



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 18TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 105236 OF 2022 (S-KAT)

BETWEEN:

SHRI ASHOK
S/O. BASAPPA PALLED
AGE: 56 YEARS,
OCC: W/AS ACCOUNTANT CUM CLERK
MANGALURU VILLAGE, PANCHAYAT,
BADAMI TALUKA, BAGALKOT DISTRICT-01.

...PETITIONER

(ASHOK-PARTY IN PERSON)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
PANCHAYAT RAJ AND RURAL DEVELOPMENT,
DEPARTMENT, M.S. BUILDING, BENGALURU-01.
2. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
D.C OFFICE, BUILDING,
NAVANAGAR, BAGALKOT-01.

...RESPONDENTS

(BY SRI SHARAD V. MAGADUM, AGA FOR R1;
SRI BHUSHAN B. KULKARNI, ADVOCATE FOR R2)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, THE NECESSARY ORDER OR DIRECTION OR WRIT IN THE NATURE OF CERTIORARI MAY KINDLY BE ISSUED AND THEREBY QUASH THE IMPUGNED ORDER PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI, IN ITS APPLICATION NO.12757/2020, DATED 02.03.2021, IN THE ENDS OF JUSTICE VIDE ANNEXURE-A. THE NECESSARY ORDER OR DIRECTION OR WRIT IN THE NATURE OF MANDAMUS MAY KINDLY BE ISSUED TO THE RESPONDENTS TO CONSIDER HIS APPLICATION, REPRESENTATION GIVEN TO THE RESPONDENT NO.1 AND 2 DATED 08.07.2019, 17.11.2020, 30.11.2020, VIDE ANNEXURE 13 AND 14 AND TO PROMOTE/APPOINT THE PETITIONER AS THE GRADE-2 VILLAGE PANCHAYATH SECRETARY. IN THE ENDS OF JUSTICE AND ETC.,.

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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Petitioner is before this Court under Article 226 of the Constitution of India aggrieved by the Order dated 02.03.2021 in Application No.12757/2020 passed by the Karnataka State Administrative Tribunal, whereunder, the petitioner's request to consider his case for promotion from the date of promotion of his juniors is rejected on the ground that criminal case in Special Case No.63/2012 is pending against the petitioner on the file of II Addl. Sessions Judge, Bagalkot

2. The petitioner is working as Accountant cum Clerk at Grama Panchayath, Badami Taluk, Bagalkot District. A Crime No.47/2012 in Special Case No.63/2012 was registered on the file of II Addl. Sessions Judge, Bagalkot against the petitioner and others for the offences punishable under Sections 143, 147, 148, 451, 504, 323, 302, 354 r/w Section 149 of IPC and Section (1)(x),(xi) of the Scheduled Castes and Scheduled Tribes(Prevention of



Atrocities Act), 1989. It is also stated that the petitioner was taken to judicial custody from 02.07.2012 to 01.03.2013 and he was released on bail on 01.03.2013 and thereafter, the petitioner was kept under suspension. Under order dated 21.07.2016, the cases of the juniors of the petitioners were considered for promotion to the post of Grama Panchayat Secretary, Grade-II and subsequently several of the juniors of the petitioner were promoted as Grama Panchayat Secretaries, Grade-II. The petitioner's representation to consider his case for promotion was rejected on the ground that criminal proceeding is pending against the petitioner.

3. The petitioner is not represented before this Court and petitioner though granted time has not appeared before this Court. In the absence of petitioner's presence before this Court, we are not in a position to find out the stage of the criminal case pending against the petitioner.

4. The State has issued O.M. dated 14.07.1993. laying down certain guidelines for the Departmental



Promotion Committee in respect of promotions to the State Services on the basis of seniority and merit and when the Departmental Enquiry proceedings is pending, the said O.M.

Clause-2 to 7 are as follows:-

"2. Where a departmental enquiry or court proceeding is pending the following course of action shall be taken.

3. The Departmental Promotion Committee (DPC) shall assess the suitability of the officer/official for promotion without taking into consideration the disciplinary proceedings/court proceedings pending against the officer/official. The assessment on the basis of records, the view of the DPC shall be kept in a sealed cover. In the subsequent DPCs also, if any, during the period of disciplinary/court proceedings, the DPC shall consider the officer's, official's case and record its findings which will again be kept in a sealed cover in the above manner.

4. On the conclusion of the disciplinary/court proceedings and in case the officer/official is exonerated, the sealed cover or covers may be opened and the earliest possible date of



promotion but for the pendency of the disciplinary/court proceedings against him/her, may be determined with reference to the position (s) assigned to him/her in the findings in the sealed cover/covers with reference to date of promotion of his/her junior on the basis of such position. The officer/official concerned may then be promoted in accordance with rules if necessary by reverting the junior most officiating person.

5. If any penalty is imposed on the officer/official as a result of the disciplinary proceedings or if he is found guilty in the court proceedings, the findings in the sealed cover/covers shall not be acted upon. The officer's/officials case for promotion may be considered in the usual manner by the next DPC which meets in the normal course after conclusion of the disciplinary/court proceedings.

6. The sealed cover procedure contemplated herein above, shall be adopted only after the date of issuance of charge Memo/Charge Sheet, that being the date from which the disciplinary proceedings can be taken to have been initiated.



7. The same procedure as detailed above shall be followed where an officer/official is placed under suspension. On his reinstatement in service at any stage of the enquiry the procedure as explained in para 3 of this O.M. shall be followed and on conclusion of the enquiry the procedure as indicated in paragraph 4 and 5 shall be followed."

5. In the light of the above, and in the light of the pending Criminal Proceedings against the petitioner, we do not find any error or illegality in the order passed by the Tribunal.

6. There is no merit in the Writ Petition and accordingly Writ Petition stands rejected.

7. However, liberty is reserved to the petitioner to make representation seeking promotion as the Criminal proceeding is pending for about 13 years and by establishing that the petitioner is not responsible for protracting the proceedings.



8. If such representation is made, we are sure that the respondent would consider the same and pass appropriate orders in accordance with law.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

HMB
Ct-cmu
LIST NO.: 1 SL NO.: 1