



CNR: KAHC010470282025

NC: 2026:KHC:37853
WP No. 21185 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 21185 OF 2025 (S-RES)

BETWEEN:

1. BASAVARAJ KURIYAVAR
S/O YALLAPPA,
AGED ABOUT 31 YEARS,
WORKING AS ASSISTANT POWERMAN,
CHITRADURGA DIVISION,
O AND M SECTION, BESCOM,
CHITRADURGA-577 501
2. MODINASA HALLUR,
S/O KASHIMSAB HALLUR,
AGED ABOUT 38 YEARS,
WORKING AS ASSISTANT POWERMAN,
SHIVAGANGA SECTION, BESCOM,
HOLAKERE SUB-DIVISION,
CHITRADURGA DIVISION,
CHITRADURGA-577 526
3. VIDHYADHAR G. VALI,
S/O GURUPADAPPA,
AGED ABOUT 36 YEARS,
WORKING AS ASSISTANT POWERMAN,
CHITRADURGA DIVISION, O AND M SECTION,
BESCOM, CHITRADURGA-577 501
4. SHIVALINGAPPA BAYAPURA,
S/O REVANEPPA

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA



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AGED ABOUT 39 YEARS,
WORKING AS ASSISTANT POWERMAN,
CHITRADURGA DIVISION, O AND M SECTION,
BESCOM, CHITRADURGA-577 501

...PETITIONERS

(BY SRI. ADITHYA R CHAKRAGIRI., ADVOCATE)

AND:

1. BANGALORE ELECTRICITY SUPPLY COMPANY LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR,
CORPORATE OFFICE, K.R. CIRCLE,
BANGALORE-560 001
2. THE EXECUTIVE ENGINEER (E)
AND DISCIPLINARY AUTHORITY
O AND M DIVISION, BESCOM, HIRIYUR
TUMKURU-572 103

...RESPONDENTS

(BY SRI. RAKSHITHA D.J, ADVOCATE (VK NOT FILED))
SUMANA NAGANAND FOR R2

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS LEADING TO THE SUBJECT MATTER FROM THE RESPONDENTS AND (A) QUASH (I) THE ORDER BEARING NO. KANIM (V)/ LEYAA/SALEYAA/ HESA (C)/ 25-26/ CYS-44 DATED 05-06-2025 (ANNEXURE-C) PERTAINING TO THE 1 PETITIONER (II) THE ORDER BEARING NO. KANIM (V)/ LEYAA/ SALEYAA/ HESA (C)/25-26/ CYS-40 DATED 05-06-2025 (ANNEXURE-C1) PERTAINING TO THE 2ND PETITIONER (III) THE ORDER BEARING NO. KANIM (V)/ LEYAA/ SALEYAA/ HESA (C)/ 25-26/ CYS-36 DATED 05-06-2025 (ANNEXURE-C2)



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PERTAINING TO THE 3RD PETITIONER (IV) THE ORDER BEARING NO. KANIM (V)/ LEYAA/SALEYAA/ HESA (C)/ 25-26/ CYS-37 DATED 05-06-2025 (ANNEXURE-C3) PERTAINING TO THE 4TH PETITIONER ALL ISSUED BY THE 2ND RESPONDENT HEREIN BY ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI.

(B) CONSEQUENTLY DIRECT, THE 2ND RESPONDENT TO REINSTATE THE PETITIONER IN SERVICE WITH ALL SERVICE AND CONSEQUENTIAL BENEFITS BY ISSUE OF A WRIT IN THE NATURE OF MANDAMUS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner filed this writ petition seeking following reliefs:

- I) Quash (i) the order bearing No.KaaNiM (V)/ LeyAa/SaleyAa/ HeSa (C)/25-26/CYS-44 dated 05.06.2025 (Annexure-C) pertaining to the 1st petitioner; (ii) the Order bearing No.KaaNiM(V)/LeyAa/SaLeyAa/ HeSa (C)/25-26/ CYS-40 dated 05.06.2025 (Annexure-C1) pertaining to the 2nd petitioner; (iii) the order bearing No.KaaNiM (V)/LeyAa/ SaLeyAa/ HeSa (C)/ 25-26/CYS-36 dated 05.06.2025 (Annexure-C2) pertaining to the 3rd petitioner; (iv) the



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order bearing No.KaaNiM (V)/LeyAa/SaLeyAa/HeSa (C)/ 25-26/CYS-37 dated 05.06.2025 (Annexure-C3) pertaining to the 4th petitioner; all issued by the 2nd respondent herein by issuance of a writ in the nature of certiorari.

- II) Consequently direct, the 2nd respondent to reinstate the petitioner in service with all service and consequential benefits by issue of a writ in the nature of mandamus.
- III) Issue such other appropriate writ, order or direction as this Hon'ble Court deems fit to grant in the interest of justice and equity, including the award of costs of this writ petition.

2. Brief facts leading rise to the filing of this petition are as follows:

The petitioners were appointed as Assistant Lineman in the respondent department. The recruitment of the employees was made, *inter alia*, on the basis of marks obtained in ITI certificate course. Later the petitioners have also been made permanent as they had successfully



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completed their probation. The respondents sent the marks card to the department for verification and the department has submitted a report stating that the marks card of the petitioners were not genuine. On the basis of the report, the petitioners were kept under suspension to hold departmental enquiry. The petitioners, aggrieved by the order of suspension, filed this writ petition.

3. Heard the arguments of the learned counsel for the petitioners, and learned counsel for the respondents.

4. The learned counsel for the petitioners submits that the petitioners were kept under suspension for more than six months and suspension has not been extended in writing. He submits that if it is not extended in writing as per proviso to Rule 10(5)(b) of the Karnataka Civil Services (Classification, Control And Appeal) Rules 1957, that the competent authority may extend the period of suspension beyond the period specified in the clause, only after consulting, within the said period, with the authority



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referred in clause (a) only if such authority recommends extension within the said period. Otherwise, the order placing the Government servant under suspension shall stand revoked automatically under this clause.

5. He also submits that in an identical matter, similarly placed employees approached this Court in W.P. No. 46307/2018 and other connected matters. He submits that in the said writ petition, the Government servant was dismissed from service. The said writ petition came to be allowed. He submits that the respondents aggrieved by the order passed in the aforesaid petition, preferred an appeal in Writ Appeal No. 261 of 2020 and connected matters and the said appeal came to be dismissed vide order dated 09.11.2020. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for the respondents supported the impugned order, and prays to dismiss the writ petition.



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7. Perused the records, and considered the submissions of the learned counsel for the parties.

8. It is an undisputed fact that the petitioners were working in the respondent department. The petitioners had submitted the marks card. On the basis of the marks obtained by the petitioners, they were appointed as Assistant Linemen. The respondents without holding an enquiry had passed an order of suspension. The order of suspension passed on 05.06.2025 vide Annexures-C, C1, C2, and C3. The order of suspension was passed on 17.12.2024 and 23.12.2024 was challenged by similarly placed petitioners in W.A.No.261 of 2020. The Division Bench has recorded its finding in paragraph No.19, which reads as follows:

"19. It is needless to observe that all the respondents/employees who have not yet been reinstated shall be reinstated into service within a period of two weeks from the date of receipt of certified copy of the judgment, if not already reinstated. This direction is being issued since



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the appellants have already reinstated twelve employees and therefore, having regard to the principle of parity, all the respondents/employees shall be reinstated, if not already reinstated. It is further directed that the said reinstatement is subject to the result of the enquiry and any benefit that they have received consequential to the reinstatement shall also be subject to the result of the enquiry except the salary that would receive for serving in the appellants company. To that extent, the impugned order is modified.”

9. The Division Bench has directed the respondent company to reinstate all the employees, wherein an enquiry is pending. The respondent did not comply with the observation made by the Division Bench in the aforesaid writ appeal.

10. Admittedly, in the instant case, the respondents have not reinstated the petitioners into service. The respondents have not passed any order of continuation of order of suspension. In view of the proposition laid down



by Hon'ble Apex Court in the case of **Ajay Kumar Choudhary vs. Union of India through its Secretary and another**¹ held at paragraph No.8, which reads as follows:

8. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the Memorandum of Charges, and eventually culminate after even longer delay.

11. The impugned order passed by the respondents is contrary to the proposition of law laid down by the Hon'ble Apex Court in case of **Ajay Kumar Choudhary** (referred supra).

¹ (2015) 7 SCC 291



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12. In view of the above discussion, I proceed to pass the following order:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned orders is hereby quashed.
- iii. The respondent/ Disciplinary Authority is directed to hold further enquiry and thereafter, pass appropriate orders in accordance with law.
- iv. ***Smt. Premavathi Managoli***, a retired District Judge is appointed as an inquiry officer to conduct an inquiry regarding the marks card submitted by the petitioners and submit a report to the disciplinary authority within 6 months from the date of receipt of copy of this order.



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v. Meanwhile, the respondents are directed to reinstate the petitioners into service with all consequential benefits within eight weeks from the date of the receipt of the copy of this order.

vi. Insofar as the consequential benefits are concerned, that is subject to the outcome of the disciplinary proceedings.

vii. All the contentions of the parties are kept open.

viii. In view of disposal of the petition, pending IA(s), if any, stands disposed of accordingly.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SKS