



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH 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. 27241 OF 2024 (S-KSAT)

BETWEEN:

VALI BASHA
S/O LATE MOULA SAB
AGED ABOUT 52 YEARS
AUDIT OFFICER
O/O THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT DIVISION
HOSAPETE, VIJAYANAGARA
R/O NO.B-11, PWD QUARTERS
GOVERNMENT GUEST HOUSE
COMPOUND, BELLARY

...PETITIONER

(BY SRI. G.T. KUMAR, ADVOCATE)

AND:

Digitally signed by
SHASAMBARI
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
REP. BY THE ADDITIONAL CHIEF SECRETARY
PUBLIC WORKS DEPARTMENT
VIKASA SOUDHA
BANGALORE-560 001
2. THE CHIEF ENGINEER
C AND B (S) PUBLIC WORKS
DEPARTMENT, K.R.CIRCLE
BANGALORE-560 001



3. THE CHIEF ENGINEER
C AND B (NORTH-EAST ZONE)
PUBLIC WORKS DEPARTMENT
KALABURAGI-585 101
4. THE SUPERINTENDENT ENGINEER
PUBLIC WORKS DEPARTMENT CIRCLE
BELLARY-583 101
5. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
DIVISION, HOSAPETE
VIJAYANAGAR-583 201
6. PRADEEP KUMAR H.M
MAJOR
ACCOUNTS SUPERINTENDENT
O/O JUSTICE H.N. NAGAMOHAN DAS
ENQUIRY COMMISSION
K.R.CIRCLE, BANGALORE-560 001

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 TO R5;
SRI. G.B. MARUTHI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS RELATING TO THE IMPUGNED FINAL ORDER DATED 19.09.2024 PASSED IN A.No-3919/2024 A/W A.No-4138/2024 VIDE ANNEXURE-G SUPRA PASSED BY THE BENCH OF THE KSAT AT BENGALURU PERUSE AND QUASH THE SAID FINAL ORDER OF THE TRIBUNAL BY ISSUING THE WRIT OF CERTIORARI TERMING AS ILLEGAL, ARBITRARY AND NOT SUSTAINABLE IN NATURE AND ETC.



THIS 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

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 State Administrative Tribunal's
order dated 19.09.2024 whereby, his grievance aired in
Application Nos.3919/2024 and No.4138/2024 having
been treated, relief has been denied.

2. Learned counsel for the petitioner vehemently
argues that the retention period fixed under the extant
Transfer Guidelines being two years, the premature
transfer is unsustainable, there being no approval by the
Chief Minister as required under the extant statutory
Transfer Guidelines. This aspect having been missed by



the Tribunal, he submits, there is apparent error on the face of the record and therefore, relief needs to be accorded to his client.

3. Learned AGA appearing for the official Respondents and learned counsel appearing for the private respondents resisted the petition making submission in justification of the impugned order of the Tribunal and reasons on which it has been constructed. They submit that, the '*Tippani*' i.e. 'Note' dated 06.07.2024 itself operates as the Chief Minister's approval, there being no prescribed statutory form; even otherwise, the period of two years having admittedly now lapsed, petitioner has no right to cling on to the post/place.

4. Having heard the learned counsel for the parties and having perused petition papers, we decline indulgence in the matter broadly agreeing with the submission made on behalf of Respondents. Firstly, the period of two years which is the retention period prescribed under Statutory



Transfer Guidelines has now expired. So the substratum on which the petitioner had structured his case has now withered away; secondly, there is scope for the argument that the '*Tippani*' dated 06.07.2024 of Hon'ble Chief Minister being treated as approval, there being no particular format prescribed under law.

5. The vehement submission of the learned counsel for the petitioner that the Tippani proceeds on the premise of mutuality when his client has never requested for such mutual transfer. Secondly, the Tippani cannot be treated as the approval at all inasmuch as, the approval has to be sought for by the competent authority and only thereafter, the normative process of approval takes place. We do not subscribe to that view. If the proposal of approval needs from the competent authority, that would be an ideal position. However, in the light of extant Transfer Guidelines, one cannot gainfully argue that *Tippani* of the kind cannot be construed as approval at all. That would be an extreme argument, to contention.



However, we don't intend to decide this question of law conclusively inasmuch as retention period of the petitioners admittedly expired.

In the above circumstances, petition being devoid of merits is liable to be and accordingly *dismissed*.

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

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

SK
List No.: 1 Sl No.: 35