



CNR: KAHC010581022025

CCC NO. 1148/2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[SRI MAHABALESHWAR AND ANOTHER VS. SRI MANOJ KUMAR
AND OTHERS]

23.09.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA

An application I.A.No.2/2026 under Section 228 of the BNSS is filed on behalf of accused No.2 / Smt. Meenakshi Negi, stating that she is unable to be present before this Court today since she has been called upon to attend a meeting organized by the Ministry of Environment, Forest and Climate Change, Delhi. Copy of the boarding pass is enclosed.

2. In view of the submission made in I.A.No.2/2026, the exemption application is allowed. Accused No.2 shall be present on the next date of listing for hearing on 'framing of charge'.



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3. The accused No.1 / Shri Manoj Kumar, accused No.3 / Dr. V. Karikalan and accused No.4 / Shri Ganapathi K, are present in Court.

4. The submission of learned counsel on behalf of all the accused is that the order of the writ court, contempt of which is alleged, was passed following the judgment in the case of ***P. Junjappa v. The Principal Chief Conservator of Forests and Others*** in Writ Petition No.6238/2020 C/w. Writ Petition No.48123/2019 on 17.03.2025. The petition was allowed and the relief granted to the litigants in ***P. Junjappa*** was, *mutatis mutandis* extended to the petitioners, i.e. the complainants herein. The relief accorded to the petitioners in W.P.No.18058/2023, by the order dated 28.04.2025, contempt of which is alleged, were as follows:

"(i) Extend pensionary benefits to the respondents in the same manner as granted to other similarly situated employees.

(ii) Compute and disburse the arrears of pensionary benefits to the respondents within a period of three months from the date of receipt of a certified copy of this judgment.



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(iii) Ensure that no further instances of arbitrary denial of pensionary benefits arise in respect of employees who are similarly placed as that of respondents.

(iv) A compliance report regarding implementation of this order shall be filed before the Registry of this Court within the stipulated time frame to ensure adherence to the directions issued herein.

(v) Keep the original order in Writ Petition No.6238/2020 and a copy of the same in Writ Petition No.48123/2019 for reference.”

5. It is stated that it was decided to file a Special Leave Petition before the Supreme Court challenging the order dated 28.04.2025 passed the W.P.No.18058/2023. The S.L.P was dismissed by the Supreme Court on 08.04.2026 declining to entertain the petition. A Dispute Resolution Committee was formed, which, in its meeting held on 29.05.2026 decided to file a review petition before the Supreme Court. The review petition so filed was also dismissed on 16.09.2026. It is stated that non-pensionable permanent basis posts were created under the monthly rated establishments in the said division and such posts were extended to persons who fulfilled certain conditions. It is stated that since the proposal regarding



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extending pensionary benefits to the complainants and computing and disbursing the arrears thereof carry financial implications for the State Exchequer, any such proposal having financial implications, require prior concurrence of the Finance Department. It is stated that the department is accordingly seeking necessary guidance from the State Government in the matter. It is further stated that the matter is being actively pursued with the Finance Department to obtain its concurrence.

6. As regards accused No.4, it is contended that the accused No.4 / Shri Ganapathi K got transferred to Shivamogga Working Plan Division on 31.12.2025 and therefore, he cannot be made liable for contempt and since S.L.P. was pending before the Supreme Court, therefore, he could not comply.

7. Thus, willful disobedience by the accused is denied and an unconditional apology is tendered.



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8. However on perusal of the order passed and the facts and circumstances of the case, we find that there is a willful disobedience of the order of the writ court in this case. It is not mentioned in any affidavit filed by the accused that the case of ***P. Junjappa***, which has been relied upon by a co-ordinate Bench of this Court in its order of 28.04.2025, has been challenged before the Supreme Court or any review petition filed before this Court. The conduct of the accused in not challenging the main judgment in ***P. Junjappa*** and challenging the order dated 28.04.2025 passed in the Writ Petition No.18058/2023, contempt of which is alleged, is inexplicable.

9. As regards the contention of accused No.4 / Ganapathi K is concerned, the fact of the matter is that after the order was passed on 28.04.2025, it was communicated on 08.05.2025 and 15.05.2025. Therefore, stating that he was transferred in the month of December 2025, does not absolve him of his inaction during the



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aforesaid period after passing of the order of the writ court. Therefore, we proceed to frame charge against all the accused present in court.

10. At this stage, learned counsel for the accused again sought to address the Court on the merits of the case filed before the Supreme Court, relying upon the judgment of ***State of Karnataka v. Umadevi (3)***¹. We are afraid that no credence can be given by this Court to such submission advanced, as the dismissal of the case by the Supreme Court in the S.L.P., has led to the order passed in the writ court attaining finality.

11. The accused are charged as under:

CHARGE

“(i) You, Manoj Kumar, have willfully disobeyed the order dated 28.04.2025 passed by this Court in Writ Petition No.18058/2023 and thereby committed contempt of this Court under Section 12 read with Section 2(b) of the Contempt of Courts Act, 1971.”

¹ (2006) 4 SCC 1



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12. The accused No.1 / Manoj Kumar was asked whether he has heard and understood the charge. He replied "Yes". He was asked whether he pleads guilty. He replied "No".

CHARGE

"(ii) You, V. Karikalan, have willfully disobeyed the order dated 28.04.2025 passed by this Court in Writ Petition No.18058/2023 and thereby committed contempt of this Court under Section 12 read with Section 2(b) of the Contempt of Courts Act, 1971."

13. The accused No.3 / V. Karikalan, was asked whether he has heard and understood the charge. He replied "Yes". He was asked whether he pleads guilty. He replied "No".

CHARGE

"(iii) You, Ganapathi K, have willfully disobeyed the order dated 28.04.2025 passed by this Court in Writ Petition No.18058/2023 and thereby committed contempt of this Court under Section 12 read with Section 2(b) of the Contempt of Courts Act, 1971."



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14. The accused No.4 / Ganapathi K, was asked whether he has heard and understood the charge. He replied "Yes". He was asked whether he pleads guilty. He replied "No".

15. Therefore, the trial will begin.

16. List the matter on 16.11.2026, for trial.

17. The parties may file their affidavits by way of evidence, before the next date of listing.

18. The accused No.2 / Meenakshi Negi has not appeared before the Court. Since the accused No.2 has not appeared before the Court and her exemption application from personal appearance has been allowed. Only for the purpose of hearing the accused No.2 on 'framing of charge', this matter shall be listed on 01.10.2026.

**Sd/-
(JAYANT BANERJI)
JUDGE**

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