HC-KAR

CNR: KAHC010023112014

NC: 2026:KHC:56291-DB
WA No. 2527 of 2014
C/W WA No. 2526 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT APPEAL NO. 2527 OF 2014 (S-RES)
C/W
WRIT APPEAL NO. 2526 OF 2014 (S-RES)

IN WA No. 2527/2014

BETWEEN:

THE EXECUTIVE OFFICER
OFFICE OF THE EXECUTIVE OFFICER
SRI SRIKANTESHWARASWAMY TEMPLE
NANJANGUD – 571 301.

...APPELLANT

(BY SRI HARSHITH N. BALAKRISHNA, ADVOCATE)

AND:

Digitally signed by G SHREERAKSHA
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
REP. BY CHIEF SECRETARY
DEPARTMENT OF RELIGIOUS AND
CHARITABLE ENDOWMENTS
VIDHANA SOUDHA
BANGALORE - 560 001.

2. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTION
AND CHARITABLE ENDOWMENTS
MAHADESHWARA BHAVAN
CHAMARAJPET
BANGALORE - 560 018.

3. SRI N.S. SUNDARA RANGACHAR
AGED ABOUT 77 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

4. SRI N.C. SRIKANTAIAH
AGED ABOUT 71 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

5. SRI SATHYANARAYANA DIXIT
AGED ABOUT 71 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

…RESPONDENTS

(BY SMT. VAHEEDA, AGA FOR R1 & R2;
SRI B.S. MANJUNATH, ADVOCATE FOR R3 & R5;
SRI Y.H. HARIPRASAD, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 30.04.2014 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.33628-630/13 AND ETC.,

IN WA NO. 2526/2014

BETWEEN:

THE EXECUTIVE OFFICER
OFFICE OF THE EXECUTIVE OFFICER
SRI SRIKANTESHWARASWAMY TEMPLE
NANJANGUD - 571 301.

...APPELLANT

(BY SRI HARSHITH N. BALAKRISHNA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY CHIEF SECRETARY
DEPARTMENT OF RELIGIOUS
AND CHARITABLE ENDOWMENTS
VIDHANA SOUDHA
BANGALORE – 560 001.

2. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTION
AND CHARITABLE ENDOWMENTS
MAHADESHWARA BHAVAN
CHAMARAJAPET
BANGALORE – 560 018.

3. SRI N.A. SADASHIVA
S/O M.C. ANANTHARAMAIAH
AGED ABOUT 68 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

4. SRI N. RAMASWAMY
S/O A.K. NARAYANA SWAMY
AGED ABOUT 66 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

5. SRI B.S. SHAMANNA
S/O B. SUBBA RAO
AGED ABOUT 77 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

6. SMT. PARIMALA
W/O N.C. NARAYANA JOIS
AGED ABOUT 60 YEARS

SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

7. SRI PARAMASHIVAMURTHY
SINCE DEAD BY LR'S

7(A) PUTTANANJAMMA
W/O LATE PARAMASHIVAMURTHY
AGED ABOUT 65 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

8. SRI MARAIAH
S/O JAGATE MADAIAH
AGED ABOUT 74 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

9. SRI G. KARIBASAPPA
S/O G. GANGANNA
AGED ABOUT 91 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

10. SRI M. SRIKANTA ARADHYA
S/O GLATE K. MALLARADYA
AGED ABOUT 68 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

11. SRI SIDDAVEERAPPA
S/O NAGAPPA
AGED ABOUT 64 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE

NANJANGUD - 571 301
MYSORE DISTRICT.

12. SRI D.P. NAGARAJU
S/O PUTTASWAMAPPA
AGED ABOUT 65 YEARS
SRI SRIKANTESHWARA SWAMY TEMPLE
NANJANGUD - 571 301
MYSORE DISTRICT.

...RESPONDENTS

(BY SMT. VAHEEDA, AGA FOR R1 & R2;
SMT. K.K. THAYAMMA, ADVOCATE FOR
R6, R7(A), R8 & R9;
SRI B.S. MANJUNATHA, ADVOCATE FOR
R3, R4, R5, R10, R11 & R12)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 30.04.2014 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.9764/2014 & WRIT PETITION NOS.14721-729/2014 AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

CNR: KAHC010023112014

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R DEVDAS)

W.A.No.2527/2014 and W.A.No.2526/2014 are filed by the Executive Officer, Sri Srikanteshwara Swamy Temple, Nanjangud, challenging the orders dated 30.04.2014 passed by the learned Single Judge in W.P.Nos.33628–630/2013 and W.P.No.9764/2014 and W.P.Nos.14721–729/2014, respectively.

2. The private respondent Nos.3 to 5 had filed the writ petition seeking to quash a notice dated 31.12.2008 issued by the Commissioner, Hindu Religious Institutions and Charitable Endowments. The learned Single Judge found that earlier certain employees of the temple had filed writ petitions seeking a direction to the respondents to pay salary as per Fifth Pay Commission recommendation. The writ petitions were allowed and the Executive Officer of the temple was directed to pay salary and other allowances in accordance with the recommendations of the Fifth Pay Commission, subject to

the result of the appeal pending before the Apex Court. Those writ petitioners further filed intra Court appeals in Writ Appeal No.3642/2012 and Writ Appeal Nos.8533-8541/2012 being aggrieved of the directions issued by the learned Single Judge that they shall furnish security to the satisfaction of the Executive Officer, in the event that the Hon'ble Apex Court decides the case against the appellants and for due recovery of the salaries and wages paid to them. This Court, by order dated 08.03.2013 allowed the writ appeals while observing that even if the Hon'ble Apex Court holds that the age of retirement of the employees shall be 60 years, even then, any salary received by the appellants cannot be recovered by the State, because the salaries will be paid to the appellants for the work discharged by them and considering the services rendered by them and the Executive Officer cannot be permitted to recover the salary paid to the appellants.

3. The learned Single Judge in W.P.Nos.33628–630/2013 and W.P.No.9764/2014 and W.P.Nos.14721–

729/2014 noticed these directions issued by the Co-ordinate Bench in Writ Appeal No.3642/2012 and Writ Appeal Nos.8533-8541/2012 and the learned HCGP also conceded to the fact that the decision rendered by the Division Bench was squarely applicable to the writ petition and accordingly the writ petitions were allowed and the impugned notice was quashed, while directing the Executive Officer/appellant herein to pay the writ petitioners salary as per the Fifth Pay Commission recommendation and as increased from time to time, subject to the outcome of the appeals pending before the Hon'ble Supreme Court.

4. On the previous occasions, this Court posed a question to the learned counsel for the appellant/Executive Officer as to what is the *locus standi* of the appellant to prefer the writ appeal, when the burden of payment of salary is on the State Government and not the Executive Officer. The learned counsel today has filed a memo enclosing a copy of an interlocutory application filed by the

appellant before the Hon'ble Supreme Court in Civil Appeal No.5924/2008 and submits that the said application was disposed of by the Hon'ble Supreme Court by order dated 26.10.2015 with a direction that the IA shall be considered at the stage of hearing the appeal. It has also directed that, for further relief, the applicant may move the High Court. The learned counsel would therefore submit that this is the basis on which the present writ appeal is filed.

5. In the considered opinion of this Court, merely because the Executive Officer of the temple filed an application to implead himself in the Special Leave Petitions, which were concerning the validity of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997, which was stuck down by this Court in W.A.No.3340/2005 and in that regard the Civil Appeal No.5924/2008 is pending before the Hon'ble Supreme Court, that will not answer the question posed by this Court to the appellant/Executive Officer. We are of the considered opinion that, ultimately, it is the State which

pays the salary to the employees and the Executive Officer is only an officer under the State, who is responsible for the payment of the salaries and, therefore, the Executive Officer by himself has no authority or *locus standi* to question the orders passed by this Court. If at all someone is aggrieved of such an order, it is the State to have questioned the same if it was aggrieved of the orders passed by this Court.

6. Consequently, since we are of the considered opinion that the appellant/Executive Officer of Sri Srikanteshwara Swamy Temple, Nanjangud has no *locus standi* to question the impugned orders passed by the learned Single Judge, we proceed to ***dispose of*** the Writ Appeals accordingly.

7. It is made clear that the appellant/Executive Officer and respondent No.1/State and respondent No.2/Commissioner, Hindu Religious Institutions and

Charitable Endowments are required to comply with the directions issued by the learned Single Judge.

Sd/-
(R DEVDAS)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

GSR
List No.: 1 Sl No.: 5