



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 19668 OF 2026 (S-KSAT)

BETWEEN:

SRI. THIPPESWAMY M.N.
S/O LATE NAGAPPA
AGED ABOUT 59 YEARS
WORKING AS ASSISTANT EXECUTIVE ENGINEER,
MINOR IRRIGATION AND GROUND WATER
DEVELOPMENT DIVISION
TUMAKURU AND RESIDING AT
MUNJAANE, KHB LAY OUT
NEAR WATER TANK
SHETTIHALLI RING ROAD
JAYANAGARA SOUTH
TUMAKURU 572102.

...PETITIONER

(BY SRI. NARAYANASWAMY T., ADVOCATE FOR
SRI DEVARAJA M.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS ADDITIONAL CHIEF
SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT
VIKASA SOUDHA BENGALURU 560001.



2. THE SECRETARY TO GOVERNMENT
MINOR IRRIGATION AND GROUND WATER
DEVELOPMENT DEPARTMENT
VIKASA SOUDHA,
BENGALURU 560001.
3. THE CHIEF ENGINEER
MINOR IRRIGATION,
SOUTH ZONE
K.R. CIRCLE,
BENGALURU 560001.
4. SRI.GNANA MURTHY K.M.
ASSISTANT EXECUTIVE ENGINEER
WAITING FOR POSTING
FROM MINOR IRRIGATION AND WATER
DEVELOPMENT DEPARTMENT
VIKASA SOUDHA
BENGALURU 560001.

...RESPONDENTS

(BY SRI.S.H.RAGHAVENDRA, AGA FOR R-1 TO R-3,
SRI PRITHVEESH M.K., AND
MS.SWATHY SURESH, ADVOCATES FOR C/R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER QUASHING THE ORDERS DATED 22.06.2026 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BANGALORE IN APPLICATION No.972 OF 2026 PRODUCED VIDE ANNEXURE-A AND ALLOW THE APPLICATION AND ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER DIRECTING THE RESPONDENT No.2 TO CONTINUE THE SERVICES OF THE PETITIONER IN THE MINOR IRRIGATION AND GROUND WATER DEVELOPMENT DIVISION, TUMAKURU TILL HIS RETIREMENT and PASS SUCH



OTHER ORDER OR ORDERS THAT THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ petition has been filed impugning the order dated 22.06.2026, passed by the Karnataka State Administrative Tribunal, at Bangalore, (for short, `Tribunal'), in Application No.972/2026, filed by the petitioner against the Notification dated 22.01.2026, repatriating him to his original department i.e., Public Works Department.

2. The petitioner was working as an Assistant Executive Engineer in Public Works Department. Vide a Notification dated 22.06.2023, the petitioner was deputed to the Minor Irrigation Department and vide impugned notification dated 22.01.2026, the petitioner has been repatriated to his original department i.e., Public Works Department.



3. The learned counsel for the petitioner has submitted that under Rule 50 read with Rule 32 of Karnataka Civil Services Rules, 1958 (for short, 'KCSR'), deputation can be extended upto 5 years. Without assigning any reason or consulting the Public Works Department i.e., the original department, the petitioner has been repatriated and that would be in violation of law.

4. The Tribunal has found no substance in the challenge to the repatriation order.

5. Mr.Narayanaswamy, learned counsel for the petitioner submits that, when a person is posted on deputation, he has legitimate expectation to continue on deputation beyond 3 years and upto 5 years and unless there are compelling reasons, such a person should not be repatriated. His submission is that, no such compelling reasons are coming forward in the impugned notification, whereby petitioner has been repatriated to his original department, for which, he has placed reliance on the following three judgments :



i) C.B.Chikkalagi -vs- State of Karnataka, reported in 2026 (6) KLJ 564,

ii) T.K.Varadaraju -vs- The State of Karnataka and others, Writ Petition No.18005/2022 (S-KSAT), disposed of on 18.10.2022,

iii) B.Ravi -vs- State of Karnataka and others, Writ Petition No.34941/2018, disposed of on 28.08.2018.

6. The main fulcrum of arguments of Mr.Narayanaswamy is with respect to Rule 50 of KCSR. Therefore, we would like to note Rule 50 of KCSR, which reads as under :

" 50 (1) When a Government servant is permanently transferred or deputed from one department to another under the provisions of rule 16 of the Karnataka State Civil Services (General Recruitment) Rules, 1957, he will draw pay in the new post at the same stage in which he was drawing in the old post and earn the next increment on the date on which he would have earned it had he continued in the old post.

(2) (a) When a Government Servant deputed from one department to another returns to the parent department he will draw the pay he would have drawn but for his deputation to the other department.

(b) Where, however, a Government servant is deputed to another department on special temporary duty against no sanctioned post, he will continue to draw pay in the grade of the post held by him in his parent



department and will continue to retain a lien in his parent department.

(3) Such deputations should not ordinarily extend beyond five years except under special orders of Government."

Under Rule 50 of KCSR, there is no minimum tenure fixed for deputation. However, it provides that such deputation should not ordinarily extend beyond 5 years, which means that, deputation should not be extended beyond 5 years, unless there are exceptional circumstances which warrant extension of deputation beyond 5 years.

7. In the present case, even the deputation order does not provide any fixed tenure for the petitioner to continue in the Minor Irrigation Department. It merely states that the petitioner is deputed to the Minor Irrigation Department until further orders, which would imply that the petitioner's deputation would have been cut short at any point of time at the discretion of the Minor Irrigation Department. A deputationist cannot have a legal right to continue in the department where he is deputed, if the department does not want his services. His right to continue in service is in his



parent department, but not in the department where he has been deputed.

8. Therefore, we find no substance in this petition, inasmuch as, the petitioner cannot thrust himself upon the Minor Irrigation Department and insist on continuing there when the Minor Irrigation Department is of the view that his services are no longer required in the department.

Therefore, we find no substance in this writ petition and it is hereby ***dismissed.***

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

BK
List No.: 1 Sl No.: 13