



CNR: KAHC010545982026

NC: 2026:KHC:45266
WP No. 24839 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 24839 OF 2026 (S-DIS)

BETWEEN:

SURAJ TALWAR
AGED ABOUT 30 YEARS
S/O HANUMAVVA
W/A MECHANIC GRADE II
O AND M SECTION 3
CITY SUB DIVSIION
BESCOM CHINTAMANI
KOLAR 563125

...PETITIONER

(BY SRI. SRINIVAS V.,ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
BANGALORE ELECTRICTIY SUPPLY COMPANY
LIMITED (BESCOM)
CORPORATE OFFICE, K R CIRCLE
BANGALORE 560 001
2. THE GENERAL MANAGER (A AND HR)
BESCOM, CORPORATE OFFICE
K R CIRCLE
BENGALURU 560 001
3. THE EXECUTIVE ENGINEER (E)
O AND M SECTION 3

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA



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CITY SUB DIVISION
BESCOM, CHINTAMANI
KOLAR - 563125

....RESPONDENTS

(BY SRI. LIKITH R.P., & A CHANDRACHUD, ADVOCATES FOR
R1 TO R3 (VK NOT FILED))

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE IMPUGNED ORDER BEARING NO. KAANIEM(V)/ LEAA
/SALE (C)/CHIMV/ 2026-27/3089-94 DATED 23/06/2026,
ISSUED BY RESPONDENT NO. 3 VIDE ANNEXURE-B TO THE
WRIT PN; II) ISSUE A WRIT OF MANDAMUS DIRECTING THE
RESPONDENTS TO APPOINTING SMT. PREMAVATHI MANAGOLI.
AS ENQUIRY OFFICER.

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

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

ORAL ORDER

1. The petitioner has filed this writ petition seeking the
following reliefs:

"(i) quash the impugned order bearing
No.KaaNiEm(v) / LeAa / SaLe (C)
/ ChimV / 2026-27 / 3089-94
dated 23/06/2026, issued by
respondent No.3 vide Annexure-B
to the writ petition;



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ii) issue a writ of mandamus directing the respondents to appointing Smt.Premavathi Managoli as enquiry officer."

2. Brief facts leading rise to the filing of this writ petition are as follows:
3. It is the case of the petitioner that, the petitioner was appointed as an Assistant Lineman/Powerman in the respondent-Bangalore Electricity Supply Company Limited ("BESCOM"). The recruitment of the employee was made *inter alia* on the basis of the marks obtained in ITI certificate course. Later, the petitioner has also been made permanent as he had successfully completed 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 petitioner was not genuine. On the basis of the said report, the petitioner was kept under suspension. The petitioner,



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aggrieved by the order of suspension, filed this writ petition.

4. Heard the arguments of the learned counsel for the petitioner and also learned counsel for the respondents.
5. Learned counsel for the petitioner submits that the petitioner was kept under suspension for more than six months and the suspension has not been extended in writing. He submits that if the suspension period is not extended in writing, as per the proviso to Rule 10(5)(b) of the *Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957*, the competent authority may extend the period of suspension beyond the period specified in this Clause, only after consulting, within the said period, with the authority referred in Clause (a), only if such authority recommends extension within the said period, otherwise, the order placing the



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Government servant under suspension shall stand revoked automatically under this Clause.

6. He submits that in the instant case, the order of suspension stood revoked automatically. He submits that he has no objection to appoint an enquiry officer to hold an enquiry in regard to the validity of the marks-card.
7. He also submits that in an identical matter, the similarly placed employees approached this Court in W.P. No.46307 of 2018 and other connected matters and in the said writ petition, the Government servant was dismissed from service. The said writ petition came to be allowed.
8. He submits that the respondents, aggrieved by the order passed in the said petition, preferred an appeal in W.A. No.261 of 2020 and connected matters. He submits that the said writ appeal came to be



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dismissed vide order 09.11.2020. Hence, on these grounds, he prays to allow this writ petition.

9. *Per contra*, learned counsel for the respondents supported the impugned order and prays to dismiss the writ petition.
10. Perused the records and considered the submissions of the learned counsel for the parties.
11. It is an undisputed fact that the petitioner was working in the respondent-Department. The petitioner had submitted his marks-card. On the basis of the marks obtained, the petitioner was appointed as an Assistant Lineman/Powerman. The respondents, without holding an enquiry, passed an order of suspension.
12. Similarly placed petitioners approached this Court in W.A. No.261 of 2020. The Division Bench has



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recorded its findings at 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 the certified copy of this judgment, if not already reinstated. This direction is being issued since 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 benefits that they have received consequential to the reinstatement shall also be subject to the result of the enquiry except the salary that they would receive for serving in the appellant's company. To that extent, the impugned order is modified."

13. The Division Bench has directed the respondent-Department to reinstate all the employees, wherein



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an enquiry is pending. The respondents did not comply with the directions made by the Division Bench in the aforesaid writ appeal.

14. Admittedly, in the instant case, the respondents have not reinstated the petitioner into service. Further, the respondents have not passed any order of continuation of the order of suspension.
15. The Hon'ble Apex Court in the case of ***Ajay Kumar Choudhary v. Union of India, through its Secretary and another***¹ has held at paragraph No.11 as follows :

"11. 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

¹ (2015) 7 SCC 291



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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."

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

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

ORDER

- i. The Writ Petition is ***allowed***.
- ii. The impugned order dated 23.06.2026 issued by respondent No.3 vide Annexure "B" is hereby ***quashed***.



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iii. The respondent – the Disciplinary Authority is directed to hold further enquiry and thereafter, pass an appropriate order in accordance with the law.

iv. ***Sri.Jagannath Prasad***, Retired District Judge, is appointed as the Enquiry Officer to conduct an enquiry regarding the marks card submitted by the petitioner and submit a report to the Disciplinary Authority within six months from the date of the receipt of a copy of this order.

v. The respondents are directed to reinstate the petitioner into service within eight weeks from the date



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of the receipt of a copy of this order.

vi. The consequential benefits will be subject to the outcome of the enquiry.

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

viii. Pending applications, if any, stand disposed off accordingly.

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

RK
List No.: 1 Sl No.: 56