



Reserved on : 14.07.2025
Pronounced on : 21.07.2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.20895 OF 2023 (GM – RES)

BETWEEN:

SRI VISHWAS K.S.,
AGED ABOUT 34 YEARS
S/O SRI K.V.SATYANARAYANA MURTHY
NO.286, 12TH CROSS
SARASWATI NAGARA
VIJAYANAGARA
BENGALURU – 560 040.

... PETITIONER

(BY SMT.ASHWINI O., ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR.AMBEDKAR VEEDHI
BENGALURU – 560 001.

- 2 . THE STATE OF KARNATAKA
REPRESENTED BY
THE PRINCIPAL SECRETARY
YOUTH EMPOWERMENT AND
SPORTS SECRETARIAT
NO.246, 2ND GATE, 2ND FLOOR
M.S.BUILDING
BENGALURU – 560 001.
ysdsec@gmail.com
- 3 . THE STATE OF KARNATAKA
REPRESENTED BY THE DEPUTY SECRETARY
YOUTH EMPOWERMENT AND SPORTS SECRETARIAT
NO.241, 2ND GATE, 2ND FLOOR
M.S.BUILDING
BENGALURU – 560 001.
dsysdec@karnataka.gov.in
4. THE DIRECTORATE OF
YOUTH EMPOWERMENT AND SPORTS
REPRESENTED BY THE COMMISSIONER
STATE YOUTH CENTRE, YAVANIKA
NRUPATHUNGA ROAD
BENGALURU - 560 001
dyesdept@gmail.com

... RESPONDENTS

(BY SRI SPOORTHY HEGDE N., HCGP.)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTION IN THE NATURE OF MANDAMUS ORDERING THE PAYMENT OF CASH AWARD OF RS.6,00,000/- AS PER THE GOVERNMENT ORDER NO. YuSeEe 278 YuSeKree 2013 DATED 30.11.2013 AT ANNEXURE-C AND GOVERNMENT ORDER NO. YuSeEe 280 YuSeKree 2017 DATED 09.10.2017 AT ANNEXURE-E.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.07.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner, a decorated international para-swimming champion, approaches this Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, lamenting the apathy and indifference of the State Government in disbursing cash award, to which he is lawfully entitled under the Government Order dated 30-11-2013. Despite his sterling accomplishments and relentless representation, the recognition owed to him by the State has remained, shockingly, elusive. It is therefore, he is before the doors of this Court.

2. Heard Smt. O. Ashwini, learned counsel appearing for the petitioner and Sri Spoorthy Hegde, learned High Court Government Pleader appearing for the respondents.

3. Facts, in brief, germane are as follows: -

The petitioner, having lost both his arms at a tender age due to a tragic mishap, did not allow his physical limitation to diminish his dreams. With tenacity, he defies imagination, embraces the sport of swimming – a discipline intrinsically tied to the use of limbs – the petitioner then rose to become a luminous star in the firmament of Para athletics, earning glory not just for himself, but for the State and to the Nation. Petitioner is said to have had the honour of representing the Nation in several prestigious national and international championships and is said to have secured several medals at the relevant point in time. The Government of Karnataka, in order to award persons with disability, participating in sporting events at international levels, has notified a Government Order on 30-11-2013 to grant cash incentives for winners of medals at international Para swimming championships. The Government Order of 2013 clearly indicates that all persons with disability participating in international Para swimming championships should be granted cash award, as stipulated in the Government Order.

3.1. The petitioner claiming to be eligible for receipt of cash award at ₹6,00,000/-, submitted application to the department of Youth Empowerment and Sports, on 07-03-2018, in the prescribed format. No amount is paid. The petitioner again represented or moved from pillar to post, to secure the amount that he was duly entitled to, in terms of the Government Order. Subsequently, the petitioner was informed of a subsequent Government Order dated 09-10-2017 regarding claim of cash benefits for sports persons. The said Government Order was indicative of the fact that sports persons who have represented the State in All India sports and those who have represented India in International sports would be conferred benefits from the State Government. The petitioner then requested grant of benefits at least in accordance with the said Government Order that has come after the event on 09-10-2017. Representations galore; no amount is received by the petitioner. The petitioner, finally, prior to filing of the subject petition, on 04-08-2023 gave detailed representation to all the respondents seeking justice by grant of cash award. Having received no response to the cry of the petitioner, the petitioner is at the doors

of this Court seeking release of ₹6,00,000/- in terms of the aforesaid Government Orders.

4. The learned counsel appearing for the petitioner Smt.O.Ashwini would vehemently contend that the entitlement of the petitioner is pushed under the carpet, notwithstanding the fact that the petitioner has participated in the international events. She would take this Court through the Rights of Persons with Disabilities Act, 2016 to contend that the Government should ensure that persons with disabilities should enjoy the right of equality, dignity and respect equal with others. The learned counsel would project that it is inhumane treatment, meted out to the petitioner, in not awarding cash prize that he is entitled to.

5. Per contra, the learned High Court Government Pleader would vehemently refute the submissions in contending that what the petitioner is entitled to is already given which is ₹4,64,000/-. He is not entitled to ₹6,00,000/- as is claimed by the petitioner. He would project that the Association through which he was representing was itself disqualified and suspended between April,

2015 and June 2016. He would, therefore, contend that the petitioner has been granted beyond what he is entitled to and no fault can be found at the hands of the State. He would seek to contend that Government orders of both 2013 and 2017 give the petitioner only the said amount and nothing beyond that.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts are not in dispute and therefore, they would not require a further reiteration. It would suffice to begin the story of the petitioner that he is a person suffering from disability. Disability is that he does not have both his arms. But, he has pursued his dream of becoming a swimmer; becomes a Para swimmer and won accolades all over the globe. The petitioner has participated in several National and International championships of Para swimming and won several medals and trophies. The medals and trophies that the petitioner has won are summarized in the petition, which I deem it appropriate to paraphrase reading:–

- "Bronze medal in IOM Berlin Para-Swimming German Open (2017 and 2018);
- 2 Silver medals and 1 Bronze medal at Speedo Can Am International Para-Swimming Championships in Ottawa, Canada (2016);
- 1 Gold and 2 Silver medals in National Para-Swimming in Udaipur (2017); and
- 5 Gold medals in Indian Open Swimming Competition, Bangalore (2018)."

The petitioner has also won several awards apart from medals as narrated *supra*. The awards that the petitioner has won are narrated in the petition which reads as follows:

"The Petitioner has secured several other awards in his journey in life as a para-swimmer. He was awarded the Special Golden Achiever Award, AUGP, USA. He is also the recipient of the Role Model Award by the Honorable Vice-President of India. Several other awards such as the Shoor Veer Award by Ample Mission, Mumbai, Karnataka, Rajyotsava Award, Vishweshwariah Ratna Award, Kempegowda Award and Eka Veer Award by K.N. Group have been bestowed upon the petitioner by both governmental and non-governmental organizations....."

(Emphasis added)

8. To incentivize and honour such triumphs over adversity, the Government of Karnataka, had on 30-11-2013, issued the Government Order earmarking substantial cash rewards to sports persons with disabilities who secure

medals in international championships. Under this order, the petitioner having secured 2 silver medals and 2 bronze medals in international events, became eligible for receipt of the cash award, totally Rs.6,00,000/-. However, despite having submitted the necessary application and supporting documents, the petitioner receives no response from the Authorities. The said Government order is issued on 30-11-2013. It reads as follows:

“ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಯುಸೇಇ 278 ಯುಸೇಕೆ 2013,

ದಿನಾಂಕ: 30-11-2013

ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ಅಂತರರಾಷ್ಟ್ರೀಯ ಮಟ್ಟದ ಕ್ರೀಡಾ ಕೂಟಗಳಲ್ಲಿ ಭಾಗವಹಿಸಿ ಪದಕ ಪಡೆದ ಕರ್ನಾಟಕದ ವಿಕಲಚೇತನ ಕ್ರೀಡಾಪಟುಗಳಿಗೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ವತಿಯಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ನಗದು ಪ್ರೋತ್ಸಾಹ ಧನವನ್ನು ಅನುಬಂಧದಲ್ಲಿ ಸೂಚಿಸಿರುವ ಮಾರ್ಗಸೂಚಿಯನ್ವಯ ನೀಡಿ ಗೌರವಿಸಲು ಈ ಮೂಲಕ ಸಹಮತಿಸಿ ಆದೇಶಿಸಿದೆ.

ಕ್ರ. ಸಂ.	ವಿವರ	ಚಿನ್ನ (ರೂ.ಗಳಲ್ಲಿ)	ಬೆಳ್ಳಿ (ರೂ.ಗಳಲ್ಲಿ)	ಕಂಚು (ರೂ.ಗಳಲ್ಲಿ)
1	ಪ್ಯಾರಾ ಒಲಂಪಿಕ್ / ಕಾಮನ್‌ವೆಲ್ತ್	25.00 ಲಕ್ಷ	15.00 ಲಕ್ಷ	10.00 ಲಕ್ಷ
2	ಐವಾನ್/ವಿಕಲಚೇತನರ / ಕುಬ್ಜರ ವರ್ಲ್ಡ್ ಕಪ್ - ವರ್ಲ್ಡ್ ಗೇಮ್ಸ್	10.00 ಲಕ್ಷ	7.00 ಲಕ್ಷ	5.00 ಲಕ್ಷ
3	ಪ್ಯಾರಾ ಏಷ್ಯನ್ ಗೇಮ್ಸ್ / ಏಷ್ಯನ್ ಚಾಂಪಿಯನ್‌ಷಿಪ್ಸ್	5.00 ಲಕ್ಷ	3.00 ಲಕ್ಷ	1.50 ಲಕ್ಷ
4	ಅಂತರರಾಷ್ಟ್ರೀಯ ಅಂಗವಿಕಲರ ಚಾಂಪಿಯನ್‌ಷಿಪ್ಸ್	4.00 ಲಕ್ಷ	2.00 ಲಕ್ಷ	1.00 ಲಕ್ಷ
5	ನ್ಯಾಷನಲ್ ಗೇಮ್ಸ್ ಫಾರ್ ಡಿಸೇಬಲ್ಡ್	2.00 ಲಕ್ಷ	1.00 ಲಕ್ಷ	0.50 ಲಕ್ಷ
6	ರಾಷ್ಟ್ರೀಯ ಅಂಗವಿಕಲರ ಚಾಂಪಿಯನ್‌ಷಿಪ್ಸ್	1.00 ಲಕ್ಷ	0.50 ಲಕ್ಷ	0.25 ಲಕ್ಷ

ಮೇಲ್ಕಂಡಂತೆ ಹೊರಡಿಸುವ ಮಾರ್ಗಸೂಚಿಗಳ ಕಾರಣಗಳಿಂದಾಗಿ ಹೆಚ್ಚುವರಿ ಅನುದಾನಕ್ಕಾಗಿ ಕೋರಿಕೆಯನ್ನು ಸಲ್ಲಿಸಬಾರದು, ಒದಗಿಸಲಾಗಿರುವ ಅನುದಾನದಿಂದಲೇ ಬಹುಮಾನ ಮೊತ್ತಗಳನ್ನು

ಬಳಸಿಕೊಳ್ಳತಕ್ಕದ್ದು ಹಾಗೂ ಎಂಪಿಕ್ ಕಾರ್ಯಕ್ರಮಗಳ ಪ್ರಕಾರ ಒದಗಿಸಲಾಗಿರುವ ಮೊತ್ತವನ್ನು ಬಳಸಿಕೊಳ್ಳಲು ಸಮನದಲ್ಲಿರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

ಸದರಿ ವೆಚ್ಚವನ್ನು ಲೆಕ್ಕಶೀರ್ಷಿಕೆ 2204-00-104-0-02 ಕ್ರೀಡಾ ಚಟುವಟಿಕೆಗಳಿಗೆ ಪ್ರೋತ್ಸಾಹ 015 ಪೂರಕ ವೆಚ್ಚಗಳು (ಯೋಜನೆ) ಅಡಿಯಲ್ಲಿ ಒದಗಿಸಿರುವ ಅನುದಾನದಿಂದ ಭರಿಸತಕ್ಕದ್ದು.

ಈ ಆದೇಶವನ್ನು ಆಂತರಿಕ ಅರ್ಥಿಕ ಸಲಹೆಗಾರರ ಟಿಪ್ಪಣಿ ಸಂಖ್ಯೆ: ಯುಸೇಇ 2865 ಐಎಫ್‌ಎ 2013, ದಿನಾಂಕ: 27-11-2013 ರ ಸಹಮತಿಯ ಮೇರೆಗೆ ಹೊರಡಿಸಲಾಗಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ

ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಸಹಿ/-

(ಹೆಚ್.ಕೆ.ಸಾವಿತ್ರಿ)

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ

ಯುವ ಸಬಲೀಕರಣ ಮತ್ತು ಕ್ರೀಡಾ ಇಲಾಖೆ"

In terms of the Government order, the petitioner is entitled to get ₹6,00,000/- and the break up goes this way viz., the petitioner has won 2 silver medals in international sporting events which would give him ₹4,00,0000/- and he has won two bronze medals which would give him ₹2,00,000/-, put together, the petitioner becomes entitled to ₹6,00,000/-.

9. The Government Order has certain conditions. It is not in dispute that the petitioner has fulfilled all the conditions. Accordingly, the petitioner, in the prescribed form, submits application enclosing all the awards that he has won, which would

entitle him to the cash prize. During the subsistence of consideration of the representation, a Government Order dated 9-10-2017 comes about. This is a subsequent Government Order to the one already notified. The sporting events that have taken place were during the subsistence of the Government Order of the year 2013. Therefore, what would be applicable to the petitioner is undoubtedly the Government order dated 30-11-2013, which gives him ₹6,00,000/- cash prize.

10. The petitioner is said to have submitted plethora of representations and orders passed, but no cash award is granted to the petitioner in terms of his entitlement. The petitioner then submits a representation on 04-08-2023. The representation reads as follows:

"04-08-2023

To

Sri Shashikumar N, IPS,
Commissioner,
Directorate of Youth Empowerment and Sports,
State Youth Centre, Yavanika,
Nrupathunga Road, Bangalore-560 001.
dyesdept@gmail.com

Respected Sir,

Sub: Representation claiming cash award instituted by the State Government for winning medals at International Para-swimming Championships as per Government Order No.YuSeEe 278 YuSeKree 2013 dated 30-11-2013 and Government order in No.YuSeEe 280 YuSeKree 2017 dated 09-10-2017.

I am an international para-swimming champion. I have had the honour to represent India in several prestigious national and international championships. I have secured several awards for para-swimming such as:

- Bronze medal in IOM Berlin Para Swimming German Open (2017 and 2018)
- 2 Silver medals and 1 Bronze medal at Speedo Can Am International Para Swimming Championships in Ottawa, Canada (2016);
- 1 Gold and 2 Silver medals in National Para-swimming in Udaipur (2017)
- 5 Gold medals in Indian Open Swimming Competition, Bangalore (2018).

I have annexed the copies of these certificates along with this letter as Annexure-A (colly).

Having suffered a personal tragedy at the age of ten, with loss of both hands, I struggled and fought a lone battle, inspiring myself and relentlessly strived hard to achieve my dreams of becoming a para-swimmer. Having gained the confidence slowly, I have also evolved to become a TED talk motivational speaker, a dancer and an actor.

I have secured several other awards in my journey in life as a para-swimmer. I was awarded the Special Golden Achiever Award, AUGP, USA. I am also the recipient of the Role Model Award by the Honorable Vice-President of India. Several other awards such as the Shoor Veer Award by Ample Mission, Mumbai, Karnataka Rajyotsava Award, Vishweshwariah Ratna Award, Kempegowda Award and Eka Veer Award by K.N. Group have been bestowed upon me by both governmental and non-

governmental organisations. I have annexed the copies of these certificates along with this letter as **Annexure-B (Colly.)**.

However, despite achieving success and recognition at national as well as international arenas, I have been a victim of arbitrariness and unfairness by the actions of the State Government. The State Government has not considered my para-swimming medals won at several championships sufficiently deserving for me to claim cash award instituted by the State Government as per Government order No.YuSeEe 278 YuSeKree 2013 dated 30-11-2013.

As you are aware, the State Government issued a Government order No.YuSeEe 278 YuSekree 2013 dated 30-11-2013 with regard to grant of cash incentives for winners of medals at international para-swimming championships. I have annexed the copy of this Government order along with this letter as Annexure-C. As per this Government order, I am entitled for the cash award instituted by the State Government for winning medals at International Para Swimming Championships in the year 2016. I have made and submitted an application in the required/prescribed format to the Department of Youth Empowerment and Sports, Government of Karnataka. I have annexed the copy of my application in the prescribed format along with this letter as Annexure-D. However, I have been unfairly and illegally deprived of these benefits which I am rightfully entitled to receive, as a national and International para-swimming championship medals winner.

I have approached the Department of Youth Empowerment and Sports, Government of Karnataka, several times urging them to consider my request, having become eligible to receive State Government conferred cash award benefits for partaking in national and international championships. But, to no avail. I have also submitted several requests to the Karnataka para-swimming Association urging them to take up my case before the Department of Youth Empowerment and Sports, Government of Karnataka. However, I have received absolutely no response from the State Government.

Every time I approached the State Government office requesting them to provide me with cash awards instituted by the State Government, for sportspersons such as me for winning medals at International Para-Swimming Championships as per Government order No.YuSeEe 278 YuSekree 2013 dated 30-11-2013, I was ignored and my request fell upon deaf ears. **I have been made to run from pillar to post to secure what I am entitled to, and what is lawfully mine. This is a disgrace and an injustice that the State Government has meted out to me. Most recently, I was informed of the subsequent Government order in No.YuSeEe 280 YuSekree 2017 dated 09-10-2017. I requested the officials to grant me the benefits due to me under at least this Government Order. However, these pleas were ignored as well.**

I have been disrespected, despite being a thriving para-swimmer who has won accolades for the State at national and international championships. Further, I am the sole breadwinner for my family, and receiving the cash awards instituted and promised to sportspersons like us by the State Government goes a long way in ensuring a good life and livelihood for me and my family.

Despite achieving success and recognition at national as well as international arenas, I have been a victim of arbitrariness and unfairness by the actions of the State Government. I have been immensely disappointed and disgruntled by such treatment. Yet, I am attempting one more time to engage with the State Government and request your kind self to prevent the violation of my rights and set right the injustice done to me.

This is an earnest request, yet again, to consider this representation (and all my previous oral and written representations) favourably and to provide me the cash awards instituted by the State Government for winning medals at International Para-swimming Championships as per Government order No. YuSeEe 278 YuSekree 2013 dated 30-11-2013 and as per the subsequent Government Order in No. YuSeEe 280 YuSeKree 2017 dated 09-10-2017, as applicable.

Thanking you,

Yours faithfully,

Vishwas k.s.,
No.286, 12th Cross
Saraswati Nagara
Vijayanagara
Bengaluru – 560 040
9972530303.”

(Emphasis added)

Identical representations are submitted to all the powers that be. All of them go unheeded and, therefore, the petitioner is before this Court.

11. The learned High Court Government Pleader seeks to justify the short payment to the petitioner stating that only Rs.4,74,000/- is to be disbursed, on the plea that the Association through which the petitioner participated was temporarily disqualified. The suspension or disqualification of the said Association has come about only on 01-07-2016. Therefore, the petitioner is not entitled to the said benefit. **Such submissions, would only do little to mask the injustice. The Association suspension or its subsequent revocation cannot deprive a deserving athlete his rightful reward. The cash prize is**

awarded not because of sportsperson being from any Association; it is the said sportsperson's effort during the sporting event that they would win a medal for the Nation or for the State, as the case would be, which would entitle them to get such cash rewards.

12. I deem it appropriate to observe that the focus must not be on bureaucratic technicalities, but on the living human spirit that triumphed against colossal odds. The Government's duty is not merely administrative, it has to be moral, constitutional and humane. When a man without arms dives into pools and emerges not just victorious, but triumphant on the international stage, the State is expected to salute that spirit, not stifle his rights by red-tapism.

13. The petitioner, with no arms, being victorious as observed hereinabove, was left to fend for himself for close to a decade with only a partial payment made, that too after the notice being issued in the subject petition. It is nothing but a sad reflection on the functioning of the State's

machinery. Such callous indifference, particularly towards a person with disability, calls for not just a correction, but censure.

14. A State that prides itself on promoting sports and inclusivity, cannot behave as a litigant, driven by obstinacy and pettiness. It must be a model litigant – fair, responsive and just. All sports are equal; the sportspersons of all sports are also equal; the effort they put is equal, it is unfortunate that State pampers only a few sports and leaves the other sportsmen in the lurch, as they have left the one, in the case at hand. Therefore, the concerned Officers from the department of Youth Empowerment and Sports must be held personally accountable.

15. The petitioner, as observed hereinabove, has participated in the sporting events in 2016 to 2018 and has submitted all the documents necessary to the State. Six years pass by; not a rupee is paid. During subsistence of the petition, the petitioner is short-paid of cash prize.

16. **Therefore, for having driven a disabled person to bear the brunt of litigation, the officers of the State must be mulcted with payment of exemplary costs.** The cost not be paid from the funds of the State, but from the pocket of the officers who have interpreted the Government Orders in their own way, only to deny full benefits to the petitioner. The officers, I mean, the officers from the Department of Youth Empowerment and Sports, who have denied the benefits to the petitioner all along. **The costs are to be imposed as a caution or to serve as a reminder to the officers of the State, that justice delayed, especially to those who overcome the gravest of odds like the petitioner is, not only justice denied, but dignity diminished.**

17. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is allowed with costs of ₹2,00,000/- payable towards litigation expenses to the petitioner.

- (ii) The respondents/State is directed to release payment of ₹1,26,000/- to the petitioner, within two weeks from the date of receipt of a copy of this order.
- (iii) In the event, the amount of ₹1,26,000/- is not paid within two weeks as directed at clause (ii), the petitioner would be entitled to the costs of ₹1,000/- for every day's delay after the said two weeks, day-on-day, till it reaches the doors of the petitioner.
- (iv) The cost of ₹2,00,000/- shall be borne personally by the officials of the Department of Youth Empowerment and Sports, responsible for denying the petitioner his due. The said sum shall not be drawn from the public exchequer.
- (v) The aforesaid directions, in clauses (ii) to (iv) shall be complied with, within 4 weeks from the date of receipt of the copy of this order.

Consequently, I.A.No.1 of 2025 stands disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Bkp
CT:MJ