



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 2140 OF 2025 (S-KSAT)

BETWEEN:

SHRI ANUWANTH SINGH,
S/O SHRI MALLAPPA SINGH,
AGED ABOUT 33 YEARS,
WORKING AS INSPECTOR OF EXCISE,
K.S.B.C.L. WHITEFIELD BUD-5,
BENGALURU-560 091.

...PETITIONER

(BY SRI. VIJAYA KUMAR.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF FINANCE (EXCISE)
VIDHANA SOUDHA, BENGALURU-560 001.

2. THE COMMISSIONER
DEPARTMENT OF EXCISE,
TTMC BLOCK, BMTC BUILDING,
SHANTINAGAR, BENGALURU-560 027.

3. SHRI SOMASHEKHAR M.R S/O LATE RAMAPPA M.,
AGED ABOUT 42 YEARS,
WORKING AS INSPECTOR OF EXCISE,
RANGE NO.24, BUD-04, ASHOK NAGAR,
BENGALURU -560 050.

...RESPONDENTS

(BY SRI.VIKAS ROJIPURA., AGA FOR R1 & R2;
SRI.M S BHAGWAT., SENIOR COUNSEL A/W
SRI.ADITHYA R. CHAKRAGIRI., ADVOCATE FOR C/R3)

Digitally
signed by
CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED 18.12.2024 PASSED BY THE HONBLE TRIBUNAL IN A.No.4978/2024 (VIDE ANNEXURE-A) AND DISMISS THE A.No.4978/2024 (VIDE ANNEXURE-B).

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

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
AND
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner, a civil servant is knocking at the doors of Writ Court for assailing the State Administrative Tribunal's order dated 18.12.2024 whereby, 3rd respondent's Application No.4978/2024 having been favoured, the Transfer Order dated 24.10.2024 made by the 2nd respondent herein has been quashed with a direction to the official respondents to provide suitable posting to the petitioner within one month.

2. Learned counsel for the petitioner vehemently argues that the impugned order of the Tribunal is in gross violation of Transfer Guidelines and it has the effect of



cutting short the minimum retention period and therefore, should be voided. Learned AGA appears for respondent Nos.1 & 2 and makes his submission. Learned Sr. Advocate Mr.M.S.Bhagwat appearing for the private respondent opposes the petition making submission in justification of the impugned order and the reasons on which it has been constructed. He adds that petitioner wants to achieve something which he could not even at the level of Apex Court of the country in the proceedings taken up by him.

3. Having heard the learned counsel for the parties and having perused the Petition Papers, we decline indulgence in the matter broadly agreeing with the reasoning of the Tribunal as reflected in para 10 of its order. The Tribunal has considered all aspects of the matter and only thereafter, granted relief to the private respondent herein who had a cause on merits, going by the record.

4. At para 10, the Tribunal has rightly observed as under:



"10. After perusal of the records and submissions made on behalf of both the parties it reveals that vide Official Memorandum dated 30.08.2024 as per Annexure-A1, the applicant was posted as Inspector of Excise, Range No.25, Ashoknagar, BUD 04. Accordingly, he reported to duty at the transferred place on 31.08.2024, which could be seen from Annexure-A3. Vide impugned order dated 24.10.2024 the 3rd respondent has been transferred to the place of the applicant and the applicant has been transferred to the place of the 3rd respondent vice-versa, which could be seen from Annexure-A8. In Annexure-A8 reference has been made to the earlier transfer order dated 30.08.2024, which has been produced by the learned Senior Counsel for the applicant along with a Memo, wherein, it is made clear that the earlier transfer order dated 30.08.2024 has been modified and modified transfer order has been issued as per Annexure-A8, which could be seen from **Annexure-A11**. The facts make it clear that the applicant has been transferred to the present place about two months back when he took charge on 31.08.2024 by virtue of transfer order dated 30.08.2024. The implemented order has been modified by way of Annexures-A8 and A9 order dated 24.10.2024 which is impermissible in view of decision of this Tribunal in the case of **Mahale D.B. V/s DDPI and Others** reported in 1989 KSLJ 1095 and in the case of **Sri Sahan Kumar T.M. Vs. State of Karnataka and others** in A.No.3489/2024 c/w 3668/2024, wherein, it was held that once transfer order is implemented, it is impermissible to modify without there being any reasons. On perusal of the impugned order, it reveals that the impugned order is



issued by way of modifying earlier implemented order dated 30.08.2024. In the circumstances, this Tribunal has granted interim stay order. By virtue of interim stay order, the applicant continued in the present place.”

In the above circumstances, this petition being devoid of merits, is liable to be and accordingly dismissed, costs having been made easy.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

cbc
List No.: 1 Sl No.: 36