



CNR: KAHC010281092024

NC: 2026:KHC:40666-DB
WP No. 13719 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF AUGUST, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE DR. JUSTICE K.MANMADHA RAO
WRIT PETITION NO. 13719 OF 2024 (S-KSAT)

BETWEEN:

SRI. NAVEEN JOSEPH A
S/O LATE ANTHAPPA,
AGED ABOUT 43 YEARS,
WORKING AS SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA ROAD DEVELOPMENT
CORPORATION LIMITED,
DR RAJKUMAR ROAD,
BANGALORE - 560 055.
RESIDING AT NO. 633,
SUGUNA UPPER CREST,
RAJARAJESHWARINAGAR,
BANGALORE - 560 098.

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS,
VIDHANA SOUDHA,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI.REUBEN JACOB., AAG A/W
SRI.V SHIVAREDDY., AGA)

Digitally signed
by G.
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS FROM THE HONBLE KSAT BANGALORE IN RESPECT OF THE IMPUGNED ORDER DATED 05.12.2023 PASSED IN APPLICATION No-3134/2023 (ANNEXURE-A) AND B) SET ASIDE THE IMPUGNED ORDER DATED 05.12.2023 PASSED BY THE HON'BLE KSAT IN A.No-3134/2023 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE APPLICATION No-3134/2023 AS SOUGHT FOR BY THE PETITIONER BEFORE THE HON'BLE TRIBUNAL (ANNEXURE-B) IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

This writ petition is filed questioning the correctness of the order dated 05.12.2023 in Application No.3134/2023 where under, the petitioner's prayer to direct the respondent to consider the enquiry report dated 06.02.2023 and pass appropriate order and to direct the respondent to consider the case of the petitioner for promotion to the post of Karnataka Administrative Service (Senior Scale) by opening the sealed cover and promote



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him to the said post from the date of his juniors are promoted i.e., 20.06.2023, without reference to the pending enquiry under Articles of Charge dated 27.09.2018 is rejected.

2. On filing of the writ petition, this Court by a detailed order dated 02.07.2024 passed the following interim order:-

"Heard the learned counsel appearing for the petitioner as well as the learned Senior counsel appearing for the respondent as instructed by the Government Advocate.

It is submitted by the learned counsel for the petitioner that while he was working as Tahasildar, Nanjangud Taluk from 16.07.2010 to 21.06.2012, disciplinary proceedings had been initiated against him with regard to mutation in land records effected in favour of four persons.

It is submitted that it was on the direction of the Land Tribunal that the petitioner had affected mutation. It is submitted that the order of the Land Tribunal had been questioned in WP No. 41048/2011 by an aggrieved person and ultimately, and was upheld by judgment dated 22.11.2012.

It is further contended that with regard to the alleged misconduct committed by the



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petitioner & another, the aggrieved person approached the Lokayuktha and by order dated 16.04.2019, the complaint was closed.

It is further submitted that challenging the charge memo issued against him, the petitioner had approached the Tribunal. The application was dismissed and against the dismissal of the application, petitioner had preferred WP No. 14866/2020. Though the challenge was dismissed, this Court issued a direction to the respondents to conclude the enquiry within a period of six months. The said order of this Court was dated 07.07.2021. It is submitted that long thereafter, the enquiry was completed and a report was placed on record by the Enquiry Officer on 06.02.2023.

It is submitted that the Enquiry Officer found that the charges against the petitioner were not proved in the enquiry. Thereafter, though the petitioner's juniors were promoted on 20.06.2023, no further action was taken on the enquiry report. The respondent had referred the matter to the Department of Revenue seeking in its opinion and by communication dated 29.09.2023, the Revenue Department had concurred with the findings of the Enquiry officer.

It is submitted that even thereafter, the petitioner had not been exonerated in the enquiry and promotions due were also not considered.

It is stated that even thereafter, the matter has been referred again by the respondent to the



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Revenue Department for clarifications.

Learned Senior counsel appearing for the respondent as instructed by the learned Government Advocate submits that the Unofficial Notes dated 12.06.2023, 29.09.2023, 22.05.2024 and 24.06.2024, which have been produced along with the memo would show that there are further clarifications sought for by the respondent from the Revenue Department which is the reason why further steps have not been taken for exoneration of the petitioner.

Having considered the contentions advanced, we notice that the petitioner had approached the Tribunal as early as on 17.07.2023 seeking directions to the respondent to consider this case for promotion to the Karnataka Administrative Service (Senior Scale) by opening the sealed cover and to promote into the post from the date his juniors were promoted. The application was disposed of by the Tribunal granting four months time to the respondent to conclude the enquiry proceedings either by invoking Rule 11-A(2) of KCS (CC & A) Rules 1957 by issuing disagreement notice, and if not, by accepting the findings of the Enquiry Officer. Thereafter, the sealed cover was to be opened and further steps were to be taken in accordance with law.

We notice that the writ petition has been filed by the petitioner as against the said judgment on 21.05.2024. It appears that it is thereafter that further clarifications have been sought for by the respondent from the Revenue Department by notes dated 22.05.2024 and 24.06.2024 respectfully.



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In the facts and circumstances of the instant case, as noticed in the narration of facts as given above, we are of the opinion that this is the fit case, where the interim prayer as sought for is liable to be granted. The petitioner had faced the enquiry proceedings and the Enquiry Officer had found that the charges against the petitioner were not proved. Thereafter, the Department of Revenue had also specifically informed the respondent that it agrees with the findings of the Enquiry Officer. The Tribunal had also directed the completion of the entire proceedings within four months from the date of receipt of the certified copy of the order. In the above circumstances, we are of the opinion that the further clarifications sought for on 22.05.2024 and 24.06.2024 cannot be a ground to deny the due promotions to the petitioner.

Accordingly, there will be an interim direction to the respondent to open the sealed cover and to give effect to the recommendations of DPC held on 01.06.2023 by granting promotions to the petitioner to the cadre of Karnataka Administrative Service (Senior Scale) as on the date when his juniors were promoted.

The promotion will be subject to the result of this writ petition. Necessary shall be done within the period of three weeks from today.

List after three weeks."

3. By above interim order, direction was issued to the respondent to open the sealed cover and to give effect



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to the recommendations of the DPC held on 01.06.2023 by granting promotion to the petitioner to the cadre of Karnataka Administrative Service (Senior Scale) as on the date when his juniors were promoted. It was further observed that the promotion will be subject to the result of the writ petition.

4. It is submitted that by order dated 22.07.2024, the petitioner was promoted to the next higher cadre of Karnataka Administrative Service (Senior Scale) with retrospective effect.

5. Today, Sri.Reuben Jacob, learned AAG filed an affidavit along with Annexure - R1 and submits that the State has taken decision on the Inquiry report directing further enquiry by appointing Inquiry Officer and Presenting Officer. The said affidavit is taken on record.

6. Sri.Sathish K., learned counsel for the petitioner would submit that such further enquiry is not permissible and referring to the order dated 01.08.2026 produced



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along with the affidavit filed today, he submits that it is not further enquiry it would amount to fresh enquiry. Learned counsel would submit that earlier a retired District Judge was the Inquiry Officer, now the State has appointed Secretary to Government, Revenue Department as Inquiry Officer, which is impermissible. Further, he submits that earlier the State by its Chief Secretary had taken decision to close the enquiry by accepting the enquiry report. He would further submit that if time is given, he would file an affidavit to that effect and also file an application to amend the writ petition.

7. Sri.Reuben Jacob, learned AAG for the respondent - State would submit that the prayer of the petitioner before the Tribunal was only for a direction to accept the enquiry report and pass appropriate order and for consideration of this case for promotion to the post of Karnataka Administrative Service (Senior Scale) by opening the sealed cover. It is submitted that both prayer of the petitioner would no more survive for consideration



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as on this date, as action has been taken on the enquiry report and further, the petitioner has been promoted to the next higher cadre of Karnataka Administrative Service (Senior Scale) by order dated 22.07.2024. Thus, he would submit that the order dated 01.08.2026 directing further enquiry is a fresh cause of action, if at all petitioner intends to challenge the same, he has to approach the Court of first instance i.e., Karnataka State Administrative Tribunal. Thus, he prays for dismissal of the writ petition.

8. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers on record, we are of the considered opinion that the writ petition would no more survive for consideration. If at all the petitioner is advised to challenge the Government Order dated 01.08.2026 directing further enquiry, it would be a new cause of action.

9. Admittedly, the prayer of the petitioner before the Tribunal was to consider enquiry report and to pass



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appropriate order. The respondent - State has now rejecting the enquiry report has directed further enquiry by Government order dated 01.08.2026. The grounds urged by the petitioner recorded above, would be a ground to challenge the same before the Tribunal.

10. In the present writ petition, the same cannot be gone into since it is a new cause of action. The second prayer of the petitioner was to direct the respondent to consider this case for promotion to the cadre of Karnataka Administrative Service (Senior Scale). The same is acceded to by passing Government order dated 22.07.2024 promoting the petitioner to the cadre of Karnataka Administrative Service (Senior Scale) in pursuance to the interim order dated 02.07.2024 passed in the above writ petition.

11. This Court while passing the interim order dated 02.07.2024 has observed that the promotion of the petitioner would be subject to the outcome of the present



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writ petition. In view of the latest Government Order dated 01.08.2026, the present writ petition is being disposed of with liberty to the petitioner to challenge the same before the appropriate forum. In the said circumstances, we deem it appropriate to direct the respondent - State not to disturb the promotion of petitioner till the conclusion of the enquiry by passing appropriate order.

12. The writ petition stands ***disposed of*** with liberty to the petitioner to challenge the Government Order dated 01.08.2026 directing further enquiry.

All contentions of the parties are left open.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

MH/-
List No.: 1 SI No.: 7