

**IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT
BELAGAVI**

DATED THIS THE 15th DAY OF NOVEMBER, 2024

P R E S E N T

HON'BLE Mr. R.B. SATHYANARAYANA SINGH, JUDICIAL MEMBER

&

HON'BLE Mr. T. SUNEEL KUMAR, ADMINISTRATIVE MEMBER

APPLICATION NUMBER: 10908 of 2024

BETWEEN:

Shri. Bharat Hegde,
S/o. Shripati,
Aged about 46 years,
Executive Officer,
Taluk Panchayat, Haveri,
Haveri – 581 110,
District – Haveri,
R/o. C/o. Vishwanatah Patil,
1st Floor, Opp. The Park
Beside Urdu School, Vidya Nagar West,
Haveri – 581 110,
District – Haveri.

...APPLICANT

(Sri. Santosh M Shahapur, Adv. for Applicant.)

AND:

1. The Principal Secretary,
Department of Rural Development and
Panchayat Raj,
M S Building, Ambedkar Veedhi,
Bengaluru – 560 001.
2. The Chief Executive Officer,
Zilla Panchayat,
Haveri – 581 110,

Tq & Dist.-Haveri.

...RESPONDENTS

(Sri. Madanmohan M Khannur, AGA for R1.
Sri. A.A. Pathan, Adv. For R2.)

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This Application is filed under Section 19 of the Administrative Tribunals Act, 1985, with a prayer to quash the impugned premature transfer order dated 29.07.2024 (Annexure-A3) issued by the 1st Respondent, in so far as applicant at Sl. No.6 is concerned.

This Application, coming on for Hearing, having been heard and reserved for pronouncement of orders, this day, the **Mr. T Suneel Kumar Hon'ble Administrative Member**, made the following:

ORDER

The applicant a Group 'A' level Officer has filed this application challenging impugned order dated 29.07.2024 (Annexure-A3) passed by the 1st Respondent on ground of it being premature.

2. The brief facts of the case as pleaded in the application are.-

The applicant belongs to the Department of RDPR presently working as Executive Officer, Taluk panchayat, Haveri in Haveri District. He was posted to the present place on 31.03.2023 (Annexure-A1). Pursuant to the said order reported to the present post on 01.04.2023 (Annexure-A2). As such being the case, the 2nd Respondent passed an impugned premature transfer order on 29.07.2024 (Annexure-A3) transferring the applicant prematurely

from Haveri to Dandeli in Uttar Kannada District. Aggrieved by the same, the applicant is before this Hon'ble Tribunal.

3. The learned Counsel for applicant reiterating the averments made in the application contends that applicant was posted to present place on 01.04.2023 and not completed the prescribed tenure of 2 years and just completed 15 months and has been transferred prematurely in violation of old Transfer Guidelines as well as new transfer Guidelines which prohibit premature transfer normally.

4. The learned Counsel for the applicant has relied upon the decision of the Hon'ble High Court in the following cases.

- i) ***Shri. Shivakumar Vs. State of Kar. & Ors.*** in *W.P. No. 202412/2018 (S-KAT)* dated 23.10.2018.
- ii) ***K.G. Jagadeesha Vs. State of Kar. & Ors.*** in *W.P. No. 48988/2016 (S-KAT)* dated 06.10.2016.
- iii) ***Kanteppa Vs. State of Kar. Ors.*** in *W.P. No. 204826/2019* dated 29.05.2020.
- iv) ***Jayanna H S Vs. State of Kar.*** in *W.P. No. 11937/2022 (S-KAT)* dated 28.06.2022.

5. He further contended that on perusal of the impugned transfer order clearly shows that there is no public interest or the administrative exigencies involved in the transfer and more over the post of applicant is kept vacant and no one posted to the place

of applicant. Hence impugned order is malafide, illegal, arbitrary and as such the same is required to be set aside.

6. The learned AGA appearing on behalf of Respondent state though not filed reply statement but in his oral submission submits that the transfer order is issued in public interest and administrative exigency. Accordingly, he sought for dismissing the application.

7. The learned Counsel appearing on behalf of Respondent No.2 has not filed written statement of objection but orally contended that applicant without obtaining movement order has reported for duty on 01.08.2024.

8. We have perused the averments made in the application as well as the Annexure-A1 to A4. We have considered the oral submission made by the learned Counsel for the applicant and the learned AGA as well as the learned Counsel for Respondent No.2.

9. We have gone through the judgments rendered by the Hon'ble High Court in the cases relied upon by the applicant's Counsel, the Hon'ble High Court held that the Transfer Guidelines have to be adhered while effecting the transfer. Clause 3 of the Transfer Guidelines dated 25.06.2024 mentions that the Competent Authority have to effect the transfers based on the conditions laid in the order as well as in public interest and transparently. Clause

6 of the Transfer Guidelines provides minimum tenure for different categories of Government employees. The tenure fixed for the Group-'A' cadre is 2 years. In the same clause, it is also provided that the administrative department have to obtain the Hon'ble Chief Minister prior approval in reducing the minimum tenure of the Government employees. Clause 7 of the Transfer Guidelines provides for 6 circumstances according to which the tenure of Government servants may be extended or reduced.

10. The applicant has been posted to the present place on 31.03.2023 and he took charge on 01.04.2023. The impugned transfer order dated 29.07.2024 shows that the applicant has not completed the tenure prescribed in the Transfer Guidelines. There is no prior approval of the Hon'ble Chief Minister obtained in transferring the applicant prematurely. It is also not the case of the applicant to effect premature transfer under the circumstances mentioned under Clause 7.

11. In view of the observations made above, we are of the opinion that the applicant has made out a case for our interference. Accordingly, we proceed to pass the following order.-

- i) The application is allowed.
- ii) The impugned order bearing No. ಗ್ರಾಅಪ 143 ಪಬವ 2024 (ಇ) dated 29.07.2024 (Annexure-A3) issued by

the 1st Respondent, in so far as applicant at Sl. No. 6 is concerned, is quashed.

Sd/-
(R.B. SATHYANARAYANA SINGH)
JUDICIAL MEMBER

Sd/-
(T. SUNEEL KUMAR)
ADMINISTRATIVE MEMBER

VSD`