



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. 7619 OF 2026 (S-KSAT)

BETWEEN:

1. SRI BASAVARAJ YALWAR,
S/O MALLIKARJUN YALWAR,
AGED ABOUT 30 YEARS,
HOSTEL WARDEN,
SOCIAL WELFARE DEPARTMENT,
(UNDER ORDERS OF SUSPENSION),
GOVERNMENT PROFESSIONAL
BOYS HOSTEL, BENGALURU ROAD,
CHIKKABALLAPURA,
R/AT DIVINE CITY LAYOUT,
GOURIBIDANUR ROAD,
CHIKKABALLAPURA,
CHIKKABALLAPURA DISTRICT-562 101

...PETITIONER

(BY SRI VIJAYA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
SOCIAL WELFARE DEPARTMENT,
PRINCIPAL SECRETARY,
M.S.BUILDING, BENGALURU-560 001.
2. THE COMMISSIONER AND
DISCIPLINARY AUTHORITY,
SOCIAL WELFARE DEPARTMENT,
NRUPATHUNGA ROAD,
BENGALURU-560 001.





3. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT.
CHIKKABALLAPURA-562 101,
CHIKKABALLAPURA DISTRICT
4. THE DEPUTY DIRECTOR,
SOCIAL WELFARE DEPARTMENT,
CHIKKABALLAPURA DISTRICT-562 101,
CHIKKABALLAPURA TALUK.

...RESPONDENTS

(BY SRI REUBEN JACOB, AAG A/W
SRI V. SHIVAREDDY, AGA FOR R1, R2 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 12/11/2025 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU, IN APPLICATION No.1353/2025 VIDE ANNEXURE-A AND ALLOW THE APPLICATION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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)

The petitioner who is under deemed suspension is before this Court questioning the order dated 12.11.2025 in Application No.1353/2025 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short 'Tribunal'), whereunder the petitioner's challenge to the order of suspension dated 28.02.2024 (Annexure-A3) is rejected.



2. Heard Sri Vijaya Kumar, learned counsel for the petitioner and Sri Reuben Jacob, learned Additional Advocate General along with Sri V. Shivareddy, learned Additional Government Advocate for respondent Nos.1, 2 and 4 and perused the writ petition papers.

3. Sri Vijaya Kumar, learned counsel for the petitioner, would submit that the petitioner was placed under suspension by order dated 28.02.2024 (Annexure-A3) under Rule 10(2)(a) of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 (for short 'KCS (CCA) Rules') as he was in custody for more than 48 hours. It is submitted that the petitioner was released on bail on 30.09.2024 and thereafter, the Articles of Charge was issued on 26.12.2024. It is also submitted that much thereafter by order dated 08.09.2025, the suspension was extended during the pendency of enquiry.

3.1 Learned counsel for the petitioner would contend that in terms of Rule 10(5)(b) of the KCS (CCA) Rules, as the Articles of Charge was not issued within six months, he is deemed to be reinstated into government service and to that effect, the



authorities ought to have passed an order revoking the order of suspension.

3.2 Learned counsel for the petitioner would submit that the Articles of Charge is issued beyond six months i.e. on 26.12.2024 and the order of suspension is dated 08.09.2025. Both the actions are contrary to Rule 10(5) the KCS (CCA) Rules. Thus, he would pray for allowing the writ petition and to direct reinstatement of the petitioner into the service.

4. *Per contra*, Sri Reuben Jacob, learned Additional Advocate General along with Sri V. Shivareddy, learned Additional Government Advocate for respondent Nos.1, 2 and 4, would submit that the petitioner was continued in custody beyond six months. Hence, Rule 10(5)(b) of the KCS (CCA) Rules has no application to the facts of the present case. Learned Additional Advocate General would submit that in the normal circumstances if a charge memo is not issued within six months from the date of suspension, the suspension shall be deemed to have been revoked if the order of suspension has not been extended. Further, he submits that the State in the instant case extended the suspension of the petitioner by a separate



order dated 08.09.2025 and the said order is not under challenge. Therefore, he prays for dismissal of the writ petition.

5. Having heard learned counsel for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the order passed by the Tribunal.

6. Admittedly, the petitioner was kept under suspension under Rule 10(2) of the KCS (CCA) Rules by order dated 28.02.2024, since the petitioner was in custody for more than 48 hours. The petitioner was released on bail on 30.09.2024. The petitioner was in custody for more than six months. Rule 10(5)(b) of the KCS (CCA) Rules would state that, against a delinquent government servant, if charge sheet memo is not issued within six months from the date of suspension, the competent authority shall decide whether to revoke the suspension of such government servant and unless decided or ordered for continuation within the said period, the suspension shall be deemed to have been revoked on completion of period of six months from the date of suspension and the authority shall pass an order of revocation of suspension. However, in



the instant case, the petitioner continued in custody beyond six months and upon his release on bail, charge sheet was issued on 26.12.2024. Therefore, in the peculiar facts of the present case, Rule 10(5)(b) of the KCS (CCA) Rules would have no application. Moreover, the order dated 08.09.2025 by which the order of suspension is extended is not under challenge.

7. For the reasons recorded above, we do not find any merit in the writ petition and accordingly, writ petition stands ***rejected***.

Pending I.As, if any, stands disposed of.

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

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

MV
List No.: 2 Sl No.: 17