



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 8060 OF 2026 (S-TR)

BETWEEN:

SRI. IRFAN ALI MD.
S/O CHAND BASHA MD.
AGED ABOUT 35 YEARS,
WORKING AS ASSISTANT ENGINEER,
R/A: MFAs ENCLAVE,
BESIDE OMEGA ASTER APARTMENT,
CHOKKANAHALLI,
BANGALORE – 560 064

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SMT. SIRI RAJASHEKAR, ADVOCATE)

AND:

1. KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED
REPT. BY ITS MANAGING DIRECTOR,
CORPORATE OFFICE, INDHAN BHAVAN,
RACE COURSE ROAD,
BANGALORE – 560 009
2. THE DIRECTOR
(ADMINISTRATION AND HUMAN RESOURCES), KARNATAKA
POWER TRANSMISSION,
CORPORATION LTD., CORPORATE OFFICE,
INDHAN BHAVAN RACE COURSE ROAD,
BANGALORE – 560 009
3. BESCOM
REPT. BY ITS MANAGING DIRECTOR,
CORPORATE OFFICE, INDHAN BHAVAN
RACE COURSE ROAD,
BANGALORE – 560 009





4. THE GENERAL MANAGER (A AND HR)
BESCOM CORPORATE OFFICE,
K.R. CIRCLE, BANGALORE – 560 001
5. DIWAKAR K.M
S/O NOT KNOWN
AGED ABOUT NOT KNOWN
PRESENTLY WORKING AT
VIJAY BANK LAYOUT, UNIT 2,
O & M, SUB DIVISON S-19, BESCOM,
BANGALORE

...RESPONDENTS

(BY SMT. RAKSHITHA D. J., ADVOCATE FOR R1 TO R4;
SRI. VIJAYA KUMAR V.B., ADVOCATE FOR C/R5)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED TRANSFER ORDER DATED 05.03.2026 ISSUED BY THE 2ND RESPONDENT POSTING THE 5TH RESPONDENT TO THE PLACE OF PETITIONER REG: KAVPRANINI/00PRAVA@/VYA(C1)/B59/03/2026 VIDE ANNEXURE-A AND FURTHER QUASH THE CONSEQUENTIAL RE-POSTING ORDER DATED 07.03.2026 VIDE ANNEXURE-A1 REG. KAVPRANINI/B59/46341/2023-24 ISSUED BY THE 4TH RESPONDENT IN VIOLATION OF TRANSFER GUIDELINE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs:

“Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing the impugned transfer order dated 05.03.2026 issued by the 2nd respondent posting the 5th Respondent to the place of petitioner vide Annexure-A; and further quash the consequential re-posting order dated 7.3.2026 vide Annexure-A1 issued by the 4th Respondent in



violation of transfer guideline; and pass such other order or direction as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."

2. Heard learned counsel for the petitioner and learned counsel for respondent Nos.1 to 4 and respondent No.5 respectively, and perused the material on record.

3. Learned Senior counsel for the petitioner invited my attention to the impugned order at Annexure-A dated 05.03.2026 issued by respondent Nos.1 and 2 and the consequential re-posting order dated 07.03.2026 at Annexure-A1 passed by respondent Nos.3 and 4 – BESCO, whereby respondent No.5 has been transferred to the place/post of the petitioner by incorrectly/erroneously showing the same as vacant and without providing a place of posting for the petitioner, which is contrary to the judgment of the Hon'ble Division Bench of this Court in the case of ***Sri. K. Arun Kumar Vs. The State of Karnataka and others – W.P.No.35777/2025 dated 30.01.2026.*** It is therefore submitted that on this short ground alone the impugned order deserves to be quashed. He would also invite my attention to the impugned transfer order of the petitioner at Annexure D at Sl.No.3,



whereby he would also point out that vide Annexure-A dated 05.03.2026, the petitioner has been called upon to report at the corporate office of the respondent Nos.1 and 2, which is contrary to the judgment of the Division Bench in ***Arun Kumar's case (supra)***.

4. Per contra, learned counsel for the respondents submits that there is no merit in the petition and that the same is liable to be dismissed.

5. In ***Arun Kumar's case (supra)***, the Hon'ble Division Bench held as under.

"Questioning the correctness and legality of order dated 21.04.2025 in Application No.461/2025 passed by the Karnataka State Administrative Tribunal, Bengaluru, (for short 'Tribunal'), the petitioner is before this Court. Under impugned order, the petitioner's prayer to quash the Notification dated 29.01.2025 posting fourth respondent in his place without providing any posting is rejected.

2. *The brief facts of the case are that:*

The petitioner was working as Deputy Commissioner of Excise, Belagavi North District, Chikkodi, in pursuance to Notification dated 29.12.2022 (Annexure-Assessing Authority). Under Notification dated 29.01.2025, the fourth respondent was posted in the place of petitioner as Deputy



Commissioner of Excise, Belagavi North District, Chikkodi and petitioner was directed to report before the competent authority. Accordingly, it is stated that petitioner reported before the competent authority i.e., Government on 07.02.2025. Questioning the said Notification dated 29.01.2025, posting fourth respondent in his place, the petitioner approached the Tribunal in the above said Application No.461/2025. The Tribunal under impugned order, rejected the petitioner's application holding that petitioner has completed his tenure at Belagavi North District, Chikkodi and further with an observation that when the petitioner has reported before the competent authority, the impugned order has been implemented and it is impermissible for the Tribunal to modify the implemented order. Questioning the said order of the Tribunal as well as the Notification posting fourth respondent in his place at Belagavi North Taluk, Chikkodi, the petitioner is before this Court in the present writ petition.

3. *Heard Sri. Mali Ramachandra Appasaheb, learned counsel for the petitioner, Sri Shashikiran Shetty learned Advocate General along with Smt. Prathima Honnapura, learned Additional Advocate General and Sri.Vikas Rojipura, learned AGA for respondent Nos. 1 to 3. Notice to respondent No.4 was deferred vide Court order dated 04.01.2025. Perused the entire petition papers.*

4. *Learned counsel for the petitioner at the outset submitted that for the last nearly one year, the petitioner is not provided with any posting. It is submitted that the*



respondent No.4 was posted in the place of petitioner without providing any posting to the petitioner. It is stated that the petitioner reported before the State Government on 07.02.2025 and since then, the petitioner is not provided posting. Learned counsel for the petitioner submits that petitioner would be satisfied if a posting is given to him. He also points out that the petitioner's alternate prayer is only to direct respondents to provide posting to the petitioner.

5. *Taking note of the above submission of the learned counsel for the petitioner and alternative prayer of the petitioner, this Court by order dated 08.01.2026 directed the respondents to provide posting to the petitioner by 13.01.2026. On 13.01.2026, learned AGA produced Government Notification bearing No.AE.12.EPS.2026 dated 12.01.2026 providing posting to the petitioner as Deputy Commissioner of Excise, Head Office, Bengaluru. On 13.01.2026, this Court directed the first respondent – Principal Secretary, Finance Department (Excise) to file an affidavit explaining the reasons for not providing posting to the petitioner for nearly one year and also to indicate in the affidavit the officers who are responsible for providing posting to officers who have not been provided posting. Mr. Ritish Kumar Singh, Additional Chief Secretary to Government Finance Department, filed an affidavit dated 19.01.2026 and Paragraph No. 2 therein reads as follows:*

"2. The present Affidavit is being filed in compliance with the direction of the Hon'ble Court by order, Dated 13.01.2026, to the first respondent – Principal Secretary to furnish information, by way of affidavit.

The post of Deputy Commissioner-II, Central Office, Bengaluru has been vacant since



04.11.2025. There are total 04 Group A officers and 20 Group 'C' officials awaiting posting for more than a month as on 13.01.2026. The list of the Group-A officers awaiting posting for more than one month is enclosed herewith and marked as AnenxureR1.

Further after approval of the Hon'ble Chief Minister postings have been given to the said 04 Group 'A' officers vide Notification No.FD 13 EPS 2026, Dated 14.01.2026 and No. FD 176 EPX 2025 (Part-1), Dated:19.01.2026 (Annexure-R2). As per the rules in force the postings of group 'C' officers who attend the transfer counseling and chose the places of their choice. But 19 could not join their designated place of posting due to various pending litigations. Further as per The Karnataka Civil Services (Excise Department Officers/Officials) Rules, 2025 posting of Group-A is to be issued by the Government with the approval of Hon'ble Excise Minister and Hon'ble Chief Minister. The postings of the Group-B, C and D can be made by the Commissioner of Excise. However, any transfer being made outside general transfer period requires approval of the Hon'ble Chief Minister. The list of Officials is enclosed herewith and marked as Anenxure-R3."

The above said affidavit filed was not in terms of the direction issued by this Court. Therefore, the Additional Chief Secretary was directed to file another affidavit in terms of order dated 13.01.2026. Accordingly, affidavit dated 22.01.2026 of Mr. Ritish Kumar Singh, Additional Chief Secretary to Government Finance Department came to be filed. Paragraph Nos.3(a) to 3(k) read as follows:

"3. I respectfully submit that the delay in giving posting to the petitioner was not deliberate, but, due to administrative reasons, which are as follows:



a) After the petitioner was displaced by the 4th Respondent, by Notification, dated 29.01.2025 (Annexure-A8), and he reported to the competent authority on 07.02.2025;

b) Immediately, thereafter on 17.02.2025, the File No.53 EPS 2025 of the petitioner, was forwarded to the Office of the Chief Minister through the Excise Minister for approval, with a list of the available vacancies.

c) Once again, the File No.65 EPS 2025 of the petitioner, with available vacancies, was forwarded on 12.03.2025 to the Office of the Excise Minister and the said file was forwarded on 11.04.2025 from the Office of the Excise Minister to the Chief Minister for approval and Chief Minister approved on 19.05.2025 and returned back the file with the remark that it should be decided by the Excise Minister.

d) In view of the Excise Department's General Transfer Guidelines 2025-26, which provided that the Excise Minister has the power to transfer, the File No.65 EPS 2025 of the petitioner, was returned to the Office of the Excise Minister, from the Office of the Chief Minister on 19.05.2025 for appropriate decision on posting of the Petitioner by the Excise Minister. The guidelines is produced herewith as Annexure-R1.

e) Although the Petitioner's File No.AaE 176 EPS 2025, which was approved by the Excise Minister for posting him as Deputy Commissioner of on 31.07.2025, since the Excise, Bellari, Petitioner was under suspension by Order dated 14.11.2024 (which had been stayed by the Hon'ble KSAT on 25.11.2024 in Application No.13377/2024), the said File No.AaE 176 EPS 2025 was re-submitted to the Excise Minister for revising of his posting to a nonexecutive post as per the



Karnataka Civil Services (Excise Department Officers and Officials Transfer) Rules, 2025.

f) By 31.07.2025, the power of Excise Minister to approve the transfer under Karnataka Civil Services (Excise Department Officers and Officials Transfer) Rules, 2025 came to an end. Hence, file No.176 EPS 2025 was once again re-submitted to the Office of the Chief Minister on 02.09.2025 through the Office of the Excise Minister.

g) Thereafter, on 28.10.2025, once again approval was given by the Chief Minister for posting of the Petitioner to the executive post of Deputy Commissioner, Bellary. Therefore, again, on 11.11.2025, a proposal was sent by File No.176 EPS 2025 to the Office of the Chief Minister for revising the posting to a non-executive post.

h) In the meantime, on 19.12.2025, the Hon'ble KSAT in A. No.13377/2024, quashed the order of suspension of the Petitioner, dated 14.11.2024, with liberty to the Disciplinary Authority to proceed and conclude the enquiry within six months.

i) When the present Writ Petition came up for hearing before this Hon'ble Court on 04.12.2025, this Hon'ble Court was pleased to grant time till 11.12.2025 to the official respondents to clarify on the time required to give posting to the petitioner. However, due to the commencement of the Winter Session of the State Legislature on 08.12.2025, in Belagavi, there was delay in taking a decision regarding the posting of the petitioner to a non executive post.

j) The matter was next posted before the Hon'ble Court on 08.01.2026, time was granted



time till 13.01.2026 to provide posting to the petitioner.

k) On 12.01.2025, posting was given to the petitioner to the non-executive post of Deputy Commissioner of Excise-2, Central Office, Bengaluru, and the same was furnished to the Hon'ble Court along with the Memo, dated 13.01.2026. The petitioner has reported to the post on 16.01.2026."

From the reading of the above, it is clear that though there was vacancy of the Deputy Commissioner of Excise, the Government took its own time to take decision to give posting and only on direction of this Court, posting was given to the petitioner under Notification dated 12.01.2026.

6. *When an officer is transferred without providing any posting asking him to report before the competent authority, making him to wait for posting months together or years together would lead to payment of salary to such Government servant without extracting any work from him. Transfer without providing any posting would result in compulsory waiting and the Government shall have to pay salary to such official for sitting at home without any work. This amounts to irresponsible utilization of public money and mismanagement of tax payers money. To avoid such circumstances, the Government shall not transfer an officer/official without providing posting and even if transfer is effected without providing posting, such officer shall not be relieved until he is provided with a posting.*



7. *In an identical fact situation, this Court in **MISS. SEEMA vs. STATE OF KARNATAKA DEPARTMENT OF FOREST, ENVIRONMENT AND ECOLOGY AND OTHERS, 2016 SCC OnLine Kar 8202**, has deprecated the practice of lifting an officer from one post without providing posting. This Court has also observed that such practice of lifting an officer without providing posting would keep such an officer in lurch about his next posting.*

8. *In the above circumstances, the following:-*

ORDER

- i) *The writ petition stands disposed of.*
- ii) *The respondents – State shall not transfer an officer/official without providing a posting to him on his transfer.*
- iii) *Directing a transferred officer/official to report before competent authority would not amount to providing posting.*
- iv) *If the State transfers an officer/official without providing any posting to him, then such officer/official who is not provided posting shall not be relieved of his duties in the previous post until he is provided with posting.*
- v) *If an officer/official is transferred without providing him posting and if he is relieved from his previous post, until he is given next posting, salary and allowances paid to such Government servant during his compulsory waiting period, shall be recovered from*



the officer who is vested with the power to effect such transfer, i.e., the Secretary to Government or Head of the Department or any other officer as the case may be, forthwith.

- vi) *Registry is directed to forward copy of this order to the Chief Secretary, State of Karnataka for circulation among the Secretaries and the Heads of Department."*

6. In the instant case, a perusal of Annexures-A and A1 will indicate that apart from the fact that the respondent No.5 is sought to be transferred to the place/post of the petitioner by incorrectly/erroneously showing it to be vacant, the impugned order at Annexure-A directs the petitioner to report to Head Office of respondent Nos.1 and 2, without providing him with any posting or place of posting is contrary to the principles laid down in **Arun Kumar's case (supra)**.

7. Under these circumstances though several other contentions are urged by the petitioner and respondents, without expressing any opinion on the merits/demerits of the rival contentions, I deem it just and appropriate to quash the impugned transfer orders and reposting orders passed by respondent Nos.1 and 2 and respondent Nos.3 and 4, respectively, by leaving open all other contentions.



8. In the result, I pass the following:

ORDER

(i) The petition is allowed.

(ii) The impugned order at Annexure-A dated 05.03.2026 passed by respondent Nos.1 and 2 and the consequential reposting order at Annexure-A1 dated 07.03.2026 passed by respondent Nos.3 to 4 are hereby quashed, in the light of the principles laid down by the Hon'ble Division Bench of this Court in the case of ***Arun Kumar (supra)*** and the fact that the place/post of the petitioner has been erroneously/incorrectly shown as a vacant post and since no posting was given to the petitioner, as held in ***Arun Kumar's case (supra)***.

(iii) All other rival contentions on all other aspects of the matter are kept/left open and no opinion is expressed on the merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE