



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 25653 OF 2024 (S-KSAT)

BETWEEN:

SMT.ARUNA G
D/O SRI GOPAL,
AGED ABOUT 29 YEARS,
OCC FIRST DIVISION ASSISTANT,
DISTRICT COMMISSIONERS OFFICE,
TUMKUR DISTRICT.

NOW ON DEPUTATION TO TALUK OFFICE,
TUMKUR TALUK - 512 101.

RESIDING AT BAIRAVESHWARA NILAYA,
I BLOCK, 3RD MAIN, 3RD CROSS,
KUVEMPURANGAR,
TUMKUR - 572 103.

...PETITIONER

(BY SRI. G.S.VENKATA SUBBARAO, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
3RD GATE, 5TH FLOOR, M.S. BUILDINGS,
DR B R AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE REGIONAL COMMISSIONER
BENGALURU DIVISION,



REVENUE DEPARTMENT,
2ND FLOOR, B M T C BUILDING,
SHANTINAGAR, BENGALURU - 560 027.

3. THE DEPUTY COMMISSIONER
TUMKUR DISTRICT,
MINI VIDHANA SOUDHA,
TUMKUR - 572 101.
4. SMT. R.AMBUJAKSHI
NOW PROMOTED AND
WORKING AS ADDITIONAL TAHSILDAR,
TALUK OFFICE, TURUVEKERE TALUK 572227.
TUMKUR DISTRICT.

...RESPONDENTS

(BY SRI.V.SHIVAREDDY, AGA FOR R1- R3;
R4- SERVED. UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS CONNECTED WITH APPLICATION No.1611/2024 ON THE FILE OF THE HON'BLE KSAT AT BENGALURU, EXAMINE THE SAME ISSUE WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 21.08.2024 PASSED BY THE KSAT AT BENGALURU IN A.No-1611/2024 AS PER ANNEXURE-A AND TO CONSEQUENTLY DIRECT THE RESPONDENTS 1 TO 3 CONSIDER THE CASE OF THE APPLICANT FOR THE POST OF DEPUTY TAHSILDAR UNDER RULE 32 OF THE KARNATAKA CIVIL SERVICES RULES, AS DONE IN THE CASE OF THE 4TH RESPONDENT IN OFFICIAL MEMORANDUM NO.SIBBANDI(2) CR/39/2023-24 DATED 07.03.2024 AND TO GRANT ALL CONSEQUENTIAL RELIEFS, INCLUDING AWARD OF COSTS IN THE INTEREST OF JUSTICE AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL ORDER

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

The petitioner, a First Division Assistant working in the office of the District Commissioner, Tumkur is before this Court, questioning the order dated 21.08.2024 in Application No.1611/2024 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short "Tribunal"), whereunder, her request for a direction to consider the case of the petitioner for placing her under Rule 32 of KCSRs to the post of Sheirsthedar/Deputy Tahsildar along with her juniors is rejected.

2. Heard learned counsel Sri.Venkata Subbarao for petitioner and learned Additional Government Advocate for respondents. Perused the entire writ petition papers.

3. Learned counsel for the petitioner would submit that the juniors of the petitioner are placed under Rule 32 of KCSRs to the post of Sheirsthedar/Deputy Tahsildar, without considering the case of the petitioner on the ground that cognizance is taken against the petitioner in a



Criminal Misc.No.30/2023 by order dated 09.02.2024. Learned counsel for the petitioner would submit that, taking cognizance relates to family dispute between the petitioner and her husband with regard to maintenance that too for non disclosure of assets in the affidavit filed before the Family Court. Further, learned counsel for the petitioner would submit that when her juniors are placed in independent charge of higher post, the petitioner would also be entitled for consideration of her case for placing her in independent charge of higher post. Further, learned counsel would submit that the action of the respondents is wholly arbitrary and discriminatory and without any reason, the respondents have failed to consider her case for placing in independent charge of higher post. He submits that no charge sheet is filed or charge memo is issued against the petitioner, as such, the respondents ought to have considered her case for placing her in independent charge of the post of Sheirsthedar/Deputy



Tahsildar. Thus, he would pray for allowing the writ petition.

4. Per contra, learned AGA Sri.Shivareddy would support the order passed by the Tribunal. Further, to the Court query as to whether charge sheet is filed or charge memo is issued to the petitioner, he submits that no charge sheet is filed or charge memo is issued against the petitioner.

5. On hearing the learned counsel for the parties and on perusal of the entire writ petition papers we are of the considered view that the petitioner would be entitled for a direction to the respondents to consider her case for placing in independent charge under Rule 32 of KCSRs, when her juniors are placed in independent charge under impugned O.M. dated 07.03.2024 (Annexure-A8).

4. Respondent No.3 under O.M. dated 07.03.2024 placed certain of the First Division Assistants/First Division Revenue Inspectors in independent charge under Rule 32



of KCSRs to the post of Sheristhedar/Deputy Tahsildar. The petitioner claims that she is senior to the 4th respondent/ Smt.Ambujakshi who is at Sl.No.67. When the junior of the petitioner are considered for placing in independent charge of the higher post under Rule 32 of KCSRs, respondent No.3 ought to have considered the case of the petitioner for placing her in independent charge under Rule 32 of KCSRs to the higher post of Sheristhedar/Deputy Tahsildar, when no charge sheet or charge memo is issued against petitioner.

5. The State Government has issued O.M. bearing No.DPAR 22 SRR 93 dated 14.07.1993 which reads as follows:

OFFICIAL MEMORANDUM

Sub: Departmental Promotion committee in respect of promotions to State Services on the basis of seniority-cum-merit- Procedure when a Departmental Enquiry/Court Proceedings is pending.

Ref: O.M.No.DPAR 5 SRC 84, dated:9.10.1985

The instructions issued in para-7 of the Official Memorandum dated 09-10-1985 referred to above have



been further examined and the following instructions are issued in its place:

2. Where a departmental enquiry or court proceeding is pending, the following course of action shall be taken:

3. The Departmental Promotion Committee (DPC) shall assess the suitability of the officer/official for promotion without taking into consideration the disciplinary proceedings/court proceedings pending against the officer/official. The assessment on the basis of records, the view of the DPC shall be kept in a sealed cover. In the subsequent DPCs also, if any, during the period of disciplinary/court proceedings, the DPC shall consider the officer's/official's case and record its findings which will again be kept in a sealed cover in the above manner.

4. On the conclusion of the disciplinary/court proceedings and in case the officer/official is exonerated, the sealed cover or covers may be opened at the earliest-possible date of promotion but for the pendency of the disciplinary/court proceedings against him/her, may be determined with reference to the position(s) assigned to him/her in the findings in the sealed cover/covers with reference to date of promotion of his/her junior on the basis of such position. The officer/official concerned may then be promoted in



accordance with rules if necessary by reverting the junior most officiating person.

5. If any penalty is imposed on the officer/official as a result of the disciplinary proceedings or if he is found guilty in the court proceedings, the findings in the sealed cover/covers, shall not be acted upon. The officer's/official's case for promotion may be considered in the usual manner by the next DPC which needs in the normal course after conclusion of the disciplinary/court proceedings.

6. The sealed cover procedure contemplated herein above, shall be adopted only after the date of issuance of Charge Memo/Charge Sheet, that being the date from which the disciplinary proceedings can be taken to have been initiated.

7. The same procedure as detailed above shall be followed where an officer/official is placed under suspension. On his reinstatement in service at any stage of the enquiry the procedure as explained in para-3 of this O.M., shall be followed and on conclusion of the enquiry the procedure as indicated in paragraph-4 and 5 shall be followed.

6. In terms of the above O.M., promotion of a government servant could be withheld only if the charge sheet is filed in a Criminal proceedings and when Articles



of Charge are issued in a Departmental Proceedings. The above O.M. is issued pursuant to the decision of the Hon'ble Apex Court in the case of **UNION OF INDIA v/s. K.V.JANAKIRAMAN** reported in **(1991) 4 SCC 109**. In the instant case, against the petitioner, cognizance is taken in a Criminal Misc.No.30/2023 by order dated 09.02.2024 and investigation is ordered under Section 340 of Cr.P.C. for filing false affidavit. Investigation is pending and no charge sheet is filed in the criminal proceedings.

7. In such circumstance, respondent No.3 could not have denied consideration of petitioner's case for placing her in independent charge to a higher post under Rule 32 of KCSRs. Hence, the following order:

(i) The writ petition is allowed.

(ii) The 3rd respondent is directed to consider the case of the petitioner for placing her in independent charge under Rule 32 of KCSRs to the post of Sheristhedar/Deputy Tahsildar if her juniors are placed in independent charge of the higher post under O.M. dated



07.03.2024 (Annexure-A8) and the petitioner is otherwise eligible.

(iii) Time for compliance is three months from the date of uploading the order in the official website of High Court of Karnataka.

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

**SD/-
(RAJESH RAI K)
JUDGE**

MPK
CT:RK
List No.: 1 Sl No.: 40