HC-KAR
CNR: KAHC010524042026

NC: 2026:KHC:60639-DB
WP No. 23757 of 2026
C/W WP No. 23870 of 2026
WP No. 23926 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 23757 OF 2026 (S-KSAT)
C/W
WRIT PETITION NO. 23870 OF 2026 (S-KSAT)
WRIT PETITION NO. 23926 OF 2026 (S-KSAT)

IN WP No. 23757/2026:

BETWEEN:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

2. THE DIRECTOR GENERAL AND INSPECTOR
GENERAL OF POLICE,
KARNATAKA STATE,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.

3. THE POLICE COMMISSIONER,
MANGALURU CITY,
MANGALURU-575 001.

4. THE COMMISSIONER OF POLICE,
BELAGAVI CITY, POLICE COMMISSIONER
OFFICE ROAD,
BELAGAVI-590 001.

...PETITIONERS

(BY SRI. VIKAS ROJIPURA, AGA)

AND:

RASHID M SHAIKH
S/O. MADARSAB SHAIKH,
AGED 32 YEARS,
WORKING AS CIVIL HEAD CONSTABLE-658,
WOMEN POLICE STATION,
MANGALURU CITY,
RESIDING AT: POLICE QUARTERS,
BAJPE VILLAGE,
MANGALURU.

…RESPONDENT

(BY SRI. PRADEEP KUMAR BHARADWAJ, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI FOR SETTING ASIDE ORDER DATED 17/12/2025 PASSED BY THE LEARNED KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION NO.3490/2025 PRODUCED AT ANNEXURE-A.

IN WP NO. 23870/2026

BETWEEN:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY,
   HOME DEPARTMENT,
   VIDHANA SOUDHA,
   BENGALURU - 560 001.

2. THE DIRECTOR GENERAL
   AND INSPECTOR GENERAL OF POLICE,
   KARNATAKA STATE, NRUPATHUNGA ROAD,
   BENGALURU - 560 001.

3. THE POLICE COMMISSIONER,
   MANGALURU CITY-575 001.

4. THE SUPERINTENDENT OF POLICE,
VIJAYANAGARA DISTRICT,
HOSAPETE-583 201.

...PETITIONERS

(BY SRI. VIKAS ROJIPURA, AGA)

AND:

HIRYANAIK LAMBANI,
S/O. LATE OBBYA NAIK.L,
AGED 42 YEARS,
WORKING AS CIVIL HEAD CONSTABLE-979,
TRAFFIC WEST POLICE STATION,
MANGALURU CITY,
RESIDING AT NO.104,
POLICE LANE, BLOCK NO.19,
PANDESHWRA, MANGALURU.

...RESPONDENT

(BY SRI. PRADEEP KUMAR BHARADWAJ, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI FOR SETTING ASIDE ORDER DATED 17/12/2025 PASSED BY THE LEARNED KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION NO.3559/2025 PRODUCED AT ANNEXURE-A.

IN WP NO. 23926/2026

BETWEEN:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
HOME DEPARTMENT, VIDHANA SOUDHA,
BENGALURU - 560 001.

2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
KARNATAKA STATE,

NRUPATHUNGA ROAD,
BENGALURU - 560 001.

3. THE POLICE COMMISSIONER,
INFANTRY ROAD,
BENGALURU CITY-560 001.

4. THE SUPERINTENDENT OF POLICE,
BELAGAVI DISTRICT,
BELAGAVI-590 001

...PETITIONERS

(BY SRI. VIKAS ROJIPURA, AGA)

AND:

PAVAN F. CHALAWADI,
S/O.FAKIRAPPA,
AGED 38 YEARS,
WORKING AS CIVIL HEAD
CONSTABLE-10670,
SRIRAMAPURA POLICE STATION,
BENGALURU CITY,
RESIDING AT NO.16, 1ST FLOOR,
6TH BLOCK, J.B. KAVAL,
POLICE QUARTERS, KRISHNANAND NAGAR,
NANDINI LAYOUT, BENGALURU.

...RESPONDENT

(BY SRI. PRADEEP KUMAR BHARADWAJ, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI FOR SETTING ASIDE ORDER DATED 08.12.2025 PASSED BY THE LEARNED KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION NO.3520/2025 PRODUCED AT ANNEXURE-A.

THESE PETITIONS ARE COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

COMMON ORAL ORDER

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

Since the common questions in the above petitions would arise as to whether service of 7 years for transfer to other district units shall be in the post or at place, all the writ petitions are heard together and disposed of by this common order. In all the above writ petitions State authorities in Home Department and Director General and Inspector General of Police are before this Court questioning the order passed by the Karnataka State Administrative Tribunal, Bengaluru (for short 'the Tribunal') directing the petitioners herein to consider the claim of the respondents-applicants before the Tribunal for transfer with loss of seniority from Mangaluru City Unit in two writ petitions and from Bengaluru City Unit in one writ

petition, on couple case basis if any vacancy arises in the Belagavi City Unit and if they are otherwise eligible.

2. In W.P.No.23757/2026 the respondent - applicant before the Tribunal was appointed as Civil Police Constable on 09.12.2011 and was further promoted as Civil Head Constable on 14.09.2022. The respondent therein sought transfer from Mangaluru City Unit to Belagavi Unit.

3. In W.P.No.23870/2026 respondent therein was appointed as Civil Police Constable on 28.03.2008 and he was further promoted as Civil Head Constable on 17.06.2019. The respondent therein also sought transfer from Mangaluru City Unit to Vijayanagara District Unit.

4. In W.P.No.23926/2026 the respondent therein was appointed as Civil Police Constable on 02.08.2010 in the Bengaluru City Unit and he was further promoted as Civil Head Constable on 25.03.2021. The respondent

therein sought transfer from Bengaluru City Unit to Belagavi District Unit.

5. This Court in W.P.No.23689/2026 dated 25.09.2026 in an identical fact situation considering Karnataka State Police Department (Transfer) (Special) Rules, 2022 (for short 'Rules 2022') at paragraph Nos.8, 9 and 10 it is held as follows:

> *8. On hearing the learned Additional Government Advocate and on perusal of the entire writ petition papers in particular, the Rules, 2022 as well as Government order dated 15.07.2024 we are not inclined to interfere with the impugned order passed by the Tribunal for the following reasons:*
>
> *Rules, 2022 is introduced to regulate the transfers of the Police Sub-Inspector (Civil/CAR/DAR), Assistant Police Sub-Inspector Head Constable (Civil/CAR/DAR), Police Constable (Civil and CAR/DAR) and First Division Assistant/Second Division Assistant/Dalayat and Group-D employees of the Police Department from one District/Unit to another District/Unit or from one Range/Commissioner Range to another Range/Commissioner Range. The Rules also prescribes the method of transfer and Rule 3(iii) of Rules, 2022 insofar as the Police Constables are concerned reads as follows:*
>
> ***"(3) Police Constable: (Civil and CAR/DAR)***
>
> *(i) Must of have completed minimum period of Seven years service.*

(ii) He shall be placed below the last person in that cadre in the seniority list of the unit at the time of reporting/joining to which he is transferred.

(iii) In case of Ex-servicemen he should have completed minimum period of three years service and satisfactorily completed his probation period.

(iv) In cases where both husband and wife are in Government service and a request for transfer under these rules is made by a spouse, from a post in one unit of seniority in a Range/Commissionarate to an identical post in the same cadre in another unit of seniority in another Range/Commissionarate, the competent authority can consider the request for transfer subject to the following conditions, namely:-

(a) the Police Constable: (Civil and CAR/DAR) must have satisfactorily completed the probationary period; and

(b) the provision of rule 16-A of and the general instructions that may be issued by the Government from time to time under the Karnataka Civil Services (General Recruitment) Rules, 1977 shall apply mutatis mutandis to such request for transfer.

(v) Sanctioned post shall be vacant and available in the unit or place to be transferred in a Range/Commissionarate.

(iv) Such transfer shall not be permissible from one cadre to another cadre.

(v) Since the appointment being made at the request of the Government servant his seniority shall be placed below that of the last person in the cadre of the transferred unit or place in a Range/Commissionarate."

The first condition would require the Police Constable to complete minimum period of seven years service in a

particular Unit to claim transfer from one District Unit to another District Unit.

9. In the instant case, the respondent who was appointed as Police Constable on 13.03.2008, by the time he made request for transfer from Shivamogga District Unit to Vijayanagara District Unit has completed seven years service. The contention of the learned Additional Government Advocate is that the respondent who was promoted as Head Constable on 04.06.2020 has not completed seven years service in that particular post, placing reliance on the Government order dated 15.07.2024. The said submission is untenable and is contrary to Rule 3(iii) of Rules, 2022. The Rule would make it abundantly clear that a Constable who completes minimum period of seven years service would be entitled to seek transfer from one District Unit to another District Unit, subject to fulfilling other conditions. The Government order which according to learned Additional Government Advocate is issued to supplement Rules, 2022. Insofar as condition No.7 in Government order dated 15.07.2024 is concerned, would not supplement the Rules, 2022. The same reads as follows:

> *"7. Only personnel who have rendered at least 7 years of service in the post and unit in which they are currently serving (including personnel in the same post) shall be eligible for transfer (minimum 3 years in case of Ex-Servicemen)."*

On the other hand, it would run contrary to Rule 3(iii) of Rules, 2022. When the Rules would prescribe minimum of seven years service, the Executive Order/Government order dated 15.07.2024 could not say seven years of service in a 'post'. The Government order dated 15.07.2024 would take away the benefit which was granted under Rules, 2022.

10. No doubt, the Government has power to issue Government order or Executive Order to supplement the Rules when it finds that certain contingencies are not provided for under the Rules. Executive Orders could be issued to supplement the Rules and Executive Orders cannot be issued to take away the effect or benefit of the

Rules. Further, Executive Order could also be issued where the field is not occupied by the Rules.

6. The above decision would aptly apply to the facts of the above cases. The respondents herein had sought transfer from one district unit to another district unit on completion of more than 7 years service. The petitioners on the basis of Executive Order dated 15.07.2024 could not have come to the conclusion that the respondents have not rendered 7 years of service in a post.

7. Thus, following the decision dated 25.09.2026 in W.P.No.23689/2026, the above writ petitions stand ***dismissed***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 5