



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT PETITION NO. 110052 OF 2025 (S-KAT)

BETWEEN:

SRI PRAKASH S/O. BASANNA NAYAKA
AGED ABOUT 45 YEARS, SHRIASTHEDAR,
TASHIDAR OFFICE GANGAVATHI,
PRESENTLY UNDER SUSPENSION,
TQ. GANGAVATI, DIST. KOPPAL,
R/O. ANNEGUNDI ROAD, GADIYAPPA LAYOUT,
VIRAPUR, GANGAVATHI.

...PETITIONER

(BY SRI SUNIL S. DESAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIKASA SOUDHA, BENGALURU 01.
2. THE REGIONAL COMMISSIONER
KALBURGI DIVISION,



KALBURGI DISTRICT-583231.

3. THE DEPUTY COMMISSIONER
KOPPAL, DIST. KOPPAL-583231.

...RESPONDENTS

(BY SRI T. HANUMAREDDY, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PLEASED TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 13/11/2025 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.11191/2025 VIDE ANNEXURE-B, AS ARBITRARY AND ILLEGAL AND ETC.,.

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

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL ORDER

(PER: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA)

The petitioner has approached this Court calling in question the order dated 13.11.2025 passed by the Karnataka State Administrative Tribunal, Belagavi (for short, 'Tribunal') in Application No.11191/2025, whereby, the Tribunal declined to grant interim protection against the order of suspension dated 21.10.2025 passed by respondent No.2 and has sought consequential interim relief.

2. **Brief facts:**

The petitioner is the Government Servant working as Sherestidar/Deputy Tahshildar under the Revenue Department. While he was discharging his duties, he was Supervisor in Bhoomi/Bhoomi Centre Section. On 28.08.2023, the petitioner was relieved from the said post and thereafter, posted elsewhere.



3. Subsequently, an issue arose relating to non-production of certain documents pertaining to Bhoomi/Bhoomi Kendra, which were in the custody of the Village Administrative Officer. The said Officer was placed under suspension for non-maintenance and non-production of records, though the suspension was later revoked on 21.08.2025.

4. Respondent No.2 passed an order dated 21.10.2025 placing the petitioner under suspension on the allegation of lack of supervision. Aggrieved, the petitioner approached the Tribunal, the Tribunal by order dated 13.11.2025 refused to grant interim relief, prompting the petitioner to file the present writ petition.

5. Learned counsel for the petitioner submits that the order of suspension is founded solely on alleged lack of supervision, without any *prima facie* finding of misconduct, moral turpitude or grave delinquency. It is submitted that the Village Administrative Officer, who was primarily



responsible for maintaining records, was initially suspended and later reinstated, whereas, the petitioner has been subjected to suspension belatedly and arbitrarily. Reliance is placed on the decision of the Hon'ble Supreme Court in the case of ***Union of India and Another v. Ashok Kumar Agarwal***¹ to contend that the suspension cannot be used as punitive or vindictive measure and must be supported by the strong *prima facie* material.

6. Learned AGA sought to justify the suspension on the ground of supervisory lapse on the part of the petitioner.

7. Having heard the learned counsel for the respective parties and on perusing the material on record, *prima facie* it is evident that the petitioner was not working in the alleged 'mischief area' at the relevant point of time and the records in question were not in custody of the petitioner. The suspension is not proceeded by any finding

¹ (2013) 16 SCC 147



of grave misconduct or circumstances warranting removal of the petitioner from the service to protect the disciplinary process.

8. The Apex Court in the case referred to *supra* has clearly held that suspension is an interim measure and cannot be resorted to mechanically or punitively.

9. Accordingly, the writ petition is disposed off with the following directions:

- (i) The operation and implementation of the order dated 21.10.2025 passed by respondent No.2 placing the petitioner under suspension is stayed till the disposal of Application No.11191/2025.
- (ii) All the contentions of the parties are kept open to be urged before the Tribunal.
- (iii) No opinion is expressed on the merits of the case.



(iv) The Tribunal is requested to dispose off
Application No.11191/2025 as expeditiously
as possible.

**Sd/-
(K.S.HEMALEKHA)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

RH
Ct-cmu
LIST NO.: 1 SL NO.: 5