



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 14806 OF 2026 (S-RES)

BETWEEN:

SRI YOGESHA B S
S/O LATE SOMAIAH B .S.,
AGED ABOUT 49 YEARS,
WORKING AS ASSISTANT EXECUTIVE ENGINEER
(ENVIRONMENT) (OPS)
HEBBAGODI CITY MUNICIPAL COUNCIL,
HEBBAGODI,
BENGALURU-560099

...PETITIONER

(BY SRI. VIJAYA KUMAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560001
2. THE DIRECTOR
DEPARTMENT OF MUNICIPAL ADMINISTRATION,
9TH FLOOR, V V TOWER,
DR B R AMBEDKAR VEEDHI,
BENGALURU-560001
3. THE COMMISSIONER
CITY MUNICIPAL COUNCIL,



HEBBAGODI,
ANEKAL TALUK,
BENGALURU URBAN DISTRICT-560099

4. SRI ERANNA
ASSISTANT EXECUTIVE ENGINEER (ENVIRONMENT)
DODDABALLAPURA CITY MUNICIPAL COUNCIL,
DODDABALLAPURA.

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R1 & R2
SRI. PRITHVEESH M.K., ADVOCATE FOR R4
SRI. THIPPESWAMY T., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RELEVANT RECORDS PERTAINING TO THE ISSUE OF IMPUGNED NOTIFICATION BEARING NO. NA AA E51 TME 2026(1) DTD. 04.05.2026 ISSUED BY THE R-1 VIDE ANNEX-E AND AFTER PERUSAL SET ASIDE THE SAME IN SO FAR AS IT RELATES TO TRANSFER AND POSTING OF PETITIONER AND R-4 IS CONCERNED. DIRECT THE RESPONDENTS TO CONTINUE THE PETITIONER IN THE PRESENT PLACE TILL HE COMPLETES THE MINIMUM TENURE OF TWO YEARS IN TERMS OF GOVERNMENT ORDERS DTD. 12.05.2025 AND 13.04.2026 VIDE ANNEX-C AND D RESPECTIVELY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- (a) Call for relevant records pertaining to the issue of impugned notification bearing No.Na Aa E51 TME 2026(1) dated 04.05.2026 issued by the respondent No.1 vide Annexure-E and after perusal set aside the same in so far as it relates to transfer and posting of petitioner and respondent No.4 is concerned.*
- (b) Direct the respondents to continue the petitioner in the present place till he completes the minimum tenure of two years in terms of Government Orders dated 12.05.2025 and 13.04.2026 vide Annexure-C and D respectively.*
- (c) Pass such other order as this Hon'ble Court deems fit in the facts and circumstances of the case.*

2. Brief facts, leading rise to the filing of this petition are as follows:

The petitioner while working as Environmental Officer, sent on deputation Bruhat Bengaluru Mahanagara



Palike and his services were repatriated to his parent department on 27.11.2024. While the petitioner was under compulsory waiting period, by an order dated 25.06.2025, he was posted to the present place to work as Assistant Executive Engineer (Environment) in his own pay-scale. He reported for duty at the present place on 26.06.2025. As per the Government Order dated 12.05.2025 R/W Government Order dated 13.04.2026, the petitioner is entitled for two years at the present place. Now, before the petitioner could complete the minimum tenure of two years at present place, by an impugned order dated 04.05.2026 issued by respondent No.1, he is being posted at Bidar, Bruhat Bengaluru Mahanagara Palike and respondent No.4 is posted in the place of the petitioner. The impugned order being premature, contrary to the Government orders dated 12.05.2025 and 13.04.2026, without prior approval of the Hon'ble Chief Minister and without assigning any reason and not in the public or



administrative exigency, but to accommodate respondent No.4 in place of the petitioner. Hence, this writ petition.

3. Respondent No.4 filed the statement of objections denying the allegations made in the memorandum of writ petition. It is contended that the writ petition filed by the petitioner is misconceive and the same is liable to be rejected at threshold. He submits that the petitioner and respondent No.4 were appointed by respondent No.2 vide official memorandum dated 06.10.2025 vide Annexure-R4/1 as Environmental Engineer. The name of the respondent No.4 is found at Sl.No.76 and the name of the petitioner is found at Sl.No.97 and respondent No.4 is senior to the petitioner. Considering the seniority and merit, by notification dated 04.12.2020 respondent No.4 was promoted to the cadre of Assistant Executive Engineer (Environment). The petitioner is not promoted still he is in lower cadre of Environmental Engineer. It is contended that the petitioner



is not a substitutive holder of the post of Assistant Executive Engineer (Environment). He was posted on his own pay scale and grade. Respondent No.4 is a regular holder of the said post and posted to the place of the petitioner. The posting of the petitioner was purely as a temporary measure on ad-hoc basis and the petitioner was relieved from the post and directed to hand over the charge. Respondent No.4 took the charge of the said post on 05.05.2026. Respondent No.4 lodged the caveat before the Court on 06.05.2026 and the said caveat was notified in the cause list while the writ petition was listed before the Court on 07.05.2026 without notifying caveator. Hence, prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner also the learned counsel for the respondents.



5. Learned counsel for the petitioner submits that the petitioner was posted to work as Assistant Executive Engineer (Environment) to BBMP and he reported for duty on 26.06.2025 the petitioner before he could complete minimum tenure of two years. By virtue of an impugned order dated 04.05.2026, issued by respondent No.1, posted to Bidar. The impugned order passed by respondent No.1 is premature, contrary to the Government orders dated 12.05.2025 and 13.04.2026 and without prior approval of the Hon'ble Chief Minister and without assigning any reasons and the impugned order is not in the interest of public or administrative exigency. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for respondent No.4 submits that the petitioner filed this writ petition by suppressing the material facts and obtained an interim order. He submits that it was only a temporary measure



and respondent No.4 is in the cadre of Assistant Executive Engineer. The petitioner does not hold the cadre of Assistant Executive Engineer (Environment). The petitioner is in lower cadre of Environmental Engineer, and he is not entitled to hold the post of the Assistant Engineer (Environment). Further, the petitioner was posted to the post on his own pay-scale and grade. Respondent No.4, who is the regular holder to the post is posted to the place of the petitioner, who was holding it as a temporary measures. He submits that the impugned order dated 04.05.2026 was rectified by issuing a corrigendum dated 04.05.2026 vide Annexure R4/5 and pursuant to the impugned notification, the petitioner was relieved from service from the post. The petitioner by suppressing the said fact filed this writ petition. Hence, on these grounds, he prays to dismiss the writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.



8. The petitioner working as an Environmental Officer, sent on deputation to the BBMP and his services were repatriated to his parent department on 27.11.2024. The petitioner was under the compulsory waiting period, by an order dated 25.06.2025 he was posted to the present place to work as an Assistant Executive Engineer (Environment) in his own pay-scale. He reported to the present place on 26.06.2025 vide Government Order dated 12.05.2026 read with Government Order dated 13.04.2026. Respondent No.1 issued the impugned order dated 04.05.2026 and the petitioner was posted to Bidar, Bruhat Bengaluru Mahanagara Palike while respondent No.4 is posted in place of the petitioner. Admittedly, the petitioner is holding the post as Environmental Officer and the petitioner was not promoted to the cadre of the Assistant Executive Engineer (environment). The Government has issued a impugned notification dated 04.05.2026. The petitioner was posted at Bidar and respondent No.4 is a regular holder of the post and he was



posted to the place of the petitioner as the petitioner was holding it as a temporary measures. On the same day, respondent No.1 issued a ratification by issuing a corrigendum dated 04.05.2026.

9. The petitioner did not challenge the corrigendum and pursuant to the order of transfer, the petitioner was relieved from post in question and directed to hand over the charge to respondent No.4. The copy of official memorandum dated 05.05.2026 is marked as Ex.R4/6. The petitioner was relieved from service on 05.05.2026. Even the matter was subsequently posted before the Court but the petitioner did not bring it to the notice of the Court regarding that he has already relieved from the post on 05.05.2026. Thus, the petitioner guilty of misrepresentation of facts and also guilty of suppression of facts. The petitioner, by suppressing the said fact, filed this writ petition on the same day on 05.05.2026. The matter was listed before the Court on 07.05.2026.



Respondent No.4 has filed the caveat on 06.05.2026. The caveator was not notified when the writ petition was listed before the Court on 07.05.2026 and the petitioner succeeded in getting an interim order by suppressing the facts that he is not Assistant Executive Engineer (Environment). He is only an Environmental Officer. The petitioner is holding lower post than that of respondent No.4. When such being the case, the petitioner cannot resist the posting of the regular holder of the post as the petitioner has not substantively promoted to the said cadre and there is no right to seek for continuation in the said post. The posting of the petitioner was purely as a temporary measure on ad-hoc basis and the petitioner was relieved from the post and directed to hand over the charge. The petitioner cannot claim security of tenure and the ad hoc holder of the post is not entitled to the security of the tenure, since the petitioner's posting is purely as a temporary measure. Thus, the petitioner has filed this writ petition by misrepresenting the facts. Hence, the writ



petition filed by the petitioner is liable to be dismissed with costs.

10. In view of the above discussion, I proceed to pass the following:

ORDER

1. The writ petition is ***dismissed with cost of Rs.25,000/-***.
2. The petitioner shall deposit the said cost with the Karnataka State Legal Services Authority, failing which, the Karnataka State Legal Services Authority shall recover the said amount as a land revenue.
3. The Registry is directed to forward the copy of this order to the Karnataka State Legal Services Authority for information.
4. Pending IA(s), if any, shall stand disposed of accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SSB