



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 2686 OF 2026 (S-KSAT)

BETWEEN:

SRI. SHASHIDHAR M MADIWALAR
S/O. LATE HANUMANTHAPPA MADIWALAR,
AGED ABOUT 52 YEARS,
WORKING AS ACCOUNTS SUPERINTENDENT,
OFFICE OF THE EXECUTIVE ENGINEER,
MINOR IRRIGATION AND GROUND WATER
DEVELOPMENT DIVISION,
DHARWAD - 580 001.

UNDER AN ORDER OF POSTING AT
VISVESVARAYA JALA NIGAM LIMITED,
CHITRADURGA - 577 501.

R/AT NO.1129/2, DHANASHREE,
BLDG LAST STOP, VINAYAKA COLONY,
SHAUHUNAGAR, BELAGAVI-590 010.

...PETITIONER

(BY SRI. PRITHVEESH M. K., ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEVELOPMENT,
VIKASA SOUDHA,
BANGALORE - 560 001.
2. THE CHIEF ENGINEER,
WATER RESOURCES DEPARTMENT,





ANAND RAO CIRCLE,
BANGALORE - 560 009.

3. SRI. B. SHASHIDHAR,
AGED MAJOR,
WORKING AS ACCOUNTS SUPERINTENDENT,
OFFICE OF THE CHIEF ACCOUNTS OFFICER,
VISVESVARAYA JALA NIGAM LIMITED,
CHITRADURGA - 577 501.

UNDER AN ORDER OF POSTING AT
OFFICE OF THE EXECUTIVE ENGINEER,
MINOR IRRIGATION AND GROUND WATER
DEVELOPMENT DIVISION,
DHARWAD - 580 001.

...RESPONDENTS

(BY SRI. PRAKASH PATIL, ADV. FOR R3
SRI K.R. RAJENDRA, AGA FOR R1 & R2)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO I) CALL FOR RECORDS
PERTAINING TO THE IMPUGNED ORDER DATED 08.01.2026 PASSED
IN APPLICATION NO.3086/2025 BY THE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL (ANNEXURE-A) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN
'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

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

The petitioner, an unsuccessful applicant before the
Karnataka State Administrative Tribunal at Bengaluru (for
short "Tribunal") is before this Court, assailing the order
dated 08.01.2026 in Application No.3086/2025



whereunder the petitioner's challenge to transfer O.M. dated 30.06.2025 insofar as petitioner and respondent No.3 are concerned is rejected.

2. Heard Sri.M.K.Prithiveesh, learned counsel for petitioner, Sri.K.R.Rajendra, learned AGA for respondents No.1 and 2 and learned counsel Sri. Prakash Patil, learned counsel for respondent No.3. Perused the entire writ petition papers.

3. Learned counsel for the petitioner would submit that the petitioner is working as Accounts Superintendent which is a Group-C post whereas respondent No.3 is working as Audit Officer which is a Group-B post. Learned counsel for the petitioner would submit that under the impugned transfer O.M. dated 30.06.2025 (Annexure-A3), respondent No.3 is posted in his place and petitioner is posted to the place of respondent No.3. The Tribunal under impugned order dismissed the application holding that the petitioner belongs to Public Works Department



and has completed his deputation period. Hence, dismissed the application.

4. Learned counsel Sri.Prithveesh would submit that the Tribunal is not justified in coming to the conclusion that the petitioner belongs to Public Works Department whereas the petitioner belongs to Water Resources Department. In that regard, he places reliance on the appointment order of the petitioner on compassionate grounds dated 16.06.2000. Further, learned counsel for the petitioner would submit that transfer of the petitioner and posting respondent No.3 is premature as the petitioner had not completed his tenure at Dharwad as he was posted to work at Dharwad by notification dated 29.07.2022 (Annexure-A1). Lastly, learned counsel for the petitioner would submit that the respondent No.3 that a higher grade officer i.e., Audit Officer could not have been posted in the place of petitioner who is working as Accounts Superintendent. Thus, he would pray for allowing the writ petition.



5. Per contra, Sri.Prakash Patil, learned counsel for respondent No.3 would contend that the petitioner is on deputation for more than 9 years and as he has completed his deputation period and is liable for repatriation, as such, he has no right to continue in the Water Resources Department. Further, learned counsel would submit that the post of Accounts Superintendent and Audit Officer are equivalent post. Hence, respondent No.3 is posted in place of petitioner and prays for dismissal of the writ petition.

6. The question as to whether the petitioner belongs to irrigation or Public Works Department is left open as we do not proposed to go into that question, since it requires material particulars and it is for the Government to decide, particularly in view of the fact that subsequent to petitioner's appointment in the year 2000, the Department has been bifurcated and the Engineers and Staff working in Public Works Department, Water Resources Department



and Panchayat Raj Department are provided option to chose their department.

7. It is an admitted fact and it is a matter of record that petitioner is working as an Account Superintendent and respondent No.3 is working in the cadre of Audit Officer. The post of Accounts Superintendent is Group - C post whereas, the post of Audit Officer is Group - B Gazetted post. A person in higher post could not have been posted to work in a lower cadre i.e., Account Superintendent. A transfer or posting could be of officers of equivalent cadre. Therefore, only on this ground, we find that posting of respondent No.3 in place of respondent is wholly illegal and the respondents could not have posted respondent No.3, who is holder of the post of Audit Officer to work as Account Superintendent in place of the petitioner.

8. The petitioner is admittedly working as Account Superintendent and is working in the Minor Irrigation and Ground Water Development Division, Dharwad. According



to the learned counsel for the petitioner, the petitioner is posted to Dharwad under notification dated 29.07.2024. However, the same is disputed by respondent No.3 and he submits that respondent is working for more than 5 years in Dharwad. Therefore, liberty is reserved to the respondents to examine the tenure of the petitioner and to take a decision whether to continue the petitioner at Dharwad or to transfer to a different place.

9. As respondent No.3 could not have been posted to the place of petitioner as Accounts Officer, we deem it appropriate to quash the transfer OM dated 13.05.2025 in so far as posting respondent No.3 in place of petitioner is concerned. Hence, the following:-

ORDER

The writ petition is ***allowed-in-part.***

The order of the Tribunal is modified and O.M. bearing No.ಜಸಂಇ/ಇಎಸ್‌ಜಿ/ಲೆಕ್ಕಾಭೀಕ್ಷಕರು/ವರ್ಗಾ/2025 dated 30.06.2025



(Annexure - A3) is quashed in so far as posting of respondent No.3 in place of the petitioner.

The respondents are directed to examine the tenure of the petitioner and it is for the respondents to retain or transfer the petitioner in the administrative exigency. Till such time the petitioner shall continue in the present post.

Time for compliance four weeks from today.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(DR.K.MANMADHA RAO)
JUDGE