

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH 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. 20838 OF 2026 (S-KSAT)

BETWEEN:

YOGESH KUMAR NAIK B C
S/O SRI CHANDRASHEKAR B. B.,
AGED ABOUT 45 YEARS,
(PRESENTLY WORKING AS POLICE INSPECTOR,
CRIMINAL INVESTIGATION
DEPARTMENT (CID), BENGALURU)

ALSO AT NO.250, 1ST MAIN ROAD, HIG.
A SECTOR, YELAHANKA UPANAGARA,
BENGALURU - 560 064.

...PETITIONER

(BY SRI. S. RAJASHEKAR, ADV.)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HOME AFFAIRS NO.12,
RACE COURSE ROAD,
MADHAVA NAGARA, GANDHI NAGAR,
BENGALURU-560 001
REP. BY ITS PRINCIPAL SECRETARY.
2. DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
KARNATAKA STATE POLICE HEADQUATERS,
NRUPATHUNGA ROAD,
BENGALURU-560 001.
3. SRIKANTAYYA B N
(PRESENTLY WORKING AS POLICE INSPECTOR,
BESCOM VIGILANCE,

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

HOSAKOTE POLICE STATION
BENGALURU RURAL).

...RESPONDENTS

(BY SRI. K.R. RAJENDRA, AGA FOR R1 & R2
SRI T NARANASWAMY, ADV. FOR
SRI M.J. RAGHUPATHI, ADV. FOR C/R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI TO SET ASIDE THE ORDER DATED 29/06/2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU DISMISSING THE APPLICATION IN APPLICATION NO.2585/2026 FILED BY THE PETITIONER VIDE ANNEXURE-A AND CONSEQUENTLY SET ASIDE THE ORDER DATED 10/05/2026 PASSED BY THE 2ND RESPONDENT AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **22.07.2026** 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 ORDER

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

The petitioner, aggrieved by order dated 29.06.2026 in Application No.2585/2026 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') rejecting petitioner's challenge to order dated 10.05.2026 posting the petitioner to work at CID and posting respondent No.3 in his place, is before this Court in this writ petition.

2. Heard learned counsel Sri.S.Rajashekar for petitioner, learned Additional Government Advocate Sri.K.R.Rajendra for respondent Nos.1 and 2 and learned counsel Sri.T.Narayanaswamy for Sri.M.J.Raghupathi, learned counsel for Caveator/respondent No.3. Perused the entire writ petition papers.

3. The petitioner and respondent No.3 are working as Police Inspectors in second respondent department. The petitioner was posted to work as Police Inspector, BESCOM Vigilance, Hoskote, under order dated 20.05.2025 and accordingly, it is stated that he took charge on 22.05.2025 at his place of posting at BESCOM, Hoskote Division. Under order dated 10.05.2026 in terms of the proceedings of the Police Establishment Board, transfer and posting of Inspectors (Civil) was effected and in the said transfer order, the third respondent was posted in place of the petitioner to BESCOM, (Vigilance) Hoskote, whereas, the petitioner was transferred from BESCOM, (Vigilance) Hoskote to CID. Questioning the said order of transfer and posting, the petitioner was before the Tribunal contending

that the petitioner is holding an operational post and minimum tenure would be two years. Therefore, the transfer of petitioner is premature, as he has not even completed one year of service at BESCO, (Vigilance) Hoskote. However, the Tribunal holding that the petitioner is not working in an operational post, refused to accept the petitioner's contention and held that the petitioner's tenure would be only one year and accordingly dismissed the application. Against which, the petitioner is before this Court.

4. Learned counsel for the petitioner in support of his contention that the Police Inspector, BESCO, (Vigilance) is operational/executive post, placed on record several materials under memo dated 22.07.2026. Learned counsel for the petitioner contended that the office of the Inspector of Police, BESCO, (Vigilance) is declared as Police Station under Clause (s) of Section 2 of Code of Criminal Procedure, 1973 under notification dated 11.09.2003 and he further submits that the Inspector of Police work as the Station House Officer of the said Police

Station. Further, in addition to the above, learned counsel for the petitioner placing reliance on the decision of the Co-ordinate Bench dated **24.09.2025** in ***W.P.NO.22550/2025 (SRI.U.D.KRISHNAKUMAR VS. THE DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE AND OTHERS)*** would submit that general transfer guidelines would apply to the transfers to be effected by the Police Establishment Board in terms of Section 20-B(5) of the Karnataka Police Act, 1963 (for short, 'the Act') in the cases of non-optional posts. As such, the minimum tenure prescribed under general transfer guidelines would be applicable to the petitioner and as the petitioner has not completed his minimum tenure of two years, the transfer and posting is contrary to the general transfer guidelines, as the same is premature.

5. Per contra, learned Additional Government Advocate Sri.K.R.Rajendra in pursuance to the direction of this Court filed affidavit of the Deputy Inspector General of Police (Administration) stating that the Police Officers are transferred to those Vigilance police stations of

BESCOM/KPTCL from the regular pool of Police Officers of the Karnataka Police Department. Further, the affidavit would also state that the Police Officers who are transferred to Vigilance Police Stations are excluded from the Executive or Operational Police Inspectors (Civil) posts. Thus, learned Additional Government Advocate contended that the Police Inspector post at BESCOM, (Vigilance) Hoskote is non-operational/executive post.

6. Learned counsel Sri.T.Narayanaswamy for respondent No.3 placing reliance on the documents placed before this Court under memo dated 22.07.2026 contended that the post of Police Inspector at BESCOM, (Vigilance) is not an operational or executive post since the function of the Police Inspectors restricted to investigation under the Electricity Act and few Sections of IPC as well as Prevention of Corruption Act, 1988. To the contention with regard to applicability of general transfer guidelines, learned counsel Sri.T.Narayanaswamy for respondent No.3 placing reliance on the decision in the case of ***SIDDARAJU VS. THE STATE OF KARNATAKA, BY***

ITS SECRETARY, HOME DEPARTMENT AND OTHERS

reported in ***ILR 2017 KAR 3234*** submitted that general transfer guidelines would have no application to transfers effected by the Police Establishment Board as the transfer of Police Inspectors are covered by Section 20F of the Act.

7. Having heard the learned counsel appearing for the parties and on going through the material on record, we are not inclined to examine the question as to, Whether the post of Police Inspector, BESCO, (Vigilance) Hoskote is operational/executive post in the present writ petition and the said question is kept open to be decided in an appropriate case. However, we are inclined to interfere with the order passed by the Tribunal on the ground that the general transfer guidelines would be applicable to the transfers effected by the Police Establishment Board in terms of Section 20F of the Act.

8. Admittedly, the petitioner was posted to work as Police Inspector, BESCO, (Vigilance) Hoskote under order dated 20.05.2025 and he took charge on 22.05.2025. Admittedly, under impugned order of the

second respondent dated 10.05.2026, the third respondent was posted to work as Police Inspector, BESCO, (Vigilance) Hoskote transferring the petitioner from the place of Police Inspector, BESCO, (Vigilance) Hoskote to CID. The order of transfer would indicate that the transfers are effected in pursuance to the proceedings of the Police Establishment Board. Under Section 20F of the Act, tenure is prescribed and it specifically prescribes two years tenure for operational/executive post. Under Section 20F of the Act, it is the Police Establishment Board or Government as the case may be, that could effect transfer. Under Section 20-B, the Government shall establish Police Establishment Board and Sub-Section (2) of Section 20-B enumerates the functions of the Police Establishment Board. One of the functions of Police Establishment Board is, subject to the provisions of Section 20F of the Act to decide on transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police. Section 20-B (5) of the Act would state that the transfers

decided and effected by the Police Establishment Board shall be strictly in accordance with Section 20F of the Act and general transfer guidelines issued by the Government from time to time.

9. A Co-ordinate Bench of this Court had an occasion to consider whether while transferring a Police Inspector, whether general transfer guidelines would have application or not in **SRI.U.D.KRISHNAKUMAR** (supra). The Co-ordinate Bench on considering Section 20-B and Section 20F of the Act, at paragraphs 12, 13 and 14 has held as follows:

"12. In terms of the above provision, the State shall constitute Police Establishment Board with the members as stated therein for the functions enumerated therein. Sub-Section (5) of Section 20-B makes it abundantly clear that the transfers decided and effected by the Police Establishment Board shall be strictly in accordance with Section 20-F and the general transfer guidelines issued by the Government from time to time. Section 20-F of 1963 Act reads as follows:

"20-F. Tenure of officers incharge of police stations, circle, sub-division, district and range. – (1) Subject to superannuation, the

officers who are in operational duties or such other duties as may be notified by the Government from time to time shall have a minimum tenure of two years.

Provided that any such officer may be transferred by the Police Establishment Board or by the Government as the case may be from his post before the expiry of the minimum tenure consequent upon. –

- (a) promotion to a higher post; or*
- (b) on conviction, or charges having been framed by a court of Law in a criminal offence; or*
- (c) imposition of punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant discipline and appeal rules; or*
- (d) suspension from the service in accordance with the provisions of the said rules; or*
- (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or*
- (f) the need to fill up a vacancy caused by promotion, transfer or retirement; or*
- (g) on request of the officer concerned in writing:*

Provided further that the Government may, transfer an officer before the expiry of his minimum tenure on account of misconduct or gross negligence or an act of moral turpitude in the opinion of the State Government.

(2) Subject to superannuation, the Additional Director General of Police, the Inspector General of Police in charge of Range who are on operational duties in the field of such other duties as may be notified by the Government from time to time shall have a minimum tenure of one year (and Superintendent of police in charge of District including Additional superintendent of police in charge of District including Additional superintendent of police who are on operational duties in the field or such other duties as may be notified by the Government from time to time shall have a minimum tenure of two years.

Provided that the Government may transfer such officer within a period of one year for reasons of gross misconduct or negligence or an act of moral turpitude in the opinion of the State Government or under circumstances specified in the provisos to sub-section (1)."

The above provision prescribes tenure of police officers in operational duties or such other duties as may be notified by the Government. The tenure fixed for such officers is two years. However, Section 20-F would not fix the tenure of officers who are in non-operational duties. In terms of Sub-Section (5) of Section 20-B, transfers by Police Establishment Board shall be strictly in accordance with Section 20-F of 1963 Act and the general transfer guidelines. Section 20-F of 1963 Act prescribes a tenure of two years for officers in operational duties. Section 20-F of 1963 Act does not prescribe any tenure for non-operational

officers. When Section 20-F would not prescribe tenure to the non-operational officers, in terms of Sub-Section (5) of Section 20-B of 1963 Act, the Police Establishment Board shall follow general transfer guidelines issued by the Government.

13. When Section 20-B(5) and Section 20-F of 1963 Act are read conjointly, it makes it clear that transfer guidelines would be applicable to transfers effected by the Police Establishment Board. All circumstances are not contemplated under Section 20-B and Section 20-F of 1963 Act in the matter of transfers. Therefore, Section 20-B(5) of 1963 Act would state that the transfers by Police Establishment Board shall be strictly in accordance with Section 20-F of 1963 Act and the general transfer guidelines issued by the Government. The legislature has taken care to see that where the Act does not provide for a situation, general transfer guidelines issued by the Government shall be followed.

14. Learned AAG also contended that the transfer guidelines as stated in the Government Order dated 25.06.2024 (Annexure-R6) could not be applicable to the government servants for whom Acts/rules have been made separately for the purposes of their transfers. It is submitted that in the instant case as Section 20B and 20F statutory provisions itself regulates the transfer of Police

Officers, the guidelines issued under Government Order dated 25.06.2024 would have no application. The said submission of the learned AAG is misplaced and untenable in view of sub-Section (5) of Section 20B of Act 1963. Sub-Section (5) of Section 20B makes it abundantly clear that, the Police Establishment Board shall decide and effect transfer in accordance with Section 20-F of Act 1963 and the General Transfer Guidelines. When the provisions of Act itself made applicable the transfer guidelines in the matter of transfer, the contention of learned AAG cannot be countenanced."

10. In the light of the above decision, even if it is considered that the petitioner is working in non-operational/executive post, in terms of the general transfer guidelines, he has not completed minimum tenure of two years. Therefore, his transfer would be premature. The decision in **SIDDARAJU** (supra) has not considered Section 20B(5) of the Act.

11. Learned counsel for respondent No.3 also contended that the post at Police Inspector, BESCOM (Vigilance), Hoskote is a deputation post and it is for the Lending Authority to withdraw the services at any point of

time. As such, impugned order posting respondent No.3 as well as transferring or withdrawing services of petitioner cannot be interfered with.

12. It is settled position of law that Borrowing Authority could repatriate the services of the person who is on deputation. However, if the Lending Authority intends to withdraw the services of whoever is on deputation, it least shall record reasons for withdrawal of his service. The decision in **SRI.U.D.KRISHNAKUMAR** (supra) also dealt with the deputation and held that the transfer guidelines would be applicable to cases on deputation also, subject to Rule 50 of KCSRs and relevant Government orders issued from time to time governing deputation of Government servants. It is not that the Lending Authority has no power to withdraw the services of a deputed Government servant before the tenure prescribed under transfer guidelines. However, on recording reasons it would be open for the Lending Authority to withdraw the services of an officer who is lent at any point of time.

13. The Tribunal failed to examine as to whether the general transfer guidelines would be applicable to a holder of non-operational/executive post in the Police Department and only on the ground that the transfer order has already been implemented, rejected the petitioner's prayer. Even if the transfer order is implemented, it would be open for the Tribunal to examine the validity of such transfer orders. Merely because the order of transfer is implemented, if it is an illegal order or order passed contrary to the prescribed norms for transfer, the legality or irregularity would not get cured.

14. For the reasons recorded above, writ petition succeeds with the following:

ORDER

- a) Writ petition is allowed.
- b) Order dated 29.06.2026 in Application No.2585/2026 is set aside.
- c) Consequently, order of the second respondent bearing No.ಹೆಚ್ಆರ್ಎಂ-1(2)/01/2025-26 dated

10.05.2026 (Annexure-A4) insofar as petitioner and third respondent are concerned is quashed.

- d) The second respondent is directed to continue the petitioner as Police Inspector, BESCOM (Vigilance) at Hoskote till he completes his tenure.
- e) However, the second respondent is at liberty to effect transfer or to withdraw his services from BESCOM, if the exigencies of administration demands by recording reasons.

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

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

NC
CT:bms