



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 4193 OF 2026 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
CHIKKAMAGALURU DISTRICT,
CHIKKAMAGALURU-577101.
3. THE TAHSILDAR,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT-577132.

...PETITIONERS

(BY SRI. V SHIVAREEDY, AGA)

Digitally signed by
NANTUN DACHARI
Location: HIGH
COURT OF
KARNATAKA

AND:

SRI.K.A. LAKSHMANA,
S/O LATE ANDANALAH,
AGED ABOUT 42 YEARS,
WORKING AS REVENUE INSPECTOR,
GONIBEEDU HOBLI,
CHIKKAMAGALURU DISTRICT,
RESIDING AT GONIBEEDU,
CHIKKAMAGALURU DISTRICT-577132.

...RESPONDENT

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR THE



RECORDS; B) ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION TO QUASH THE ORDER DATED 28/09/2022 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION NO.2795/2022 C/W APPLICATION NO.2676/2022 AND CTA NO.367/2025 AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

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

Petitioners – State Authorities are before this Court under Article 226 of the Constitution of India, questioning the order dated 28.09.2022 in Application No. 2795/2022 c/w Application No.2676/2022, wherein the Tribunal passed the following order:

"ORDER

(i) The order in A.No.2676/2022 bearing No.EST(2) Cr:74/2019-20 dated 17.06.2022 issued by 2nd respondent (Annexure-A7 (so far as applicant is concerned) is set aside and further directing to consider the applicant for regular promotion as per O.M.dated 17.06.2022 (Annexure-A8) and the order bearing No.E-RD 141 BSI 2022 dated 29.06.2022 issued by 1st respondent (Annexure-A5) (only in so far it



relates to posting of 4th respondent (Sl.No.26) to the place of applicant is concerned in A.No.2795/2022 are set aside holding that applicant is entitled for all benefit and to continue him as Revenue Inspector."

2. Heard Sri. Shiva Reddy, learned AGA for petitioners and perused entire writ petition papers at the stage of orders.

3. Learned AGA would submit that the Tribunal committed an error in directing the petitioners to consider the case of the respondent for promotion to the cadre of Revenue Inspector from the date his juniors are promoted under Official Memorandum dated 17.06.2022. Since on this date, sanction has been accorded for prosecution of the respondent as well as one enquiry is at the stage of passing final order/s on submission of enquiry report.

4. Learned AGA would submit that as the proceedings against the respondent as stated above is pending, the respondent would not be entitled for regular promotion from the date his juniors are promoted.



Learned AGA further submits that as on the date of DPC i.e., 06.06.2022, the order of penalty was operating against the respondent which was under challenge before the Tribunal. The Tribunal set aside the order of penalty by order dated 06.09.2022 and thereafter the State has granted permission for prosecution against the respondent and one enquiry against the respondent is at the stage of final order/conclusion. As such it is submitted that the respondent is not entitled for promotion as on this date.

5. Having heard the learned AGA for petitioners and having perused the writ petition papers, we are not inclined to interfere with order passed by the Tribunal directing to consider the case of the respondent for regular promotion from the date on which respondent's juniors are promoted, i.e., Official Memorandum dated 17.06.2022.

6. Admittedly, DPC for regular promotion to the cadre of Revenue Inspector was held on 06.06.2022 and the juniors of the respondent are promoted by Official Memorandum dated 17.06.2022 (Annexure-A8), while



following sealed cover procedure in respect of respondent. In view of the penalty operating against respondent, sealed cover procedure insofar as respondent was followed. However, the said penalty was the subject matter of application before the Tribunal in Application No.4540/2021. The said application was allowed by order dated 06.09.2022 quashing the order of penalty. Thereafter the respondent approached the Tribunal. Among other prayers, seeking direction to promote him to next higher cadre of Revenue Inspector from the date on which his juniors were promoted. Under impugned order, the prayer of the respondent was allowed with the above extracted directions by the Tribunal.

7. Learned AGA contended that as on this date, by Government Order dated 11.03.2023 prosecution permission has been granted against respondent and also that in a concluded enquiry final order is yet to be passed. Hence the respondent would not be entitled for consideration of his case for promotion from the date his



juniors are promoted. The said contention is untenable as subsequent events cannot be taken note of while giving effect to sealed cover procedure followed in a DPC meeting held earlier i.e., on 06.06.2022. As on the date of DPC i.e., on 06.06.2022 penalty was operating against respondent and said penalty order was quashed by order dated 06.09.2022 in Application No.4541/2022 in favour of the respondent. In view of quashing of the penalty against the respondent, there was no impediment for the petitioners to give effect to the decision contained in sealed cover procedure followed in the DPC meeting held on 06.06.2022. Subsequent developments or initiation of enquiry cannot be a reason to deny giving effect to the decision of DPC kept in a sealed cover.

8. The Hon'ble Apex Court in the case of ***Delhi Jal Board vs Mahinder Singh***, reported in ***2000 (7) SCC 210***, has categorically made it clear that subsequent initiation of enquiry cannot be a ground to deny giving effect to the decision contained in a sealed cover followed in a DPC



held earlier to the initiation of subsequent enquiry. The relevant extract of the judgment of the Hon'ble Apex Court in ***Delhi Jal Board*** (supra) is reproduced hereunder:

"5. The right to be considered by the Departmental Promotion Committee is a fundamental right guaranteed under Article 16 of the Constitution of India, provided a person is eligible and is in the zone of consideration. The sealed cover procedure permits the question of his promotion to be kept in abeyance till the result of any pending disciplinary inquiry. But the findings of the disciplinary inquiry exonerating the officer would have to be given effect to as they obviously relate back to the date on which the charges are framed. If the disciplinary inquiry ended in his favour, it is as if the officer had not been subjected to any disciplinary inquiry. The sealed cover procedure was envisaged under the rules to give benefit of any assessment made by the Departmental Promotion Committee in favour of such an officer, if he had been found fit for promotion and if he was later exonerated in the disciplinary inquiry which was pending at the time when DPC met. The mere fact that by the time the disciplinary proceedings in the first



inquiry ended in his favour and by the time the sealed cover was opened to give effect to it, another departmental enquiry was started by the Department, would not, in our view, come in the way of giving him the benefit of the assessment by the first Departmental Promotion Committee in his favour in the anterior selection. There is, therefore, no question of referring the matter to a larger Bench."

9. The impugned order passed by the Tribunal is dated 28.09.2022 whereas, the writ petition is filed on 04.02.2026, i.e., after nearly three and half years. No explanation is forthcoming in the entire writ petition. It appears that the respondent filed Contempt of Tribunal Application in CTA No.367/2025 (Annexure-A) alleging non-compliance and in the said contempt proceedings, Tribunal issued notice directing personal appearance of the first petitioner. Thereafter the present writ petition is filed. There is no *bona fide* in the writ petition. Though there is no limitation prescribed for filing of writ petition, if the State is aggrieved, it ought to have approached this Court within a reasonable time and not after issuance of



notice for personal appearance in the contempt proceedings before the Tribunal.

In that view of the matter, writ petition lacks *bona fides*. There is no merit in the writ petition and accordingly, writ petition stands **rejected** with a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) payable by the petitioners to the Karnataka State Legal Services Authority, Bengaluru, within a period of 15 days from today.

On failure to pay the cost, list this matter on **17.04.2026**.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

BSV
CT:bms
List No.: 2 Sl No.: 3