IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 32292 OF 2026 (S-KSAT)

BETWEEN:

SRI MAHESH KUMAR S JIGANI
S/O LATE SRI.K. P. SIDDAPPA,
AGED ABOUT 52 YEARS,
WORKING AS ZONAL COMMISSIONER,
OFFICE OF THE MYSURU CITY
CORPORATION, MYSURU
R/AT NO.988, UDAY RAVI,
7TH MAIN, 10TH 'A' CROSS,
VIJAYANAGAR 1ST STAGE,
MYSURU - 570 017.

...PETITIONER

(BY SRI. RANGANTHA S JOIS, ADV.)

AND:

1. THE STATE OF KARNATAKA
   REP. BY PRINCIPAL SECRETARY,
   DEPARTMENT OF PERSONNEL
   AND ADMINISTRATIVE REFORMS,
   VIDHANA SOUDHA,
   BENGALURU - 560001.

2. THE PRINCIPAL SECRETARY,
   DEPARTMENT OF URBAN DEVELOPMENT,
   MAHANAGARA PALIKE-2,
   VIKASA SOUDHA,
   BENGALURU - 560001.

3. THE PRINCIPAL SECRETARY,
   DEPARTMENT OF HOME
   (PRISONS AND CINEMA),
   VIDHANA VEEDHI,
   BENGALURU - 560001.

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

4. SMT. VASANTHA KUMARI K P
MUNICIPAL COMMISSIONER GRADE-2
WAITING FOR POSTING,
MYSURU, MAHANAGAR PALIKE-2 SECTION,
MYSORE - 570001.

…RESPONDENTS

(BY SRI. S.C. DESHMUKH, AGA FOR R1-3
SRI NARAYANA, ADV. FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) CALL FOR THE RECORDS RELATING TO THE IMPUGNED ORDER DATED 05/10/2026 PASSED IN APPLICATION NO.4425/2026 BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH, VIDE ANNEXURE-B, PERUSE THE SAME AND SET ASIDE THE SAID IMPUGNED ORDER WITHOUT APPLICATION OF MIND AND NON EXAMINATION OF THE GROUNDS URGED BY THE PETITIONER IN THE APPLICATION, ARBITRARY, ILLEGAL, MALAFIDE, UTTER VIOLATION OF PRINCIPLES OF NATURAL JUSTICE AND VIOLATIVE OF ARTICLE 14 AND 16 OF THE CONSTITUTION OF INDIA AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **16.10.2026** 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)

Petitioner, unsuccessful applicant before the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') is before this Court questioning impugned order dated 05.10.2026 in Application No.4425/2026 rejecting petitioner's prayer to quash notification dated 10.09.2026 repatriating the petitioner's

service to his parent Prisons Department and posting fourth respondent in his place as Zonal Commissioner, Mysuru Mahanagara Palike.

2. Heard learned counsel Sri.Ranganath S. Jois for petitioner, Sri.S.C.Deshmukh learned Additional Government Advocate for respondent Nos.1 to 3 and learned counsel Sri.Narayana, learned counsel for respondent No.4. Perused the entire writ petition papers.

3. Brief facts of the case are that, the petitioner is substantive holder of the post of District Superintendent, Department of Prisons. Under notification dated 05.08.2023 (Annexure-A1), the petitioner was posted to work as Zonal Commissioner (Zone-03), Mysuru Mahanagara Palike, Mysuru against a vacant post. Under notification dated 12.05.2026 (Annexure-A3), Urban Development Department, repatriated the services of the petitioner to his parent Prisons Department. The said notification repatriating the petitioner was the subject matter of Application No.2636/2026 before the Tribunal.

The Tribunal under order dated 13.08.2026 (Annexure-A4) allowed the Application and set aside the repatriation of the petitioner to his parent Department as the repatriation is without the consultation of DPAR. However, rejected the contention of the petitioner that the repatriation is opposed to direction of the Election Commission. Thereafter, under impugned notification dated 10.09.2026 (Annexure-A9), the services of the petitioner was again repatriated to his parent Prisons Department while posting the fourth respondent in his place as Zonal Commissioner, Mysuru Mahanagara Palike. The said notification was the subject matter of Application No.4425/2026. The Tribunal under impugned order dated 05.10.2026 rejected the petitioner's prayer to quash the said notification of repatriation dated 10.09.2026 on the ground that when the fourth respondent service is available, the petitioner has no legal right to stick to the post of Zonal Commissioner, Mysuru Mahanagara Palike. Questioning the impugned order passed by the Tribunal as well as

impugned repatriation notification, the petitioner is before this Court in this writ petition.

4. Learned counsel Sri.Ranganath S. Jois for petitioner vehemently contends that the impugned order passed by the Tribunal is contrary to the material on record as well as he submits that the Tribunal failed to take note of the directions of the Election Commission dated 14.05.2026 (Annexure-A5), whereunder the Chief Secretaries are directed not to transfer officials connected with the exercise of SIR work, without prior approval of the Commission. Further, learned counsel would submit that the Tribunal failed to examine as to whether the repatriation of the petitioner is with the approval of the Election Commission. Moreover, learned counsel for the petitioner would submit that petitioner being KAS Officer, approval of DPAR was necessary before effecting repatriation. Further, learned counsel would submit that the petitioner was entrusted with SIR work and he was the AERO of the Zone. Therefore, without the approval of the Election Commission, the petitioner could not have been

repatriated. Thus, he would pray for allowing the writ petition.

5. Per contra, learned Additional Government Advocate Sri.S.C.Deshmukh would submit that petitioner belongs to Department of Prisons and he is working as District Superintendent of Prisons. Learned Additional Government Advocate would specifically contend that the petitioner is not a KAS Officer. Further, he submits that the petitioner has no right to continue as Zonal Commissioner when fourth respondent Cadre Officer is available. The post of Zonal Officer could be filled up by Deputation of an officer of the KAS (Junior Scale) if no suitable officer is available for promotion. It is submitted that, when the suitable officer is available, the petitioner cannot as a matter of right seek continuation on deputation. Thus, he would pray for dismissal of the writ petition.

6. Learned counsel for the fourth respondent would submit that the fourth respondent is a KMAS Officer. Learned counsel for fourth respondent referring to the

Karnataka Municipal Administrative Service (Cadre and Recruitment) Rules, 2022 (for short, 'Rules, 2022') would submit that the post of Zonal Commissioner could be filled up only by KAS (Junior Scale)/KMAS, Commissioner Grade-II Officers. The petitioner who is working as District Superintendent of Prisons in law is not entitled to hold the post of Zonal Commissioner. 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 of the considered opinion that the petitioner has not made out any ground to interfere with the impugned order passed by the Tribunal, as such, we are not inclined to interfere with the impugned order passed by the Tribunal, for the following reasons:

Admittedly, the petitioner is working as District Superintendent of Prisons in the Department of Prisons. The petitioner is not a KAS (Junior Scale or Senior Scale) Officer as claimed. The petitioner was deputed to work as Zonal Commissioner, Mysuru Mahanagara Palike by

notification dated 05.08.2023 by the DPAR. However, under impugned notification, the Urban Development Department repatriated the services of the petitioner to his parent Prisons Department on posting of the fourth respondent, a KMAS Officer. In Application No.2636/2026 dated 13.08.2026, the Tribunal allowed the petitioner's Application on the ground that petitioner is a KAS (Junior Scale) Officer. However, the material on record makes it clear that the petitioner belongs to Department of Prisons and is working as District Superintendent of Prisons.

8. Rules, 2022 permits filling up of the post of Zonal Commissioner only by KAS (Junior Scale)/KMAS Commissioner Grade-II. The fourth respondent who is a KMAS Officer and the fourth respondent is rightly posted in terms of C and R Rules as Zonal Commissioner repatriating the petitioner to his parent department. When KMAS Officer is posted to work as Zonal Commissioner, the petitioner who is neither a KAS Officer or KMAS Officer has no right to continue as Zonal Commissioner, Mysuru Mahanagara Palike.

9. Learned counsel Sri.Ranganath S. Jois vehemently contended that the petitioner is entrusted with SIR Work by the Mysuru Mahanagara Palike and in that circumstances, the services of the petitioner could not have been repatriated without the prior approval of the Election Commission. The said contention is answered by the Tribunal in earlier round of litigation by the petitioner in Application No.2636/2026 dated 13.08.2026 placing reliance on the decision of this Court in ***W.P.No.38506/2025 (K.N.Rajappa vs. Principal Chief Secretary, Forest and Others)***, observing that it is for the State Government to look for such grievance and it not for the Court since letter is not binding on the authorities. Further, it is observed that on the letter of the Election Commission of India, it is for the competent authority to take decision. There is no error or illegality in the said finding, which is binding on the petitioner. Having suffered the said finding, the petitioner could not have again urged the said contention in the present writ petition. The

Tribunal has recorded its finding at paragraphs 5 and 6 of the impugned order, which reads as follows:

> *"5. The applicant, being aggrieved by the said order, has preferred this application on the ground that, he being a KAS Officer, he is entitled to continue in the present post. However, from the earlier order of the applicant dated 05.08.2023, he has already completed three years of service of deputation in the Mysuru City Corporation, Mysuru, as Zonal Commissioner. In the earlier order at Annexure-A1, the name of the applicant appeared at Sl.No.13, showing that he is a District Superintendent at Mysuru Prison, Mysuru and Sl.Nos.1 to 12 have also been transferred under the same order, who were KAS (Senior Scale) and KAS (Junior Scale) officers. Even though Sl.Nos.1 to 12 are mentioned as KAS officers, there was no endorsement in front of the name of the applicant that he is a KAS Officer. On the other hand, he has been shown as District Superintendent of Mysuru Prison, Mysuru. It reveals that the applicant belongs to the Prison Department and accordingly, he has been repatriated in the impugned order dated 10.09.2026, stating that the applicant is in the cadre of District Superintendent of Mysuru Prison, Mysuru. Accordingly, his services have been repatriated to his parent department, i.e., Home Department.*

6. The facts make it clear that, on an earlier occasion, the applicant's claim was that he is a KAS officer, which was not disputed by the respondents therein. Now also, the applicant claims that he is a KAS Officer and the respondents have denied the cadre of the applicant as a KAS Officer. On the other hand, they have taken up a plea that the applicant is a District Superintendent working in the Prison Department and is not a KAS Officer. The claim set out by the respondents is supported by the averments of Annexures-A1 to A9, as the applicant is not a KAS Officer. However, the 4th respondent is a KAMS Officer working in the Municipal Corporation as Municipal Commissioner Grade-II. As per the Cadre and Recruitment Rules produced by the 4th respondent along with a Memo dated 23.09.2026, at internal page No.17, at item No.3 in Schedule-III, it is mentioned that the Municipal Commissioner Grade-II is to be filled up by promotion from the cadre of Chief Officer Grade-I and the 4th respondent, being a Municipal Commissioner Grade-II as a regular cadre holder of the said post, is eligible to hold that post. As per the proviso to the said rule, if no suitable officer is available for promotion, then only by deputation of an officer of the KAS (Junior Scale) is to be deputed. If the applicant is a KAS Officer, when the 4th respondent, being a cadre holder of the said post, is available, the priority is given to the regular

holder of the cadre and not to a KAS (Junior Scale) Officer. When the cadre officer is very much available and by assigning the said reasons under the impugned order, the 4th respondent has been posted to her cadre post. Therefore, the deputationist has no legal right to stick on to the said post on deputation. On the other hand, he has to give way to the regular holder of the post. Therefore, the application, being devoid of merit, is liable to the dismissed. Accordingly, the same is dismissed."

There is no reason to disagree with the above findings.

10. For the reasons recorded above, there is no merit in the writ petition and accordingly, writ petition stands ***rejected***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NC
CT:bms