



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH 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. 10363 OF 2025 (S-KSAT)

BETWEEN:

SRI. M.K. KESHAVMURTHY
S/O KRISHNA MURTHY
AGED ABOUT 52 YEARS
WORKING AS INSPECTOR OF EXCISE
HASSAN RANGE-1
HASSAN-573 201

...PETITIONER

(BY SRI. KRISHNA B, ADVOCATE)

AND:

1. THE 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
SHANTHINAGAR
BENGALURU-560 027
3. SRI. MOHAN KUMAR M.D
S/O DOSEGOWDA M.T
AGED ABOUT 42 YEARS
WORKING AS INSPECTOR OF EXCISE



HASSAN RANGE-2, HASSAN
R/AT. NO.32, SRI GURUKRUPA NILAYA
BASAVESHWARANAGARA
BELUR ROAD, HASSAN-573 201

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 & R2;
SRI. J. PRASHANTH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN APPROPRIATE WRIT ORDER OR DIRECTIONS IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER PASSED IN A.No-472/2025 DATED 19.03.2025 (ANNEXURE-A) PASSED BY THE KSAT ALLOWING THE APPLICATION AND CONSEQUENTLY DISMISS THE APPLICATION AND ISSUE AN APPROPRIATE WRIT ORDER OR DIRECTIONS IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO CONTINUE THE SERVICE OF THE PETITIONER AS EXCISE INSPECTOR AT HASSAN RANGE-2 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, 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 RAMACHANDRA D. HUDDAR)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India assailing the correctness and legality of the order dated 19.3.2025 passed by the Karnataka State Administrative Tribunal (for short 'The Tribunal') in application no.472/2025. By the said order, the Tribunal quashed the petitioner's transfer to Hassan range - II and directed that the third respondent be permitted to continue in his present posting until the end of his tenure. Aggrieved by the said order, the petitioner had approached this Court with a prayer to set aside the impugned order of Tribunal.

2. The petitioner and the third respondent are both serving as Inspectors of Excise in the Department of Excise, Government of Karnataka. At the relevant time, both officers had jointly submitted a representation to the department requesting a mutual transfer. The petitioner sought to be posted to Hassan range to primarily on



medical grounds, as he had recently undergone post cancer treatment and required continued medical care. Additionally, the petitioner's wife is employed in Hassan and he pleaded that spousal co-location would aid his recovery and family well-bring.

3. The third respondent initially agreed to the mutual transfer and gave his written consent. However, when he learnt that, he was not being posted to his expected location of Hassan Range No.1 and instead was not assigned any specific posting, he withdrew his consent. Subsequently, the matter came up before the Tribunal which, upon examination held that the transfer order violated the transfer guidelines and cited relevant judicial precedents, particularly the case of Ms.Seema vs. State of Karnataka.

4. The learned counsel for the petitioner with all vehemence submits that, the mutual transfer was effected based on valid and informed consent from both the



parties, and that the respondent's withdrawal was an after-thought solely triggered that, once consent is granted and the administrative process is initiated, a party cannot unilaterally retract to stall the further process. It is further submitted that, transfer order was justified and necessitated by the petitioner's medical condition and spousal grounds, both of which are recognized as valid exceptions under clause (5) of the Government Order on Transfer guidelines. Moreover, the petitioners submit that, the transfer was approved by the Hon'ble Chief Minister himself and as such, falls within the permissible exceptions provided under the guidelines. The petitioner alleges that the Tribunal failed to adequately consider these special circumstances before passing the impugned order. Therefore, it is submitted that the petition be allowed.

5. On the other hand, the learned counsel appearing for the State and the third respondent defends the order of the Tribunal and specifically contended that, the transfer process was fundamentally flawed. They



argue that, a mutual transfer necessarily entails that both the parties be accommodated in life with their expectations and consent. In the present case, the third respondent was not assigned with any specific post after he relieved from the earlier post, which amounted to violation of transfer rules. They would further submit that, the decision of the Tribunal is consistent with the principles laid down in W.P No.48499/2016 (S-KAT) decided on 16.09.2016 in ***Ms.Seema H vs. State of Karnataka*** which holds that, transfers effected without assigning a definite post to the transferee, is arbitrary, unreasonable and in contravention of administrative norms. They maintain that, the learned Tribunal has rightly applied the law and hence, would submit that no interference is warranted in the impugned order.

6. Having heard the arguments of both the side and on perusal of entire records, the very pivotal issue before this Court is "*whether the Tribunal erred in setting aside the petitioner's transfer and in directing the*



continuation of the third respondent in his original posting."

7. It is not in dispute that, the petitioner and the third respondent had, at one stage, voluntarily sought a mutual transfer. However, mutual transfer is premised on mutuality and reciprocal acceptance of postings. Once the third respondent withdrew his consent upon discovering that, he was not being posted to the expected location, the mutual nature of the transfer stood vitiated. The Tribunal, therefore, was justified in observing that a mutual transfer cannot be unilaterally altered and that both parties must be assured clarity and fairness in the process.

8. The Karnataka State Transfer Guidelines clearly stipulate that, no Government servant shall be transferred without a specific posting order. The impugned order transferred the third respondent without assigning him to any definite location which is impermissible and



contrary to administrative decision. The Tribunal's finding that such a transfer lacks transparency and is in breach of transfer guidelines is well supported by the record and the law. The medical condition of the petitioner and his plea for spousal relocation may be genuine and sympathetic. However, such considerations, though valid, cannot override the procedural safeguards mandatory under the Transfer Policy. The Tribunal's order does not negate the petitioner's ground but, rather holds that, the procedure adopted to accommodate those grounds was defective. The petitioner remains at liberty to apply afresh for a transfer by citing valid reasons and the authorities are bound to consider such request in accordance with law. The Tribunal's reliance on the decision in *Ms.Seema H.*, supra is appropriate. The judgment accentuate the importance of procedural propriety in transfers and sets out that the transfers without clarity or specificity as to postings not only cause hardship to the officers involved but also, result in administrative disorder. In the present



case, the third respondent was placed in a State of uncertainty which the law seeks to avoid.

9. Having carefully considered the submissions made by both the parties, and the material placed on record, we are of the considered view that, the order of the Tribunal dated 19.03.2025 is reasoned, just and consistent with the settled principles of service jurisprudence. The petitioner's transfer, though grounded in genuine personal difficulties, was vitiated in procedural lapses and absence of mutuality. Therefore, this Court sees no reason to interfere with the Tribunal's well-considered decision.

10. In view of the foregoing discussion, the writ petition stands dismissed. However, it is made clear that the dismissal shall not preclude the petitioner from making a fresh representation for transfer on medical or spousal grounds, and if made, shall be considered by the competent authority in accordance with law and within a reasonable period.



Under the peculiar circumstances, we make no order
as to costs.

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

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

SK
List No.: 1 Sl No.: 17