



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 25631 OF 2026 (S-RES)

BETWEEN:

J JAIKUMAR
AGED ABOUT 54 YEARS
S/O. D. JAIRAJ
THE MANAGING DIRECTOR
DAKSHINA KANNADA
DISTRICT CO-OPERATIVE MILK PRODUCERS'
SOCIETIES' UNION LIMITED
MANGALORE - 575 005
RESIDING AT NO.1624, 2ND CROSS,
1ST BLOCK, SIR.M.VISHWESHWARAIHA LAYOUT
BANGALORE - 560 056.

...PETITIONER

(BY SRI. PRAMOD KATHAVI, SENIOR ADVOCATE FOR
SMT. RACHANA BHARADHWAJ R., ADVOCATE)

AND:

1. THE KARNATAKA CO-OPERATIVE MILK PRODUCERS
FEDERATION LTD.,
KMF COMPLEX
DR.M.HMARIGOWDA ROAD
BANGALORE - 560 029.
REPRESENTED BY ITS
ADMINISTRATOR.
2. THE MANAGING DIRECTOR,
KARNATAKA MILK FEDERATION

Digitally
signed by
PRAKASH N
Location:
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:52735
WP No. 25631 of 2026

CNR: KAHC010568642026

KMF COMPLEX
DR. M.H. MARIGOWDA ROAD
BANGALORE - 560 029

...RESPONDENTS

(BY SRI. B.L. SANJEEV, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS PERTAINING TO THE ORDER BEARING NO. KAHAMA/ADMIN-1/86/2026, BENGALURU DATED 06.08.2026 (ANNEXURE-A) ISSUED BY THE 2ND RESPONDENT II. ISSUE A WRIT, ORDER OR DIRECTION MORE IN THE NATURE OF A WRIT OF CERTIORARI AND QUASH THE ORDER BEARING NO. KAHAMA/ADMIN-1/86/2026, BENGALURU DATED 06/08/2026 (ANNEXURE-A) ISSUED BY THE R2, PLACING THE PETITIONER UNDER SUSPENSION, WITH IMMEDIATE EFFECT, PENDING ENQUIRY INTO THE ALLEGATIONS ENUMERATED THEREIN.

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

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

ORAL ORDER

1. The petitioner, who is stated to be holding a post in the cadre of Director of the Co-operative Milk Producers Society, has filed the present petition calling in question correctness of the order of suspension at Annexure A.



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

2. In terms of the order of suspension at Annexure-A dated 06.08.2026, the respondent authority has placed the petitioner under suspension referring to Rule No. 39.1. While such order which is stated is passed in contemplation of initiating appropriate disciplinary actions/domestic enquiry proceedings.
3. The said order has been challenged on various grounds contending that the order of suspension is not passed in terms of stipulation of Rule No.39.2, which mandates that the order of suspension could be passed by the Managing Director in consultation with the President.
4. It is contended that there was no consultation with the President and in light of Administrator being appointed any such consultation ought to have been held with the Government authority.
5. It is further submitted that an order of suspension when passed requires to reflect application of mind and that the petitioner having been posted to the Milk Union at



CNR: KAHC010568642026

Mangalore, while the incident itself had occurred in the Union at Rajanakunte, there was no threat of destruction of records etc. and accordingly such aspect has not been considered while passing the order of transfer.

6. It is further submitted that the petitioner in reply to the show-cause notice had requested for certain documents in order to make a reply and without waiting for such reply, order of suspension has been passed.
7. Reliance has been placed on regulation 3.1 to contend that an order of suspension could be passed forthwith only where the accused employee was likely to destroy or tamper evidence, records and documents, or was likely to incite witnesses against the management. Accordingly, it is submitted in terms of the proviso of 39.1 of the applicable regulation, the authority while passing order ought to have recorded reasons



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

consistent with the requirement of the proviso before passing an order of suspension.

8. Reliance is placed on the judgment of the Hon'ble Apex Court in ***Captain M. Paul Antony v. Bharath Gold Mines and another*** reported in ***(1999) 3 SCC 679***. It is specifically contended that the order of suspension cannot be passed merely for the asking.

9. Learned Senior counsel Sri. Pramod N. Kathavi, appearing on behalf of the petitioner, has also relied on the order of the High Court of Judicature at Rajasthan in the case of ***Vivek Singh S/o Jagannath Singh versus State of Rajasthan*** in ***2025 RJ (JD) 52328*** to contend that where the place of posting is away from the place of the incident, the order of suspension may not be justified and reliance is placed on para Nos.12 to 14 of that judgment.

10. Further, reliance is placed on the judgment of the Hon'ble Apex Court in the case of ***Union of India and***



CNR: KAHC010568642026

another versus Ashok Kumar Aggarwal in **(2013) 16 SCC 147** to contend that a strong *prima facie* case must be made out for imposition of punishment before an order of suspension is justifiably passed.

11. Learned counsel Sri. B.L. Sanjeev appearing on behalf of the respondent would contend that the order is passed in accordance with the applicable regulations. Relying on Regulation 39.12, it is submitted that the petitioner being of the rank of the cadre of Director, it is the Managing Director in consultation with the President, who is required to take a decision. It is pointed out that as an Administrator was appointed the permission or the consent of the Administrator was taken and relevant note sheet is relied upon.

12. It is further submitted that the order of suspension was as regards other employees as well and the other employees had in fact made out their statement of replies to the show-cause notice. However, the



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

petitioner had not made out such reply to the show-cause notice and accordingly the order of suspension came to be passed. It is further submitted that the authorities had also conducted a preliminary inquiry before action was taken. It is also submitted that the petitioner's approach to the court was premature.

13. Heard the arguments of learned counsel on both sides and perused the records.

14. At the outset, it must be noticed that the order of suspension at Annexure-A is the order in issue which was passed on 6.08.2026. Insofar as the power of the Managing Director to pass an order, the only contention raised is by reliance on Regulation 39.12, provides the competent authority which may pass order of suspension.

15. Regulation 39.12 reads as follows:

39.12	ಮೇಲಿನ ನಿಬಂಧನೆಗಳಲ್ಲಿ ಏನೇ ಹೇಳಿದ್ದರೂ, ಈ ಮುಂದಿನ ಪ್ರಾಧಿಕಾರಗಳು ವಿಚಾರಣೆಯನ್ನು ಕಾಯ್ದಿರಿಸಿ ಅವರ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಬರುವ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರನ್ನು
-------	--



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

	ಅಮಾನತ್ತಿನಲ್ಲಿಡಲು ಸಕ್ಷಮರಾಗಿರತಕ್ಕದ್ದು:	
	ಉದ್ಯೋಗಿಯು ಒಳಗೊಳ್ಳುವ ಕಾಡರು	ಅಮಾನತ್ತು ಮಾಡಬಹುದಾದ ಪ್ರಾಧಿಕಾರ
	ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕ	ಆಡಳಿತ ಮಂಡಳಿ
	ಜಂಟಿ ನಿರ್ದೇಶಕರು/ ವ್ಯವಸ್ಥಾಪಕ ದರ್ಜೆ ಅಧಿಕಾರಿ ಹಾಗೂ ಮೇಲ್ಪಟ್ಟ ಅಧಿಕಾರಿಗಳು	ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕ, (ಅಧ್ಯಕ್ಷರೊಂದಿಗೆ ಸಮಾಲೋಚಿಸಿ)
	ಉಪ ನಿರ್ದೇಶಕರು ಹಾಗೂ ಕೆಳಗಿನ ಹಂತದ ಎಲ್ಲಾ ಉದ್ಯೋಗಿಗಳು	ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕ,
	Notwithstanding anything contained herein above, the following authorities shall be competent to impose suspension pending enquiry, as here under:	
	Cadre to which the employee belongs	Authority which may impose suspension
	Managing Director	Board
	Officers of the rank of Joint Director/Manger, cadre officers and above	Managing Director (in consultation with the President)
	Officers of the rank of Senior Deputy Director and all other employees below this rank	Managing Director

16. It is not in dispute that the petitioner belongs to the rank of the cadre of Director. As regards which, the



CNR: KAHC010568642026

competent authority to pass order of suspension is the Managing Director in consultation with the President.

17. In light of the admitted fact that the Administrator has been appointed, the only question is whether the Managing Director in consultation with the Administrator has passed the order of suspension. As regards such aspect, a perusal of the note sheet produced by counsel for the respondent would reveal that the Managing Director has sought for necessary consent of the Administrator for passing an order of suspension and the note sheet would reveal that the matter was placed before the Administrator.

18. In light of the same, insofar as such jurisdiction point is concerned, no case is made out for interference. Insofar as the detailed submission made regarding appropriateness of the order of suspension, it must be noticed that the court does not sit as an Appellate



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

Authority as regards the decision to pass an order of suspension.

19. No doubt the scheme of regulation has to be kept in mind while considering the exercise of judicial review in the context of the order of suspension in terms of regulation 39.12, which is extracted above. The order of suspension could be passed and the proviso would provides that an order of suspension can be passed forthwith where the employee is likely to destroy or tamper evidence, records and documents or is likely to incite the witnesses against the management. However, that must be read only as a restriction insofar as passing an order of suspension forthwith and cannot have the effect of placing an embargo on the power of the authority to pass an order of suspension after due consideration.

20. It is not in dispute that the show-cause notice came to be issued calling upon the petitioner to make a reply.



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

Copy of the said show-cause notice is enclosed at Annexure- C.

21. No doubt a representation is made by the petitioner seeking for furnishing of documents in order to make out a reply to the show-cause notice. It is a case of the petitioner in the absence of such documents, an effective reply could not be made. Learned counsel Sri. B.L. Sanjeev for the respondents submits that documents would be furnished and that they would look into the reply of the petitioner if made on merits and may consider passing appropriate orders.

22. It is further submitted that documents in possession of the respondent would be made out to the petitioner but the interference at this stage would not be called for, while they would consider his reply and take note of the same before passing appropriate orders.

23. It must be noticed that in terms of the scheme of 39.1, the employer would have the right to pass an



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

order of suspension after considering the reply and the proviso would come into play in the event of circumstances justifying passing an immediate order of suspension. Admittedly, the order of suspension is in operation already for more than a month.

24. The court also would opine that in light of lapse of much time from the order of suspension, the authority may also consider whether the order of suspension requires to be continued. Taking note of the fact that the petitioner has not made out a reply as regards the show-cause notice, it would be appropriate to remit the matter for reconsideration by the respondent authorities on two grounds:

(1) That the respondent must make available documents in their possession to the petitioner within a period of one week from today taking note of the request made for furnishing of documents earlier. Upon furnishing such documents, the petitioner may make out a reply and appropriate



CNR: KAHC010568642026

NC: 2026:KHC:52735
WP No. 25631 of 2026

orders passed within a period of two weeks thereafter from the date of receipt of reply by the petitioner, which would be considered to be an order under 39.1. Needless to state, if the authority is convinced of the reply they may as well withdraw the order of suspension.

- (2) Having noticed that the order of suspension passed on 06.08.2026 and substantial time having passed since then, the authority may now consider apart from the confirmation of order Under 39.1 as to whether grounds still exist for continuation of the order of suspension.

25. Such observations are also required to be passed in light of the fact that the petitioner is currently posted at Mangalore, while admittedly, the incident was one at Rajanakunte. Such aspect may also be taken note of while considering whether there is a need for the continuation of order of suspension, such factors may also



**NC: 2026:KHC:52735
WP No. 25631 of 2026**

be taken note of while passing orders as regards the reply to the show-cause made out by the petitioner under 39.1.

26. Accordingly, I pass the following:

ORDER

- i. The writ petition is **disposed of**.
- ii. All contentions are kept open and the observations made herein are limited only for passing orders regards challenge made to the order of suspension and must not be deemed to be observations made on the merits.
- iii. In view of disposal of the petition, pending IAs, if any, stand disposed of accordingly.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

SKS