



CNR: KAHC010500422026

NC: 2026:KHC:55055
WP No. 22427 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 22427 OF 2026 (S-TR)

BETWEEN:

RAJKUMAR NAIK. B
S/O BALA NAIK,
AGED ABOUT 51 YEARS,
WORKING AS ASSISTANT EXECUTIVE
ENGINEER (ELEC),
O AND M WEST-4 SUB-DIVISION,
BESCOM,
BANGALORE.

...PETITIONER

(BY SRI. SUVARNA LAKSHMI M.L., ADVOCATE)

AND:

1. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
CORPORATE OFFICE, INDHANA BHAVAN,
BANGALORE-560 009.
2. THE DIRECTOR (ADMIN AND HR),
THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, REPRESENTED
CORPORATE OFFICE, INDHANA BHAVAN,
BANGALORE-560 009.

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by VIDYA G R
Location: HIGH
COURT OF
KARNATAKA



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3. BANGALORE ELECTRICITY SUPPLY COMPANY LTD,
REP. BY ITS MANAGING DIRECTOR,
CORPORATE OFFICE, KR CIRCLE,
BANGALORE-560 001.
4. THOTHANAGOWDA HOSALLI
MAJOR BY AGE,
WORKING AS ASSISTANT EXECUTIVE ENGINEER,
L.T RATING, VIDHANA SOUDHA
BESCOM, BANGALORE-560 001.

...RESPONDENTS

(BY SRI. CHANDRACHUD A., ADVOCATE FOR R1 TO R3;
SRI. K.S. GANESHA, ADVOCATE FOR C/R4)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS LEADING TO THE OFFICE ORDER DATED 15-07-2026 ISSUED BY THE 2ND RESPONDENT AND QUASH THE IMPUGNED OFFICIAL MEMORANDUM DATED 15-07-2026 BEARING NO. KAVIPRANINI/OOPRAVYA(C)/VYA(C.1)/858/78126/1/2026 (ANNEXURE-E TO THE WRIT PETITION) ISSUED BY THE 2ND RESPONDENT INsofar AS THE PETITIONER AT SERIAL NO.8 IS CONCERNED BY ISSUING A WRIT IN THE NATURE OF CERTIORARI AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



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ORAL ORDER

The petitioner has called in question the correctness of the Official Memorandum at Annexure-E issued by the 2nd respondent. The petitioner has also called in question the validity of the Official Memorandum at Annexure-E1.

2. The facts made out are that the petitioner was working as an Assistant Executive Engineer in W-4 Sub-Division, BESCOM by virtue of the order at Annexure-A on 28.04.2026. It is further submitted that the petitioner took charge on 30.04.2026 as evidenced by the proceedings at Annexure-B. It is submitted that thereafter the impugned order of transfer came to be passed on 15.07.2026, whereby the petitioner came to be transferred as Assistant Executive Engineer to W-8 Sub-Division, BESCOM. It is the case of the petitioner that his transfer would violate the security of tenure protected under the Transfer Guidelines adopted by the Karnataka Power Transmission Corporation Limited (KPTCL).



3. Learned counsel Sri. A. Chandrachud appearing for respondents No.1 to 3 submits that the procedure for premature transfer would require procedure envisaged under Clause 7 of the Government Order to be followed, which has not been done in the present case.

4. Learned counsel for the private respondent No.4 draws attention to the Transfer Guidelines and submits that in terms of Clause 2(3), the movement order would not amount to an order of transfer, as clarified by explanation to sub-clause 3 of Clause-2 of the Transfer Guidelines. It is further submitted that if the transfer is within the general transfer period, question of premature transfer as contended does not arise.

5. Heard both sides.

6. It is to be noticed that in terms of the order at Annexure-E, the petitioner has been transferred on 15.07.2026 to W-8 Sub-Division.



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7. The Transfer Guidelines make a reference to deployment and transfer. The expression 'deployment' is referred to in the Kannada version of the rules as 'ಚಲನವಲನ'. Though the guidelines make a difference between deployment and transfer in terms of Clause - 2(2) and Clause - 2(3) and clarify by way of explanation that deployment in terms of 2(3) does not amount to transfer, however, such interpretation is no longer *res-integra*, in light of the observations and findings made in W.A.No.1146/2024 in the case of ***K.S. Sudhakara vs. The State of Karnataka and others***. The Division Bench has interpreted that the explanation made to Clause - 2(3) cannot have the effect of effacing Clause - 2(2) and procedure related to transfer. The relevant observations of the Division Bench at para-15, 17, 22, 23, 25 and 26 in the aforesaid writ appeal are extracted below for reference:

"15. *The Transfer Guidelines 2024 deal with 'Transfer' and 'Deployment'. The narrow dispute is*



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whether the Transfer Guidelines 2024 apply in case of "deployment". It is made clear that the analysis of the Transfer Guidelines 2024 in this order is only in relation to deployment.

17. *The comprehensive reading of Transfer Guidelines 2024, it regulates the transfer of government servants even as "deployment". It is difficult to accept that Transfer Guidelines 2024 ought not applicable to deployment. It is trite law that the Explanation cannot be used as a interpretation tool to understand the scope and ambit of the substantive law. If the Explanation is to be given preference to interpret the Transfer Guidelines 2024, it would act as an exception to the substantive law, which is not the scope of Explanation. The Explanation in no way explains the substantive law, however runs contrary to the substantive law.*

22. *The Transfer Guidelines 2024 provides a minimum period of tenure at a place to a government servant in case of transfer or deployment. The Office Memorandum dated 15.07.2024 refers to transfer of officers. The impugned office memorandum posting respondent No.3 from Regional Office to Head Office states "ordered to be transferred", "Details of Posting".*



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The contention regarding the case of "Deployment" is untraceable.

23. *As per Clause 3 of the Transfer Guidelines 2024, the transfer process, including the deployment, is mandated subject to conditions stipulated in the Transfer Guidelines 2024 and on consideration of the interest of public servants and in a transparent manner. Clause 3 mandates the applicability of transfer conditions in the case of deployment.*

25. *Clause 7 of the Transfer Guidelines 2024 enables premature/delayed transfers. Clause 7 is an exception to Clause 6 of the Transfer Guidelines 2024. However, Clause 7 enables the government to extend or reduce the posting period to a government servant at a place subject to the circumstances stated therein. On a conjoint reading of Clauses 6 and 7, it is clear that the government servant is protected with a minimum period of tenure at a place, and the same can be reduced only under the circumstances provided under Clause 7.*

26. *Another aspect needs to be noticed and relevant is, the similar situation was provided in the Government Order dated 07.06.2013. Clause*



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3(d) of the Government Order dated 07.06.2013 defines 'Transfer' and follows a Note to the definition of Transfer. The same reads as,

"(d) 'Transfer' means the posting of a Government servant from one headquarters to another headquarters or from one office to another within the same headquarters to take up duties of a new post or in consequence of a change of headquarters;

Note:- *Movement of a Government servant within the same office/ unit from one post to another one or desk/ compilation to another one under the same head office shall not be treated as transfer."*

8. The conclusion indicates clearly the position at para-37(i), (ii) and (v), which reads as follows:

"37. In light of the above discussion, consideration of the Transfer Guidelines 2024, and applying judgments relied on by the respective learned advocates for the parties, the following,

Conclusion:

- (i) The posting of a government servant from one office to another office within the same headquarters in an urban area is governed by Transfer Guidelines 2024 in Government Order No.DPAR 33 STR 2024, Bengaluru, dated 25.06.2024.*



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(ii) The government servant is protected with minimum tenure of posting under Clause 6 of Government Order dated 25.06.2024 in case of deployment.

(v) The posting of respondent No.3 from Regional Office, Sarjapura, Bengaluru to Head Office, Bengaluru is against minimum tenure of posting. Hence, premature."

9. In light of the same, the contention that the impugned order is one of deployment and not transfer, cannot be accepted. Further, the contention that the transfers during general transfer could not have the effect of necessity of following procedure in case of premature transfers, also cannot be accepted. The security of tenure under guideline No.7 has to be taken note of even in the case of general transfers as is evidenced from guideline No.9.

10. Accordingly, the petition is **allowed** and the order at Annexure-E amounts to premature transfer.



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Accordingly, the orders at Annexures-E and E1 are set aside.

11. In light of the order passed, the parties to be restored to their original posting prior to the impugned order of transfer.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR
List No.: 2 Sl No.: 41