



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 2<sup>ND</sup> DAY OF FEBRUARY 2026**

**BEFORE**

**THE HON'BLE MRS JUSTICE K.S.HEMALEKHA**

**WRIT PETITION NO. 109347 OF 2025 (S-RES)**

**BETWEEN:**

SRI. BASAVARAJ  
S/O. PUNDALIKAPPA NIRUGI,  
AGED ABOUT 59 YEARS,  
WORKING AS REVENUE OFFICER,  
CITY MUNICIPAL COUNCIL,  
BAGALKOT, DIST: BAGALKOTE.

...PETITIONER

(BY SRI. SRUNIL S.DESAI, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF REVENUE,  
M.S. BUILDING,  
VIKAS SOUDHA,  
BENGALURU-560001.
2. THE DIRECTOR,  
DIRECTORATE OF MUNICIPAL  
ADMINISTRATION, 9<sup>TH</sup> FLOOR,  
DR. B. R. AMBEDKAR VEEDHI,  
SIR M VISHWESHWARAIHA TOWER,  
BENGALURU-560001.





3. THE DEPUTY COMMISSIONER,  
BAGALKOTE,  
DIST: BAGALKOTE-582101.
4. THE COMMISSIONER,  
CITY MUNICIPAL COUNCIL,  
BAGALKOTE,  
DIST: BAGALKOTE-582101.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R3;  
SRI. VISHWANATH V.BADIGER, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RELEVANT RECORDS AND TO ISSUE, A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO RELEASE THE SALARY OF THE PETITIONER FOR A PERIOD OF 11 MONTHS, IN THE INTEREST OF JUSTICE AND EQUITY; ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO PERMIT HIM TO DISCHARGE HIS DUTIES IN THE OFFICE OF 4<sup>TH</sup> RESPONDENT, IN THE ENDS OF JUSTICE AND EQUITY AND ETC.

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

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



**ORAL ORDER**

The petitioner has approached this Court seeking a writ of mandamus directing the respondents i) to release his salary for a period of 11 months and ii) permit him to discharge his duties in the office of the respondent No.4.

2. **Brief facts;**

The petitioner was initially appointed as an Attender in the office of respondent No.4 on compassionate grounds on 10.01.1985. Over the years, he earned successive promotions and worked as a Bill Collector (1991), Revenue Inspector (2009), Revenue Officer (2015), Chief Officer Grade-II (2022) and Chief Officer Grade-I (2024).

3. While serving as a Chief Officer Grade-I, a complaint was lodged by one Shiddalingappa Karabasappa Hadapad alleging demand of illegal gratification for effecting the change of revenue records. Based on the said complaint, Lokayukta registered Crime No.3/2025, the



petitioner challenge the said proceedings in Crl.P.No.101955/2025, wherein, this Court has granted an interim order of stay.

4. Pursuant thereto, the petitioner submitted a representation seeking permission to resume. Respondent No.4 issued an endorsement, which was challenged in WP No.104305/2025 and the same is pending consideration.

5. During the pendency of the said writ petition, respondent No.1 passed an order of suspension with retrospective effect from 10.03.2025, by invoking Rule 10(1A) of Central Civil Service (Classification, Control and Appeal) Rules, 1957 ('Rules' for short), the said suspension order was challenged in WP No.106080/2025, which came to be allowed vide order dated 17.10.2025, quashing the suspension as illegal and unsustainable, while reserving liberty to the authorities to transfer the petitioner, if necessary.



6. Learned counsel for the petitioner contends that, despite the suspension order having been quashed, the petitioner was neither permitted to discharge his duties nor paid full salary from 10.03.2025 to 15.12.2025. It is submitted that the salary paid is calculated treating the period as suspension and restricting payment subsistence allowance, which is contrary to law.

7. *Per contra*, the learned counsel appearing for respondent No.4 produces documents relating to salary bill, payment vouchers and general vouchers. However, upon perusal, it is evident that computation has been made on the footing that the petitioner was under suspension and only 50% of the salary has been released.

8. This Court has already held in WP No.106080/2025 that the suspension order dated 22.07.2025 is illegal, arbitrary, vitiated by non application of mind violative of Rule 10(1A) of the Rules and contrary to the circular dated 13.01.2015. Once the suspension order



has been set aside, legal consequence is that the petitioner keen to have been on duty for the entire period from 10.03.2025 till date. Therefore, treating the said period as suspension and releasing only subsistence allowance is wholly impermissible in law.

9. The petitioner is entitled to full salary and consequential benefits and also to be permitted to discharge his duties, subject to any lawful order of transfer as reserved earlier. Accordingly, this Court pass the following;

### **ORDER**

- i) The writ petition is ***allowed***.
- ii) Mandamus is issued directing respondent No.4 to release the full salary payable to the petitioner for the period from 10.03.2025 till date, treating the petitioner as being on duty and to complete all the consequential formalities within four [4]



weeks from the date of receipt of copy of this order.

(iii) Respondent No.4 is further directed to permit the petitioner to discharge his duties forthwith in terms of the liberty reserved by this Court in WP No.106080/2025.

**Sd/-**  
**JUSTICE K.S.HEMALEKHA**