



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 19TH 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. 106465 OF 2025 (S-KAT)

C/W

WRIT PETITION NO. 106467 OF 2025 (S-KAT)

IN WP NO. 106465/2025:

BETWEEN:

THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYATH, BELAGAVI-590001.

...PETITIONER

(BY SRI. V. SHIVARAJ HIREMATH, ADVOCATE)

AND:

1. SMT. SUJATHA BATAKURKI D/O MALLAPPA BATAKURKI
AGE. 47 YEARS,
PRESENTLY WORKING AS SENIOR (ALLEGED) P.D.O.,
GRAM PANCHAYATH, BENAKANAHALLI,
BELAGAVI TALUK & DISTRICT-591108,
R/O H.NO.199 "ISHA", RANI CHANNAMMA SOCIETY,
NEAR HOME GUARD OFFICE,
SHRI NAGAR, BELAGAVI-591102.

2. THE PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT &
PANCHAYAT RAJ, M.S. BUILDING,
AMBEKDAR VEEDHI, BENGALURU-560001.

...RESPONDENTS

(BY SRI. S.B. DEYANNAVAR, ADVOCATE FOR C/R1;
SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN ORDER OF DIRECTION OR A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 18-08-2025 PASSED IN THE APPLICATION NO.10845/2025 BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI, DOCUMENT PRODUCED AT ANNEXURE-A, AND ETC.





IN WP NO. 106467/2025:

BETWEEN:

THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYATH, BELAGAVI-590001.

...PETITIONER

(BY SRI. V. SHIVARAJ HIREMATH, ADVOCATE)

AND:

1. SRI. PRATAP M. HOHITE S/O MAHADEV
AGE. 57 YEARS, PRESENTLY WORKING
AT SECRETARY GRADE-II, GRAM PANCHAYATH,
BENAKANAHALLIL, BELAGAVI TQ. & DIST.-591108.
R/O H.NO.4449, CHAVAT GALLI, BELAGAVI-590001.

2. THE PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYAT RAJ, M.S. BUILDING,
AMBEDKAR VEEDHI, BENGALURU-560001.

...RESPONDENTS

(BY SRI. S.B. DEYANNAVAR, ADVOCATE FOR R1;
SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN
ORDER OF DIRECTION OR A WRIT IN THE NATURE OF
CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 18-08-
2025 PASSED IN THE APPLICATION NO.10857/2025 BY THE
HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL,
BELAGAVI, DOCUMENT PRODUCED AT ANNEXURE-A AND ETC.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY
HEARING, 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)

In both the writ petitions filed under Article 226 of the Constitution of India, the Chief Executive Officer, Zilla Panchayat, Belagavi is before this Court questioning the order dated 18.08.2025 passed in Application Nos.10845/2025 & 10857/2025 by the Karnataka State Administrative Tribunal, Belagavi¹, whereby the order of suspension of respondent No.1 in both the writ petitions, dated 21.07.2025, is quashed.

2. Heard the learned counsel Sri.V Shivaraj Hiremath for the petitioner/Zilla Panchayat and learned counsel Sri. S.B. Deyannavar for caveator respondent No.1 in both the writ petitions as well as learned Prl. Govt. Advocate Sri. G.K. Hiregoudar for respondent No.2/State. Perused the entire writ petition papers.

3. The learned counsel Sri. V. Shivaraj Hiremath files a memo dated 19.11.2025 in both writ petitions

¹ For short 'Tribunal'



enclosing a copy of revocation order of suspension bearing No.ಜಿಪಂ/ಆಡಳಿತ/ಪಂಚಾಯಿತಿ-23/2025-26, dated 15.11.2025.

4. A perusal of the said order would indicate that the suspension of respondent No.1 in both writ petitions is revoked and both of them have been provided posting. Respondent No.1 in WP No.106465/2025 is directed to seek posting from the Commissioner and till then, respondent No.1 therein is directed to report to duty at the office of Zilla Panchayat, Belagavi.

5. Learned counsel Sri. V. Shivaraj Hiremath for the petitioner would submit that the finding of the Tribunal that before passing impugned order of suspension, the authorities have not considered the reply submitted by respondent No.1 to the show-cause notice, needs consideration by this Court. He would submit that respondent No.1 in both writ petitions were kept under suspension by order dated 21.07.2025. He further submits that a show-cause notice dated 8.3.2025 was issued calling upon them to explain as to why disciplinary



action should not be initiated against them for the allegations contained in the show-cause notice. Learned counsel Shivaraj Hiremath submits that the respondents had submitted their reply. Thereafter, order of suspension came to be passed. It is submitted that there is no need to issue any show-cause before keeping the government servant under suspension. As such, he submits that the observation of the Tribunal that the reply of the respondents is not considered before passing the order of suspension would not stand to reason.

6. Learned counsel Sri. S.B. Deyannavar for caveator respondent No.1 in both the writ petitions would support the order passed by the Tribunal and submits that when the show-cause notice is issued and when the delinquent government official has submitted his/her reply, the disciplinary authority or the authority, who keeps the government servant under suspension, shall look into the said reply and take note of the same before



exercising its power to keep the government servant under suspension.

7. On the other hand, learned Prl. Government Advocate Sri. G.K. Hiregoudar would submit that CCA Rules², 1957 would not contemplate the issuance of show-cause notice before keeping the government servant under suspension. In that circumstance, he submits that the reply submitted by the respective respondents would be irrelevant and the authorities need not go into the reply submitted by such delinquent officials. Moreover, he submits that the show-cause notice issued in the present case is for different purpose and it is not for calling upon the respondent to explain as to why he/she should not be kept under suspension, but it was for showing cause for initiation of disciplinary proceedings. Thus, he would pray for modifying the order passed by the Tribunal.

8. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only

² Karnataka Civil Services (Control, Classification & Appeals) Rules, 1957



question that would arise for consideration in the facts and circumstances is, *whether the interference of this Court is warranted with regard to finding of the Tribunal that once decision is taken by the respondent/authorities to issue such show-cause notice, then in that case, they have to consider the reply submitted by the applicant to the said show-cause notice.*

9. Our answer to the above question would be in the “affirmative” for the following reasons:

10. Rule 10 of the CCA Rules, 1957 confers the power on the appointing authority or any other authority empowered therein to keep the government servant under suspension. Rule nowhere contemplates issuance of show-cause notice before keeping the government servant under suspension.

11. On perusal of the show-cause notice issued to respondent No.1 in both writ petitions, it is seen that the show-cause notice is issued calling upon the delinquent officials to explain as to why disciplinary action shall not



be initiated. The show-cause notice is not for calling upon the respondents herein to explain or submit his/her explanation as to why they shall not be kept under suspension. In that circumstance, non-consideration of the reply submitted by the respondents, while keeping them under suspension would not vitiate the suspension. The Tribunal committed an error in observing that once the decision is taken by the respondent authorities to issue show-cause notice, then in that case, they have to consider the reply submitted by the applicant to the said show-cause notice. Therefore, that part of the finding of the Tribunal in both the writ petitions is set-aside.

12. With the above, both writ petitions stand disposed of.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

JTR
CT:VP
LIST NO.: 1 SL NO.: 29