



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH 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. 11729 OF 2025 (S-KSAT)

BETWEEN:

SMT. M.U. KAVITHA
W/O AJAY KUMAR
AGED ABOUT 42 YEARS
WORKING AS INSPECTOR OF EXCISE
RANGE 46, BTM LAYOUT
BENGALURU URBAN DISTRICT-560 008
RESIDING AT NO.176
4TH CROSS, SOMESHWARA PURAM
CAMBRIDGE LAYOUT, ULSOOR
BENGALURU-560 008

...PETITIONER

(BY SRI. RAJESH MAHALE, SENIOR COUNSEL FOR
SMT. SHILPA RANI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
FINANCE DEPARTMENT (EXCISE)
VIDHANA SOUDHA
BENGALURU-560 001
2. THE COMMISSIONER OF EXCISE
IN KARNATAKA, 2ND FLOOR
TTMC BUILDING 'A' BLOCK



BMTC COMPLEX, K.H.ROAD
SHANTHINAGAR
BENGALURU- 560 027

3. SMT. SWARNASRI V
WORKING AS EXCISE INSPECTOR
PRESENTLY WORKING IN THE
MADIKERI RANGE
KODAGU DISTRICT- 571 201

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 & R2;
SRI. D. ASWATHAPPA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED ORDER OF TRANSFER 07.04.2025 BEARING NO.EXCISE/15012/32/2025 PASSED BY THE 2ND RESPONDENT (ANNEXURE-A4 IN A. NO.1243/2025), IN THE INTEREST OF JUSTICE.

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 KRISHNA S DIXIT)

Petitioner, an Inspector of Excise is knocking at the doors of Writ Court complaining against denial of interim protection by the State Administrative Tribunal in her pending Application No.1243/2025. In the said Application, she has called in question her Transfer Order dated



07.04.2025 whereby she has been transferred from Bengaluru to Madikeri Range and to her place, the private Respondent has been posted.

2. It is relevant to reproduce the interim order dated 09.04.2025 whereby the Tribunal declined to grant immediate protection. The same reads as under:

"ORDER

We heard the arguments on both sides.

It reveals that the applicant was posted to the present post on 11.02.2022 as per Annexure-A1. Accordingly, she took change at the transferred place on 16.02.2022 as per Annexure-A2 and the impugned order has been passed on 07.04.2025 by transferring the 3rd respondent in place of the applicant, vice-versa transferring the applicant to the place of the 3rd respondent vide Annexure-A4.

Learned Counsel for the applicant vehemently argued that the applicant being Group-C employee, is entitled to work for a period of 4 years in the present place and the son of the applicant is studying in PUC 2nd year and before completion of her tenure, she has been prematurely transferred without assigning any reasons beyond the General Transfer Period.

To substantiate her say she has relied upon the decision of Hon'ble High Court in the case of Sri M.Revannasiddappa V/State of Karnataka and



others passed in WP No. 18489/2021 C/w 19793/2021 (S-KAT). The learned Counsel for respondent no.3 i.e., caveator filed a memo and produced 3 documents and submits that by virtue of the impugned order the 3rd respondent has been relieved from her earlier post on 07.04.2025 and she has reported to the duty at the transferred place on 08.04.2025. On the same day itself applicant has been relieved from the said post as per Annexure-R2 and submits that once the order is implemented, question of its recall does not arise. To substantiate his claim the learned Counsel for Respondent no.3 relied upon the decision of this Tribunal in case of Sri Manju V/s State of Karnataka and others in A.No.508/2025 and also relied on the orders dated 25.07.2019 passed in A.No.4449/2019 wherein applicant herself had approached this Tribunal questioning her transfer dated 20.07.2019 which came to be dismissed vide order dated 25.07.2019.

The impugned order has been issued with prior approval of the Hon'ble Chief Minister in compliance with clause 5(3) of transfer guidelines dated 25.06.2024.

When the impugned order has been implemented, the applicant is not entitled for any interim order.

Considering the submission made on behalf of both the parties, it reveals that the applicant has been transferred prematurely

Considering the circumstances mentioned by both the parties, it is directed that the



impugned order is subject to result of this application.

Learned AGA is directed to accept notice for respondent nos.1 and 2.

For reply statement, call on 07.05.2025."

3. Learned Sr. Advocate Mr. Rajesh Mahale appearing for the Petitioner succinctly submits that in a matter like this involving premature transfer, the Tribunal ought to have granted interim protection consistent with the usual practice; the fact that the private Respondent has reported for duty at the place of Petitioner is a feeble ground to deny interim protection; the prior approval allegedly granted by the Chief Minister is not reasoned; in fact, there was no proposal before the Chief Minister for the grant of such approval. He also tells us that the extant Transfer Guidelines have statutory force and they assure minimum retention period of four years for the class of employees to which his client belongs. Lastly, he submits that Petitioner's son is studying in 2nd PUC at Bengaluru and therefore, her presence for some more



period at the place is warranted. So arguing, he seeks interference of this Court.

3. Learned AGA appearing for the official Respondents & Mr. Ashwathappa, learned counsel representing the private Respondent vehemently resist the Writ Petition contending that Petitioner has been serving in Bengaluru since last about two decades; long stay of a Government official at one place does not augur well to public administration; in all fairness, she should have disclosed about the decades of her service in Bengaluru. They also point out that the transfer is effected with the prior approval of Hon'ble Chief Minister of the State, which the extant Transfer Guidelines provide for; son is studying in the 12th Standard is no ground for remaining in one place, with one or the other pretext. Lastly, they submit that interference of Writ Court is not warranted when the main matter is still pending before the Tribunal.

4. Having heard the learned counsel for the parties and having perused the Petition papers, we decline



indulgence in the matter mainly on the ground that Petitioner has been serving in Bengaluru since last about two decades or so. Such a squatting in one place would not augur well to the interest of public administration. Secondly, as the Tribunal has rightly observed there is an arguable case of prior approval granted by the Chief Minister, under the extant Transfer Guidelines. In a catena of decisions, this Court has observed that such an approval need not be preceded by a formal recommendation. Whether approval is reasoned, is a matter for consideration at the hands of the Tribunal in the pending matter. Son is studying in 2nd PUC is no ground for the Petitioner to seek continuation in Bengaluru City. Alternate arrangements can certainly be made for facilitating better studies of such a student.

In the above circumstances, this Petition is liable to be and accordingly rejected, costs having been made easy. We make it clear that our observations herein above being confined to disposal of the Petition, may not



be looked into by the Tribunal while hearing the main matter pending before it. In other words, all contentions are kept open for being urged afresh.

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

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

AM/Bsv
List No.: 1 Sl No.: 7