IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 25346 OF 2026 (S-KSAT)
C/W
WRIT PETITION NO. 27244 OF 2026 (S-KSAT)

IN WP NO. 25346/2026

BETWEEN:

SRI SHIVAKUMAR
S/O LATE THIMMANAYAKA,
AGED ABOUT 49 YEARS,
WORKING AS
PANCHAYAT DEVELOPMENT OFFICER,
SINDHUVALLI GRAMA PANCHAYAT,
MYSURU TALUK,
MYSURU DISTRICT - 571311.

ALSO RESIDING AT NO.8032,
2ND PHASE, UNION BANK ROAD,
VIJAYANAGAR IV STAGE,
MYSURU 570017.

...PETITIONER

(BY SRI. A NAGARAJAPPA, ADV. FOR
SRI NAVEEN J. N., ADV.)

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYAT RAJ DEPARTMENT,
M. S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560001.

2. THE COMMISSIONER
PANCHAYAT RAJ COMMISSIONERATE,
K.R. ROAD, GANDHINAGAR,
BENGALURU - 560009.

3. THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYAT,
MYSURU - 570001.

…RESPONDENTS

(BY SRI. RUEBEN JACOB, AGA A/W
SRI B.S. SUDHINDRA, ADV. FOR R1 & 2
SRI PAWAN KUMAR M.N., ADV. FOR R3)

THIS WRIT PETITION IS FILED PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 21.07.2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU, IN APPLICATION NO.3209/2026, INSOFAR AS IT REJECTS THE PETITIONERS APPLICATION SEEKING INTERIM RELIEF MARKED AT ANNEXURE-A AND ETC.

IN WP NO. 27244/2026

BETWEEN:

SRI KRISHNAMURTHY M
S/O. MR. MUNIRAMAIAH,
AGED ABOUT 38 YEARS,
WORKING AS
PANCHAYAT DEVELOPMENT OFFICERS,
CHANNADEVI AGRAHARA GRAMA PANCHAYAT,
DODDABALLAPUR TALUK,
BENGALURU RURAL DISTRICT-561 203,
R/AT NO.114, PITAKANAPALYA,
HULLE GOWDANAHALLI, DASANAPURA,
BENGALURU - 562162.

...PETITIONER

(BY SRI. ADITHYA R CHAKRAGIRI, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ,

M.S. BUILDING,
BENGALURU -560 001.

2. THE KARNATAKA PANCHAYAT RAJ
COMMISSIONERATE,
REP. BY ITS COMMISSIONER,
K.G. ROAD, GANDHINAGAR,
BENGALURU- 560 009.

3. THE CHIEF EXECUTIVE OFFICER
AND DISCIPLINARY AUTHORITY,
ZILLA PANCHAYAT
BENGALURU RURAL DISTRICT,
DISTRICT ADMINISTRATIVE BUILDING,
BEERASANDRA VILLAGE,
CHAPPARADAKALLU, KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT-562 110.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 & R2
SRI BHASKAR GOWDA N.M., ADV. FOR R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO A) CALL FOR RECORDS FROM THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE IN RESPECT OF THE IMPUGNED ORDER DATED 05.08.2026 PASSED IN ORIGINAL APPLICATION NO. 3193/2026 (ANNEXURE-A) AND B) SET ASIDE THE IMPUGNED ORDER DATED 05.08.2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BANGALORE IN ORIGINAL APPLICATION NO. 3193/2026, IN SO FAR AS REJECTION OF THE INTERIM PRAYER SOUGHT FOR BY THE PETITIONER IS CONCERNED (ANNEXURE-A) AND CONSEQUENTLY GRANT INTERIM RELIEF AS PRAYED FOR BY THE PETITIONER IN APPLICATION NO. 3193/2026, DURING THE PENDENCY OF THE SAID APPLICATION (ANNEXURE-B), IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDER ON **28.09.2026** COMING ON THIS DAY, ***S.G.PANDIT J.,*** PRONOUNCED THE FOLLOWING:

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

CAV ORDER

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

With the consent of learned counsel appearing for the parties, both the writ petitions are heard together and disposed of by this common order, since the issues raised are common.

2. In W.P.No.25346/2026, a Panchayat Development Officer ("PDO" for short) under suspension is before this Court, questioning non-grant of stay of order of suspension by order dated 21.07.2026 in Application No.3209/2026 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short "Tribunal").

3. In W.P.No.27244/2026, a Panchayat Development Officer under suspension is before this Court,

questioning non-grant of interim order of stay of suspension order by order dated 05.08.2026 in Application No.3193/2026 passed by the Tribunal.

4. In W.P.No.25346/2026, the petitioner is working as PDO at Sinduvalli Grama Panchayat, Mysore Taluk, Mysore District and he was kept under suspension by order dated 10.07.2026 (Annexure-A6) passed by respondent No.3-Chief Executive Officer, Zilla Panchayat, Mysore in exercise of power under Rule 10(1)(d) of Karnataka Civil Services (Classification, Control and Appeals) Rules, 1957 (for short "CCA Rules"). Before keeping the petitioner under suspension, a show-cause notice dated 05.06.2026 was issued and the petitioner submitted his reply to the said show-cause notice on 16.06.2026. Thereafter, the petitioner is kept under suspension on the allegation that while awarding certain works, the petitioner has not followed the provisions of the Karnataka Transparency in Public Procurements Act, 1999 and Rules made thereunder. The said order of suspension was the subject matter of Application No.3209/2026

before the Tribunal and the petitioner had also sought for an interim order of stay of the order of suspension dated 10.07.2026. The Tribunal, under order dated 21.07.2026 rejected the interim prayer to stay the order of suspension, observing that it would not find justifiable grounds to stay the impugned order at that stage. Questioning the said interim order rejecting the prayer of the petitioner to stay the order of suspension, the petitioner is before this Court in this writ petition.

5. In W.P.No.27244/2026, the petitioner is working as PDO at Chennadevi Agrahara Grama Panchayat, Doddaballapura Taluk, Bangalore Rural District. The petitioner was issued with show-cause notice dated 04.05.2026 calling upon him to submit his reply as to why action should not be initiated against him. The petitioner submitted his reply on 27.05.2026 (Annexure-A4). Thereafter, under Annexure-A5 dated 02.07.2026, the petitioner was kept under suspension by respondent No.3/Chief Executive Officer and Disciplinary Authority of Zilla Panchayat, Bangalore Rural District in exercise of

power under Rule 10(d) of CCA Rules. Questioning the said order of suspension, the petitioner was before the Tribunal in Application No.3193/2026.

6. The petitioner also sought for interim stay of the impugned order of suspension dated 02.07.2026. The Tribunal under impugned order rejected the petitioner's interim prayer to stay the order of suspension observing that it would not find any ground to grant the interim order of stay of the impugned order. Questioning the rejection of interim prayer to stay order of suspension, the petitioner is before this Court in this writ petition.

7. Heard learned counsel Sri.A.Nagarajappa for Sri.Naveen, learned counsel for petitioner in W.P.No.25346/2026, learned counsel Sri.Aditya Chakragiri for petitioner in W.P.No.27244/2026, learned Additional Advocate General Sri.Reuben Jacob along with learned High Court Government Pleader Sri.B.S.Sudhindra for respondent Nos.1 and 2 and learned counsel Sri.Pavan Kumar.M.N., and learned counsel Sri.Bhaskar Gowda.M.H.,

for respondent No.3 in both the writ petitions. Perused the entire writ petition papers.

8. Learned counsel Sri.A.Nagarajappa and learned counsel Sri.Aditya Chakragiri appearing for petitioners would submit that the Tribunal failed to appreciate the prima facie case made out by the petitioners for grant of interim stay of order of suspension. Further, learned counsels would submit that there is no material evidence as required under Rule 10(3) of CCA Rules, so as to keep the petitioners under suspension. In addition to the above, learned counsels would submit that the third respondent – Chief Executive officer of the Zilla Panchayat has no jurisdiction or competency to keep the petitioner i.e., PDO under suspension. Learned counsels would invite attention of this Court to the Government order dated 09.11.2022 and would submit that 1500 PDOs post is upgraded form the pay scale of Rs.37900-70850 to that of Rs.40900-78200, Group-B grade. Further, learned counsels would submit by referring to Annexure-C in W.P.No.25346/2026, notification dated 13.03.2024 that the post of Senior PDO

is a promotional post to the cadre of PDO. It is also submitted that, in terms of the said notification, the appointing authority insofar as Senior PDO as well as PDO is the Commissioner, Panchayat Raj Commissionarate. As such, learned counsel would contend that when the appointing authority in relation to Senior PDOs and PDOs is Commissioner for Panchayath Development, the CEO, Zilla Panchayat – third respondent herein is incompetent and the order passed keeping the petitioners under suspension is without jurisdiction. Learned counsel would further submit that though the petitioners are not promoted as Senior PDOs, they are in the scale of Rs.65950-124900 as well as Rs.61300-112900 respectively. It is submitted that those scales are in terms of Rule 5 of CCA Rules are pay scales of Group-B posts. It is contended that the third respondent – CEO, Zilla Panchayat would not possess power to keep a Group-B Officer under suspension and as such, they would pray for an interim order as prayed before the Tribunal.

9. Learned Additional Advocate General Sri.Reuben Jacob would not dispute the creation of Senior PDO as well as prescribing Commissioner, Panchayat Raj as the Appointing Authority in relation to PDO and senior PDO. However, he submits that the CEO is conferred with power to take disciplinary proceedings and to impose penalties in terms of Rule 15(2-A) of the CCA Rules. Learned Additional Advocate General would submit that though Rule 15 deals with provisions regarding lent officers, Sub-Rule (2-A) starts with non-abstante clause empowering the Chief Executive Officer of Zilla Panchayat to act as appointing authority for placing such Government servant under suspension and as Disciplinary Authority for the purpose of taking disciplinary proceedings to impose minor penalties under Rule 8 of CCA Rules. Thus, he would pray for dismissal of the writ petitions.

10. Learned counsel for respondent No.3 in both the writ petitions – Zilla Panchayat would submit that the petitioners are kept under suspension on examining the material and having found prima-facie material for keeping

the petitioners under suspension. Learned counsel for respondent No.3 in both the writ petitions would submit that the respondent – Zilla Panchayat would file statement before the Tribunal and the Tribunal may be directed to hear the parties and decide the main Application itself. Thus, they would pray for dismissal of the writ petitions.

11. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned interim order passed by the Tribunal rejecting prayer of the petitioners to stay the impugned orders of suspension for the following reasons:

It is to be noted that the suspension is not a punishment and a Government servant is kept under suspension only to keep the said Government servant out of mischief zone, so as to collect the material by the Disciplinary Authority to initiate disciplinary proceedings against such Government servant. A perusal of the impugned order of suspension in both the writ petitions, it is seen that the third respondent in exercise of its power

under Rule 10(1)(d) of CCA Rules, kept the petitioners under suspension pending departmental enquiry against the petitioners. Whether the allegations contained in the order of suspension warranted suspension or not is a matter to be decided by the Tribunal on looking into the materials to be placed by both the parties and it is not for this Court at this stage to give a finding as to whether the allegations warranted suspension or not.

12. Learned counsel for the petitioners contended that in view of Government order dated 15.07.2023 prescribing the Commissioner, Panchayat Raj and CEO, Zilla Panchayat as empowered authority to keep the Senior PDO and PDO respectively under suspension and notification dated 13.03.2024 amending II Schedule to the CCA Rules prescribing the Commissioner of Panchayat Raj as Appointing Authority in respect of Senior PDO and PDO, the respondent No.3 – CEO, Zilla Panchayat has no jurisdiction to keep the petitioners under suspension. There is no dispute with regard to amendment and prescribing the Commissioner as Appointing Authority

insofar as Senior PDO and PDO. It is also not in dispute that, under Executive Order dated 15.07.2023, the Government prescribed Commissioner insofar as Senior PDO and CEO in respect of PDO as the authority empowered to suspend. The Executive Order could only supplement the Rules already in place or Rules which is in occupation. The Executive Order cannot run counter or contrary to the existing Rules.

13. Rule 15 of CCA Rules relates to provisions regarding Lent Officers from one department to another department or one authority to another authority or local authority. Rule 15(2-A) of CCA Rules reads as under:

> *"(2-A) Notwithstanding anything contained in these rules, -*
>
> *(i) Government in Rural Development and Panchayat Raj Department in respect of Government servant holding a Group A or B post whose services are lent to the Zilla Panchayat or Taluk Panchayat by an order issued by the Government in Rural Development and Panchayath Raj Department*

under section 155 or 196 of the Karnataka Panchayat Raj Act, 1993;

(ii) the Chief Executive officer of the Zilla Panchayat in respect of. -

(a) a Government servant holding a Group B post excluding the Government servant referred in clause (i) or a Group C or Group D post whose services are lent to the Zilla Panchayat, Taluk Panchayat or Grama Panchayat.

(b) any doctor working in a Primary Health Centre who is a member of the Karnataka Directorate of Health and Family Welfare Service;

shall have the powers of the Appointing Authority for placing such Government servant under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceedings against him and to impose any of penalties specified in clauses (i) to (iv-a) of rule 8 on such Government servant. It shall not be necessary for the Government in Rural Development and Panchayat Raj Department or the Chief Executive Officer of the Zilla Panchayat to get the approval of or to consult the lending authority or the appointing authority as the case may be before placing such Government servant under suspension or imposing on him any of the said penalties."

14. The above said Sub-Rule is inserted by substitution by notification dated 07.03.2002 which has come into effect from 20.03.2002. Sub-Rule (2-A) (ii)(a) makes it clear that a Government servant holding a Group-B post excluding the Government servants mentioned at Clause (i) or Group-C or Group-D post, whose services are lent to the Zilla Panchayat, Taluk Panchayat or Gram Panchayat, the CEO shall have the powers of appointing authority for placing such Government servant under suspension and Disciplinary Authority for the purpose of taking disciplinary proceedings for imposing minor penalties. Sub-Rule (2-A) starts with non-abstante clause. Therefore, notwithstanding anything contained in the CCA Rules, CEO Zilla Panchayat would possess power to keep a Group-B Officer under suspension and he would also possess or empowered to initiate disciplinary proceedings for imposing minor penalties.

15. For the reasons recorded above, we do not find any merit in the writ petitions and accordingly writ petitions stand ***rejected***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

MPK/NC
CT:bms