



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 16083 OF 2026 (S-KSAT)

BETWEEN:

SRI B ANANTARAJU
S/O M BASAPPA,
AGED ABOUT 58 YEARS,
ASSISTANT EXECUTIVE ENGINEER
(DIVISION-2)
(INDEPENDENT CHARGE),
OFFICE OF ASSISTANT EXECUTIVE ENGINEER,
PWD SUB-DIVISION, HIRIYUR - 577598.

...PETITIONER

(BY SRI. SRI. OMKAR KAMBI, ADV.)

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA, BANGALORE - 560001.
2. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
WATER RESOURCES DEPARTMENT,
VIKASA SOUDHA, BANGALORE - 560001.
3. SRI. M. KRISHNAMURTHY
S/O MARIMUTHU,
AGED ABOUT 46 YEARS,
PRESENTLY WORKING AS
ASSISTANT EXECUTIVE ENGINEER,
PWD SUB-DIVISION, HIRIYURU - 577598.

...RESPONDENTS

(BY SRI. VIJAYA SIMHA REDDY D.V., ADV. FOR C/R3
SRI V SHIVA REDDY, AGA FOR R1 & R2)

Digitally signed by
NANJUNDACHARI

Location: HIGH
COURT OF
KARNATAKA



THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS AND A. ISSUE A WRIT OF CERTIORARI, OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED INTERIM ORDER DATED 28.04.2026 PASSED IN APPLICATION NO.2417/2026 BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (VIDE ANNEXURE-A) WHICH IS UNTENABLE IN LAW AND UNJUSTIFIED AND ETC.

THIS PETITION, COMING ON FOR ORDERS, 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)

The petitioner who was respondent No.3 before the Karnataka State Administrative Tribunal at Bengaluru (for short "Tribunal") is before this Court, questioning the interim order dated 28.04.2026 in Application No.2417/2026, whereunder, the interim prayer of the applicant/respondent No.3 herein is allowed staying the impugned order of transfer bearing No.ಬಿಆರ್‌ಇ 124 ನೇನಿ 2026 dated 21.04.2026 (Annexure-A6) insofar as petitioner and respondent No.3 herein while posting the matter on 17.06.2026 for filing reply statement.



2. Heard Sri.Omkar Kambi, learned counsel for the petitioner and Sri.V.Shivareddy, learned AGA for respondents No.1 and 2 as well as Sri.Vijaya Simha Reddy, learned counsel for respondent No.3. Perused the entire writ petition papers.

3. The parties would be referred to as they stood before the Tribunal. The petitioner herein was respondent No.3, whereas respondent No.3 herein was applicant before the Tribunal.

4. The applicant approached the Tribunal questioning the notification dated 21.04.2026, whereunder, respondent No.3 was posted in his place as Assistant Executive Engineer, P.W.D Sub-Division, Hiriya while handing over services of the applicant to the Water Resources Department, by contending that respondent No.3 is holder of post of Assistant Executive Engineer under Rule 32 of KCSRs and further contending that the applicant has not completed his tenure at Hiriya. The



applicant had also prayed for interim order of stay of the impugned order of transfer dated 21.04.2026.

5. Respondent No.3 had entered caveat before the Tribunal and submitted on the prayer for interim order, that respondent No.3 has assumed charge of the post of Assistant Executive Engineer, P.W.D. Sub-Division, Hiriya on 27.04.2026 and prayed not to grant any interim prayer.

6. The Tribunal under impugned order observed that mere assumption of charge by signing CTC does not comply the conditions stipulated in Rules 12 and 24 of KCSRs and further observed that the applicant is not relieved so far and the assumption of charge will not give right to the private respondent and stayed the impugned order of transfer dated 21.06.2026 till the next date of hearing, while posting the matter on 17.04.2026.

7. In pursuance of the transfer notification dated 21.04.2026, learned counsel for respondent No.3 submitted that respondent No.3 was relieved by



movement order dated 23.04.2026 and he reported to duty at the transferred place i.e., P.W.D. Sub-Division, Hiriya on 24.04.2026. Further, he submits that as the applicant failed to hand over charge, he sought permission to assume charge and under letter dated 27.04.2026, the Chief Engineer (C & B) (Central) Shivamogga permitted the petitioner to assume charge of the post of Assistant Executive Engineer, P.W.D. Sub-Division, Hiriya. Accordingly, it is submitted that respondent No.3 assumed charge on 27.04.2026. Further, learned counsel for respondent No.3 would submit that movement order dated 23.04.2026 as well as letter dated 27.04.2026 permitting him to assume charge was made available before the Tribunal by way of a memo. It is his submission that without taking those documents into consideration, the Tribunal granted interim order observing that the applicant is not relieved so far and assumption of charge will not give right to private respondent, which is wholly incorrect. Learned counsel would submit that the ground urged by



the applicant that respondent No.3 is a holder of post of Assistant Executive Engineer under Rule 32 of KCSRs and that he is not entitled to be posted against the applicant and other contentions are to be considered by the Tribunal at the time of final disposal. Therefore, as respondent No.3 has assumed charge of the post of Assistant Executive Engineer, P.W.D. Sub-Division, Hiriya with permission from the Chief Engineer, he prays for allowing the writ petition and to set aside the interim order granted by the Tribunal. Further, learned counsel would submit that the Tribunal in other applications wherever it is shown that charge is assumed refused interim order and however in the instant case granted interim order.

8. Per contra, learned counsel Sri.Vijaya Simha Reddy appearing for the applicant would submit that assumption of charge is not in accordance with law and further he submits that respondent No.3 could not have been posted in the place of applicant since he is holder of post under Rule 32 of KCSRs. It is also his submission that the



applicant has not completed his tenure at Hiriyr, as such, the transfer of applicant and posting of respondent No.3 in his place is premature. Thus, he would pray for dismissal of the writ petition.

9. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the following point would arise for our consideration:

In the facts and circumstances of the case, whether the Tribunal was justified in staying the impugned transfer notification dated 21.04.20126 insofar as applicant and private respondent No.3 are concerned.?

10. Answer to the above point would be in the negative for the following reasons:

The impugned notification of transfer dated 21.04.2026 (Annexure-A6) transfers respondent No.3 to P.W.D. Sub-Division, Hiriyr in place of the applicant while handing over the services of applicant to Water Resources Department. Several contentions including the contention



that a Rule 32 officer cannot displace the applicant is urged before the Tribunal, apart from contending that the transfer of applicant is premature. Those contentions are yet to be considered by the Tribunal and the Tribunal shall consider the same at the time of final disposal of the application.

11. The Tribunal proceeded to grant interim order of stay of transfer notification insofar as applicant and private respondent No.3 are concerned, only on the ground that assumption of charge by signing the CTC does not comply the conditions stipulated in Rule 12 and 24 of KCSRs. While making that observation, the Tribunal has failed to take into consideration, the movement order dated 23.04.2026 as well as letter dated 27.04.2026 from the Chief Engineer (Communication and Buildings) (Central) Shivamogga whereunder, respondent No.3 was permitted to assume charge of Assistant Executive Engineer, P.W.D. Sub-Division, Hiriya. The movement order dated 23.04.2026 was issued to respondent No.3 and in



pursuance of the said movement order of relieving from his earlier post he was directed to report at transferred place and he reported as Assistant Executive Engineer, P.W.D. Sub-Division, Hiriya on 24.04.2026 which is clear from document No.2 produced along with memo. Thereafter, the Chief Engineer (C&B) (Central) Shivamogga permitted respondent No.3 to assume charge by his letter dated 27.04.2026 and the relevant portion of the communication reads as follows:

“ಆದರೆ ದಿನಾಂಕ: 24.04.2026 ರಿಂದ 27.04.2026 ರವರೆಗೆ ಶ್ರೀ ಬಿ. ಅನಂತರಾಜು ಇವರಿಗೆ ಶ್ರೀ ಎಂ. ಕೃಷ್ಣಮೂರ್ತಿ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್ ಇವರು ಪ್ರಭಾರವನ್ನು ವಹಿಸಿಕೊಂಡ ಕಾಲಕರಣ ಮಾಡುತ್ತಿರುವರೆಂದು ನದಲ ಹುದ್ದೆಯ ಪ್ರಭಾರವನ್ನು (ಅಜ್ಞಾತ) ವಹಿಸಿಕೊಳ್ಳಲು ಉಲ್ಲೇಖ (2) ರನ್ವಯ ಶ್ರೀ ಬಿ. ಅನಂತರಾಜು ಸಹಾಯಕ ಇಂಜಿನಿಯರ್ (ಬಿ-2) ಇವರು ಅನುಮತಿಸಿರುವರು.

ಉಲ್ಲೇಖ (1)ರ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಪ್ರಕಾರ ಸಾರ್ವಜನಿಕ ಮತ್ತು ಆಡಳಿತಾತ್ಮಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ಉಪ ವಿಭಾಗ, ಹಿರಿಯರು ಕಚೇರಿಗೆ ವರ್ಗಾವಣೆ ಆದೇಶದಲ್ಲರುವ ಶ್ರೀ ಬಿ. ಅನಂತರಾಜು ಇವರಿಗೆ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ಉಪ ವಿಭಾಗ ಹಿರಿಯರು ಕಚೇರಿಯ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್



ಹುದ್ದೆಯ ಸ್ವಯಂ ಪ್ರಭಾರವನ್ನು ನಿಯಮಾನುಸಾರ ವಹಿಸಿಕೊಳ್ಳಲು
(ಅಜ್ಞಾಪ್ತ ಮಾಡಲು) ಈ ಮೂಲಕ ಅನುಮತಿ ನೀಡಲಾಗಿದೆ.”

When respondent No.3 has assumed charge by taking permission from the Competent Authority, it cannot be said that assumption of charge by respondent No.3 is not in terms of Rules 12 and 24 of KCSRs. However, the Tribunal without looking into and appreciating the documents produced by respondent No.3, proceeded to pass interim order of stay of impugned order of transfer.

12. It is noticed that in many of the applications, the Tribunal has refused to grant interim order of stay of transfer by observing that the transferred person has already assumed charge. However, in the present case, though respondent No.3 has brought to the notice of the Tribunal that he has assumed charge by taking permission of the Chief Engineer, the Tribunal has proceeded to stay the order of transfer. It is true that granting interim order is discretion of the Tribunal or Court. But such interim orders ought to be passed judiciously. There has to be



consistency in the orders passed by the Court or Tribunal and inconsistent orders cannot be appreciated.

13. For the reasons recorded above, we are inclined to interfere with the interim order dated 28.04.2026 passed by the Tribunal. Accordingly, the writ petition is ***allowed***. The interim order dated 28.04.2026 in Application No.2417/2026 stands quashed.

Respondent No.3 undertakes to file statement of objections in the main application within 10 days from today. If objections are filed, the Tribunal shall endeavor for early disposal of the application.

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

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

MPK
CT:bms
List No.: 1 Sl No.: 4