



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 8TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100372 OF 2025 (S-PRO)

BETWEEN:

1. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF URBAN DEVELOPMENT,
VIKAS SOUDHA, BENGALURU-01.
2. THE DIRECTOR,
THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
9TH AND 10TH FLOOR, V.V. TOWER,
AMBEDKAR VEEDHI, BENGALURU-01.
3. THE DIRECTOR OF PLANNING,
DISTRICT URBAN DEVELOPMENT CELL,
OFFICE OF DEPUTY COMMISSIONER,
BELAGAVI, DIST. BELAGAVI-590001.
4. THE DEPUTY COMMISSIONER,
BELAGAVI, DIST. BELAGAVI-590001.

...APPELLANTS

(BY SRI. SHARAD V. MAGADUM, AGA)

AND:

SRI. SABANNA GALEPPA PUJERI
AGE. 56 YEARS, CHIEF OFFICER,
TOWN PANCHAYAT, SADALAGA,
TQ. CHIKODI, DIST. BELAGAVI.
(REVENUE OFFICER SR. RANK-245)

...RESPONDENT

(BY SRI. RAMACHANDRA A. MALI, ADVOCATE)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE WRIT APPEAL AND SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO. WP.NO.104849 OF 2023 DATED 02.07.2024 AND FURTHER DISMISS THE WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

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

Heard Sri. Sharad V.Magadum, learned Additional Government Advocate for the appellants, and Sri. Ramachandra A.Mali, learned counsel for the respondent.

2. The State is in appeal under Section 4 of the Karnataka High Court Act, 1961, questioning the learned Single Judge's order, dated 02.07.2024, passed in W.P. No.104849/2023, whereunder, this Court passed the following order:

"(i) The writ petition is allowed;



(ii) The endorsement issued at Annexure-J, dated 07.07.2023 is quashed.

(iii) Respondent No.2 is directed to the consider the case of the petitioner as on the date when DPC was conducted i.e., on 10.08.2022 for the post of Chief Officer Grade-I as per the Karnataka Municipalities Administration (Cadre and Recruitment) Rules, 2022, produced at Annexure-D and if found eligible, pass appropriate orders and redo the seniority list.

(iv) The entire exercise shall be done within an outer limit of eight (8) weeks from the date of receipt of certified copy of this order."

3. The petitioner approached the learned Single Judge questioning the endorsement dated 07.07.2023 whereunder, the petitioner's request for promotion to the Selection Grade Chief Officer, Grade-I, was rejected on the ground that Lokayukta trap proceedings was pending against the petitioner. On examination of the material on



record, the learned Single Judge has come to the conclusion that as on the date of meeting of Departmental Promotion Committee, i.e. on 10.08.2022, no charge memo was issued against the petitioner and no charge sheet was filed in the criminal proceedings. In terms of the decision of the Hon'ble Apex Court which was referred to by the learned Single Judge as well as in terms of the Circular of the State Government, dated 14.07.1993, the State Government could deny promotion to a government servant only in the circumstances where charge memo is issued and charge sheet is filed in the pending proceedings as on the date of the proceedings of the DPC.

4. Learned Additional Government Advocate contended that as there was stay of investigation in the criminal proceedings, the appellant could not file charge sheet and, immediately on withdrawal of the criminal petition, within five months, charge sheet is filed. The said submission itself fortifies that, as on the date of DPC proceedings, the charge sheet was not filed.



In view of the above circumstances, we do not find any merits in the writ appeal, and the writ appeal accordingly stands rejected.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

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

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