



CNR: KAHC010490952026

NC: 2026:KHC:37028-DB
WP No. 21970 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH 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.21970 OF 2026 (S-KSAT)

BETWEEN:

SRI. NINGANAGOUDA N. PATIL,
S/O. LATE NEELANAGOUDA PATIL,
AGED ABOUT 59 YEARS, 4 MONTHS,
WORKING AS EXECUTIVE ENGINEER,
OFFICE OF EXECUTIVE ENGINEER,
P.W.D. DIVISION,
HAVERI-581 110.
RESIDING AT
P.W.D QUARTERS,
HAVERI- 581 110.

...PETITIONER

Digitally signed
by G
SHREE RAKSHA
Location: HIGH
COURT OF
KARNATAKA

(BY SRI.H.KANTHARAJ, SENIOR COUNSEL A/W
SRI.PRITHVEESH M.K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ (SERVICES - A),
DR. AMBEDKAR VEEDHI,
VIKASA SOUDHA,
BENGALURU-560 001.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS



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PRINCIPAL SECRETARY,
DEPARTMENT OF PUBLIC WORKS
(SERVICES - A),
VIKASA SOUDHA,
BENGALURU - 560 001.

3. SRI. SHARAN BASAVARAJ,
FATHERS NAME NOT KNOWN TO PETITIONER,
MAJOR,
UNDER AN ORDER OF POSTING AS
EXECUTIVE ENGINEER,
OFFICE OF CHIEF ENGINEER,
COMMUNICATIONS AND BUILDINGS (SOUTH),
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.K.R.RAJENDRA, AGA FOR R1 & R2,
SRI.MADHUSUDHAN, ADVOCATE FOR C/R3 IN CP
NO.16999/2026)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE RESPONDENTS AND ISSUE A WRIT OR ORDER SETTING ASIDE THE IMPUGNED ORDER DATED 13.07.2026 PASSED BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION No. 3147/2026 (ANNEXURE-A) AND CONSEQUENTLY GRANT THE INTERIM ORDER OF STAY AS PRAYED FOR BY THE PETITIONER BEFORE THE HONBLE TRIBUNAL IN APPLICATION No 3147/2026 (ANNEXURE-B), TO MEET THE ENDS OF JUSTICE AND EQUITY. c

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



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ORAL ORDER

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

The petitioner is before this Court under Articles 226 and 227 of the Constitution of India questioning order dated 13.07.2026 in Application No.3147/2026 passed by the Karnataka State Administrative Tribunal at Bengaluru where under the Tribunal refused to stay the impugned notification dated 30.05.2026 (Annexure - A8) and notification dated 03.07.2026 (Annexure - A9) posting third respondent as Executive Engineer, PWD Division, Haveri in place of the petitioner and directing the petitioner to report to duty at Government, respectively.

2. The brief facts of the case are that, the petitioner and the third respondent are working in the cadre of Executive Engineer. However, the petitioner belongs to the Rural Development and Panchayath Raj Department, whereas the third respondent belongs to Public Works Department. It is stated that the petitioner



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was posted to work as the Executive Engineer at PWD Sub-Division, Haveri by notification dated 30.09.2024. Thereafter, under notification dated 13.05.2026 (Annexure - A4), the third respondent was posted in place of the petitioner as Executive Engineer, Public Works Department at Haveri repatriating the services of the petitioner to RDPR. The said notification was challenged by the petitioner before the Tribunal in Application No.2615/2026. The Tribunal on 27.05.2026 passed an order of *status quo* insofar as the repatriation notification dated 13.05.2026. Thereafter, one more notification dated 30.05.2026 (Annexure - A8) was issued by the RDPR withdrawing the services of the petitioner from Public Works Department and directing the petitioner to report to duty at Government for further posting. It is stated that the said notification was produced before the Tribunal by the third respondent on 16.06.2026 and taking note of the said notification, the Tribunal is said to have continued the order of *status quo* on 16.06.2026. Subsequently, the



third respondent was posted as Executive Engineer, Communications and Buildings, Bengaluru South in place of Sri.S.V.Surendranath on his retirement. The said notification was produced before the Tribunal and, taking note of the said notification, since the third respondent is posted to other post, the Tribunal vacated the order of *status quo* on 02.07.2026 in Application No.2615/2026. However, on the next day of vacation of the interim order under notification dated 03.07.2026, the third respondent was again posted in place of the petitioner as Executive Engineer, PWD Sub-Division, Haveri. The said notification was the subject matter of another Application No.3147/2026 and, the Tribunal under the impugned order, refused to stay the subsequent notification where under the third respondent was again posted to the place of the petitioner. Questioning the said order refusing to stay the subsequent notification of posting the third respondent in place of the petitioner, the petitioner is before this Court in this Writ Petition.



3. Heard learned Senior counsel Sri.H Kantharaj for the learned counsel Sri.Prithveesh M K for the petitioner and learned AGA Sri.K R Rajendra for respondent Nos.1 and 2 and learned counsel Sri.Madhusudhan for respondent No.3. Perused the entire writ petition papers.

4. Learned Senior counsel H Kantharaj for the petitioner would submit that the petitioner would retire within one year on attaining the age of superannuation on 30.04.2027 and, in that regard, the petitioner had requested the Government by representation to continue him at Haveri. However, he submits that, by notification dated 13.05.2026, the third respondent was posted in his place while repatriating his service to RDPR. Further, learned counsel would submit that the Tribunal had granted an interim order of *status quo* on 27.05.2026 and, thus, the petitioner continued as Executive Engineer, PWD Sub-Division, Haveri during the pendency of Application No.2615/2026. However, when the third respondent



produced notification dated 22.06.2026 (Annexure - A7) posting him to another post i.e., as Deputy Chief Engineer, C and B, Bengaluru South in place of Sri.S.V.Surendranath, the Tribunal vacated the interim order. However, he submits that, on the next day itself, under notification dated 03.07.2026, the third respondent was again posted to work in place of the petitioner as Executive Engineer. Learned Senior counsel would submit that the said notification posting the third respondent again in place of the petitioner is wholly illegal, arbitrary and has been issued only to favour the third respondent.

5. On the other hand, learned counsel Sri.Madhusudhan appearing for respondent No.3 would submit that the petitioner belongs to RDPR department and he is rightly repatriated to his parent department. Further, he would submit that the third respondent in pursuance to notification dated 03.07.2026 has assumed charge of the post of Executive Engineer, PWD Sub-Division, Haveri in the absence of the petitioner. Further,



learned counsel would submit that, a person who belongs to RDPR would not get any right to continue in the PWD department, that too when his services are withdrawn by his parent department. Thus, he would pray for dismissal of the Writ Petition.

6. Having heard the learned counsel for the parties and on perusal of the entire Writ Petition papers, we are of the considered opinion that the Tribunal is not justified in refusing to stay the notification dated 30.05.2026 (Annexure - A8) and notification dated 03.07.2026 (Annexure - A9). The Tribunal has failed to appreciate the fact that, though it is the case of repatriation, the manner in which the third respondent is posted to work as Executive Engineer, PWD Division, Haveri. The third respondent was given another posting under notification dated 22.06.2026 (Annexure - A7) as Deputy Chief Engineer, C and B, South Bengaluru and taking note of the said fact, the Tribunal vacated the interim order of *status quo* granted on 27.05.2026. Immediately on the next day,



the notification dated 22.06.2026 posting the third respondent as the Deputy Chief Engineer, Bengaluru South was modified under notification dated 03.07.2026 and, he was again posted to work as Executive Engineer in place of the petitioner. The manner in which the Government acted to issue impugned notification dated 03.07.2026 and the manner in which the third respondent's posting as the Deputy Chief Engineer, C and B, PWD, Bengaluru South was modified requires examination and prima facie it appears only to favour third respondent those notifications are issued, but not in public interest. Moreover, the application challenging the earlier repatriation of the petitioner is pending before the Tribunal and, it would be appropriate for the Tribunal to hear both the applications and dispose of the applications early. Notification dated 22.06.2026 posting respondent No.3 as Deputy Chief Engineer appears to be only to get the order of status quo vacated and immediately on vacating the status quo order again Notification dated 03.07.2026 was issued posting



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respondent No.3 in petitioner's place. The conduct and manner of Government authorities as well as respondent No.3, in the process of issuing Notification dated 03.07.2026 is prima facie not appreciable.

7. For the reasons recorded above, the impugned order dated 13.07.2026 in Application No.3147/2026 stands quashed. The notification dated 30.05.2026 bearing No.ಗ್ರಾಫಿ 141 ಎಸ್‌ಎಸ್‌ಕೆ 2026 (ಇ) (Annexure - A8) and notification bearing No.ಬೋಇ 104 ಸೇವಸು 2026 dated 03.07.2026 (Annexure - A9) are stayed during the pendency of the Application No.3147/2026 before the Tribunal. The third respondent is directed to hand over the charge of the post of Executive Engineer, PWD Division, Haveri to the petitioner forthwith and, both the petitioner and the third respondent would be bound by the order that would be passed by the Tribunal. The Tribunal shall hear Application No.2615/2026 as well as Application



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No.3147/2026 together and dispose of within four weeks
from the date this order is brought to their notice.

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

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

GSR
List No.: 1 Sl No.:5