IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

PRESENT

THE HON'BLE MR. JUSTICE ARAVIND KUMAR

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

W.P. NO.12683/2020 (S-KSAT)

BETWEEN:

SRI J.SUPRITH KUMAR
S/O JAYARAMU
AGED ABOUT 40 YEARS
WORKING AS REVENUE INSPECTOR
JANGAMAKOTE HOBLI
SIDLAGHATTA TALUK OFFICE
CHIKKABALLAPURA DISTRICT-562 101
PRESENTLY WORKING AT
FIRST DIVISION ASSISTANT
TALUK OFFICE CHINTAMANI
CHIKKABALLAPURA DISTRICT-562 101
R/A 7TH CROSS
R.G.LAYOUT
KOLAR-561 209

...PETITIONER

(BY SRI. ARAVIND UPADHYE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP BY ITS
   SECRETARY TO GOVERNMENT
   DEPARTMENT OF REVENUE
   M.S.BUILDING
   BENGALURU-560 001

2. THE DEPUTY COMMISSIONER
   CHIKKABALLAPURA DISTRICT
   CHIKKABALLAPURA-562 101

3. THE TAHSILDAR
SIDLAGHATTA TALUK OFFICE
CHIKKABALLAPURA DISTRICT-562 101

4. SRI B.C.SHASHIDHARA
S/O NOT KNOWN TO THE PETITIONER
AGED MAJOR
WORKING AS
FIRST DIVISION ASSISTANT
TALUK OFFICE CHINTAMANI
CHIKKABALLAPURA DISTRICT-562 101
PRESENTLY WORKING AS
REVENUE INSPECTOR
JANGAMAKOTE HOBLI
SIDLAGHATTA TALUK OFFICE
CHIKKABALLAPURA DISTRICT-562 101
...RESPONDENTS

(BY SRI S.MAHENDRA, AGA FOR R-1 TO R-3
SRI V.R.SARATHY, ADVOCATE FOR C/R-4)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS RELATING TO THE IMPUGNED ORDER OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU DTD: 04.09.2020 MADE IN A NO.1642/2020 VIDE ANNEXURE-A AND QUASH THE SAID ORDER AS ERRONEOUS AND CONTRARY TO LAW AND ETC.

THIS W.P. COMING ON FOR ORDERS THIS DAY, ***ARAVIND KUMAR J.,*** MADE THE FOLLOWING:

O R D E R

Though this matter is listed for orders, it is taken up for final disposal by consent of learned Advocates appearing for parties.

2. Heard Sri Aravind Upadhye, learned Advocate appearing for petitioner and Sri V.R.Sarathy, learned Advocate appearing for respondent-4.

3. Petitioner was promoted as Revenue Inspector/FDA on 17.11.2017 with effect from 27.06.2019 while he was working as Village Accountant at Jangamakote Hobli, Sidlaghatta Taluk, Chikkaballapura District. On 28.04.2020 petitioner was transferred as FDA to the place of fourth respondent and in his place, 4th respondent came to be posted. Contending that said order of transfer is premature and in contravention of the transfer guidelines dated 07.06.2013, Application under Section 19 of the Administrative Tribunals Act, 1985 came to be filed by the petitioner before the Karnataka Administrative Tribunal, Bengaluru. After considering the rival contentions raised at the Bar, Tribunal has noticed that fourth respondent was a direct recruitee selected to the post of FDA in the selection conducted by KPSC and has been assigned the Revenue Department and on the basis of the same, he was initially posted as FDA, Taluk Office,

Chintamani and by the impugned order dated 28.04.2020, he was posted to the place where applicant was discharging his duties, who undisputedly was holding an independent charge on the basis of promotion granted under Rule 32 of the Karnataka Civil Services Rules. Hence, Tribunal has rejected the application filed by the petitioner.

4. Though Sri.Aravind Upadhye, learned Advocate appearing for petitioner has reiterated the grounds urged before Tribunal, we are not inclined to accept the same for reasons more than one.

Firstly, the post to which petitioner was called upon to work by order dated 27.06.2019 was by granting promotion under Rule 32 of Karnataka Civil Services Rules and as such, he does not get any vested right to contend that he would be entitled to continue in the said post for eternity. Secondly, fourth respondent being a direct recruitee has been posted to the post held by the petitioner namely, Revenue Inspector which was vacant and same is not a higher post than held by the petitioner. Further, there is no violation of the condition

of the order dated 28.05.2019 under which, fourth respondent was posted as FDA in Taluk Office Chintamani. Hence, we are of the considered view that order passed by the Tribunal does not call for interference. No grounds are made out. Hence, writ petition stands dismissed.

All pending applications stands consigned to records.

SD/-
JUDGE

SD/-
JUDGE

*sp