



CNR: KAHC010694232025

NC: 2026:KHC:40404-DB
WP No. 32380 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF AUGUST, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE DR. JUSTICE K.MANMADHA RAO
WRIT PETITION NO. 32380 OF 2025 (S-KSAT)

BETWEEN:

SRI GOPI S A
S/O ASHWATH NARAYANA REDDY
AGE ABOUT 50 YEARS
WORKING AS FIRST DIVISION ASSISTANT
KSBCL BANGARAPETE, KOLAR DISTRICT

TRANSFERRED TO
M/S. UNISTEEL ALCOBLENDS PVT. LTD.,
SOLURU, MAGADI TALUK
RAMANAGARA DISTRICT (BENGALURU SOUTH)
BANGALORE URBAN DISTRICT
R/AT SRINIDI NILAYA
BANGARAPETE ROAD
NEAR THEOSOPHICAL SOCIETY
DHARMARAYANA NAGARA
KOLAR DISTRICT – 563101.

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

...PETITIONER

(BY SRI. T NARAYANA SWAMY, ADV. FOR
SRI RAGHUPATHI M. J., ADV.)

AND:

1. STATE OF KARNATAKA
REP. BY ITS ADD CHIEF SECRETARY
DEVELOPMENT OF FINANCE (EXCISE)
VIDHANA SOUDHA, BENGALURU- 560001.
2. THE COMMISSIONER OF EXICSE
2ND FLOOR, TTMC 'A' BLOCK



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BMTC, K H ROAD, SHANTHI NAGARA
BENGALURU- 560027.

3. DEPUTY COMMISSIONER OF EXCISE
DEPARTMENT OF EXCISE
BANGARAPETE, KOLAR DISTRICT -563101.

...RESPONDENTS

(BY SRI. K.R. RAJENDRA, AGA)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ORDER OR DIRECTION OR ANY OTHER APPROPRIATE WRIT SETTING ASIDE THE ORDER PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.6181/2024 DATED 19/02/2025 AND CONSEQUENTLY ALLOWED THE APPLICATION NO.6181/2024 AS PRAYED FOR, BY QUASHING THE IMPUGNED OFFICIAL MEMORANDUM BEARING NO.EXCISE.15012/36/2024 (BHA-1) DATED 13/12/2024 (ANNEXURE-A8) PASSED BY 2ND RESPONDENT SO FAR AS THE PETITIONER IS CONCERNED AND DIRECT THE 2ND RESPONDENT CONTINUE THE PETITIONER AS FDA, KSBCL DEPOT, BANGARAPET AND ETC.

THIS PETITION, COMING ON FOR FINAL 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

ORAL ORDER

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

The petitioner, First Division Assistant belonging to the Department of Excise is before this Court questioning order dated 19.02.2025 in Application No.6181/2024 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereunder the



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petitioner's prayer to quash O.M. dated 13.12.2024 posting him from KSBCL, Depot, Bangarpet, Kolar District to M/s. Unisteel Alcoblends Private Limited, Soluru, Magadi Taluk, Ramanagar District, is rejected.

2. Heard learned counsel Sri.T.Narayana Swamy for Sri.Raghupathi.M.J., learned counsel for petitioner and learned Additional Government Advocate Sri.K.R.Rajendra for respondents. Perused the entire writ petition papers.

3. Learned counsel for the petitioner would contend that the petitioner is an office-bearer of the Karnataka State Government Employees Association and he was elected as one of the Director and in that regard, he refers to Annexure-A6 – Certificate dated 28.10.2024. Further, it is submitted that the petitioner was elected as senior Vice President of the Taluka Karnataka State Government Employees Association, Bangarpet. Since he is an office-bearer of the Association, such office-bearers are exempted from transfer for one term. However, it is submitted that



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the respondents without taking note of the fact that the petitioner is an office-bearer of the Karnataka State Government Employees Association, by O.M., dated 13.12.2024 transferred the petitioner from Bangarapet to Solur.

4. Further, learned counsel for the petitioner submits that the said transfer O.M., dated 13.12.2024 was challenged before the Tribunal in the above stated Application and the Tribunal without applying the exemption provided under the Government order dated 25.06.2024, following the order in respect of the Employees of Technical Education Department, who have separate set of Rules, dismissed the Application.

5. Learned counsel would submit that the Tribunal fell into error in following the decision rendered by this Court in W.P.No.9112/2022, since it pertains to employees of Technical Education Department, who are governed by the Karnataka Civil Services (Regulation of Transfer of



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Teaching Staff of Department of Technical Education) Rules, 2020 (for short, 'Rules, 2020'). Learned counsel would submit that the petitioner, who belongs to Excise Department at that relevant point of time was governed by General Transfer Guidelines issued under Government Order dated 25.06.2024. Learned counsel would submit that the petitioner as an office-bearer has term till 2029 and as such, in terms of Clause 7(1)(e) of the Government order dated 25.06.2024, the petitioner shall be exempted from transfer since he is presently office-bearer of the Karnataka State Government Employees Association. Thus, he would pray for allowing the writ petition.

6. Per contra, learned Additional Government Advocate Sri.K.R.Rajendra for respondents-State would support the order passed by the Tribunal and would submit that since the petitioner is working for very long time in Kolar District, he was transferred to Solur, Magadi. Further, learned Additional Government Advocate would



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submit that as there was complaint of serious nature against the petitioner, the petitioner was transferred out of Kolar District. Thus, he would pray for dismissal of the writ petition.

7. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are inclined to interfere with the order passed by the Tribunal, as well as impugned transfer O.M., dated 13.12.2024.

8. The respondents-State has not disputed with regard to office held by the petitioner i.e., Vice President of Taluka Branch of Karnataka State Government Employees Association. Annexure-A6 dated 02.12.2024 evidences that the petitioner was elected as Vice President of Bangarpet Taluk State Government Employees Association. The term as submitted is for five years from the date of election i.e., 02.12.2024. Clause 7(1)(e) of the Government order dated 25.06.2024 reads as follows:



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"7. ಅವಧಿ ಪೂರ್ವ/ಅವಧಿ ಮೀರಿದ ವರ್ಗಾವಣೆಗಳು:

(1). -----.

(ಇ) ಒಂದು ವೇಳೆ ಸರ್ಕಾರಿ ನೌಕರನು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರಿ ನೌಕರರ ಸಂಘದ ಪದಾಧಿಕಾರಿಯಾಗಿದ್ದಲ್ಲಿ ಆ ಪದಾಧಿಕಾರದ ಅವಧಿ ಮುಗಿಯುವವರೆಗೆ ವರ್ಗಾಯಿಸಬಾರದು."

9. In terms of the above, a person who is elected as office-bearer of the Karnataka State Government Employees Association, shall not be transferred till his completion of term as office-bearer. The earlier Government order dated 31.05.2019 restricts such benefit only for one term. Learned counsel Sri.T.Narayana Swamy submits that this is the first term of the petitioner.

10. The Tribunal failed to note that while applying the decision of this Court in W.P.No.9112/2022 that the said decision was rendered in respect of an employee belonging to Technical Education Department who are governed by Rules, 2020. In the instant case, as on the relevant date of transfer O.M., dated 13.12.2024, the



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petitioner was governed by General Transfer Guidelines issued under Government order dated 25.06.2024. Therefore, the decision in W.P.No.9112/2022 would have no application to the facts of the present case.

11. In terms of the Government order dated 25.06.2024, the petitioner who is an office-bearer of the Karnataka State Government Employees Association shall be entitled for exemption from transfer for one term. In the light of the above, the petition succeeds. Hence, the following:

ORDER

- a) Writ petition is allowed.
- b) Order dated 19.02.2025 in Application No.6181/2024 passed by the Tribunal is set aside.
- c) Consequently, O.M., bearing No.ಎಕ್ಸ್‌ಜೆ/15012/36/2024(ಭಾ-1) dated 13.12.2024 (Annexure-A8)



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stands quashed insofar as the petitioner is concerned.

- d) The petitioner shall be permitted to report to duty at KSBCL, Depot, Bangarpet, Kolar District, where he was working, prior to impugned transfer O.M. dated 13.12.2024.
- e) Liberty is reserved to the State to effect transfer of the petitioner, if administrative exigency demands, strictly in accordance with law and in terms of the Government order or the Rules, if any, with regard to transfer.

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

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

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CT:bms