

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.103800 OF 2025 (S KAT)

BETWEEN:

SHRI RAVINDRA PARASAGOUDA PATIL,
S/O PARASAGOUDA, AGE. 34 YEARS,
OCC. DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES, BELAGAVI.
RESIDING AT VIGANARAJENDRA NAGAR,
AYODHYA, BELAGAVI 590001.

...PETITIONER

(BY SRI. VIJAYKUMAR BAJENTRI, SENIOR COUNSEL FOR
SRI. SUNIL DESAI, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION,
GOVERNMENT OF KARNATAKA,
M.S. BUILDING, AMBEDKAR VEEDHI,
BENGALURU-560001.
- 2 . THE REGISTRAR,
THE KARNATAKA CO-OPERATIVE SOCIETIES,
OFFICE OF REGISTRAR AT,
#1, ALI ASGAR ROAD,
VASANT NAGAR, BENGALURU-560052.

- 3 . THE DEPUTY SECRETARY,
(ADMINISTRATION), DEPARTMENT OF
COOPERATION,
GOVERNMENT OF KARNATAKA,
ROOM NO.206-207, VIKASA SOUDA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560001.
- 4 . THE JOINT REGISTRAR,
(ADMINISTRATION AND DEVELOPMENT),
DEPARTMENT OF COOPERATION,
GOVERNMENT OF KARNATAKA,
#1, ALI ASGAR ROAD,
VASANT NAGAR, BENGALURU 560052.
- 5 . SMT. RANJANA POL, W/O TIPPANNA POL
AGE. 51 YEARS, OCC. DEPUTY REGISTRAR,
RESIDING AT PLOT NO.21, ASHWAMEDHA PARK,
AMRAGOL, NAVANAGAR, HUBBALLI 580025.
PRESENTLY WORKING AT:
DEPUTY REGISTRAR, DRCS PRESIDING OFFICER,
KARNATAKA STATE SOUHAARD
FEDERATION LIMITED, BELAGAVI.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, GOVT. ADVOCATE FOR R1-R4
SRI. AMITKUMAR DESHPANDE, SENIOR COUNSEL FOR
SRI. SURAJ S. MUTNAL, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 28.05.2025 PASSED BY HON'BLE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.11063/2024 VIDE ANNEXURE-E AS ARBITRARY AND ILLEGAL AND CONSEQUENTLY DISMISS THE APPLICATION FILED BY THE 5TH RESPONDENT IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 27.10.2025 AND COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, **S G PANDIT J.,** DELIVERED THE FOLLOWING:

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

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

The petitioner, respondent No.5 before the Karnataka State Administrative Tribunal, Belagavi (for short, 'the Tribunal'), is before this Court under Article 226 of the Constitution of India questioning the order dated 28.05.2025 passed in Application No.11063/2024 by the Tribunal whereunder the challenge by respondent No.5 to the transfer order dated 30.08.2024 (Annexure-A15) is allowed and quashed, with a direction to the respondents to ensure that respondent No.5 takes charge of the post in terms of the order dated 30.07.2024 (Annexure-A12).

2. The parties would be referred to as they stood before the Tribunal. The petitioner herein was respondent No.5 and respondent No.5 herein was the applicant before the Tribunal.

3. Applicant and respondent No.5 are in the cadre of Deputy Registrar of Co-operative Societies (DRCS) in the Department of Co-operation, Government of Karnataka. Applicant was working as DRCS at Dharwad. By order dated

12.10.2023, the applicant was directed to report to Head Office and, in compliance of the said order, the applicant reported at Head Office on 16.10.2023. It is stated that for about seven months, the applicant was awaiting posting. On 22.04.2024, the applicant was put in additional charge of Joint Registrar of Co-operative Societies and Chief Executive Officer of KCC Bank, Dharwad. Respondent No.5 was promoted from the cadre of Assistant Registrar of Co-operative Societies to the cadre of DRCS by notification dated 01.03.2024 and was posted to work as Joint Registrar, Karnataka Souharda Samyukta Sahakari, Belagavi (KSSS), Belagavi. By order dated 06.07.2024 (Annexure-A8), the applicant was posted as DRCS, KSSS, Belagavi, in place of respondent No.5 and respondent No.5 was posted as DRCS, Belagavi District, Belagavi in place of one Sri. N.M.Mani on his retirement on 31.08.2024. In pursuance of the Notification dated 06.07.2024, the applicant reported to duty as DRCS, KSSS, Belagavi, and respondent No.5 handed over charge under CTC dated 19.07.2024 (Annexure-A10). Since then, the applicant was working as DRCS, KSSS, Belagavi. Thereafter, on 30.07.2024, one more Notification was issued continuing respondent No.5 as DRCS, KSSS, Belagavi and

posting the applicant as DRCS, Belagavi District, Belagavi. It is to be noted herein that, in pursuance of the Notification dated 30.07.2024, respondent No.5 has not taken charge nor did applicant had handed over charge of DRCS, KSSS. Subsequently, by Notification dated 30.08.2024, the applicant is continued as DRCS of KSSS, Belagavi, and respondent No.5 is continued as DRCS, Belagavi District, Belagavi, by modifying the Notification dated 30.07.2024. That Notification dated 30.08.2024 was the subject matter of the application before the Tribunal in the above Application No.11063/2024.

4. The Tribunal, under the impugned order, dated 28.05.2025, allowed the application and quashed the order dated 30.08.2024 (Annexure-A15) with a further direction to the respondents to ensure that the applicant takes charge of the post in pursuance of the order dated 30.07.2024. Questioning the said order, respondent No.5 is before this Court in this writ petition.

5. Learned counsel for the petitioner/respondent No.5 would submit that, in pursuance of the notification dated 06.07.2024, the applicant has taken charge and

petitioner/respondent No.5 has handed over charge of the post of DRCS, KSSS, Belagavi, and within 15 days thereafter, the State could not have issued one more Notification dated 30.07.2024 reversing the posting accorded under the Notification dated 06.07.2024 (Annexure-A8). Learned counsel would submit that the Notification dated 30.07.2024 was also not approved by the Chief Minister as required under the transfer guidelines and further submits that the transfer of both the applicant and respondent No.5 under the Notification dated 30.07.2024 was totally premature. Therefore, the State rectified the mistake committed under the Notification dated 30.07.2024 by issuing Notification dated 30.08.2024. Learned counsel for the petitioner would submit that the Tribunal failed to appreciate the factual position and the fact that the Notification dated 30.07.2024 was modified even before the implementation of the said notification. Thus, learned counsel for the petitioner would pray for allowing the writ petition.

6. Per contra, learned counsel for the applicant would support the order passed by the Tribunal and would submit that the impugned order dated 30.08.2024 (Annexure-A15) was issued to favour respondent No.5 by providing him with his

choice of posting and that the same was issued at the behest of the concerned minister. Further, it is submitted that the impugned order dated 30.08.2024 was issued without the approval of the Chief Minister. It is also submitted that the Notification dated 30.07.2024 (Annexure-A12) could not be implemented and the applicant could not report to duty since the incumbent was to retire only on 31.08.2024 and her posting was only on his retirement. Thus, it is prayed to dismiss the writ petition.

7. Sri. G.K.Hiregoudar, learned Principal Government Advocate, on the other hand, defended the Notification dated 30.08.2024 by submitting that the mistake committed by the State Government in issuing Notification dated 30.07.2024 was rectified by issuing Notification dated 30.08.2024. He would further submit that, by virtue of quashing the Notification dated 30.08.2024, the Notification dated 30.07.2024 gets revived and the transfer of the applicant and respondent No.5 under Notification dated 30.07.2024 would be premature since the applicant had taken charge of the post of DRCS, KSSS only on 19.07.2024. Thus, he would pray for passing appropriate orders.

8. Having heard the learned counsels for the parties and on going through the entire writ petition papers, we are of the considered opinion that the State has not committed any error or illegality in issuing Notification dated 30.08.2024. Hence, the impugned order passed by the Tribunal requires interference.

9. Admittedly, both the applicant and respondent No.5 are working in the cadre of DRCS in the Department of Co-operation, Government of Karnataka. At the relevant point of time, the applicant was in additional charge of post of Joint Registrar of Co-operative Societies and Chief Executive/Administrative Officer of KCC Bank at Dharwad, whereas respondent No.5 was working as DRCS, KSSS, Belagavi. Under the Notification dated 06.07.2024 (Annexure-A8), the applicant was posted as DRCS, KSSS, Belagavi, and respondent No.5 was posted as DRCS, Belagavi District, Belagavi, in place of one Sri. N.M.Mani who was due to retire on 30.08.2024, and respondent No.5 was required to report to duty on retirement of Sri. N.M.Mani. In pursuance of the said notification, applicant took charge of the post of DRCS, KSSS, Belagavi from respondent No.5 under CTC dated 19.07.2024 (Annexure-A10). Thus, when Notification dated 06.07.2024 insofar as applicant

and respondent No.5 was implemented, within another 15 days, the State could not have issued one more Notification dated 30.07.2024 (Annexure-A12) to disturb both the applicant and respondent No.5 by posting them vice-versa that too after implementation of earlier Notification dated 06.07.2024. As contended by the learned counsel for respondent No.5 as well as learned Prl. Government Advocate, to rectify the mistake committed by the State under Notification dated 30.07.2024, the Notification dated 30.08.2024 was issued modifying the Notification dated 30.07.2024 insofar as applicant and respondent No.5 were concerned. In other words, under Notification dated 30.08.2024, the applicant and respondent No.5 are continued at the place where they were posted in terms of the Notification dated 06.07.2024 (Annexure-A8). The Tribunal failed to appreciate the action of the State in issuing the Notification dated 30.08.2024 to rectify the mistake committed by issuing Notification dated 30.07.2024.

10. Admittedly, the Notification dated 30.07.2024 whereunder the applicant was posted as DRCS, Belagavi District, Belagavi and respondent No.5 was posted as DRCS, KSSS, Belagavi, was not given effect to since the DRCS, Belagavi,

Sri. N.M.Mani was to retire on 31.08.2024 and the Notification dated 30.07.2024 insofar as posting the applicant as DRCS could be given effect to only upon his retirement. Thus, before implementation of Notification dated 30.07.2024, the State has rectified its mistake by issuing Notification dated 30.08.2024. It is to be noted that the Notification dated 30.07.2024 would not indicate that the said Notification is issued with the approval of the Chief Minister as required under the Government Order dated 25.06.2024.

11. The contention that the impugned Notification dated 30.08.2024 is issued at the behest of respondent No.5 and at the instance of the minister of co-operation dated 28.08.2024 would not merit any consideration since we have come to the conclusion that the impugned notification is only rectification of the mistake in issuing the Notification dated 30.07.2024. Moreover, if the Notification dated 30.07.2024 is given effect to, that would amount to premature transfer of both applicant and respondent No.5 without there being any reason for such premature transfer.

12. For the reasons recorded above, the writ petition deserves to be accepted. Hence, the following:

ORDER

- i) The writ petition is allowed.
- ii) The impugned order dated 28.05.2025 passed in Application No.11063/2024 passed by the Tribunal is set aside. Consequently, the Application No.11063/2024 stands dismissed.
- iii) The applicant and respondent No.5 shall continue in their respective posts in terms of Notification dated 06.07.2024 (Annexure-A8) till their completion of tenure, with liberty to the State to effect transfer in accordance with law.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

KMS
CT-VP