



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 5169 OF 2025 (S-KSAT)

BETWEEN:

SRI.V.SRINIVASA
S/O LATE VENKATESHAPPA,
AGED ABOUT 57 YEARS,
WORKING AS DEPUTY TAHASILDAR,
NIDAGAL NADA KACHERI,
PAVANAGADA TALUK,
TUMAKURU DISTRICT
(NOW UNDER SUSPENSION),
RESIDING AT NO 192/1, 1ST MAIN ROAD,
15TH CROSS, GANDHINAGARA,
KOLAR TOWN 563 101.

...PETITIONER

(BY SRI. VIKRAM HUILGOL., SENIOR COUNSEL A/W
SRI. KARTHIK V.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE (SERVICES 2),
M S BUILDING, BANGALORE 560 001.
2. THE REGIONAL COMMISSIONER AND
DISCIPLINARY AUTHORITY
2ND FLOOR, BMTC BUILDING,
K H ROAD, BENGALURU 560 027.
3. THE DEPUTY COMMISSIONER
KOLAR DISTRICT, KOLAR 563 101.

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



4. THE TAHSILDAR
PAVAGADA TALUK, TUMAKURU DISTRICT
...RESPONDENTS
(BY SRI.B RAVINDRANATH.,AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO (I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE ORDER DATED 12.11.2024 IN A. NO. 3971/2024 ON THE FILE OF HON'BLE KSAT, AT BENGALURU A COPY OF WHICH IS PRODUCED AT ANNEXURE-C AND CONSEQUENTLY ALLOW THE APPLICATION AS PRAYED FOR, IN THE ENDS OF JUSTICE AND II) ISSUE ANY OTHER WRIT OR DIRECTION AS THIS HON'BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, 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 presently working as Deputy Tahsildar having been placed under suspension w.e.f. 01.10.2022 in contemplation of a Disciplinary Enquiry was issued Charge Memo on 22.04.2024 for certain allegations. He had made three Representations to the competent authority seeking revocation of Suspension Order. Nothing having happened on that score. Petitioner was before the Karnataka State



Administrative Tribunal in Application No.3971/2024 which came to be negatived vide order dated 12.11.2024. That order is put in challenge at our hands.

2. Learned Sr. Advocate Mr.Vikram Huilgol appearing for the Petitioner argues that by & large, the continuation of suspension is now governed by the amended Rule namely Rule 10(5)(b) of KCS (CCA) Rules, 1957 which prescribes six months as the maximum period of suspension and following the same, suspension has to stand automatically revoked because of the decision of this Court in ***W.P. NO. 22677/2024 (S-KSAT)*** between ***SRI LOKNATH vs. THE STATE OF KARNATAKA & ANOTHER***, disposed off on 12.12.2024. He also tells that when the very request was for the consideration of Representations, the Tribunal in all fairness could have directed consideration in the light of Article 350 of the Constitution of India in stead of itself undertaking a rowing enquiry.



3. Learned AGA on request appearing for the official Respondents opposes the Writ Petition making submission in justification of the impugned order and also the reasoning given by the Tribunal in support thereof. He contends that whether an employee should be suspended or not and whether suspension should continue or not, are left to the executive wisdom of the Government of the day and therefore, the order of the Tribunal cannot be faltered. So contending, he seeks dismissal of the Writ Petition.

4. Having heard the learned counsel for the parties and having perused the Petition papers, we find force in the submission of learned Senior Counsel Mr.Huilgol appearing for the Petitioner. After all, Petitioner was before the Administrative Tribunal with an innocuous prayer namely for a direction to consider a set of three Representations wherein his client had sought for revocation of the suspension in view of amended Rule mentioned above as interpreted by this Court *supra*. In such a situation issuance of direction for consideration was



eminently warranted because that has to happen at the hands of the designated authority, and not the Court or Tribunal, consistent with the doctrine of separation of powers, which is held to be one of the basic features of the Constitution. Thus, there is an error apparent on the face of the order of the Tribunal inasmuch as it had itself undertaken the examination with no justification whatsoever.

5. When a citizen makes representation airing some grievance, it cannot be kept in cold storage. Article 350 of the Constitution of India mandates its due consideration within a reasonable time. Even result of such consideration has to be made known to the person concerned so that he will have a sense of satisfaction that his grievance has been addressed, may be not to his liking. That is how a Welfare State has to conduct itself. Otherwise, it will not be much different from the East India Company of bygone years.



In the above circumstances this Writ Petition is allowed; impugned order of the Tribunal is set at naught; Application of the Petitioner having been partly favoured, a direction issues to the Respondents to consider the subject Representations in accordance with law and inform result thereof to the Petitioner within three months. All contentions are kept open. Delay shall be viewed seriously.

Costs made easy.

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

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

Bsv/Snb
List No.: 1 Sl No.: 15