



NC: 2026:KHC:40667-DB
WP No. 21899 of 2026

CNR: KAHC010487442026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 21899 OF 2026 (S-KSAT)

BETWEEN:

SRI. SHIVANAND SATIHAL
S/O. AYYAPPA,
AGED ABOUT 44 YEARS,
WORKING AS PANCHAYATH DEVELOPMENT OFFICER,
PONNASAMUDRA GRAMA PANCHAYATH,
PAVAGADA TALUK, TUMKUR DISTRICT - 561 402,
NOW UNDER AN ORDER OF SUSPENSION,
RESIDING AT PRASADA LAYOUT,
MALLESHPA HOUSE, JYOTHI NAGAR,
BEHIND PRESIDENCY SCHOOL, SIRA,
TUMKUR DISTRICT - 572 137.
PH.NO.9980676705
EMAIL ID:SHIVANANDASATIHAL4@GMAIL.COM

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYATH RAJ, M. S. BUILDING,
BANGALORE - 560 001.
2. THE COMMISSIONER,
KARNATAKA PANCHAYATH RAJ COMMISSIONERATE,
K. G. ROAD, BANGALORE - 560 009.

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SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



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3. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYATH, TUMKUR DISTRICT,
WARD NO. 18, TUMKUR - 572 101.

...RESPONDENTS

(BY SRI.V SHIVA REDDY., AGA FOR R1 & R2;
SRI.A NAGARAJAPPA., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) CALL FOR RECORDS FROM THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN RESPECT OF THE IMPUGNED ORDER DATED 13.07.2026 PASSED IN APPLICATION No. 2120/2026 (ANNEXURE-A) AND II) SET ASIDE THE IMPUGNED ORDER DATED 13.07.2026 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION No. 2120/2026 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE SAID APPLICATION No. 2120/2026 AS SOUGHT FOR BY THE PETITIONER BEFORE THE HONBLE TRIBUNAL (ANNEXURE-B), IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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, an unsuccessful applicant before the Tribunal is before this Court questioning the impugned order dated 13.07.2026 passed in Application



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No.2120/2026 on the file of the Karnataka State Administrative Tribunal, Bengaluru ('Tribunal', for short).

2. Heard Sri.Satish K., learned counsel appearing for the petitioner and Sri.A.Nagarajappa, learned counsel for the respondent No.3 - Zilla Panchayath as well as learned AGA for respondent Nos.1 and 2 and perused the entire writ petition papers on record.

3. Sri.Sathish K., learned counsel for the petitioner would submit that the petitioner was kept under suspension by order dated 26.03.2026 alleging certain irregularities and diversion of fund while he was working as in-charge Panchayath Development Officer of Kotadagudda Grama Panchayat. Learned counsel for the petitioner would submit that the petitioner was working as Panchayath Development Officer at Ponnasamudra Grama Panchayath and when the Panchayath Development Officer Smt.Bhavya A., working at Kotagudda Grama Panchayat went on maternity leave between 31.10.2023 to 29.04.2024, the petitioner was posted as in-charge



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Panchayath Development Officer. It is submitted that the incident alleged to have taken place when the petitioner was in-charge of Kotagudda Grama Panchayath and the impugned suspension order dated 26.03.2026 related to the alleged incidents when he was in-charge. It is submitted that articles of charge in that aspect was also issued prior to the order of suspension on 06.03.2026 itself.

4. Learned counsel for the petitioner would submit that the Tribunal failed to examine as to whether, under the facts and circumstances, suspension was warranted as already charge memo was issued and there was no occasion for the petitioner to tamper with the witness or material evidence. Learned counsel would further submit that the petitioner is working in a different Grama Panchayath. As such, the situation had not warranted to keep the petitioner under suspension. It is contended that the Tribunal has wrongly come to the conclusion that the order of suspension cannot be said to be arbitrary.



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5. Sri.A.Nagarajappa, learned counsel for the respondent No.3 as well as Sri.V.Shiva Reddy, learned AGA for respondent Nos.1 and 2 would submit that the charges against the petitioner are very serious and that too, it is financial irregularity. Learned counsel would submit that since the charges alleged against the petitioner are very serious, the petitioner is kept under suspension pending departmental proceedings. Thus, they would pray for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and perusal of the entire writ petition papers, we are inclined to interfere with the order passed by the Tribunal as well as the order of suspension dated 26.03.2026. Admittedly, the petitioner is working as Panchayath Development Officer at Ponnasamudra Grama Panchayath, whereas the petitioner is kept under suspension by order dated 26.03.2026 for an alleged incident that had taken place while he was working as in-charge Panchayath Development Officer at Kotagudda Grama Panchayath. It



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is also an admitted fact that the articles of charge is issued on 06.03.2026 prior to the order of suspension. In other words, the disciplinary authority has collected all the material evidences and thereafter, has issued articles of charge. Once the articles of charge is issued, the question of tampering witness or material evidence would not arise. The purpose and object of keeping an official under suspension is to keep him out of mischief zone and to see that he would not tamper with the evidence.

7. Furthermore, when the petitioner is working somewhere else and when the allegation on which the petitioner is suspended, is of more than two years old and when the articles of charge is already issued, the continuation of petitioner under suspension is unwarranted. The respondents instead of paying 50% subsistence allowance to the petitioner as well could extract work by paying full salary. If the disciplinary authority or State is of the opinion that the petitioner still



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may influence the witnesses, it is open for them to transfer the petitioner out of the present place also.

8. The Tribunal has failed to notice that the charge memo is already issued and there is no question of tampering witness or material. When the articles of charges are issued, it was for the Tribunal to examine whether the authority, who suspended the petitioner recorded reasons for keeping the petitioner under suspension. The Tribunal has also failed to examine whether it was necessary for the respondents to keep the petitioner under suspension.

9. In the above circumstances, the following:-

ORDER

- i. The writ petition is ***allowed***.
- ii. The order dated 13.07.2026 in Application No.2120/2026 is set aside.



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- iii. Consequently, impugned order of suspension bearing
No.ತುಜಿಪ/ಗ್ರಾಪಂ/ಸಿ(1)/ವಿಬ/ಕ.ಲೋ/01/2025-26 dated
26.03.2026 (Annexure - A4) stands quashed.
- iv. It is open for the respondents to provide appropriate
posting to the petitioner.
- v. No order as to costs.

Sd/-
(S.G.PANDIT)
JUDGE

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

MH/-
List No.: 1 SI No.: 20