



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION NO. 38760 OF 2025 (S-KSAT)

BETWEEN:

SRI A M SHANKARAPPA
S/O LATE SRI. NARAYANAPPA
AGED ABOUT 50 YEARS,
SECRETARY GRADE-I AND
INCHARGE PANCHAYATH
DEVELOPMENT OFFICER,
ARIKUNTE GRAMA PANCHAYATH,
RONURU HOBLI, SRINIVASAPURA TALUK,
KOLAR DISTRICT.

PERMANENT ADDRESS

ANKALAMADUGU VILLAGE,
KADADANAMARI POST, CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT-563125.

...PETITIONER

(BY SRI. C M NAGABUSHANA.,ADVOCATE)

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signed by
VANAMALA
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Location:
HIGH
COURT OF
KARNATAKA



AND:

1. THE STATE OF KARNATAKA REPRESENTED BY
THE PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYATH RAJ, M.S. BUILDING,
DR. BR.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. THE CHIEF EXECUTIVE OFFICER
AND APPOINTING DISCIPLINARY AUTHORITY,
ZILLA PANCHAYATH, KOLAR-563 101.
3. THE EXECUTIVE OFFICER
TALUK PANCHAYATH,
SRINIVASAPURA TALUK,
SRINIVASAPURA, KOLAR-563 135

...RESPONDENTS

(BY SRI.S.H. RAGHAVENDRA., AGA FOR R1;
SRI. KARTHIK N., ADVOCATE FOR
SRI. M.S. DEVARAJ., ADVOCATE FOR R2 & R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO
a) CALL FOR RECORDS PERTAINING TO THE
IMPUGNED SUSPENSION ORDER NO.JIPAMKOCDP(5)
CR.40/2025-26, DATED 07/12/2025 PASSED BY THE
SECOND RESPONDENT (ANNEXURE-A9) AND SET
ASIDE THE SAID IMPUGNED ORDER AND DIRECT THE
RESPONDENTS TO CONTINUE THE APPLICANT AS
SECRETARY GRADE-I AND INCHARGE PANCHAYATH



DEVELOPMENT OFFICER, ARAKUNTE GRAMA PANCHAYATH, RONURU HOBLI, SRINIVASAPURA TALUK, KOLAR DISTRICT AND; b) CONSEQUENTLY, SET-ASIDE THE IMPUGNED ORDER DATED 19/12/2025 PASSED BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL VIDE ANNEXURE-C IN APPLICATION NO.5086/2025.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

(PER: HON'BLE MR. JUSTICE B M SHYAM PRASAD)

The petitioner, who was working as a '*Secretary Grade-I and In-charge Panchayat Development Officer*', Arikunte Grama Panchayat, Ronuru Hobli, Srinivasapura Taluk, Kolar District, is kept under suspension by the second respondent *vide the* order dated 07.12.2025 in exercise of Rule 10 of the Karnataka Civil Services [Classification, Conduct and



Appeal] Rules, 1957 [for short, '*the CCA Rules*']. The petitioner has called this order in question with the Karnataka State Administrative Tribunal, Bengaluru [for short, '*the Tribunal*'] in the Application No.5086/2025 with a request for interim order to stay the operation of this order.

2. The Tribunal has first heard the learned counsel for the petitioner on 15.12.2025 on the request for interim order extending an opportunity to the learned counsel for the second respondent on 16.12.2025 and 17.12.2025. The Tribunal, after having reserved the application for orders on the request for interim order on 17.12.2025, has refused to grant interim order by the impugned order. The Tribunal has reasoned thus:

Considering the claim and counter claims made by both the parties, the plea taken by the applicant is to be considered by the Enquiry Officer during the time of a regular enquiry which going to be initiated or contemplated to initiate against him as mentioned in the impugned order. From the records, it reveals that the auction amount of



Rs.3,10,000/- has been received on 24.02.2025 and the same has been deposited by the applicant to the account of Gram Panchayath as per Annexure-A1 on 07.03.2025. There was a huge delay in depositing the said auction amount into the account of Gram Panchayath. Secondly, when the Gram Panchayath passed the resolution as per the documents produced by the applicant vide Annexures-A2 and A3 series, made it clear that the Gram Panchayath passed resolution for implementation of some schemes under 15th Finance scheme and given liberty to the Panchayath Development Officer to act in accordance with Rules. Apart from that, Panchayath has passed the resolution itself will not allow the applicant to devote [SIC] from the Rules. Apart from that also, when there is a serious allegations of non-following of the provisions of KTPP Act/ Rules, it is to be considered as very serious. Moreover, as per the impugned order, the show cause notices were issued to the applicant for his irregularities and also asked him to explain through the phone, inspite of it, he has not attended the phone calls and did not reply to the show cause notices referred in the impugned order i.e., the grave misconduct. Considering the allegations made against the applicant, they are very serious in nature. Therefore, at this stage, we hold that the applicant failed to make out a case for stay of the impugned order. Hence, the interim prayer is hereby rejected.

3. Sri C M Nagabushana, the learned counsel for the petitioner, submits that the decision to keep the petitioner under suspension is in the



backdrop of the petitioner's alleged failure to respond to show cause notices, but the petitioner has not been issued with any notice; and the learned counsel also argues that the allegation against the petitioner is that he has delayed in making a remittance of Rs.3,10,000/- but the petitioner has, in fact, credited *[as could be seen from the documents produced]* a sum of Rs.5,00,000/-. The learned counsel also emphasizes that the petitioner could not have been kept under suspension either because he has disbursed Rs.68,00,000/- under 15th Finance Project and Class-1 or because of payment of Rs.6,69,000/- to a certain Sonnappa Reddy because the first decision is pursuant to the Resolution of the Grama Panchayat in that regard and the petitioner has not been issued with any communication of the orders of the Lokayukta on the report for payment of Rs.6,69,000/-.



4. Sri Karthik N, the learned counsel for the second and the third respondents, supported by Sri Raghavendra S H, the learned Additional Government Advocate, submits that the Tribunal has rightly rejected the petitioner's application because, contrary to the provisions of the Karnataka Transparency in Public Procurements Act, 1999 and Rules, the petitioner has divided one Work Order into four orders to avoid the rigors of a tender and to favour a person.

5. These submissions and the Tribunal's reasoning are considered. The decision to keep the petitioner under suspension is in exercise of the powers under Rule 10[3] of the CCA Rules. This provision stipulates that the competent authority, to place a *Government Servant* under suspension, shall examine the relevant material to ascertain whether there is a *prima facie* evidence to support the charges and that only if the competent authority is satisfied



on such examination may place the concerned under suspension.

6. This Court, at this stage, must opine that the Tribunal should have considered the circumstances as canvassed by the petitioner in the light of these provisions and the fact that the second and third respondents have not placed on record documents to show service of show cause notice and communicate to the petitioner. The petitioner contends that he is not even issued with a show cause notice and if in fact he was put on notice he could have shown factual errors in the reasons assigned and that his decisions were in accordance with the Panchayat's resolutions. This Court holds that a case is made out for grant to stay and therefore there must be intervention; while so interfering this Court must also clarify that the respondents shall be at liberty to complete pleadings and seek early disposal of the application.



ORDER

The petition is allowed and operation of the second respondent's order dated 07.12.2025 is stayed quashing the Tribunal's Order dated 19.12.2025 in Application No. 5086/2025 [Annexure-C] leaving all contentions open and with liberty to the respondents as aforesaid.

**Sd/-
(B M SHYAM PRASAD)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

AN/-