

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 20527 OF 2026 (S-KSAT)

C/W

WRIT PETITION NO. 20537 OF 2026 (S-KSAT)

IN WP NO. 20527/2026

BETWEEN:

SRI. AMARESH G
S/O. LATE PRABHAKAR GOUDA,
AGED ABOUT 36 YEARS,
WAS WORKING AS
DEPUTY GENERAL MANAGER (FINANCE),
KARNATAKA FOOD AND CIVIL SUPPLIES
CORPORATION LIMITED,
AREA 16/1, MILLERS TANK BUND ROAD,
VASANTH NAGAR, BANGALORE-560 052,
NOW UNDER AN ORDER OF POSTING AS
FINANCE MEMBER,
BANGALORE DEVELOPMENT AUTHORITY,
5TH MAIN ROAD, KUMARA PARK WEST,
GUTTAHALLI, BANGALORE-560 020,
RESIDING AT NO. A1092, A BLOCK,
DLF WESTERN HEIGHTS APARTMENT,
AKSHAY NAGAR, BANGALORE-560 114.

...PETITIONER

(BY SRI. SATISH K., ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF FINANCE
(ADMINISTRATION AND ADVANCES),

VIDHANA SOUDHA,
BANGALORE - 560 001.

2. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
5TH MAIN ROAD, KUMARA PARK WEST,
GUTTAHALLI, BANGALORE-560020.
3. DR. A. LOKESHA,
MAJOR,
WORKING AS FINANCE MEMBER,
BANGALORE DEVELOPMENT AUTHORITY,
5TH MAIN ROAD, KUMARA PARK WEST,
GUTTAHALLI, BANGALORE-560 020.

...RESPONDENTS

(BY SRI. V SHIVAREDDY, AGA FOR R1
SRI G.S. KANNUR, SR. COUNSEL A/W
SRI M AJAY KUMAR, ADV. FOR R2
SRI C.K. NANDA KUMAR, SR. COUNSEL A/W
MS. SWATI GOPALAKRISHNA, ADV. FOR R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR RECORDS FROM THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE IN RESPECT OF THE IMPUGNED ORDER DATED 02/07/2026 PASSED IN APPLICATION NO.2976/2026 (ANNEXURE-A) AND ETC.

IN WP NO. 20537/2026

BETWEEN:

SRI. AMARESH G
S/O. LATE PRABHAKAR GOUDA,
AGED ABOUT 36 YEARS,
WAS WORKING AS
DEPUTY GENERAL MANAGER (FINANCE),
KARNATAKA FOOD AND CIVIL SUPPLIES
CORPORATION LIMITED,
AREA 16/1, MILLERS TANK BUND ROAD,
VASANTH NAGAR, BANGALORE-560 052,

NOW UNDER AN ORDER OF POSTING AS
FINANCE MEMBER,
BANGALORE DEVELOPMENT AUTHORITY,

5TH MAIN ROAD, KUMARA PARK WEST,
GUTTAHALLI, BANGALORE-560 020,
RESIDING AT NO. A1092, A BLOCK,
DLF WESTERN HEIGHTS APARTMENT,
AKSHAY NAGAR, BANGALORE-560 114.

...PETITIONER

(BY SRI. SATISH K., ADV.)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF FINANCE,
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY,
DR. B. R. AMBEDKAR VEEDHI,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. DR. A. LOKESHA,
S/O. LATE ARENINGAPPA,
AGED ABOUT 58 YEARS,
WORKING AS FINANCE MEMBER/
ADDITIONAL DIRECTOR,
BANGALORE DEVELOPMENT AUTHORITY,
5TH MAIN ROAD, KUMARA PARK WEST,
GUTTAHALLI, BANGALORE-560 020.

...RESPONDENTS

(BY SRI. V SHIVAREDDY, AGA FOR R1
SRI C.K. NANDA KUMAR, SR. COUNSEL A/W
MS. SWATI GOPALAKRISHNA, ADV. FOR R2)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR RECORDS
FROM THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL,
BANGALORE IN RESPECT OF THE IMPUGNED ORDER DATED
02/07/2026 PASSED IN APPLICATION NO.2931/2026 (ANNEXURE-A)
AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR
ORDER ON **08.07.2026** COMING ON THIS DAY, **S.G.PANDIT J.,**
PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

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

Since both the above writ petitions are between the same parties and arise out of the same cause of action i.e., notification dated 20.06.2026 posting the petitioner herein as Finance Member of Bangalore Development Authority (for short "BDA") and transferring respondent No.3 from BDA as Deputy General Manager (Finance), Karnataka Food and Civil Supplies Corporation Limited, Bangalore, they are taken up together, heard and disposed of by this common order.

2. In W.P.No.20527/2026, the petitioner who was applicant before the Tribunal is before this Court, questioning the order dated 02.07.2026 in Application No.2976/2026 passed by the Tribunal, refusing petitioner's interim prayer for a direction to respondent No.2 to forthwith accept the duty report pursuant to the transfer notification dated 20.06.2026 and permission to take charge as Finance Member, BDA, Bangalore. Whereas, in W.P.No.20537/2026, the petitioner who was respondent

No.2 before the Tribunal is before this Court, aggrieved by the interim order dated 02.07.2026 in Application No.2931/2026, whereunder the Tribunal has directed both parties to maintain *status-quo*, until the next date of hearing, insofar as impugned notification of transfer dated 20.06.2026 is concerned.

3. Heard learned counsel Sri.K.Satish for petitioner, learned Additional Government Advocate Sri.V.Shivareddy for respondent No.1-State, learned senior counsel Sri.Gurudas S Kannur appearing for learned counsel Sri.M.Ajay Kumar for BDA and learned senior counsel Sri.Nanda Kumar for learned counsel Ms.Swathi Gopalakrishna for respondent No.2 in WP No. 20537/2026. Perused both the writ petition papers.

4. The parties would be referred to as they stood before the Tribunal in Application No.2931/2026 which is the subject matter of WP No. 20537/2026. In Application No.2931/2026, the petitioner herein was the respondent No.2 and respondent No.2 in WP No. 20537/2026 is the

applicant before the Tribunal. The Bangalore Development Authority is arraigned as Respondent No.2 in WP No. 20527/2026 and shall be hereinafter referred to as 'BDA'.

5. Learned counsel Sri.K.Satish appearing for respondent No.2 would submit that the applicant was posted as Finance Member, BDA, Bangalore on 23.08.2022 (Annexure-A1) and under the impugned notification dated 20.06.2026 (Annexure-A4) respondent No.2 was posted to work as Finance Member, BDA, while transferring the applicant from BDA to Karnataka Food and Civil Supplies Corporation Limited, Bangalore. Learned counsel for respondent No.2 would contend that the applicant has completed his tenure at BDA and he is posted within Bangalore. Therefore, he submits that the petitioner has no right to continue at BDA, that too when he is provided posting within Bangalore. Moreover, he submits that the Finance Member at BDA is a pleasure post and would continue to function at the pleasure of the State Government. In the said circumstances, he submits that the Tribunal could not have granted interim order,

directing the parties to maintain *status-quo*. Moreover, he submits that respondent No.2 is already relieved from his earlier post at the Karnataka Food and Civil Supplies Corporation Limited, Bangalore and he is without posting as on this date.

6. On the other hand, learned AGA would submit that respondent No.2 is before this Court only against the interim order and on filing the objections by respondents, the Tribunal could be directed to dispose of the main application itself.

7. Learned senior counsel Sri.Gurudas S Kannur appearing for BDA files a memo dated 08.07.2026 enclosing two documents, i.e. Memorandum dated 30.06.2026 as well as letter dated 01.07.2026 addressed to the Additional Chief Secretary, Finance Department, Bangalore. Referring to the memorandum dated 30.06.2026, learned senior counsel for BDA would submit that the BDA accepting the duty report of respondent No.2, posted him to work as Chief Finance Officer,

Bangalore Business Corridor. It is his submission that till the Tribunal decides the main application, he could report to duty as Chief Finance Officer, Bangalore Business Corridor and he further submits that the BDA would file objection statement within one week before the Tribunal and the Tribunal could be directed to dispose of the main application itself.

8. Learned senior counsel Sri.C.K.Nanda Kumar appearing for learned counsel Ms.Swathi Gopalakrishna for applicant submits that the BDA by its letter dated 01.07.2026 addressed to the Chief Secretary, Finance Department requested to continue the services of the applicant in BDA, in view of certain pending works which the applicant is acquainted with. Learned senior counsel also submits that the applicant also would file statement of objections in respondent No.2's application, within one week and the Tribunal could be directed to dispose of the main application itself. In addition, he submits that the post of Finance Member is a pleasure post and during the pleasure of the government, one would continue as

Finance Member, BDA. Thus, he would pray for dismissal of the writ petitions.

9. In W.P.No.20527/2026, respondent No.3 is the applicant in Application No.2931/2026 before the Tribunal wherein he had sought for a direction to BDA to accept his duty report and consequently permit him to take charge as Finance Member, BDA. He had also sought for an interim prayer in the said line. The Tribunal, while considering the interim prayer, observing that since the order of *status-quo* is passed in Application No.2931/2026 where the transfer notification itself is under challenge, refused to grant interim direction as sought by the applicant.

10. Having heard the learned counsel for the parties and on perusal of both the writ petition papers, the only point which falls for our consideration is as to whether the interim order passed in both the writ petitions warrants interference by this Court?

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

Granting or non-granting of interim order is the discretion of the Court and would depend on the facts and circumstances of each case. There cannot be a straight jacket formula for grant or non-grant of interim order. However, the Court or Tribunal should maintain consistency in grant or otherwise of interim prayers.

12. Learned counsel for respondent No.2 would contend that the applicant has completed his tenure; is posted within Bangalore and that one could continue as Finance Member, BDA during the pleasure of State Government. The above contentions are to be considered by the Tribunal at the time of disposal of the application. No doubt, those grounds are also to be considered while deciding the *prima facie* case. As stated above, granting or non-granting of interim order is the discretion of the Court or Tribunal. The Tribunal in its discretion taking note of the letter of the Commissioner dated 23.06.2026 requesting the State Government for continuation of the applicant as Finance Member, BDA, thought it fit to grant order of *status-quo* to be maintained by the parties. At

this stage, whether the Government could legally continue the applicant as Finance Member, BDA or not, cannot be gone into. However, it is for the Tribunal to decide whether the transfer of the applicant under impugned notification dated 20.06.2026 is in accordance with law and whether it complies with the pleasure doctrine and whether it is in accordance with the BDA Act, 1976. If the contention raised by respondent No.2 is answered in this petition, nothing would remain to be considered by the Tribunal at the time of disposal of the application. When the Tribunal has exercised its discretion in directing the parties to maintain *status-quo*, we refrain from interfering with the order of the Tribunal under Article 226 of the Constitution of India, that too when it is not shown to be patently arbitrary or malafide exercise of jurisdiction.

13. In view of the *status-quo* order granted by the Tribunal in Application No.2931/2026, the Tribunal is justified in refusing to grant interim order to respondent No.2 in his application, i.e. Application No.2976/2026.

14. Learned senior counsel for BDA brought to the notice of this Court by filing a memo dated 08.07.2026, that accepting petitioner's duty report he is posted to work as Chief Finance Officer, Bangalore Business Corridor. In that regard, learned counsel for respondent No.2 contended that when the Government notification dated 20.06.2026 posting respondent No.2 as Finance Member, BDA, is issued by the government, the BDA has no jurisdiction to modify the same and to give another posting vide memorandum dated 30.06.2026. We refrain to answer the said contention since it is open for respondent No.2 to challenge the said memorandum dated 30.06.2026 before the appropriate forum and it is also open for respondent No.2 to take charge of the post of Chief Finance Officer, Bangalore Business Corridor, till the disposal of the application before the Tribunal.

15. Both the applications are directed to be listed before the Tribunal on 28.07.2026.

16. Learned counsels appearing for respondents No.1 to 3 in WP No. 20527/2026 have undertaken that within one week from today, they would file the statement of objections before the Tribunal to the main applications. Therefore, we request the Tribunal to hear the applications depending on their merits on the next date of hearing and dispose of the same, within two weeks from the said date.

17. With the above, both the writ petitions stand disposed of.

Sd/-
(S.G.PANDIT)
JUDGE

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

mpk
CT:bms