6. Since no strictures has been passed in the order dated 14.11.2013, the writ petition filed by the petitioner is highly misplaced. Therefore, the writ petition is hereby **dismissed**.

The learned Government Advocate is granted four week's time to file the memo of appearance.

**SD/-
JUDGE**

RD

l
(TC)

R.O.C.GOB.II.ACR. 130/2015

.....No.....

D.DIS.

HIGH COURT OF KARNATAKA

HIGH COURT BUILDING

BENGALURU -560 001

DATED: 24.11.2017

8/

FROM

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To

SRI. MASTER RKGMM MAHASWAMIJI,

Prl. District and Sessions Judge,

Kodagu-Madikeri

Sir,

Sub: Request to furnish copy of
letter/note/observations with reference to W.P.
No. 41112/2008.

Ref: Your letter dated 16.11.2017

* * *

With reference to your letter on the subject cited above, I am directed to communicate the following contents of the observations made by Hon'ble Shri. Justice Ram Mohan Reddy in Note dated 14.11.2013:-

"The order dated 01st August 2008 in Misc. Appeal No. 12/2006 of Sri. RKGMM Mahaswamiji, the then III Addl. District and Sessions Judge, Bijapur, makes no sense and the language is deplorable. It is requested that copy of this order be placed before Hon'ble the Chief Justice for necessary action".

Yours faithfully,

(ASHOK. G. NIJAGANNAVAR)
REGISTRAR GENERAL

24/11/17

l
-TC-

R.C.C.GOB.H.ACR. 130/2015
No.....
 D.DIS.

HIGH COURT OF KARNATAKA
 HIGH COURT BUILDING
 BENGALURU -560 001

DATED: 01.09.2018

FROM

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To

SRI. MASTER RKGMM MAHASWAMIJI,
 District Judge, OOD,
 Additional Registrar,
 Karnataka Lokayuktha,
 M.S.Building, (ARE-1)
 BENGALURU

Sir,

Sub: Expunction of contents of the observations in
 Annual Confidential Reports-reg.

Ref: Your representations dated 10.01.2018
 and 11.01.2018

With reference to the above, I am directed to inform that, after considering your representations referred to above, the High Court resolved that the remarks in the note dated 14.11.2013 of the Additional P.S. to Hon'ble Shri. Justice Ram Mohan Reddy made against you is treated as *non est* and expunged on and from the date they were made.

Yours faithfully,

(ASHOK. G. NIJAGANNAVAR)
 REGISTRAR GENERAL

11/9/18
 11/9

- TC -

From :

03.09.2018

Master RKGMM Mahaswamiji,
Addl. Registrar of Enquiries-10,
Karnataka Lokayukta,
M.S. Building,
Bangalore.

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To:

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru.

Respected Sir,

Subject: Regarding granting of deferred functional promotion as District Judge (Selection Grade and Super Time Scale) as observation/remarks in the note dated 14.11.2013 is expunged.

- References : 1. Information Letter R.O.C. GOB(I) 36/2011 dated 20.08.2015 of Hon'ble High Court of Karnataka, Bengaluru.
2. Reply letter No.GOB II. ACR/130/2015 dated 08.07.2016 of Hon'ble High Court of Karnataka, Bengaluru.
3. *My Requisition dated 25.01.2018 bearing Des. No. 271/2018 dt. 27.01.2108.*
4. My Letter dated 30.06.2018.
5. Communication letter No. R.O.C.GOB.II. ACR.130/2015 dated 01.09.2018 of Hon'ble High Court Karnataka, Bangalore.



With reference to the subject cited above, I humbly state to submit that, my functional promotion as District Judge (Selection Grade and Super Time Scale) had been *deferred*.

2. Now, it is informed by the letter No. R.O.C. GOB. II.ACR.130/2015 dated 01.09.2018 of Hon'ble High Court of Karnataka, Bangalore,

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that the **remarks** in the note dated 14.11.2013 of the Additional P.S. of Hon'ble Shri. Justice Ram Mohan Reddy made against you (me) : *treated as non est* and **expunged**. (copy of letter enclosed).

3. Further, **HVC No. 233/2014 (JO)** has been already closed by the orders of then Hon'ble Acting Chief Justice, as mentioned in the para 14 of Statement of Objections filed in my Writ Petition No. 42650/2016 (S.pro).

4. I have already sent a requisition dated 25.01.2018 at reference No.3 seeking to grant deferred functional promotion as District Judge (Selection Grade and Super Time Scale) and **in furtherance of said requisition** dated 25.01.2018, I am sending this letter.

5. Therefore, I humbly pray your good self to **grant** my functional promotion as District Judge (Selection Grade and Super Time Scale) *at the earliest*, since, as on 25.02.2018 I have completed 10 years of service and my annual increment is also stagnated/stopped from the above date as my functional promotion as District Judge (Selection Grade and Super time Scale) are not yet granted and my seniority is also considerably lowered and due to it, I am also suffering from continuous mental pain/agony and it is to be set right and *oblige*.

Thanking you,

Yours faithfully and obediently,

M.L. 03/09/2018
(Master RKGMM Mahaswamiji)
Addl. Registrar of Enquiries-10
Karnataka Lokayukta, Bangalore.

Enclosure/s : 1.Communication letter No. R.O.C.GOB.II.
ACR.130/2015 dated 01.09.2018 of
Hon'ble High Court Karnataka, Bangalore.

-TC-

29.10.2018.

From:

Master RKGMM Maha Swamiji,
Addl. Registrar of Enquiries-10,
Karnataka Lokayukta,
M.S. Building,
Bangalore.

To:

The Hon'ble Registrar,
Karnataka Lokayukta,
Bengaluru.

Respected Sir,

Subject:- Request to send my requisition/letter to
Registrar General, Hon'ble High Court of
Karnataka, Bangalore - Reg.

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With reference to the subject cited above, I humbly state
submit that, there is a requisition to be sent to the Registrar General,
Hon'ble High Court of Karnataka, Bangalore, in respect of, granting of
functional promotions, as District Judge (Selection Grade and Super
Time Scale).

2. Hence, I am herewith enclosing the requisition and humbly request
your good self to send the same to Registrar General, Hon'ble High Court
of Karnataka, Bangalore and oblige.

Thanking you,

Yours faithfully and obediently,

Me 29/10/2018

(Master RKGMM Mahaswamiji)
Addl. Registrar of Enquiries-10
Karnataka Lokayukta, Bangalore.

Ad
ep 30/10/18

From :

85
29.10.2018.

Master RKGMM Maha Swamiji,
Addl. Registrar of Enquiries-10,
Karnataka Lokayukta,
M.S. Building,
Bangalore.

To:

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru.

Respected Sir,

(Through Proper Channel)

Subject: *Non receipt of reply and non grant of deferred functional promotion as District Judge (Selection Grade and Super Time Scale) - Reg.*

- References :
1. Information Letter R.O.C. GOB(I) 36/2011 dated 20.08.2015 of Hon'ble High Court of Karnataka, Bengaluru.
 2. Reply letter No.GOB II. ACR/130/2015 dated 08.07.2016 of Hon'ble High Court of Karnataka, Bengaluru.
 3. *My Requisition dated 25.01.2018 bearing Des. No. 271/2018 dt. 27.01.2108.*
 4. My Letter dated 30.06.2018.
 5. Communication letter No. R.O.C.GOB.II. ACR.130/2015 dated 01.09.2018 of Hon'ble High Court Karnataka, Bangalore.
 6. My letter dated 03.09.2018.

With reference to the subject cited above, I humbly state to submit that, my functional promotions as District Judge (Selection Grade and Super Time Scale) have been *deferred*.

2. In the *reply letter* dated 20.08.2015, I was *wrongly informed that*, the observations are made in the order dated 14.11.2013 passed in Writ Petition No. 41112/20⁰18. So, I filed Writ Petition

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and spent nearly 1 Lakh rupees towards Advocate fee etc. But, same was dismissed on 08.01.2018 with observation that there is *no stricture*.

3. Meanwhile, it is communicated by the letter dated 24.11.2017, in pursuance of my letter dated 16.11.2017 that, the contents of observations made by Hon'ble Shri Justice Rammohan Reddy, is *in the note dated 14.11.2013*.

4. But, my functional promotions as District Judge (Selection Grade and Super Time Scale) have been *replied as deferred informing that* there is observations made in the order dated 14.11.2013 passed in W.P. No. 41112/2008.

5. It was informed me by the letter No. R.O.C. GOB, II. ACR. 130/2015 dated 01.09.2018 of Hon'ble High Court of Karnataka, Bangalore, that the **remarks** in the note dated 14.11.2013 of the Additional P.S. of Hon'ble Shri. Justice Ram Mohan Reddy made against you (me) is *treated as non est* and **expunged**.

6. Further, **HVC No. 233/2014 (JO) had been already closed by the orders of then Hon'ble Acting Chief Justice**, as mentioned in the para 14 of Statement of Objections filed in my Writ Petition No. 42650/2016 (S.pro).

7. I had sent a requisition dated **25.01.2018** at reference No.3 seeking to grant deferred functional promotion/s as District Judge (Selection Grade and Super Time Scale) and **in furtherance of said requisition**, I have also sent a letter dated **03.09.2018** by enclosing copy of communication letter.

8. But, till today even after lapse of more than **9 months** from the date of 1st requisition, and even after lapse of about **2 months** from the date of my letter dated 03.09.2018, enclosing communication letter regarding expunction of observation/remarks, *either reply nor functional promotion is granted* at the side of your good self.

9. Therefore, I humbly pray your good self to **grant** my functional promotions as District Judge (Selection Grade and Super Time Scale) *at the earliest*, since, as on 25.02.2018 I have completed 10 years of service and my annual increment is also stagnated/stopped from the above date as my functional promotion as District Judge (Selection Grade and Super time Scale) are not yet granted and my seniority is also considerably lowered and due to it, I am also suffering from continuous mental pain/agonny and it is to be set right and *oblige*.

Thanking you,

Yours faithfully and obediently,

M. 25/10/2018

(Master RKGMM Mahaswaniji)
Addl. Registrar of Enquiries-10
Karnataka Lokayukta, Bangalore.

2. *In the reply letter dated 20.08.2015, it was wrongly informed to me that, the observations are made in the Order dated 14.11.2013 passed in Writ Petition No. 41112/2008. So, I filed a Writ Petition NO. 42650/2016 (S-pro) and spent nearly 1 Lakh rupees towards Advocate fees etc. But, same had been dismissed on 08.01.2018 with observation that there is no stricture.*
3. *Meanwhile, it is communicated to me by the letter dated 24.11.2017 in pursuance of my letter dated 16.11.2017 that, the contents of observations made by Hon'ble Sri. Justice Ram Mohan Reddy is in the note dated 14.11.2013.*
4. *But, my functional promotions as District Judge (Selection Grade and Super time scale) have been replied as per reference letter No.1, as deferred informing that, there are observations made in the Order dated 14.11.2013 passed in Writ Petition No. 41112/2008.*
5. *It was informed me by the letter No. R.O.C. GOB. II.ACR.130/2015 dated 01.09.2018 of Hon'ble High Court of Karnataka, Bangalore, that the **remarks** in the note dated 14.11.2013 of the Additional P.S. of Hon'ble Shri. Justice Ram Mohan Reddy made against you (me) is treated as non est and **expunged** as per reference No.5.*
6. *Further, **HVC No. 233/2014 (JO) has been already closed by the orders of then Hon'ble Acting Chief Justice**, as mentioned in the para 14 of Statement of Objections filed to my Writ Petition No. 42650/2016 (S.pro).*
7. *I have already sent a requisition dated 25.01.2018 at reference No.3 seeking to grant deferred functional promotions as District Judge (Selection Grade and Super Time Scale) and in*

furtherance of said requisition dated 25.01.2018, I am also sent a letter dated 03.09.2018 by enclosing copy of communication letter.

8. Thereafter, I sent a letter/requisition dated **29.10.2018** seeking to grant functional promotions (Selection Grade and Super Time Scale).
9. In pursuance of my letter dated 29.10.2018, it was replied by the letter dated 17.11.2018 at reference No. 8 as *here under:-*

“Your representation dated 25.01.2018 requesting for grant of functional promotion as District Judge (Selection Grade & Super Time Scale) is pending consideration before the Hon’ble Committee of the High Court. In view of recent transfer of Senior Judges, the Committees are to be reconstituted. *Soon after the committees are reconstituted, the matter will be placed before the concerned Committee for further consideration*”.

10. But, till today, even after lapse of more than **1 year and 1 month** from the date of my 1st requisition and even after lapse of about more than **5 ½ months** from the date of my further requisition/letter dated 03.09.2018, enclosing communication letter dated regarding expunction of observation/remarks and even after lapse of **about 3 months** from the reply letter at reference No. 8, *my matter* is not placed before the concerned Committee and not considered my *grievance* to render justice.
11. Therefore, I humbly pray your good self to **grant** my functional promotions as District Judge (Selection Grade and Super Time Scale) *at the earliest*, since, as on **25.02.2018** I have completed 10 years of service and my *annual increment* is also **stagnated/stopped**

4.

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from the above date as my functional promotions as District Judge (Selection Grade and Super time Scale) are not yet granted and my seniority is also considerably *lowered and overlooked* and I am also suffering continuously from mental pain/agony and *those are all due to wrong information given* and it is to be set right and give **justice** at the earliest, by granting my functional promotions, as (Selection Grade and Super Time Scale) and *oblige*.

Thanking you,

Yours faithfully and obediently,

M. 11/02/2019

(Master RKGMM Mahaswamiji,
Addl. Registrar of Enquiries-10
Karnataka Lokayukta, Bangalore.

Enclosures:- 1. Copy of my further requisition/letter dated 03.09.2018.
2. Copy of reply letter dated 17.11.2018 of Hon'ble High Court of Karnataka.

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TC -

Dated 11.02.2019.

From.

91

Master RKGMM Mahaswamiji,
Addl. Registrar of Enquiries-10,
Karnataka Lokayukta,
M.S. Building,
Bangalore.

To:

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru.

Respected Sir,

(Through Proper Channel)

Subject: Regarding non grant of functional
promotion as District Judge (Selection
Grade and Super Time Scale) - Reg.

- References:
1. Information Letter R.O.C. GOB(I) 36/2011 dated 20.08.2015 of Hon'ble High Court of Karnataka, Bengaluru.
 2. Reply letter No.GOB II. ACR/130/2015 dated 08.07.2016 of Hon'ble High Court of Karnataka, Bengaluru.
 3. *My Requisition dated 25.01.2018 bearing Des. No. 271/2018 dt. 27.01.2108.*
 4. My Letter dated 30.06.2018.
 5. Communication letter No. R.O.C.GOB.II. ACR.130/2015 dated 01.09.2018 of Hon'ble High Court Karnataka, Bangalore.
 6. My letter dated 03.09.2018.
 7. My another letter dated 29.10.2018.
 8. Reply letter dated 17.11.2018 bearing No. GOB(1)39/2018 of Hon'ble High Court of Karnataka.

With reference to the subject cited above, I humbly state to submit that, my functional promotions as District Judge (Selection Grade and Super Time Scale) have been *deferred*.

- TC -

GOB(I) 29/2016

HIGH COURT OF KARNATAKA,
BENGALURU,
DATE: 05TH OCTOBER 2016.**NOTIFICATION**

Consequent to the redoing of the seniority list of District Judges as per resolution of the Hon'ble Full Court dated 05.07.2016 and in modification of Notification No.GOB(I).36/2011 (Part-II) dated 13.03.2014, the revised date of functional promotion of the following District Judges as **District Judge (Selection Grade)** is as under, in terms of Government Order No.LAW 26 LAC 2005 dated 22.04.2006, in the pay scale of Rs.57700-1230-58930-1380-67210-1540-70290:

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges	Revised date of grant of Selection Grade	Remarks
1	Sri. Gunjigavi Siddappa Bhimappa District Judge (Retired), Pawar Building, behind Mahendra Show Room, Near Shivaji Circle, Masaraguppi Road, Athani, Athani Taluk, Belagavi District.	01.01.2008	01.01.2013 (Due to retirement of Sri. D.S.Shinde on 30.11.2012)	Retired on 31.5.2016
2	Late N. Rudramuni, No.11, Gandhinagar, Gopalaswamy Road, Bellary City Corporation - 583101.	25.02.2008	25.02.2013 (Due to retirement of Sri.R. Chandra-shekhar on 30.11.2012)	Expired on 14.5.2014

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges	Revised date of grant of Selection Grade	Remarks
3	Sri. Shivashankar Amarannavar, Prl. District and Sessions Judge, Udupi.	25.02.2008	25.02.2013 (Due to retirement of Sri.V.N. Ravindra on 30.11.2012)	-
4	Sri. R.J. Satish Singh, Prl. District and Sessions Judge, Hassan.	25.02.2008	25.02.2013 (Due to increase in cadre strength on 1.1.2013)	-
5	Smt. Uma M.G, District Judge, OOD, Member Secretary, Karnataka State Legal Services Authority, Nyaya Degula, H.Siddaiah Road, Bengaluru.	25.02.2008	25.02.2013 (Due to increase in cadre strength on 1.1.2013)	-
6	Sri. V. Srishananda, Prl. District and Sessions Judge, Dharwad.	25.02.2008	25.02.2013 (Due to increase in cadre strength on 1.1.2013)	-
7	Sri. Hanchate Sanjeevkumar, Prl. District and Sessions Judge, Bidar.	25.02.2008	25.02.2013 (Due to increase in cadre strength on 1.1.2013)	-

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges	Revised date of grant of Selection Grade	Remarks
8	Smt. S. Mahalaxmi Nerale, Prl. District and Sessions Judge, Bagalkot.	25.02.2008	25.02.2013 (Due to increase in cadre strength on 1.1.2013)	-
9	Sri. C.B. Hippargi, District Judge (Retired), H.No.114 & 115, "Jayachandra", Basava Colony, In front of Agriculture College, Next to Saadunavara Colony, Dharwad - 580 005.	01.04.2008	01.04.2013 (Due to increase in cadre strength on 01.01.2013)	Retired on 31.12.2014
10	Sri. C.R. Benakanahalli, District Judge (Retired), No.1319/1400, 11 th Main, Judicial Layout, Allalsandra, GKVK, Bengaluru - 560 065	01.05.2008	01.05.2013 (Due to increase in cadre strength on 01.01.2013)	Retired on 30.08.2014
11	Sri. Mahadeve Gowda, District Judge (Retired), No.43, 7 th Cross, Vinayaka Nagar, Ramamandira Road, Mysuru - 570 012.	01.06.2008	01.06.2013 (Due to increase in cadre strength on 01.01.2013)	Retired on 31.05.2016
12	Sri. Shankar Manikrao Patil, District Judge, OOD, Addl. Registrar General, High Court Bench at Kalaburagi.	01.06.2008	01.06.2013 (Due to increase in cadre strength on 01.01.2013)	-

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges	Revised date of grant of Selection Grade	Remarks
13	Sri. S.C. Maradi, District Judge (Retired), Siddeshwar Sadhana, Manjunath Nagar, Ijaari Lakamapur, Haveri - 581110.	01.06.2008	01.06.2013 (Due to increase in cadre strength on 01.01.2013)	Retired on 31.7.2014
14	Sri.Nelhal Sharanappa, District Judge (Retired), "Shri Mahant Krupa", H.No.31, Krishna Meadows, Near BSNL Micro Tower and Bye Pass Road, Raichur-Lingasugur Road, Raichur.	01.07.2008	01.07.2013 (Due to promotion of Sri Sreenivas Harish Kumar as DJ (STS) on 01.01.2013)	Retired on 31.3.2016
15	Sri. S.R. Sindgi, District Judge (Retired), No.246, "Bhagirathi", Beside Corporation Garden, IV Cross, Bharati Nagar, Saptapur, Dharwad-01.	01.07.2008	01.07.2013 (Due to promotion of Sri Shrikant Babaladi as DJ (STS) on 01.01.2013)	Retired on 31.8.2013
16	Sri. Majage Nijagunappa, District Judge (Retired), H.No.15-3-321, Ganesh Nagar, Manhalli Road, Bidar.	01.07.2008	01.07.2013 (Due to promotion of Sri John Michael Cunha as DJ (STS) on 01.01.2013)	Retired on 31.8.2013
17	Sri. Channabasappa Margoor, Prl. District and Sessions Judge, Ballari.	01.08.2008	01.08.2013 (Due to promotion of Sri B.A.Patil as DJ (STS) on 01.01.2013)	-

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges	Revised date of grant of Selection Grade)	Remarks
18	Sri. N.S. Dafedar, District Judge (Retired), Sri. Azad Hussain Dalvai, House No.555, 4 th 'T' Block, 20 th Main, Jayanagar, Bengaluru-41.	01.12.2008	01.12.2013 (Due to retirement of Sri M.S.Bilki on 31.01.2013)	Retired on 30.08.2014

BY ORDER OF THE HIGH COURT,

Sd/-
(JOHN MICHAEL CUNHA)
REGISTRAR GENERAL

To:

The Compiler, Karnataka Gazette, Bangalore (in duplicate) for favour of publication in the next issue of Gazette in Part-II, Section-2.

Copy for information and necessary action to:-

1. All the officers concerned.
2. The Prl. City Civil and Sessions Judge, Bangalore.
3. The Prl. District and Sessions Judge, Bagalkot/ Ballari/ Bidar/ Hassan/Kalaburagi/Udupi.
4. The Chief Secretary to Government, Vidhana Soudha, Bangalore.
5. The Principal Secretary to Government, Department of Law, Justice and Human Rights, Vidhana Soudha, Bangalore.
6. The Secretary to Government, DP&AR, Vidhana Soudha, Bangalore.
7. The Accountant General (A&E) in Karnataka, Bangalore.
8. The Additional Registrar General, High Court of Karnataka, Dharwad Bench.
9. The Additional Registrar General, High Court of Karnataka, Gulbarga Bench.
10. The Registrar General/Registrar(Vigilance)/Registrar (Judicial)/Registrar (Admn.)/Registrar (Recruitment)/Registrar(Infrastructure & Maintenance)/Registrar(Review & Statistics) and the Secretary to Hon'ble the Chief Justice.
11. The Section Officers of RPS/R&SB/GOB-II/HCE/HCA-I/HVC and HCB branches of this office.
12. Office copy.

NOTIFICATION

The functional promotion to the following District Judges (Selection Grade) as **District Judge (Super Time Scale)**, is granted in terms of the Government Order No.LAW 26 LAC 2005 dated 22.04.2006 in the pay scale of Rs.70290-1540-76450 with effect from the dates mentioned against their names:

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges (Selection Grade)	Date of grant of functional promotion to the cadre of District Judges (Super Time Scale)	Remarks
1	Sri. Appasaheb Shantappa Bellunke, Prl. District and Sessions Judge, Chikkaballapura.	01.06.2012	01.06.2015 (Though vacancy arose on 01.06.2014, due to retirement of Smt. Vidyavathi S. Akki on 31.5.2014, the officer is eligible for promotion w.e.f 01.06.2015)	-
2	Sri. Chandrashekar Patil, District Judge (Retired), No.411, Judicial Layout, 2 nd Phase, 8 th Main, Thalalghattapura, Bengaluru - 560 109.	01.06.2012	01.06.2015 (Though vacancy arose on 01.08.2014 due to retirement of Sri Mohan Sripad Sankolli on 31.07.2014, the officer is eligible for promotion w.e.f 01.06.2015)	Retired on 31.01.2016

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges (Selection Grade)	Date of grant of functional promotion to the cadre of District Judges (Super Time Scale)	Remarks
3	Sri. Devendra Ramachandra Renake, Prl. District and Sessions Judge, U.K. Karwar.	01.08.2012	01.08.2015 (Though vacancy arose on 01.09.2014 due to retirement of Sri M.K. Prahlada on 31.08.2014, the officer is eligible for promotion w.e.f 01.08.2015)	-
4	Sri. V.G.Bopaiah, District Judge (Retired), No.367, 9 th Main Road, Alanahalli Layout, (Lalithamahala Nagara) Mysuru.	01.08.2012	01.08.2015 (Though vacancy arose on 01.01.2015 due to retirement of Sri V.V. Angadi on 31.12.2014, the officer is eligible for promotion w.e.f 01.08.2015)	Retired on 31.05.2016
5	Sri. Gunjigavi Siddappa Bhimappa, District Judge (Retired), Pawar Building, behind Mahendra Show Room, Near Shivaji Circle, Masaraguppi Road, Athani, Athani Taluk, Belagavi District.	01.01.2013	01.01.2016 (Though vacancy arose on 01.01.2015 due to retirement of Sri Shrikant Babaladi on 31.12.2014, the officer is eligible for promotion w.e.f 01.01.2016)	Retired on 31.5.2016

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges (Selection Grade)	Date of grant of functional promotion to the cadre of District Judges (Super Time Scale)	Remarks
6	Sri. Shivashankar Amarannavar, Prl. District and Sessions Judge, Udupi.	25.02.2013	25.02.2016 (Though vacancy arose on 01.02.2015 due to retirement of Sri D.R. Venkatasudarshan on 31.01.2015, the officer is eligible for promotion w.e.f 25.02.2016)	-
7	Sri. R.J. Satish Singh, Prl. District and Sessions Judge, Hassan.	25.02.2013	25.02.2016 (Though vacancy arose on 01.03.2015 due to retirement of Sri S. Renuka Prasad on 28.02.2015, the officer is eligible for promotion w.e.f 25.02.2016)	-
8	Smt. Uma M.G, District Judge, OOD, Member Secretary, Karnataka State Legal Services Authority, Nyaya Degula, H.Siddaiah Road, Bengaluru.	25.02.2013	25.02.2016 (Though vacancy arose on 01.04.2015 due to increase in cadre strength, the officer is eligible for promotion w.e.f 25.02.2016)	-

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges (Selection Grade)	Date of grant of functional promotion to the cadre of District Judges (Super Time Scale)	Remarks
9	Sri. V.Srishananda, Prl. District and Sessions Judge, Dharwad.	25.02.2013	25.02.2016 (Though vacancy arose on 01.04.2015 due to increase in cadre strength, the officer is eligible for promotion w.e.f 25.02.2016)	-
10	Sri. Hanchate Sanjeevkumar, Prl. District and Sessions Judge, Bidar.	25.02.2013	25.02.2016 (Though vacancy arose on 01.04.2015 due to increase in cadre strength, the officer is eligible for promotion w.e.f 25.02.2016)	-
11	Smt. S.Mahalaxmi Nerale, Prl. District and Sessions Judge, Bagalkot.	25.02.2013	25.02.2016 (Though vacancy arose on 01.04.2015 due to increase in cadre strength, the officer is eligible for promotion w.e.f 25.02.2016)	-
12	Sri. Shankar Manikrao Patil, District Judge, OOD, Addl. Registrar General, High Court Bench at Kalaburagi.	01.06.2013	01.06.2016 (Though vacancy arose on 01.04.2015 due to increase in cadre strength, the officer is eligible for promotion w.e.f 01.06.2016)	-

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges (Selection Grade)	Date of grant of functional promotion to the cadre of District Judges (Super Time Scale)	Remarks
13	Sri. Channabasappa Margoor, Prl. District and Sessions Judge, Ballari.	01.08.2013	01.08.2016 (Though vacancy arose on 01.05.2015 due to retirement of Sri V.G. Savadkar on 30.04.2015, the officer is eligible for promotion w.e.f 01.08.2016)	-

BY ORDER OF THE HIGH COURT,

Sd/-
(JOHN MICHAEL CUNHA)
REGISTRAR GENERAL

To:

The Compiler, Karnataka Gazette, Bengaluru (in duplicate) for favour of publication in the next issue of Gazette in Part-II, Section-2.

Copy for information and necessary action to:-

1. All the officers concerned.
2. The Prl. City Civil and Sessions Judge, Bengaluru.
3. The Prl. District and Sessions Judge, Bagalkot /Ballari / Bidar/ Chickaballapura/ Dharwad/ Hassan/ U.K.Karwar/Udupi.
4. Sri. Chandrashekar Patil, District Judge (Retired), No.411, Judicial Layout, 2nd Phase, 8th Main, Thalalhattapura, Bengaluru - 560 109.

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-TK-

No.COB(I) 39/2018

HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU - 560 001

102

From:

DATE: 17.11.2018

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To:

Sri. Master RKGMM Mahaswamiji,
Addl. Registrar of Enquiries - 10,
Karnataka Lokayukta,
M.S. Buildings,
Bengaluru.

Sir,

Sub: Grant of functional promotion as District Judge
(Selection Grade & Super Time Scale) -reg.

Ref: Your letters dated 25.01.2018; 22.05.2018;
30.06.2018; 03.09.2018 & 29.10.2018.

* * *

With reference to above, I am directed to inform that, your representation dated 25.01.2018 requesting for grant of functional promotion as District Judge (Selection Grade & Super Time Scale) is pending consideration before the Hon'ble Committee of the High Court. In view of recent transfer of Senior Judges, the Committees are to be reconstituted. Soon after the committees are reconstituted, the matter will be placed before the concerned Committee for further consideration.

This is for your information.

Yours faithfully,

[Signature]
(V. SRISHANANDA)
REGISTRAR GENERAL

[Signature]
17/11

[Signature]
-TC-

R.O.C. GOB(I) 39/2018No..... D.DIS.		HIGH COURT OF KARNATAKA BENGALURU- 560 001
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DATE:23.04.2019

NOTIFICATION**PART - A**

The functional promotion to the following District Judges (Selection Grade) as **DISTRICT JUDGE (SUPER TIME SCALE)**, is granted in terms of the Government Order No.LAW 26 LAC 2005 dated 22.04.2006 in the pay scale of Rs.70290-1540-76450 with effect from the dates mentioned against their names:

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges (Selection Grade)	Date of grant of functional promotion to the cadre of District Judges (Super Time Scale)	Remarks
1	Sri. Halli Mysore Ramakrishnaiah Sreenivas, Retired District Judge, No.674, 6 th Main, 2 nd Cross, Vijayanagar, Bengaluru - 560 040.	01.07.2014	01.09.2017 (Due to retirement of Sri. A.S. Bellunke on 31.08.2017)	Retired on 31.10.2017
2	Sri. Prakash L. Nadiger, Retired District Judge, "Sneha Sandesh", MIG, No.90/1, 3 rd Main, 12 th Cross, KHB Colony, D.N. Koppa 3 rd Phase, Dharwad - 580 001.	01.07.2014	01.10.2017 (Due to retirement of Sri. Aswathana-narayana on 30.09.2017)	Retired on 31.10.2018

PART - B

The functional promotion to the following District Judges (Entry Level) as **DISTRICT JUDGE (SELECTION GRADE)** is granted in terms of the Government Order No.LAW 26 LAC 2005 dated 22.04.2006 in the pay scale of Rs.57700-1230-58930-1380-67210-1540-70290 with effect from the dates mentioned against their names:

Sl. No.	Name and designation of the Officer	Date of entry into the cadre of District Judges	Date of grant of functional promotion to the cadre of District Judge (Selection Grade)
1	Sri. Master RKGMM Mahaswamiji, District Judge, OOD, Additional Registrar, Karnataka Lokayukta, Bengaluru.	25.02.2008	25.02.2013
2.	Sri. Venkatesh Naik T., District Judge, OOD, Registrar (Administration), High Court of Karnataka, Bengaluru.	02.01.2012	02.01.2017 (Though vacancy arose on 02.04.2014 due to promotion of Sri. V.G. Savadkar on 01.04.2014, the Officer is eligible for promotion w.e.f 02.01.2017.)

BY ORDER OF THE HIGH COURT,

Sd/-
(V. SRISHANANDA)
REGISTRAR GENERAL

o:

he Compiler, Karnataka Gazette, Bengaluru (in duplicate) for favour
publication in the next issue of Gazette in Part-II, Section-2.

Copy for information and necessary action to:-

1. Officers concerned.
2. The Registrar General/ Registrar (Vigilance) / Registrar (Judicial) / Registrar (Administration)/Registrar (Computers)/ Registrar (Infrastructure and Maintenance) / Registrar (Recruitment)/ Registrar (Statistics and Review) and Secretary to Hon'ble the Chief Justice.
3. The Additional Registrar General/Additional Registrar (Judicial), High Court of Karnataka, Dharwad and Kalaburagi Benches.
4. The Additional Registrar (Admn.), High Court of Karnataka Dharwad Bench.
5. The Central Project Co-ordinator (Computers) of this office, with a request to web-host the same on the official website of the High Court of Karnataka.
6. The Chief Secretary to Government of Karnataka, Vidhana Soudha, Bengaluru.
7. The Prl. Secretary to Government of Karnataka, Law Department, Vidhana Soudha, Bengaluru.
8. The Accountant General (A & E) in Karnataka, Bengaluru.
9. The Section Officers of RPS/GOB-II/R&SB/HVC/HCB/HCL & HRMS Branches of this office.
10. Office copy.

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- TC -

Dated 25.04.2019.

From.

ANNEXURE - R14

106

Master RKGMM Maha Swamiji,
Addl. Registrar of Enquiries-10,
Karnataka Lokayukta,
M.S. Building,
Bangalore.

To:

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru.

Respected Sir,

Subject: Further representation requesting to grant
the functional promotion as District Judge
(Super Time Scale) - Reg.

- References :
1. Information Letter R.O.C. GOB(I) 36/2011 dated 20.08.2015 of Hon'ble High Court of Karnataka, Bengaluru.
 2. Reply letter No. GOB II. ACR/130/2015 dated 08.07.2016 of Hon'ble High Court of Karnataka, Bengaluru.
 3. *My Requisition dated 25.01.2018 bearing Des. No. 271/2018 dt. 27.01.2108.*
 4. My Letter dated 30.06.2018.
 5. Communication letter No. R.O.C. GOB. II. ACR.130/2015 dated 01.09.2018 of Hon'ble High Court Karnataka, Bangalore.
 6. My letter dated 03.09.2018.
 7. My another letter dated 29.10.2018.
 8. Reply letter dated 17.11.2018 bearing No. GOB(1)39/2018 of Hon'ble High Court of Karnataka.
 9. Notification No. R.O.C. GOB(I) 39/2018 dated 23.04.2019

With reference to the subject cited above, I humbly state to submit that, the functional promotion as District Judge (Selection Grade) has



been granted by the Notification cited at reference No.9. For that, I am grateful to your goodself.

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2 I have already sent a representation/*requisition* dated 25.01.2018 at reference No.3 and a letter dated 03.09.2018 and a letter /*requisition* dated 29.10.2018 seeking to grant functional promotion (Super Time Scale) also. In pursuance of my letter dated 29.10.2018, it was replied by the letter dated 17.11.2018 at reference No. 8

3. *Therefore*, I humbly pray your good self to *grant* me functional promotion as District Judge (**Super Time Scale**) *at the earliest*, and thereby restore my seniority and render justice to my grievance and oblige.

Thanking you,

Yours faithfully and obediently,

Mr. 25/04/2019

(Master RKGMM Maha Swamiji)
Addl. Registrar of Enquiries-10
Karnataka Lokayukta, Bangalore.

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- TC -

SUBMITTED:

As directed, upto date Statement of disposal of cases along with percentage, made by the following District Judges (Super-Time-Scale) from the date of their appointments till date, duly signed by the Registrar concerned, shall be furnished to the undersigned, at the earliest.

1. Sri Shivashankar Amarannavar
2. Sri R J Satish Singh
3. Smt Uma M G
4. Sri V Srishananda
5. Sri Hanchate Sanjeevakumar
6. Smt S Mahalaxmi Nerale
7. Sri P N Desai
8. Sri Rajendra Badamkar

25.06.2019

DR-cum-PS to Hon'ble CJ

To:

Registrar (Review & Statistics)
HCK

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- TC -

To

Dated: 07.07.2019

The Secretary General to
Hon'ble The Chief Justice of India
Supreme Court of India,
New Delhi.

With request to place my request letter before Hon'ble The Chief Justice of India, Supreme Court of India

Respected Hon'ble My Lordship,

Subject: Seeking **help** to rectify the injustice done, by way of granting of Super Time Scale at the earliest and to do needful to prevent the on-going injustice/one more injustice being done by *ignoring* my name for elevation although grant of Super Time Scale is pending/under consideration and my service record from the date of my appointment as District Judge i.e., 25.02.2008 to December, 2018 is clear - Reg.

With reference to the subject cited above, I have honour to submit that I am serving as Senior District & Sessions Judge in Karnataka higher judiciary since 25.02.2008 having put in continuous service of about 12 years of unblemished service record.

2. I have honour to submit further that my functional promotions as District Judge (Selection Grade) had been **deferred**. In information letter dated 20.08.2015 it was *wrongly informed* to me in pursuance of my letters dated 03.07.2015 & 06.08.2015 that the observations are made in the order dated 14.11.2013 passed in W.P.No.41112/2008 (Annexure-1). Hence, I gave representation dated 21.09.2015 for expunction of the same but I was replied by letter dated 08.07.2016 to challenge the said order before appropriate forum (Annexure-2). So, I filed a W.P.No.42650/2016 (S-PRO) but it had been dismissed on 08.01.2018 with observation that there is **no stricture** (Annexure-3).

3. Meanwhile, it is communicated to me by letter dated 24.11.2017 in pursuance of my letter dated 16.11.2017 that, the contents of observations made by the Hon'ble Sri. Justice Ram Mohan Reddy is in the Note dated 14.11.2013 (Annexure-4). Therefore, I gave representation dated 10.01.2018 and further representation dated 11.01.2018 for expunction of observations in the said note (Annexure-5).

4. Then, by the letter dated 01.09.2018 it is informed that the remarks in the Note dated 14.11.2013 of the Additional P.S. to Hon'ble Shri. Justice Ram Mohan Reddy made against you is treated as *non est* and **expunged** on and from the date they were made. (Annexure-6)

5. I sent first requisition dated 25.01.2018 seeking to grant deferred functional promotions District Judge (Selection Grade & Super Time Scale) (Annexure-7). Then, I sent letters/requisitions dated 22.05.2018, 30.06.2018, 03.08.2018 & 29.10.2018 and for those letters, reply dated 17.11.2018 received by me stating that soon after the Committees are re-constituted, the matter will be placed before the concerned Committee for further consideration (Annexure-8).

6. After my repeated oral requests, on 23.04.2019, the functional promotion (Selection Grade) was granted when Hon'ble Shri. Justice L.Narayana Swamy, was the Acting Chief Justice (Annexure- 9). Then, on 25.04.2019 I sent further representation/ requisition requesting to grant functional promotion as District Judge (Super Time Scale). (Annexure-10).

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7. On my oral request, Hon'ble Shri Justice L.Narayanaswamy told Registrar General to place my file for grant of functional promotion as District Judge (Super Time Scale) before the Administrative Committee No.1 and due to the mistake of Registry he should not suffer. I also orally requested the Hon'ble the Chief Justice on 06.06.2019 to grant functional promotion as District Judge (Super Time Scale) and Hon'ble Chief Justice told me that "I will consider". Accordingly, it was placed before Administrative Committee No.1 held on 11.06.2019, and on 15.06.2019 there was Full Court Meeting. But I do not know the outcome of the same as it is not web hosted. When I enquired in the office, concerned clerk told that Resolution is not came. The Registrar General told me that it will be considered positively.

8. On 25.06.2019 I learnt that the process for elevation of District Judges is commenced (Annexure-11). In Annexure-11, my name is not found place in Sl.No.7. I am senior than Shri P.N.Desai and junior to Smt.S.Mahalaxmi Nerale.

9. My functional promotion as District Judge (Selection Grade) was informed as deferred thinking that the observations/remarks are made in the judicial order, although it was in the Note dated 14.11.2013 and said observations were not communicated to me before relied upon. It is settled law by the Hon'ble Supreme Court that un-communicated adverse remarks cannot be relied upon.

10. Due to repeated wrong information/s given, I was deprived from getting Selection Grade and Super Time Scale in time along with my batch-mates. At the time of granting of Selection Grade itself, my Super Time Scale could be considered. But I do not know why it is not considered and as per my knowledge, there is no rule/bar to consider and grant Selection Grade and Super Time Scale *at once* as the grant of functional promotion (Selection Grade) was *deferred* and it was not being granted on regular basis. Further, since it was **deferred**, grant of Super Time Scale will have the **retrospective effect** from the date mentioned therein and date of grant of Super Time Scale is immaterial and date of its application assumes importance. Copies of Notifications dated 05.10.2016 granting revised Functional Promotion as District Judge (Selection Grade) and as District Judge (Super Time Scale) on the same date i.e., 05.10.2016 to my batch-mates and others is at **Annexure-12**.

11. I am suffering continuously since five (5) years from mental pain and agony and I was unnecessarily driven to file a Writ Petition and till today, my grievance is not set right and justice is not given by granting District Judge Super Time Scale although my service record (from 25.02.2008 to 31.12.2018) is clear and my file was placed before the Administrative Committee No.1 held on 11.06.2019. But without granting Super Time Scale and considering my name also for elevation, my name is left from Sl.No.7 and the names of my junior District Judges are mentioned and it is one more injustice being committed/done.

12. Based on the wrong information/s given, I gave first representation dated 21.09.2015 and filed WP No.42650/2016 which consumed and wasted more than three (3) years. If correct information was given stating that the observations were in the Note dated 14.11.2013, I would have been getting Selection Grade and Super Time Scale in time along with my batch-mates. If names at Sl.No.1 to 8 as mentioned in Annexure-11 is considered for elevation ignoring my name at Sl.No.7, indeed, it will cause injustice, irreparable loss, seriously injuring my service career and future prospectus. Further, when grant of Super Time Scale is pending/under consideration, how far it is appropriate/ reasonable/justifiable to ignore my name for elevation.

13. At present, I learnt from Registrar General that in the Administrative Committee No.1 held on 11.6.2019 Resolution was passed to **call for judgments** passed by me. But there is no such procedure/practice to call for judgments for consideration of Super Time Scale and while granting Super Time Scale to my batch-mates and other District Judges, same procedure is not applied/followed. Due to it, I am very much worried, feared and in a condition of helplessness. Hence, I thought that it is appropriate and the above circumstances also compelled me to seek the help of my Lordship.

14. Therefore, I humbly pray on the feet of my Lordship to help me to get justice by rectifying the injustice done, by granting Super Time Scale at earliest and to do needful to prevent the on-going injustice/one more injustice being done by **ignoring** my name at Sl.No.7 of Annexure-11, without granting Super Time Scale and considering my

name for elevation, inspite of my repeated requisitions, oral requests etc.. I belonged to Scheduled Caste (Adi Karnataka) and there is no reservation in promotion in the judiciary and representation of Scheduled Caste is also not being considered. Atleast, the Scheduled Caste Senior District Judge may be considered on regular basis without ignoring my name for elevation. If my Lordship felt I have exaggerated any words or sentences, my Lordship may please be pardoned. I hope that my Lordship understands my intolerable feelings, continuous mental pain and agony and help me in getting justice for my best career and future and oblige.

Yours faithfully & obediently,

M. 07/07/2019
Master RKGMM Malaswamyji,
Registrar (Review & Statistics),
Bengaluru.

Enclosures:- Annexures

1. .. Copy of Information letter dated 20.08.2015
2. .. Copy of Reply letter dated 08.07.2016
3. .. Copy of the order in WP No.42650/2016 (S-PRO)
4. .. Copy of Letter dated 24.11.2017 communicating the contents of Note dated 14.11.2013
5. .. Copy of representation dated 10.01.2018 & further representation dated 11.01.2018
6. .. Copy of communication letter dated 01.09.2018
7. .. Copy of first requisition dated 25.01.2018 and copy of another requisition dated 11.2.2019 along with covering letter seeking to grant Functional promotions
8. .. Copy of reply letter dated 17.11.2018
9. .. Copy of notification dated 23.04.2019 (Part-B) granting selection grade
10. .. Copy of my further representation/request letter dated 25.04.2019 to grant Super Time Scale
11. .. Copy of submission letter dated 25.06.2019.
12. .. Copies of Notifications dated 05.10.2016 granting revised Functional Promotion as District Judge (Selection Grade) and as District Judge (Super Time Scale) on the same date i.e., 05.10.2016 to my batch-mates and others.

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-TC-



HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU -560 001
DATED: 31.08.2019

R.O.C.GOB.H.ACR. 20/2019
.....No.....
D.DIS.

FROM

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1.

To,

Sri. Master RKGMM Mahaswamiji,
Registrar (Review & Statistics)
High Court of Karnataka,
Bengaluru.

Sir,

Sub: Communication of remarks recorded in the
Annual Confidential Report for the period
from 01.01.2018 to 23.05.2018.

With reference to the above subject, I am directed to communicate the following remarks recorded in your Annual Confidential Report for the period from 01.01.2018 to 23.05.2018, while you were working as Ptd. District & Sessions Judge, Kodagu-Madikeri:-

11. Special remarks, if any:- Needs improvement through training } Advisory

Yours faithfully,

(V. SRISHANANDA)
REGISTRAR GENERAL

31/8/19

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- TC -

Des No.1122/2019

Shivamogga
23.09.2019

From,

SRI. Master R.K.G.M.M. Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

To:

The Registrar General,
Hon'ble High Court of Karnataka,
BENGALURU.

Respected Sir,

SUB: Seeking to treat remarks recorded in Annual confidential report for the period from 01.01.2018 to 23.05.2018 as advisory and if necessary, same may be *expunged* from my annual confidential record to the best of my service career and future – reg

REF: 1. Letter ROC.GOB.II.ACR.20/19 dated 31.08.2019 of Hon'ble High Court of Karnataka, Bengaluru.
2. Letter ROC.GOB.II.ACR.20/19 dated 16.09.2019 of Hon'ble High Court of Karnataka, Bengaluru.

* * *

With reference to subject cited above, I humbly state to submit that Hon'ble High court of Karnataka, by the letter dated 31.08.2019, it is communicated as follows;

“11. Special remarks, if any : - Needs improvement

through training

} advisory

....2/-

....2....

2. I respectfully submit that I am sincerely and honestly discharging my duty both at Judicial side and administrative side without remarks to the satisfaction of Hon'ble High court of Karnataka. In my service as district judge, I worked hard and reached more than prescribed quota every month, even in the month of transfer and also in the month of summer vacation (viz., May) and keeping up the same by working hard from 10.00 am., to more than 8.00 pm., on every working days.

3. I respectfully submit that I undertake and assure that I will further improve and work hard and honestly and serve the judiciary to the best of my level and ability to the satisfaction of the Hon'ble High court of Karnataka.

4. It is further respectfully submitted that if needs improvement through training I am ready to undergo training.

5. Therefore, I humbly pray to your goodself to treat remarks recorded in Annual confidential report for the period from 01.01.2018 to 23.05.2018 as *advisory* and if necessary, same may be *expunged* from my annual confidential record and I hope that needful will be done to the best of my service career and future and oblige.

With regards,

Yours faithfully,

Mb. 23/09/2019

(Master RKGMM Mahaswamiji)
Prl. District and Sessions Judge,
Shivamogga

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-TC-

R.O.C.GOB.II.ACR. 20/2019
.....No.....
D.DIS.



HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU - 560 001
DATED: 22.11.2019

FROM

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1.

To,

Sri. Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

Sir,

Sub: Expunction of remarks recorded in the Annual
Confidential Report for the period from
01.01.2018 to 23.05.2018.

Re: 1) This office letter of No. GOB.II.ACR.20/2019
dated 31.08.2019 and 16.09.2019.
2) Your representation dated 23.09.2019.

With reference to the above subject, I am directed to inform that
Hon'ble Committee constituted for consideration of representation for
expunction of remarks ordered that since the remark is advisory, no orders are
called for.

(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL.

22/11/19

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-TC-

Dis. No. 1380 /2019

22.11.2019

Shivamogga

From,

Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

To :

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru - 01

Respected Sir,

(With request to place my further requisition / representation
letter before Hon'ble the Chief Justice of Karnataka,
for kind consideration)

Respected Hon'ble My Lordship,

Subject: Further requisition / representation
requesting to **reconsider** the decision said
to be taken by the Hon'ble High court of
Karnataka, to reject my request for grant of
functional promotion as District Judge
(Super Time Scale) and for restoration of
seniority - Reg.

- References:
1. Information Letter R.O.C. GOB(I) 36/2011 dated 20-08-2015 of Hon'ble High Court of Karnataka, Bengaluru.
 2. Reply letter No.GOB.II.ACR/130/2015 dated 08-07-2016 of Hon'ble High Court of Karnataka, Bengaluru.
 3. My Requisition dated 25.01.2018 bearing Des.No.217/2018 dated 27.01.2019.
 4. My Letter dated 30-06-2018.
 5. Communication letter No.R.O.C. GOB.II.ACR.130/2015 dated 01-09-2018 of Hon'ble High Court of Karnataka, Bangalore.
 6. My letter dated 03.09.2018.
 7. My another letter dated 29.10.2018
 8. Reply letter dated 17.11.2018 bearing No.GOB(1)39/2018 of Hon'ble High Court of Karnataka.
 9. Notification No.R.O.C.GOB(I). 39/2018, dated 23.04.2019.
 10. My further representation/requisition dated 25.04.2019

11. Letter No. R.O.C. GOB (I) 39/2018, dated **13.11.2019** of Hon'ble High court of Karnataka. Bengaluru
12. Requisition / representation Letter No.1371/2019, dated 20.11.2019.

* * *

With reference to the subject cited above, I humbly state to submit that, rejection of my request for grant of functional promotion as District Judge (super time scale) and restoration of seniority will amount to imposition of **punishment** on me and it spoils my career and it creates life, death and career problem.

2. It is respectfully submitted that I am already under continuous humiliation and I am not in position to answer the questions asked by my colleagues, my staff and my relatives etc in respect of my career and post and my batch mates and junior judicial officers than me are also granted functional promotion as District Judge (super time scale) about 3 years back and I am alone remained.

3. It is respectfully submitted that I am waiting for functional promotion as District Judge (super time scale) and restoration of seniority since more than 3 ½ years. There are tears in my eyes and I am passing sleepless nights and it is also difficult to take foods / meals properly. Further, on seeing me, my two female children and my wife are also suffering and crying, expecting good results in my career.

4. It is respectfully submitted that I know My Lord has made sincere effort to consider and grant of functional promotion as District Judge (super time scale) and restoration of my seniority by trying to convince other Hon'ble Judges by calling judgments to make good to me. But I hastened and insisted for early and for that, now, I repent.

5. It is respectfully submitted that on 11.09.2019 when I met, my Lordship assured and encouraged me that I will be with you and I want that my Lordship and other Hon'ble Judges should be with me and I cannot face hunger of any of Hon'ble judges. Now, I feel that I may be committed mistake by sending a request letter to Secretary General with request to place it before Hon'ble

Chief Justice of India under depression and disappointment and at that point of time, I did not know that it may be mistake or wrong.

6. Therefore, I humbly pray on the feet of my Lordship to ~~forgive~~ my mistake if any and **one opportunity** may be given to rectify the same by kindly **reconsidering** my request for grant of functional promotion as District Judge (super time scale) and restoration of seniority and I do not want to go against his Lordship or any of the Hon'ble Judges and I want mercy, blessings and encouragement of my Lordship and Hon'ble Judges and I hope that needful will be done to the best of my career and future and oblige.

Thanking you,

Yours faithfully and obediently,

M. 22/11/2013

(Master RKGMM Mahaswamiji)
Prl. District and Sessions Judge,
Shivamogga.

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-TC-

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R.O.C. GOB(I) 39/2018No..... D.DIS.		HIGH COURT OF KARNATAKA BENGALURU- 560 001 DATE: 13.11.2019
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From:

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To:

Sri. Master RKGMM Mahaswamiji,
Prl. District & Sessions Judge,
Shivamogga.

Sir,

Sub: Grant of functional promotion as District Judge
(Super Time Scale) and restoration of seniority -reg.

Ref: Your representation dated 25.04.2019.

* * *

With reference to the above subject, I am directed to inform that, after considering your representation under reference, the High Court has taken a decision to reject your request for grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority.

Yours faithfully,



(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

14
13/11

-TC-

Dis. No. 1234 /2019

Dated: 20.11.2019
Shivamogga

From,

Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

To :

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru - 01

Respected Sir,

(With request to place my requisition / representation
letter before Hon'ble the Chief Justice of Karnataka,
for kind consideration)

Respected Hon'ble My Lordship,

Subject: Requisition / representation requesting to
reconsider the decision said to be taken by
the Hon'ble High court of Karnataka to
reject my request for grant of functional
promotion as District Judge (Super Time
Scale) and for restoration of seniority - Reg.

References: 1. Information Letter R.O.C. GOB(I)

36/2011 dated 20-08-2015 of Hon'ble High Court of Karnataka, Bengaluru.

2. Reply letter No.GOB.II.ACR/130/2015 dated 08-07-2016 of Hon'ble High Court of Karnataka, Bengaluru.
3. My Requisition dated 25.01.2018 bearing Des.No.217/2018 dated 27.01.2019.
4. My Letter dated 30-06-2018.
5. Communication letter No.R.O.C. GOB.II.ACR.130/2015 dated 01-09-2018 of Hon'ble High Court of Karnataka, Bangalore.
6. My letter dated 03.09.2018.
7. My another letter dated 29.10.2018
8. Reply letter dated 17.11.2018 bearing No.GOB(1)39/2018 of Hon'ble High Court of Karnataka.
9. Notification No.R.O.C.GOB(I). 39/2018, dated 23.04.2019.
10. My further representation/requisition dated 25.04.2019

11. Letter No. R.O.C. GOB (I) 39/2018,
dated **13.11.2019** of Hon'ble High
court of Karnataka. Bengaluru

* * *

With reference to the subject cited above, I humbly state to submit that, the functional promotion as District Judge (Selection grade) only had been granted to me by the notification cited at reference No.9. Therefore, on 25.04.2019, I sent further representation requesting to grant functional promotion as District Judge (Super time scale).

2. It is respectfully submitted that I learnt that during pendency of consideration, my batch mates and one or two Judicial officer/s junior than me also recommended for elevation during the month of July, 2019.

3. It is respectfully submitted that during the month of July, some judgments apart from regular annual confidential report judgments, were called for consideration of my request for grant of functional promotion as District Judge (Super time scale).

4. But, as per reference at 11, it is informed to me as follows;

“After considering your representation under reference, the Hon'ble High court has taken a decision to reject your request for grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority”.

5. In view of the said decision taken by Hon'ble High court to reject my request for grant of functional promotion as District Judge (Super time scale), I am very much upset and suffered and said decision will effect severely of my present and future career.

6. I respectfully submit that I am sincerely and honestly discharging my duty both at judicial side and administrative side without remarks to the satisfaction of Hon'ble High court of Karnataka. In my service as District Judge, I worked hard and reached more than prescribed quota every month, even in the month of transfer and also in the month of summer vacation (viz., May) and keeping up the same by working hard from 10.00 am., to 8.30 pm., on every working days.

7. I respectfully submit that I am confident that I have passed good judgments both at Civil and Criminal side and my conclusions in the judgments are based on decisions/rulings of the Hon'ble High court of Karnataka / Hon'ble other High courts and the Hon'ble Supreme court.

8. I respectfully submit that I came to know from somebody that, as I wrote request letter to the Secretary General with request to place my request letter before Hon'ble Chief Justice of India, Supreme Court, seeking help, may further delay the grant of functional promotion as District Judge (Super time scale). I wrote the said request letter under depression and disappointment as one or two my junior judicial officer/s was also recommended by ignoring my name and without considering super time scale, under intolerable feelings, continuous pain and agony and circumstances prevailing at that point of time with bonafide intention only and if it is treated as wrong on my part, I may please be pardoned and I undertake that I do not challenge or question, the said decision of Hon'ble collegium.

9. Therefore, I humbly pray on the feet of your good self

to **reconsider** and **grant** my functional promotion as District Judge (Super Time Scale) as I have completed more than 11 ½ years of service and my seniority is also considerably lowered and overlooked and due to the same, I am suffering continuously from mental pain/agony and under the humiliation. I hope that my request for reconsideration of functional promotion as District Judge (Super time scale) will consider kindly and do the needful to the best of my present service career and future and render **justice** by **forgiving** any mistakes/wrong if felt, I committed and Please **Help me** in getting justice and give peace to my mind and I undertake and I assure that same will not be repeated and oblige.

Thanking you,

Yours faithfully and obediently,


M. 20/11/2019

(Master RKGMM Mahaswamiji)
Pri. District and Sessions Judge,
Shivamogga.

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R.O.C. GOB(I) 39/2018No..... D.DIS.		HIGH COURT OF KARNATAKA BENGALURU- 560 001 DATE: 27.11.2019
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From:**THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1****To:**

Sri. Master RKGMM Mahaswamiji,
Prl. District & Sessions Judge,
Shivamogga.

Sir,

Sub: Forwardal of relevant extract of Full Court
resolution dated 06.11.2019 - reg.

Ref: Your representation dated 20.11.2019.

* * *

With reference to the above, I am directed to forward herewith relevant extract of Full Court resolution dated 06.11.2019, rejecting your request for grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority, which is self explanatory.

Yours faithfully,



(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

14
27/11

EXTRACT OF THE MINUTES OF THE MEETING OF THE FULL COURT, HELD AT 5.30 P.M., ON WEDNESDAY, THE NOVEMBER 06, 2019, IN THE CONFERENCE HALL OF THE PRINCIPAL BENCH OF THE HIGH COURT AT BENGALURU THROUGH VIDEO CONFERENCE WITH DHARWAD AND KALABURAGI BENCHES

PRESENT

Principal Bench: Hon'ble the Chief Justice and all other Hon'ble Judges except Hon'ble Shri Justice G Narendar, Hon'ble Shri Justice P S Dinesh Kumar and Hon'ble Shri Justice H P Sandesh;

Dharwad Bench: All the Hon'ble Judges sitting at Dharwad Bench;

Kalaburagi Bench: All the Hon'ble Judges sitting at Kalaburagi Bench.

Item No.1 To consider the resolution dated 22.10.2019 of Administrative Committee-I with regard to the representation of Sri.Master RKGMM Mahaswamiji, the then additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru presently working as Pri. District and Sessions Judge, Shivamogga, for granting him functional promotion as District Judge (Super Time Scale) and also for restoration of his seniority and letter dated 31.08.2019 of the Deputy Registrar, Supreme Court of India along with representation dated 07.07.2019 requesting for grant of Super Time Scale promotion and etc.

RESOLUTION

The Full Court considered the subject. The entire material which was placed before the Administrative Committee-I was placed before the Full Court by forwarding the same along with the agenda.

Hon'ble Mr Justice P B Bajantri made a query regarding the opinion expressed by the Administrative Committee-I in respect of the

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quality of the judgments rendered by the Judicial Officer.

It was pointed out that out of the five judgments considered by the Administrative Committee-I, four judgments were called from the Judicial Officer and as per the Resolution passed by the Administrative Committee-I in its meeting held on August 8, 2019, the Registry was directed to place the first judgment rendered by the Judicial Officer in the year 2017 in a criminal case by downloading the same from the National Judicial Data Grid.

The Chief Justice requested all the Hon'ble Judges to express their views on the subject. After deliberations, the Full Court unanimously approved the recommendation made by the Administrative Committee-I in its meeting held on October 22, 2019. In view of what is recorded in the resolution of the Administrative Committee-I in the said meeting, the Full Court resolved that the Judicial Officer does not deserve to be granted functional promotion as District Judge (Super-time Scale).

As regards failure to consider the case of this Judicial Officer for elevation, as the issue pertains to Collegium of this Court, no decision was taken on the said aspect.

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Dis. No. 1480 /2019

11.12.2019
Shivamogga

From,

Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

To :

The Registrar General,
Hon'ble High Court of Karnataka,
BENGALURU - 01

Respected Sir,

(With request to place my further more requisition / representation
letter before the Hon'ble Chief Justice of Karnataka,
for kind consideration)

Respected Hon'ble My Lordship,

Subject: Further more requisition / representation
requesting to **reconsider** the decision said
to be taken by the Hon'ble High court of
Karnataka, to reject my request for grant of
functional promotion as District Judge
(Super Time Scale) and for restoration of
seniority – Reg.

- References:
1. Information Letter R.O.C. GOB(I) 36/2011 dated 20-08-2015 of Hon'ble High Court of Karnataka, Bengaluru.
 2. Reply letter No.GOB.II.ACR/130/2015 dated 08-07-2016 of Hon'ble High Court of Karnataka, Bengaluru.
 3. My Requisition dated 25.01.2018 bearing Des.No.217/2018 dated 27.01.2019.
 4. My Letter dated 30-06-2018.
 5. Communication letter No.R.O.C. GOB.II.ACR.130/2015 dated 01-09-2018 of Hon'ble High Court of Karnataka, Bangalore.
 6. My letter dated 03.09.2018.
 7. My another letter dated 29.10.2018
 8. Reply letter dated 17.11.2018 bearing No.GOB(1)39/2018 of Hon'ble High Court of Karnataka.
 9. Notification No.R.O.C.GOB(I). 39/2018, dated 23.04.2019.
 10. My further representation/requisition dated 25.04.2019

11. **Letter** No. R.O.C. GOB (I) 39/2018, dated **13.11.2019** of Hon'ble High court of Karnataka. Bengaluru
12. Requisition / representation Letter No.1371/2019, dated 20.11.2019.
13. Further requisition / representation Letter No.1380/2019, dt. 22.11.2019
14. Letter No. R.O.C. GOB (I) 39/2018, dated 27.11.2019 of the Hon'ble High court of Karnataka. Bengaluru, forwarding of relevant extract of full court resolution, dated 06.11.2019.

* * *

With reference to the subject cited above, I humbly state to submit that the Hon'ble High court, by the Letter dated 27.11.2019 in pursuance of my letter dated 20.11.2019, has forwarded relevant extract of full court resolution dated 06.11.2019 wherein it is mentioned that the discussion was held in respect of quality of judgments rendered by the judicial officer and it is resolved that judicial officer does not deserve to be granted functional promotion as District Judge (super time scale).

2. It is respectfully submitted that I joined to higher judicial service as District Judge on 25.02.2008 along with my other 7 batch mates and put in continuous service of about 12 years and served as Additional District Judge, Prl. District Judge and other various capacity.

3. It is respectfully submitted that the quality of judgments / orders invariably depend upon the pleadings, facts and circumstances of each case and assistance extended by the learned counsels on both sides by providing rulings and points / points of Law, whether the parties contest the matter or not and point/s or issue/s involved in the matter etc. Whereas, in criminal cases, it depends upon whether the prosecution witness supports the prosecution case or turns hostile etc.

4. It is respectfully submitted that in my opinion, I have passed good and quality judgments / orders both at Civil and Criminal side and my conclusion/s in the judgments / orders are based on decisions / rulings of the Hon'ble High court of Karnataka and the Hon'ble other High courts and Hon'ble Supreme Court of India and relevant provisions of law and I feel

that I have given justice to orders / judgments to the best of my level and good consciousness.

5. It is respectfully submitted that only basing on untested judgments / orders (not regular judgments called annually), it may not correct to assess the judicial officer, whether he is deserving or not and annual confidential reports and performance may be looked into. As per my knowledge, there are no adverse remarks in the annual confidential reports including judgments called for, annually and there are no allegations / charges or enquiry pending and I am sincerely and honestly discharging my duty both at judicial side and administrative side without remarks, up to the satisfaction of the Hon'ble High court.

6. It is respectfully submitted that in respect of performance of work / duty, in my service as District Judge, I worked hard and reached more than prescribed quota every month, even in the month of transfer and also in the month of summer vacation viz., (May) and I am keeping up the same by working hard from 10 am., to 8.30 pm., on every working days. Even when I was serving at Lokayukta as Additional Registrar for

level and work hard and honestly and serve the judiciary to the best of my level and ability to the satisfaction of the Hon'ble High court of Karnataka and please afford me an opportunity and may not put an end / full stop of my promotional career as I alone remained in my batch and is waiting for super time scale since more than 3½ years as I did not receive correct information in time.

8. It is respectfully submitted that my batch mates and other judicial officers who have been granted as District Judges (super time scale) and I was also granted as District Judge (selection grade) on the basis of annual confidential reports including judgments called for, annually and there are no adverse remarks in respect of my judgments / orders. Further, the conclusion based on quality of untested judgments / orders that 'does not deserve' may amount / become remark/s and 5 or 6 untested judgments / orders may not decide the future of honest / sincere judicial officer and said remarks may be expunged in the ends of justice for best interest of my career and future, if necessary.

9. It is respectfully submitted that in so far as, letter

dated 07.07.2019 is concerned, I humbly reiterate that I wrote it seeking help, with bonafide intention under depression and disappointment and for that I regret and repent and for that, I apologize for my unknown mistake thousand times and my Lordship may think of my position and situation prevailed at that point of time and please treat me as a member of judicial family and forgive / pardon if I committed any mistake. In fact, on 09.10.2019, I came to talk with my Lordship to say my apology but opportunity was not availed. The error is human: to forgive is God. Please be with me, guide me and give an opportunity to correct / rectify my mistake if I committed and allow me to work peacefully without mental trauma / pain.

10. Therefore, I humbly beg on the feet of my Lordship to **forgive** my mistake if any and **one opportunity** may be given to rectify / correct the same by kindly **reconsidering** my request for grant of functional promotion as District Judge (super time scale) and restoration of seniority and I will further improve the quality of judgments / orders up to the satisfaction of my Lordship / Hon'ble High court of Karnataka and I do not justify myself and I am always obedient, ready and willing to act according to instruction

and directions of the Hon'ble High court of Karnataka. If my Lordship/s felt that I have exaggerated any words or sentences, my Lordship/s may please be pardoned me and I hope that needful will be done to the best of my career and future by providing an opportunity to get justice and my grievance be solved within the judicial family and oblige.

Thanking you,

Yours faithfully and obediently,

M. 11/12/2019

(Master RKGMM Mahaswamiji)
Prl. District and Sessions Judge,
Shivamogga.

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-TC-

143

R.O.C. QUS(I) 39/2018No..... D.DIS.		HIGH COURT OF KARNATAKA BENGALURU- 560 001 DATE: 03.01.2020
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From:

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU

To:

Sri. Master RKGMM Mahaswamiji,
Prl. District & Sessions Judge,
Shivamogga.

Sir,

Sub: Furnishing of particulars with regard to
judgments/order called for and downloaded from
the NJDG - reg.

Ref: Your representation dated 04.12.2019.

* * *

With reference to the above, I am directed to furnish the following particulars with regard to judgments/orders called for and downloaded from the National Judicial Data Grid to consider your functional promotion as District Judge (Super Time Scale), as requested:

Sl. No.	Case No.	Date of Disposal	Received from the Office of:
1.	O.S. 1661/2004	06.03.2013	Prl. City Civil & Sessions Judge, Bengaluru City.
2.	Crl. Misc. 3340/2013	29.06.2013	
3.	S.C. 380/2012	02.12.2013	
4.	R.A. 120/2012	16.04.2015	Prl. District & Sessions Judge, Kodagu-Madikeri.
5.	Spl. Case (Atrocity) No.21/2012	02.01.2017	Downloaded from NJDG

Yours faithfully,



(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

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3/1



महालेखाकार (ले.व.ह) का कार्यालय, बंगलूर
OFFICE OF THE ACCOUNTANT GENERAL (A&E), KARNATAKA, BANGALURU
P.B NO. 5329 / 5389 ANNEXE BUILDING, PARK HOUSE ROAD, BENCHALLER 5 - 600 011

GE 13 / 14 / 2019-20 / 1295

DATE : 01.01.2020

144

To,

THE PRINCIPAL Dist and sessions
SHIVAMOGGA

Sir/Madam,

Sub: Grant of three advance increment to Judicial Officers for acquiring higher qualification.

Ref: GOB(I) 24/2013 Dated 03/01/2020(SI no 01)

Consequent on receipt of notification of High Court regarding grant of three advance increments on acquiring Master of Law/LL.M with effect from 01.11.2014 of Sri/Smt SRI MASTER RAGMMI MAHASWAMJI DISTRICT JUDGE, her pay has been regulated as follows-

Particulars	Date	Pay	Pay scale
Adv Increment	01.11.2014	64450	5770-70290
inc	01.02.2015	65830	
inc	01.02.2016	67210	
inc	01.02.2017	68750	
inc	01.02.2018	70290	
t inc			

The officer is entitled to arrears of pay and allowances for the period from 01.11.2014 to 01.01.2018 including SLS spells which falls within the said period. You are requested to draw and disburse the arrears to the officer, subject to usual check and statutory deductions less amount already drawn, under intimation to this office. The amount is debitible under the same salary head under which his/her is being drawn.

e/- 2-20/8

A separate pay slip will be issued with effect from 01-07-2019

Yours faithfully

Sd/
Sr Accounts Officer.

Copy to,

Sri/Smt MASTER RAGMMI MAHASWAMJI
PRL I dist and sessions judge
SHIVAMOGGA

Sr Accounts officer

महासेखाकार (ले.व.ह) का कार्यालय, कर्नाटक, बेंगलूरु
OFFICE OF THE ACCOUNTANT GENERAL (A&E), KARNATAKA, BENGALURU
P.B.No 5329 / 5359, ANNEXE BUILDING, PARK HOUSE ROAD, BENGALURU - 560 007

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GER No. 1014589
Slip No. GE13/J4/202001000000037

PAY/LEAVE SALARY SLIP (ORIGINAL)

GE13/J4/20200087/1257
Date: 01-01-2020

Sr./Smt./Dr. MASTER RKOMM MAHASWAMDI
DISTRICT JUDGE
PRL DIST AND SESSIONS JUDGE
SHIVAMOGGA

is informed that he/she is entitled to draw pay/leave salary and allowance at the monthly rates shown below from the dates specified (less amount already drawn)

From	Pay	SI	SP	PP	L/S	DA	HRA	CCA	Allowances	Total
(Increment) 01-02-2013	70290	0	0	0	0	97703	0	0	MA: 1000, SUM: 3100, IRR: 21087	133180
Total in words: Rupees One Nine Three One Eight Zero										
(DA Change) 01-04-2013	70290	0	0	0	0	99812	0	0	MA: 1000, SUM: 3100, IRR: 21087	135209
Total in words: Rupees One Nine Five Two Eight Nine										
01-06-2013	Payslip already authorised									

The Scale of Pay is57700 70290..... Increment accrues on JANUARY of every year till the stage.....70290.....(maximum of the scale) is reached.
It is particularly requested that this pay slip may be attached to the first pay bill drawn at the above mentioned rates

- You are requested to furnish mobile phone number, email-id, official address with pincode.
- List of family members and nomination to DCRG may kindly be sent to this office.

Copy forwarded to:
1 THE PRL DIST AND SESSIONS JUDGE
SHIVAMOGGA

Senior Accounts Officer

Senior Accounts Officer

*Your GER No. 1014589 may please be used for further references

-TC-

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R.O.C. G03(I) 39/2018

HIGH COURT OF KARNATAKA

BENGALURU - 560 001

DATE: 24.03.2020

D.DIS



From:

THE REGISTRAR GENERAL, HIGH COURT OF KARNATAKA, BENGALURU-1

To:

Sri. Master RKGMM Mahaswamiji,
Prl. District & Sessions Judge,
Shivamogga.

Sir,

Sub: Reconsideration of grant of functional promotion as
District Judge (Super Time Scale) and restoration of
seniority -reg.

Ref: Your representation dated 20.11.2019 and
subsequent representations.

* * *

With reference to the above subject, I am directed to inform
that, after considering your representations under reference, the
High Court has taken a decision to reject your request for
reconsideration of grant of functional promotion as District Judge
(Super Time Scale) and for restoration of seniority.

Yours faithfully,

(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

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24/3

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-TC-

PROCEEDINGS OF THE HIGH COURT OF KARNATAKA, BENGALURU

Sub: Grant of three advance increments to Judicial Officers for having acquired higher qualification like post graduation in law, as per the recommendations of the First National Judicial Pay Commission - reg.

* * *

READ:

1. Government Order No. LAW 142 LAC 2008, Bengaluru, dated 04.12.2008.
2. This Office Order No.GOB(I) 24/2013, Bengaluru, Dated, 24th December, 2019.

CORRIGENDUM**ORDER NO. GOB(I) 24/2013 Dated 03.01.2020**

The "Month/Date of eligibility for 3 Advance Increments" mentioned in Column No. 5 of table shown in this office Order No. GOB(I) 24/2013 dated 24.12.2019 shall be read as "Date of grant of 3 Advance Increments". Consequently, the Judicial Officers mentioned in Column No.2 of the below mentioned table are granted 3 advance increments with effect from the dates shown in Column No.5, instead of the month and year shown earlier:

Sl. No.	Name and Designation of the Judicial Officer	Higher Qualification acquired	Month in which higher Qualification acquired	Date of grant of 3 Advance Increments
1	2	3	4	5
1.	Sri. Master RKGMM Mahaswamiji, Prl. District and Sessions Judge, Shivamogga.	LL.M.	Sep/Oct-2014	01.11.2014
2.	Sri. T. Venkatesh Naik, District Judge, OOD, Registrar (Administration). High Court of Karnataka, Bengaluru.	LL.M.	Oct/Nov - 2015	01.12.2015
3.	Sri. Mustafa Hussain Syed Azeez, II Addl. District and Sessions Judge, Raichur.	LL.M.	Sep/Oct-2014	01.11.2014
4.	Sri. K. Subramanya, LXVII Addl. City Civil and Sessions Judge, Bengaluru City.	LL.M.	Sep/Oct-2013	01.11.2013

5.	Smt. B. S. Rekha, II Addl. District and Sessions Judge, Kolar.	LL.M.	Sep/Oct- 2014	01.11.2014
6.	Sri. Deshpande Govindaraj S., I Addl. District and Sessions Judge, Tumakuru.	LL.M.	December- 2013	01.01.2014
7.	Sri. Sunildatt Annappa Chikkorde, Presiding Officer, Labour Court, Bengaluru.	LL.M.	Sep/Oct- 2014	01.11.2014
8.	Sri. Shivaji A. Nalawade, Presiding Officer, Industrial Tribunal, Hubballi.	LL.M.	Oct/Nov- 2016	01.12.2016
9.	Sri. Chandrashekar Margoor, III Addl. District and Sessions Judge, Hassan.	LL.M.	Oct/Nov - 2016	01.12.2016
10.	Sri. K. M. Rajashekar, III Addl. District and Sessions Judge, Ballari, (To sit at Hosapete).	LL.M.	Oct/Nov- 2016	01.12.2016
11.	Sri. Basappa Balappa Jakati, LIX Addl. City Civil and Sessions Judge, Bengaluru City.	LL.M.	December- 2017	01.01.2018
12.	Smt. Nagajyothi K. A., XXIX Addl. City Civil and Sessions Judge, Bengaluru City.	LL.M.	Oct/Nov- 2015	01.12.2015
13.	Sri. Chandrashekhar Dundappa Karoshi, V Addl. City Civil and Sessions Judge, Bengaluru City.	LL.M.	Oct/Nov - 2016	01.12.2016


14.	Smt. K. Kathyayini, LXVI Addl. City Civil and Sessions Judge, Bengaluru City.	LL.M.	December- 2017	01.01.2018
15.	Sri. Virupakshaiah H.M., III Addl. Prl. Judge, Family Court, Mysuru.	LL.M.	December- 2018	01.01.2019
16.	Sri. Mallanagouda, VIII Addl. City Civil and Sessions Judge, Bengaluru City.	LL.M.	December- 2017	01.01.2018
17.	Smt. Indira Mallswamy Chettiyar, I Addl. Senior Civil Judge, Dharwad.	LL.M.	Sep/Oct- 2013	01.11.2013
18.	Sri. Nagarajappa A. K., Prl. Senior Civil Judge and JMFC., Hubballi.	LL.M.	December- 2017	01.01.2018
19.	Sri. Sreepada N., XVI Addl. Judge, Court of Small Causes and ACMM, Bengaluru City.	LL.M.	Oct/Nov- 2015	01.12.2015
20.	Sri. P. J. Somashekar, I Addl. Senior Civil Judge and JMFC., Davanagere.	LL.M.	Oct/Nov - 2015	01.12.2015
21.	Smt. E. Chandrakala, II Addl. Senior Civil Judge and JMFC, Davanagere.	LL.M.	Sep/Oct- 2014	01.11.2014
22.	Sri. Palled Raveendra Jadiyappa, I Addl. Senior Civil Judge and JMFC., Hubballi.	LL.M.	Sep/Oct- 2014	01.11.2014
23.	Sri. C. K. Basavaraj, Senior Civil Judge, OOD, Member Secretary, District Legal Services Authority, Hassan.	LL.M.	April-2013	01.05.2013
24.	Sri. V. Jagadeesh, I Addl. Chief Metropolitan Magistrate, Bengaluru City.	LL.M.	Sep/Oct- 2014	01.11.2014

25.	Sri. Basagonda P. Devamane, Senior Civil Judge, OOD, Member Secretary, District Legal Services Authority, Mysuru.	LL.M.	Sep/Oct-2014	01.11.2014
26.	Sri. Dayanand V.H., Prl. Senior Civil Judge and JMFC, K.G.F.	LL.M.	Sep/Oct-2014	01.11.2014
27.	Sri. K.Rajesh Karnam, Senior Civil Judge, OOD, Head of Legal Cell, Rural Development and Panchayathraj Department, Women and Social Welfare Department, M.S.Building, Bengaluru.	LL.M.	Oct/Nov - 2015	01.12.2015
28.	Sri. Prakash Sangappa Helavar, Senior Civil Judge, OOD, Deputy Director, Arbitration Center - Karnataka (Domestic & International), III Floor, Khanija Bhavan, Race Course Road, Bengaluru.	LL.M.	Sep/Oct-2014	01.11.2014
29.	Sri. V. Nagaraja, XXI Addl. Chief Metropolitan Magistrate, Bengaluru City.	LL.M.	December-2018	01.01.2019
30.	Sri. N. Muniraja, XXVII Addl. Chief Metropolitan Magistrate, Bengaluru City.	LL.M.	December - 2018	01.01.2019
31.	Sri. Devananda, XXXV Addl. Chief Metropolitan Magistrate, Bengaluru City.	LL.M.	December - 2017	01.01.2018

2.	Sri. Jayaprakash A., Senior Civil Judge, OOD, Deputy Secretary, Karnataka State Legal Services Authority, Bengaluru.	LL.M.	December- 2017	01.01.2018
3.	Smt. Vidya K., Senior Civil Judge & JMFC, Khanapur.	LL.M.	December- 2017	01.01.2018
4.	Sri. Nandeesh R. P., Senior Civil Judge, OOD, Head of Legal Cell, Primary & Secondary Education Department, M.S. Building, Bengaluru.	LL.M.	Oct/Nov- 2016	01.12.2016
5.	Sri. Chandrashekar Prabhappa Diddi, Senior Civil Judge and JMFC, Gundlupet.	LL.M.	December- 2018	01.01.2019
6.	Sri. Girisha B. K., II Addl. Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru.	LL.M.	December- 2017	01.01.2018
7.	Sri. Puttaswamy K. M., Senior Civil Judge and JMFC, Hirekerur.	LL.M.	December- 2017	01.01.2018
8.	Sri. Chandragouda, Shivanagouda Shivanagoudra, Addl. Senior Civil Judge and JMFC., Hosapere.	LL.M.	December- 2017	01.01.2018
9.	Sri. Shridhara M., XXIII Addl. Chief Metropolitan Magistrate, Bengaluru City.	LL.M.	Oct/Nov- 2016	01.12.2016


40.	Sri. M. Mahesh Babu, VIII Addl. Chief Metropolitan Magistrate, Bengaluru City.	LL.M.	December- 2017	01.01.2018
41.	Sri. Mallikarjun Ishwarappa Kamatagi, II Addl. Senior Civil Judge and JMFC., Tumakuru.	LL.M.	December- 2017	01.01.2018
42.	Smt. Champaka, XVIII Addl. Judge, Court of Small Causes and ACMM, Bengaluru City.	LL.M.	Oct/Nov- 2016	01.12.2016

BY ORDER OF HON'BLE THE CHIEF JUSTICE,


(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

Copy for information & necessary action to:

1. The Prl. Secretary to Government, Law Department, Vidhana Soudha, Bengaluru.
2. The Judicial Officers mentioned above.
3. The Accountant General (A&E), Karnataka, Bengaluru.
4. The Section Officer, HCB /HCA-I /GOB-II / HCL/LCA-I/HVC.


-TC-

JUDICIAL OFFICER'S CONFIDENTIAL RECORD FOR THE YEAR 20

P A R T - B

Name of the Officer _____ Designation _____ Post held _____

Note : - To be indicated against each items as Excellent / Very Good / Good / Satisfactory / Unsatisfactory

	To be recorded by Unit Head or Hon'ble Administrative Judge where the Officer is a District Judge	To be recorded by the Hon'ble Administrative Judge of the Unit	To be recorded by Hon'ble the Chief Justice
	1	2	3
1. Quality of Judgment / Order (To be assessed on the basis of Judgments/ Orders (5) selected at random by the Unit Head or Hon'ble Administrative Judge in the case of District Judge.			
(a) Language ...			
(b) Narration ...			
(c) Clarity in thought ...			
(d) Reasoning ...			
(e) Conclusion ...			
(Copies of Judgements and Orders to be enclosed)			
2. Knowledge of Law and Procedure ...			
3. Promptitude in disposal of Cases			
(a) Current ...			
(b) Old ...			
4. (a) Industry ...			
(b) Aptitude for hard / heavy work ...			
(c) Readiness to take up Responsibility ...			

ANNEXURE-P-27
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	1	2	3
5. Supervision and Control -			
(a) On Subordinate Judges ...			
(b) On Office staff ...			
6. Attitude towards			
(a) Superiors ...			
(b) Subordinates ...			
(c) Colleagues ...			
7. Conduct and Dignity			
(a) Inside Court ...			
(b) Outside Court ...			
8. Outlook towards			
(a) Members of the Bar ...			
(b) Public ...			
9. Reputation as to			
(a) Honesty ...			
(b) Integrity ...			
(c) Impartiality ...			
10. Over-all View ...			
11. Special remarks, if any ...			

Signature and Date

Signature and Date

Signature and Date

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(Signature)

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R.O.C. GOB(I) 39/2018No..... D.DIS.		HIGH COURT OF KARNATAKA BENGALURU- 560 001 DATE: 20.02.2020
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NOTIFICATION

The functional promotion to the following DISTRICT JUDGES (ENTRY LEVEL) as **DISTRICT JUDGE (SELECTION GRADE)** is granted in terms of the Government Order Nos.LAW 26 LAC 2005 dated 22.04.2006 and LAW 147 LAC 2009 dated 24.06.2010 in the pay scale of Rs.57700-1230-58930-1380-67210-1540-70290 with effect from the dates mentioned against their names:

Sl. No.	Name of District Judge (Entry Level) Sri/Smt.	Date of grant of functional promotion to the cadre of District Judge (Selection Grade)
1	2	3
1.	Late Mallappa Chandramappa Biradar (Retired)	10.07.2014
2.	Vithal S Dharwadkar (Retired)	01.06.2018
3.	Bailur Shankar Rama	07.06.2018
4.	Mallanagouda Shankaragouda Patil (Retired)	03.06.2018
5.	Sudheer Hanumanthappa Koraddi	01.06.2018
6.	Pradeep Sattendranath Balikai (Retired)	31.05.2018
7.	H.G. Nagarathna,	10.06.2018
8.	Biradar Bhimashankar Channabasappa (Retired)	01.06.2018
9.	K.S. Thimmannachar	10.06.2018
10.	G. Basavaraj	01.06.2018
11.	Gadigeppa Sannabasappa Sangreshi	01.06.2018
12.	Kattimani Prahlad Tukaramappa (Retired)	31.01.2019
13.	Sanjeev Vishnupanth Kulkarni	01.06.2018
14.	Kadloor Sathyanarayana Acharya	01.06.2018

	2	3
	L. Vijayalakshmi Devi	03.06.2018
	Shubha Gowdar	01.06.2018
	Rachappa Kuberappa Talikoti,	10.06.2018
	Chandrashekhar Mruthyunjay Joshi,	01.06.2018
	Kulkarni Ambadas G. (Retired)	01.06.2018
	Managoli Premavathi Mallikarjuna	10.06.2018
	Narayana (Retired)	01.06.2018
	S.H. Renukadevi	01.06.2018
	Umesh Manjunathabhat Adiga	01.06.2018
	Veerappa Veerabhadrapa Mallapur	01.06.2018
	T.G. Shivashankare Gowda	01.06.2018
	Ibrahim Feerasab Bidari	01.06.2018
	Shivana Gouda	01.06.2018
	Amaranarayana K.	01.06.2018
	Siddappa Yellappa Watawati	01.06.2018
	Sarvodaya Shettigar	01.06.2018
	Shivanna	05.06.2018

BY ORDER OF THE HIGH COURT,

R/s

(RAJENDRA BADAMIKA)
REGISTRAR GENERAL

1st
22/6

To:

The Compiler, Karnataka Gazette, Bengaluru (in duplicate) for favour of publication in the next issue of Gazette in Part-II, Section-2.

Copy for information and necessary action to:-

1. The Prl. City Civil & Sessions Judge, Bengaluru City - with a request to serve a copy of this Notification to the officer/s concerned.
2. All the Prl. District & Sessions Judges in the State - with a

The Registrar General/ Registrar (Vigilance) / Registrar (Statistics & Review)/ Registrar (Administration)/ Registrar (Computers) / Registrar (Judicial)/ Registrar (Recruitment)/Registrar (Infrastructure and Maintenance) and Secretary to Hon'ble the Chief Justice.

The Additional Registrar General/Additional Registrar (Judicial), High Court of Karnataka, Dharwad and Kalaburagi Benches.

The Central Project Co-ordinator (Computers) of this office, with a request to web-host the same on the official website of the High Court of Karnataka.

All the Private Secretaries to the Hon'ble Judges.

The Chief Secretary to Government of Karnataka, Vidhana Soudha, Bengaluru.

The Prl. Secretary to Government of Karnataka, Law Department, Vidhana Soudha, Bengaluru.

0. The Prl. Secretary to Government, DPAR, Vidhana Soudha, Bengaluru.

1. The Registrar, Karnataka State Administrative Tribunal, Bengaluru.

2. The Presiding Officer, Industrial Tribunal, Bengaluru.

3. The Registrar, Karnataka Appellate Tribunal, Bengaluru - with a request to serve a copy of this Notification to the officer/s concerned.

4. The Member Secretary, Karnataka State Legal Services Authority, Bengaluru.

5. The Registrar, Karnataka State Administrative Tribunal, Belagavi Bench, Belagavi.

6. The Director, Bangalore Mediation Centre, Nyaya Degula, Bengaluru.

17. The Accountant General (A & E) in Karnataka, Bengaluru.

18. The Section Officers of RPS/GOB-II/R&SB/HVC/HCB/HCL & HRMS Branches of this office.

19. Office copy.

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D.C. GOB(I) 39/2018No..... DIS.		HIGH COURT OF KARNATAKA BENGALURU- 560 001 DATE: 05.03.2020
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NOTIFICATION

The functional promotion to the following DISTRICT JUDGES (ENTRY LEVEL) as **DISTRICT JUDGE (SELECTION GRADE)** is granted in terms of the Government Order Nos.LAW 26 LAC 2005 dated 02.04.2006 and LAW 147 LAC 2009 dated 24.06.2010 in the pay scale of Rs.57700-1230-58930-1380-67210-1540-70290 with effect from the dates mentioned against their names:

1.	Name of District Judge (Entry Level) Sri/ Smt.	Date of grant of functional promotion to the cadre of District Judge (Selection Grade)
2	3	
1.	Anna Saheb Shankar Sadalge (Retired)	01.06.2018
2.	V. B. Suryavamshi (Retired)	01.06.2018
3.	Vipula M.B. Poojari	06.06.2018
4.	Damanagowda Veeranagouda Patil	01.06.2018
5.	Devendrappa Yamanappa Basapur (Retired)	01.06.2018
6.	Krishnaraj Bhimarao Asode	01.06.2018
7.	Geetha K.B.	01.06.2018
8.	Kalpana M. Kulkarni	01.06.2018
9.	Muralidhara Pai B.	03.06.2018
10.	Ravi N.M. (Retired)	01.06.2018
11.	M. Shobha	06.06.2018
12.	Bhairappa Shivaling Naik	10.06.2018
13.	M.L. Raghunath	05.06.2018
14.	Lekkadappa Jambigi	03.06.2018

1	2	3
17.	Naik Ravi Manjappa	31.01.2019
18.	Rajashekhar Venkangouda Patil	24.01.2019
19.	Roopa Shivappa Naik	25.01.2019
20.	Tyagaraja N. Inavally	27.01.2019
21.	Sadashiv Siddappa Sultanpuri	03.02.2019
22.	Subramanya J.N.	29.01.2019
23.	Gopala (Retired)	07.02.2019
24.	Yadav Vanamala Anandrao	29.01.2019
25.	Basavaraj S. Chegaraddi	31.01.2019
26.	Jinaralakar Bheemarao Lagamappa	27.01.2019
27.	Susheela	24.01.2019

BY ORDER OF THE HIGH COURT,



(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

To:

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5/3

The Compiler, Karnataka Gazette, Bengaluru (in duplicate) for favour of publication in the next issue of Gazette in Part-II, Section-2.

Copy for information and necessary action to:-

1. The Prl. City Civil & Sessions Judge, Bengaluru City - with a request to serve a copy of this Notification to the officer/s concerned.
2. All the Prl. District & Sessions Judges in the State - with a request to serve a copy of this Notification to the officer/s concerned.
3. The Prl. Judge, Family Court, Bengaluru - with a request to serve a copy of this Notification to the officer/s concerned.
4. The Officers concerned - through the respective Heads of Unit.
5. The Registrar General/ Registrar (Vigilance) / Registrar (Statistics & Review)/ Registrar (Administration)/ Registrar (Computers) / Registrar (Judicial)/ Registrar (Recruitment)/Registrar (Infrastructure and Maintenance) and Secretary to Hon'ble the Chief Justice.

- . The Additional Registrar General/Additional Registrar (Judicial), High Court of Karnataka, Dharwad and Kalaburagi Benches.
- . The Central Project Co-ordinator (Computers) of this office, with a request to web-host the same on the official website of the High Court of Karnataka.
- . All the Private Secretaries to the Hon'ble Judges.
- . The Chief Secretary to Government of Karnataka, Vidhana Soudha, Bengaluru.
- 0. The Prl. Secretary to Government of Karnataka, Law Department, Vidhana Soudha, Bengaluru.
- 1. The Prl. Secretary to Government, DPAR, Vidhana Soudha, Bengaluru.
- 2. The Registrar, Karnataka Appellate Tribunal, Bengaluru - with a request to serve a copy of this Notification to the officer/s concerned.
- 3. The Accountant General (A & E) in Karnataka, Bengaluru.
- 4. The Section Officers of RPS/GOB-II/R&SB/HVC/HCB/HCL & HRMS Branches of this office.
- 5. Office copy.

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Dis No.428 / 2020

Office of the
District and Sessions court,
Shivamogga, Dated 24.04.2020

From,

Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

To :

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru - 01.

Respected Sir,

Subject: Requisition / representation seeking the **reason / copy of resolution** of Hon'ble Collegium *as regards non consideration / failure to consider the case of the undersigned for promotion / elevation, along with my batch mates*, during the month of July-2019, as mentioned in the relevant extract of full court resolution dated 06.11.2019, forwarding the letter dated 27.11.2019, **as** one junior district judge than the undersigned is recommended for promotion / elevation - Reg.

References: 1. Information Letter R.O.C. GOB(I) 39/2018 dated 20-08-2015 of Hon'ble High Court of Karnataka, Bengaluru.

2. Reply letter No.GOB.II .ACR/130/2015 dated 08-07-2016 of Hon'ble High Court of Karnataka, Bengaluru.
3. *My Requisition dated 25.01.2018 bearing Des.No.217/2018 dated 27.01.2019.*
4. My Letter dated 30-06-2018.
5. Communication letter No.R.O.C. GOB.II.ACR.130/2015 dated 01-09-2018 of Hon'ble High Court of Karnataka, Bangalore.
6. My letter dated 03.09.2018.
7. My another letter dated 29.10.2018
8. Reply letter dated 17.11.2018 bearing No.GOB(1)39/2018 of Hon'ble High Court of Karnataka.
9. Notification No.R.O.C.GOB(I). 39/2018, dated 23.04.2019.
10. My further representation/requisition dated 25.04.2019
11. **Letter** No.R.O.C. GOB (I) 39/2018, dated **13.11.2019** of Hon'ble High court of Karnataka, Bengaluru

12. Letter No. R.O.C. GOB (I) 39/2018, dated 27.11.2019 of the Hon'ble High court of Karnataka. Bengaluru, forwarding of relevant extract of full court resolution, dated 06.11.2019.
13. Requisition / representation Letter No.1371/2019, dated 20.11.2019.
14. Requisition / representation Letter No.1380/2019, dated 22.11.2019.
15. Requisition / representation Letter No.1480/2019, dated 11.12.2019.
16. **Letter** No.R.O.C. GOB(I) 39/2018, dated **24.03.2020**.
17. Requisition seeking **reason / copy of resolution** for rejection of my request for reconsideration of grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority).

* * *

With reference to the subject cited above, I humbly state to submit that, the undersigned wanted to know the

reason for non consideration / failure to consider his case for promotion / elevation along with his batch mates during the month of July, 2019 and is aggrieved by the said administrative action as one promotee junior district judge than the undersigned is recommended for regular promotion / elevation.

Therefore, I seek **reason / copy of resolution** of Hon'ble Collegium *as regards non consideration / failure to consider the case of the undersigned for regular promotion / elevation* as mentioned in the relevant extract of full court resolution dated 06.11.2019, forwarding the letter dated 27.11.2019 and do the needful to the best of my service career and future and render justice and oblige.

Thanking you,

Yours faithfully and obediently,

M. 24/04/2020
(Master RKGMM Maha Swamiji)
Prl. District and Sessions Judge,
Shivamogga.

Dis No.429/ 2020

Office of the
District and Sessions court,
Shivamogga, Dated 24.04.2020

From,

Master RKGMM Mahaswamiji,
Prl. District and Sessions Judge,
Shivamogga.

To :

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru - 01.

Respected Sir,

Subject: Requisition / representation seeking the **reason / copy of resolution** of Hon'ble Collegium *as regards non consideration / failure to consider the case of the undersigned for regular promotion / elevation, in the month of January / February, 2020* as it is learnt that two District judges are recommended promotion / elevation - Reg.

References: 1. Information Letter R.O.C. GOB(I) 39/2018 dated 20-08-2015 of Hon'ble High Court of Karnataka, Bengaluru.

2. Reply letter No.GOB.II .ACR/130/2015 dated 08-07-2016 of Hon'ble High Court of Karnataka, Bengaluru.
3. *My Requisition dated 25.01.2018 bearing Des.No.217/2018 dated 27.01.2019.*
4. My Letter dated 30-06-2018.
5. Communication letter No.R.O.C. GOB.II.ACR.130/2015 dated 01-09-2018 of Hon'ble High Court of Karnataka, Bangalore.
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9. Notification No.R.O.C.GOB(I). 39/2018, dated 23.04.2019.
10. My further representation/requisition dated 25.04.2019
11. **Letter** No.R.O.C. GOB (I) 39/2018, dated **13.11.2019** of Hon'ble High court of Karnataka, Bengaluru

12. Letter No. R.O.C. GOB (I) 39/2018, dated 27.11.2019 of the Hon'ble High court of Karnataka. Bengaluru, forwarding of relevant extract of full court resolution, dated 06.11.2019.
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14. Requisition / representation Letter No.1380/2019, dated 22.11.2019.
15. Requisition / representation Letter No.1480/2019, dated 11.12.2019.
16. Letter No.R.O.C. GOB(I) 39/2018, dated **24.03.2020**.
17. Requisition seeking **reason / copy of resolution** for rejection of my request for **reconsideration** of grant of functional promotion as District Judge (Super Time Scale) and for restoration of seniority).
18. Requisition / representation seeking the **reason / copy of resolution** of Hon'ble Collegium *as regards non consideration / failure to consider the case of*

the undersigned for regular promotion / elevation, along with my batch mates, during the month of July- 2019, as mentioned in the relevant extract of full court resolution dated 06.11.2019, forwarding the letter dated 27.11.2019

* * *

With reference to the subject cited above, I humbly state to submit that, the undersigned wanted to know the reason for non consideration / failure to consider his case for regular promotion / elevation, as it is learnt that two District judges junior than the undersigned are recommended for regular promotion / elevation in the month of January / February, 2020 and is aggrieved by the said administrative action also.

Therefore, I seek **reason / copy of resolution** of *Hon'ble Collegium as regards non consideration / failure to consider the case of the undersigned for regular promotion / elevation* and do the needful to the best of my

service career and future and render justice and oblige.

Thanking you,

Yours faithfully and obediently,

Ms. 24/04/2020
(Master RKGMM Maha Swamiji)
Prl. District and Sessions Judge,
Shivamogga.

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STATEMENT

The Supreme Court Collegium in its meeting held on 20th April, 2020 has approved the proposal for elevation of the following Judicial Officers as Judges of the Karnataka High Court:

1. Shri Shivasankar Amaranavar,
2. Shri M. Ganeshaiah Ullal,
3. Shri Vedajagadhar Subbananda,
4. Shri Hanumanth Saikiranavar, and
5. Shri Padmaraj Neelachandra Desai.

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(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART I SECTION 2)

No. K.13023/03/2019-US.I
Government of India
Ministry of Law and Justice
(Department of Justice)

....

Jaisalmer House, 26, Man Singh Road,
NEW DELHI-110 011, dated 30th April, 2020.

NOTIFICATION

In exercise of the power conferred by clause (1) of Article 224 of the Constitution of India, the President is pleased to appoint S/Shri (1) Shivashankar Amarannavar, (2) Smt. Makkimane Ganeshaiah Uma, (3) Vedavyasachar Srishananda, (4) Hanchate Sanjeevkumar, and (5) Padmaraj Nemachandra Desai, to be Additional Judges of the Karnataka High Court, in that order of seniority, for a period of two years with effect from the date they assume charge of their respective offices.

[Signature]
30/4/2020

(Rajinder Kashyap)
Joint Secretary to the Government of India
Tele: 2338 3037

To

The Manager,
Government of India Press,
Minto Road, New Delhi.

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) No. CP 2020

IN THE MATTER OF:

Sri. Master RKGMM Mahaswamiji
 Prl. District & Sessions Judge PETITIONER

AND

The Registrar General,
 Hon'ble High Court of Karnataka & Ors. RESPONDENT

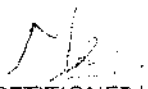
VAKALATNAMA

I/We.....
 (s)Petitioner(s) Respondent(s)Opposite party in the above
 Suit/Appeal/Petition/Reference do hereby appoint and retain M/S. NULI
 & NULI Advocate of the Supreme Court of India to act and appeal for
 me/us in the above Suit/Appeal/Petition/Reference and on my/our behalf
 to conduct and prosecute (or defend) the same and all proceedings that
 may be taken in respect of any application connected with the same or
 any decree or order passed therein, including proceedings in taxation and
 applications for Review, to file and obtain return of documents and to
 deposit and receive money on my/our behalf in the said
 Suit/Appeal/Petition/Reference and in application of Review, and to
 represent me/us and take all necessary steps on my/our behalf in the
 above matter. I/We agree to ratify all acts done by the aforesaid Advocate
 in pursuance of this authority.

Dated this theday of.....2016

Accepted /Identified /Certified

[M/S. NULI & NULI]
 Advocate, Supreme Court


 APPELLANT(S)/PETITIONER(S)/RESPONDENT(S)

MEMO OF APPEARANCE

To
The Registrar
Supreme Court of India,
New Delhi

Sir,

Please enter my appearance on behalf of the
Petitioner(s)/Appellant(s)/ Respondent(s) Opposite Parties and/or
Id. in the matter above.
Yours faithfully,

NEW DELHI
FILED ON


(M/s. ~~Advocate~~)
ADVOCATE