IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR. JUSTICE K NATARAJAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.202145 OF 2024 (S-KSAT)

BETWEEN:

SRI. C.H.MAHANTAYYA
S/O CHARLINGAYYA,
AGE: 50 YEARS, OCC: AUDIT OFFICER,
O/O EXECUTIVE ENGINEER,
KBJNL, NRBC, DIVISION-6, CHIKKAHONNAKUNI,
DEVADURGA, DIST. RAICHUR,
C/O SKANDA NILAYA, NGO COLONY,
NEAR VIJAYA SERVICE CENTER, LINGASUGUR,
RAICHUR-584122.

...PETITIONER

(BY SRI. MAHESH PATIL, ADVOCATE)

Digitally signed by NIJAMUDDIN JAMKHANDI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF IRRIGATION(SERVICES-B)
   VIKAS SOUDHA, BANGALURU-560001
   REP BY ITS PRINCIPAL SECRETARY.

2. THE MANAGING DIRECTOR
   KBJNL K. R. CIRCLE, BANGALORE-560001.

3. THE CHIEF ENGINEER,
   WATER RESOURCES DEVELOPMENT ORGANIZATION,

ANANDRAO CIRCLE, BANGALORE-560009.

4. THE CHIEF ENGINEER,
KBJNL CANAL ZONE-1
BHEEMARAYANA GUDI,
TQ. SHAHAPUR DIST. YADGIRI-585223.

5. THE EXECUTIVE ENGINEER,
KBJNL, NRBC, DIVISION NO.6
CHIKKAHONNAKUNI,
TQ. LINGASUGUR DIST. RAICHUR-584122.

6. SRI. KRISHNA S/O NOT KNOWN,
AGE: MAJOR OCC: ACCOUNT SUPERINTENDENT,
O/O EXECUTIVE ENGINEER NO.2,
KBJNL, JBC, DIVISION, B. GUDI,
TQ. SHAHAPUR DIST. YADGIRI
NOW TRANSFERRED TO O/O EXECUTIVE ENGINEER,
KBJNL, NRBC, DIVISION NO.6, CHIKKAHONNAKUNI,
TQ. DEVADURGA DIST. RAICHUR-584111.

…RESPONDENTS

(BY SRI. MALLIKARJUN BASAREDDY,GA FOR R1 AND R3;
SRI. SANJAY M. JOSHI, ADVOCATE FOR R2, R4, AND R5;
SRI. SHRAVANKUMAR R. MATH, ADVOCATE FOR 6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE ORDER DATED 12-07-2024 VIDE ANNEXURE-E PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, KALABURAGI BENCH, IN APPLICATION NO. 20473/2024 AND CONSEQUENTLY TO ALLOW THE APPLICATION FILED BY THE

PETITIONER BEFORE THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AS PRAYED FOR.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K NATARAJAN
AND
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This writ petition is filed seeking the following prayers:

> *"Issue a writ in the nature of certiorari by quashing the order dated 12-07-2024 vide Annexure-E passed by the Hon'ble Karnataka State Administrative Tribunal, Kalaburagi bench, in Application No. 20473/2024 and consequently to allow the application filed by the petitioner before the Karnataka State Administrative Tribunal as prayed for"*

2. Sri. Mahesh Patil, learned counsel for the petitioner submits that the petitioner was promoted and posted at Chikkahonnakuni on 18.01.2023 and he reported to the duty on 19.01.2023. The authorities prematurely transferred him without following the transfer

guidelines vide transfer order dated 12.03.2024 to Bhimarayanagudi, which was challenged before the Tribunal. However, the Tribunal without considering the merits of the case dismissed the application. Hence, he seeks to quash the order of transfer as well as the order of the Tribunal by allowing him to continue in the said post.

3. Per Contra, Sri. Shravankumar R Math, learned counsel appearing for the contesting respondent No.6 as well as learned Government Advocate, appearing for respondent Nos.1 and 3 submits that assuming that the petitioner has been transferred to the said post prematurely without admitting the same. It is submitted that his tenure comes to an end on 12.04.2025. Therefore, even otherwise, he is required to leave the said post on 12.04.2025. Hence, they seek to dismiss the petition. Learned Government Advocate further submits that the petitioner is entitled to hold the post of Audit Officer and if, he reports to the transferred post i.e., Bhimarayanagudi

after 12.04.2025, he would be provided a post of Audit Officer by upgrading the existing post.

4. The said submission in placed on record.

5. We have heard the arguments of the counsel on both sides and perused the material available record.

6. Admittedly, the term of the petitioner would come to an end on 12.04.2025. Hence, he is liable to be transferred. The tenure of the said post is for a period of 2 years. Keeping this said fact in mind, we are the considered view that the interest of justice would be met, if the petitioner is allowed to continue in the existing post till 12.04.2025 and thereafter the petitioners shall report to the transferred place i.e., Bhimarayanagudi, where the official respondent shall provide him with posting as an Audit Officer by upgrading the existing post.

7. With the above directions, the writ petition is ***disposed off***. It is made clear that this Court has not

expressed any opinion with regard to the merits and demerits of the case.

Sd/-
(K NATARAJAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

NJ
List No.: 1 Sl No.: 27