



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 39380 OF 2025 (S-DIS)

BETWEEN:

1. SRI. SHREESHAIL GIRIMALLAPPA MAROL
S/O GIRIMALLAPPA
AGED ABOUT 29 YEARS,
RESIDING AT NO. 56/A, 1ST MAIN, 2ND CROSS,
GOVINDARAJANAGAR,
BANGALORE-560040
2. SRI RAMAPPA HANCHINAL
S/O HANAMAPPA HANCHINAL,
AGED ABOUT 38 YEARS,
RESIDING AT NO. 123/1,
4TH MAIN ROAD, 6TH CROSS,
GOVINDARAJANAGAR,
BANGALORE-560040
3. SRI MALLIKARJUN KASABEGOUDAR,
C/O PARASHURAM KASABEGOUDAR,
AGED ABOUT 33 YEARS,
RESIDING AT NO. 123/1,
4TH MAIN ROAD, 6TH CROSS,
GOVINDARAJANAGAR,
BANGALORE-560040
4. SRI MALIYAPPA TALAWAR,
S/O HANAMAVVA, AGED ABOUT 37 YEARS,
RESIDING AT NO. 123/1, 4TH MAIN ROAD,
6TH CROSS, GOVINDARAJANAGAR,

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signed by
SUNITHA K
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Location:
HIGH
COURT OF
KARNATAKA





- BANGALORE-560040
5. SRI PARASHURAM PATROT,
S/O RAMANNA PATROT,
AGED ABOUT 37 YEARS,
RESIDING AT NO. 123/1, 4TH MAIN ROAD,
6TH CROSS, GOVINDARAJANAGAR,
BANGALORE-560040

...PETITIONERS

(BY SRI. V SRINIVAS, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED (BESCOM),
CORPORATE OFFICE,
KR CIRCLE,
BANGALORE-560001
2. THE SUPERINTENDENT ENGINEER
O AND M CIRCLE OFFICE,
BESCOM HADADI ROAD,
DAVANAGERE-577002
3. THE EXECUTIVE ENGINEER
HIRIYUR DIVISION, BESCOM
HIRIYUR-577598
4. THE EXECUTIVE ENGINEER
CHITRADURGA DIVISION BESCOM
CHITRADURGA-577501

...RESPONDENTS

(BY SRI. B B PATIL, ADVOCATE FOR R2
R1, R3, R4 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
(A) SET ASIDE THE ORDER OF THE 2ND RESPONDENT DATED
02/12/2025 IN NO. D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-



26/4398-403, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-26/14392-97, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-26/14404-09, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-26/14386-91, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-26/14410-15 VIDE ANNEXURE- A, A1, A2, A3 AND A4. (B) SET ASIDE THE ORDER OF DISMISSAL PASSED BY THE 2ND RESPONDENT IN ORDER No. KNEM(V)/LA/SL/HS(C)/55-58 AT ANNEXURE-G, KNEM(V)/LA/SL/HS(C)/63-66 AT ANNEXURE-G1, KNEM(V)/LA/SL/HS(C)/46-49 AT ANNEXURE-G2, KNEM(V)/LA/SL/HS(C)/50-54 AT ANNEXURE-G3, KNEM(V)/LA/SL/HS(C)/25-26/135-138 ALL OF WHICH ARE DATED 03/04/2025 ISSUED BY THE RESPONDENT 3 AND 4. (C) CONSEQUENTLY SET ASIDE THE ORDER PASSED BY THE ENQUIRY OFFICER VIDE ANNEXURE -D IN DEPARTMENT ENQUIRY NO 71/2021, ANNEXURE -D1 IN DEPARTMENT ENQUIRY NO 75/2021, ANNEXURE -D2 IN DEPARTMENT ENQUIRY NO 69/2021, ANNEXURE- D3 IN DEPARTMENT ENQUIRY NO 74/2021, ANNEXURE -D4 IN DEPARTMENT ENQUIRY NO 39/2021. (D) DIRECT THE RESPONDENTS TO REINSTATE THE PETITIONERS INTO SERVICE AND GRANT ALL CONSEQUENTIAL BENEFITS FROM THE DATE OF DISMISSAL TILL THE DATE OF REINSTATEMENT.

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

The petitioners have filed this writ petition seeking the following reliefs:

- (a) *Set aside the order of the 2nd respondent dated 02/12/2025 in No.D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-26/4398-403, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-26/14392-97, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-*



26/14404-09, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-
26/14386-91, D/AEM(V)ULN/LA/SLA/HAS/KAS/2025-
26/14410-15 vide Annexure- A, A1, A2, A3 and A4.

- (b) Set aside the order of dismissal passed by the 2nd respondent in order No.KNEM(V)/LA/SL/HS(C)/55-58 at ANNEXURE-G, KNEM(V)/LA/SL/HS(C)/63-66 at ANNEXURE-G1, KNEM(V)/LA/SL/HS(C)/46-49 at ANNEXURE-G2, KNEM(V)/LA/SL/HS(C)/50-54 at ANNEXURE-G3, KNEM(V)/LA/SL/HS(C)/25-26/135-138 all of which are dated 03/04/2025 issued by the respondent 3 and 4.
- (c) Consequently set aside the order passed by the enquiry officer vide annexure-D in Department Enquiry No.71/2021, Annexure - D1 in Department Enquiry No.75/2021, Annexure - D2 in Department Enquiry No.69/2021, Annexure - D3 in Department Enquiry No.74/2021, Annexure - D4 in Department Enquiry No.39/2021.
- (d) Direct the respondents to reinstate the petitioners into service and grant all consequential benefits from the date of dismissal till the date of reinstatement.

2. Brief facts, leading rise to the filing of this writ petition are as follows:

It is the case of the respondents that the petitioners appointed as Assistant Linemen in the respondent-



Department. The recruitment of the employees was made, *inter alia*, on the basis of marks obtained in ITI certificate course. Later the petitioners have also been made permanent as they had successfully completed their 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 petitioners were not genuine. On the basis of the said report, the petitioners were kept under suspension. The petitioners, aggrieved by the order of suspension, filed this writ petition.

3. Heard the arguments of the learned counsel for the petitioners and also learned counsel for the respondents.

4. Learned counsel for the petitioners submits that the petitioners kept under suspension for more than six months years and suspension has not been extended in writing. He submits that if it is not extended in writing as



per proviso to Rule 10(5)(b) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 that 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 Government Servant under suspension shall stand revoked automatically under this clause. He submits that the order of suspension stand 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. He also submits that in an identical matter, similarly placed employees, approached this Court in W.P.No.46307/2018 and other connected matters. He submits that in the said writ petition, the government servant was dismissed from the service. The said writ petition came to be allowed. He submits that the respondents, aggrieved by the order passed in the said



petition, preferred an appeal in W.A.No.261/2020 and connected matters. He submits that the said writ appeal came to be dismissed vide order 09.11.2020. Hence, on these grounds, he prays to allow this writ petition.

5. *Per contra*, learned counsel for the respondents supported the impugned order and prays to dismiss the writ petition.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is an undisputed fact that the petitioners were working in the respondent-Department. The petitioners have submitted the marks card. On the basis of the marks obtained by the petitioners, appointed as Assistant Lineman. The respondents without holding an enquiry had passed an order of suspension. In similarly placed petitioners approached this Court in



W.A.No.261/2020. The Division Bench has recorded its findings at para 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."

8. The Division Bench has directed the respondent-Company to reinstate all the employees, wherein an enquiry is pending. The respondent did not comply with the observation made by the Division Bench in the aforesaid writ appeal.



9. Admittedly, in the instant case, the respondents have not reinstated the petitioners into service. Further, the respondents have not passed any order of continuation of the order of suspension. In view of the proposition laid down by the Hon'ble Court in the case of **AJAY KUMAR CHOUDHARY Vs. UNION OF INDIA THROUGH ITS SECRETARY & ANR.** reported in **(2015) 7 SCC 291**, held at para No.8, which reads as under:

8. 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 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.

10. 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).



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

ORDER

- i. The Writ Petition is ***allowed.***
- ii. The impugned orders are hereby quashed.
- iii. The respondent – the Disciplinary Authority is directed to hold further enquiry and thereafter, pass an appropriate order in accordance with the law.
- iv. ***Smt. Premavathi Managoli***, Retired District Judge is appointed as an enquiry officer to conduct an enquiry regarding the marks card submitted by the petitioners and submit a report to the Disciplinary Authority within six months from the date of the receipt of the copy of this order.
- v. The respondents are directed to reinstate the petitioners into service within eight weeks from the date of the receipt of the 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**

SSB