



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH 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. 20630 OF 2026 (S-KSAT)

BETWEEN:

SHRI. SRINIVAS G S/O GOVINDARAJ
AGED ABOUT 57 YEARS
SENIOR HEALTH INSPECTING OFFICER
WORKING AS FOOD SAFETY OFFICER
O/O DESIGNATED OFFICER
BBMP SOUTH (NOW GBA),
SESHADRI ROAD, BENGALURU-560 001
R/AT NO.62, 8TH MAIN, 4TH CROSS
HOYSALANAGAR/RAMAMURTHYNAGAR
BENGALURU-560016.

...PETITIONER

(BY SRI. VIJAYA KUMAR, ADV.)

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE
SERVICES DEPARTMENT,
VIKASA SOUDHA, BENGALURU-560 001.
2. THE COMMISSIONER,
FOOD SAFETY AND DRUG
ADMINISTRATION DEPARTMENT,
PALACE ROAD, BENGALURU-560 001.
3. THE DESIGNATED OFFICER
BBMP SOUTH (NOW GBA)



SESHADRI ROAD,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. K.R. RAJENDRA, AGA FOR R1 TO 3)

THIS PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 30.06.2026 OF TRIBUNAL PASSED IN APPLICATION NO.2854/2026 (VIDE ANNEXURE-A AND PASS SUCH OTHER ORDER.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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)

Petitioner, aggrieved by order dated 30.06.2026 in Application No.2854/2026 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereunder his prayer to quash the order of suspension dated 09.06.2026 (Annexure-A4), is rejected.

2. Heard learned counsel Sri.Vijaya Kumar for petitioner and learned Additional Government Advocate Sri.K.R.Rajendra for respondents. Perused the entire writ petition papers.



3. Learned counsel for the petitioner Sri.Vijaya Kumar would submit that the petitioner is kept under suspension on 09.06.2026 (Annexure-A4) in exercise of power under Rule 10(1)(d) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, 'CCA Rules') pending enquiry for the misconduct alleged therein. Learned counsel would submit that the petitioner is working in the third respondent's office as Food Safety Officer and only on the allegation that complainant had called the petitioner to enquire about the status of his application for grant of licence and according to the complainant petitioner had demanded a sum of Rs.25,000/- to consider his application for grant of license, the petitioner is kept under suspension.

4. Learned counsel Sri.Vijaya Kumar would submit that the third respondent who is the Designated Officer to consider the application for grant of license and the petitioner had no role either in receiving the application or in scrutinizing the application of the complainant. Learned



counsel would submit that when he had no role in granting of license or he had no role in receiving or scrutinizing the application, merely on the allegation that complainant had called him or petitioner had called the complainant demanding money, the respondents could not have kept the petitioner under suspension.

5. Further, learned counsel would submit that there is no prima-facie material as required under Rule 10(3) of the CCA Rules to keep the petitioner under suspension. When there is no prima-facie material, the respondents only on the mere suspicion could not have exercised their power under Rule 10(1)(d) of CCA Rules. Further, learned counsel referring to impugned order passed by the Tribunal would submit that the Tribunal failed to appreciate the facts and has erroneously come to the conclusion that when the third respondent is the Designated Officer, it cannot be said that there is no any involvement of the petitioner in the alleged charge. Learned counsel would submit that the allegation of the



complainant itself is totally false and baseless, when the petitioner is not the Designated Officer to grant license. Thus, he would pray for allowing the writ petition.

6. Per contra, learned Additional Government Advocate Sri.K.R.Rajendra was directed to get instructions as to whether the petitioner who was working as Food Safety Officer in the third respondent Designated Officer dealt with the application of the complainant or whether he processed the application. Learned Additional Government Advocate on instructions would submit that the petitioner had not received the application nor had dealt with the application of the complainant. Further, learned Additional Government Advocate submits that the third respondent is the Designated Officer. However, the petitioner is working as Food Safety Officer in the third respondent office. Learned Additional Government Advocate would further submit that though the petitioner had not received the application nor he had not processed the application, he called the complainant and demanded



money. Therefore, on the complaint that he demanded the money, the petitioner is kept under suspension. Thus, he would pray for dismissal of the application.

7. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the only point which falls for our consideration is as to,

Whether the impugned order passed by the Tribunal needs interference at the hands of this Court?

8. Answer to the above point would be in the affirmative for the following reasons:

Admittedly, the petitioner is working as Food Safety Officer in the third respondent office. The complainant is said to have made an application for license under Food Safety and Standards Act, 2006 (for short, '2006 Act') for establishment of manufacturing Unit on 16.04.2026 to the office of the Designated Officer, Bengaluru Urban. However, the said application was transmitted to the office



of the Designated Officer, BBMP South i.e., to the third respondent Office. The said application was processed and license is said to have been issued on 19.05.2026. Thereafter, the complainant filed complaint on 30.05.2026, against the petitioner complaining that the petitioner had called him and demanded a sum of Rs.25,000/- to process the application. The Commissioner received the said complaint on 06.06.2026.

9. On the submission of learned counsel for the petitioner as well as learned Additional Government Advocate who has submitted on instructions that the petitioner has not received application nor dealt with or processed the application and the third respondent is the Designated Officer to consider the application to grant or not to grant license under the 2006 Act, it is clear that the petitioner had no role in dealing with the application of the complainant for issuance of license for manufacturing Unit.



10. Moreover, the application initially was submitted to Bengaluru Urban, BBMP Office and the same was transferred to the BBMP South Office on 06.05.2026. On consideration of the application of the complainant, the third respondent granted license on 19.05.2026 and on 20.05.2026, the complainant had paid the license fee. In the above circumstances, merely on the complaint of the complainant making uncontrolled allegation that the petitioner had called him and demanded Rs.25,000/- from him for consideration of application for grant of license that too, after more than ten days from the issuance of license is not a matter to keep the petitioner under suspension, that too without any preliminary enquiry.

11. Rule 10(3) of CCA Rules permits the authority which is empowered to keep a Government servant under suspension by examining the relevant material relating to the case and consider whether there is prima facie evidence to support the charges made against such Government servant and if it is satisfied on such examination that prima facie



evidence exists, it may place the Government servant concerned under suspension.

12. In the instant case, there is no such prima facie material except the complaint without any basis, to keep the petitioner under suspension that too, after grant of license. The Tribunal failed to appreciate prima facie whether in terms of Rule 10(3) of CCA Rules, whether the second respondent examined the material and passed the order. However, we are of the opinion that the allegation made against the petitioner in the complaint may be a matter for investigation and if the material exists, it may be a matter for conducting enquiry against the petitioner. In that process, the respondent authorities deem fit to shift the applicant from the present post, it is open for the respondent authorities to shift the petitioner from the present post.

13. For the reasons recorded above the following:



ORDER

- a) Writ petition is allowed.
- b) Impugned order passed by the Tribunal dated 30.06.2026 in Application No.2854/2026 is quashed.
- c) Consequently, impugned order of suspension dated 09.06.2026 is stayed during the pendency of the application. However, the Tribunal shall proceed to hear the parties and pass appropriate order in the main Application, without being influenced by the observation made in this order.

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

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