



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

PRESENT

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

AND

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

WRIT PETITION NO. 35777 OF 2025 (S-KSAT)

BETWEEN:

SRI K ARUN KUMAR
AGED ABOUT 48 YEARS,
DY. COMMISSIONER OF EXCISE,
BELAGAVI NORTH DISTRICT, CHIKODI,
(NOW WITHOUT POSTING)
R/O.313, BUDA COMPLEX,
HANUMAN NAGAR, BELAGAVI DIST.
BELAGAVI, PIN-590001.

...PETITIONER

(BY SRI. MALI RAMACHANDRA APPASAHEB, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY PRINCIPAL/UNDER SECRETARY,
FINANCE DEPARTMENT (EXCISE)
VIDHAN SOUDHA
BENGALURU-560001.
2. THE COMMISSIONER OF EXCISE,
2ND FLOOR, TTMC, A-BLOCK, BMTC,
SHANTINAGAR, BENGALURU-27.
3. THE JOINT COMMISSIONER OF EXCISE
BELAGAVI DIVISION,
BELAGAVI-590016.
4. SMT. R. S. SWAPNA,
DY. COMMISSIONER OF EXCISE,





M/S. UNITED SPIRITS LTD.,
KUMBHALGODU, DIST.
BENGALURU-74.
NOW WORKING AS
DY. COMMISSIONER OF EXCISE,
BELAGAVI NORTH DISTRICT,
CHIKODI, DIST. BELAGAVI.

...RESPONDENTS

(BY SRI. K SHASHIKIRAN SHETTY, AG
SMT. PRATHIMA HONNAPURA, AAG AND
SRI VIKAS ROJIPURA, AGA FOR R1 TO R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RELEVANT RECORDS IN APPL.NO.461/2025 ON THE FILE OF KARNATAKA ADMINISTRATIVE TRIBUNAL BANGALORE AND ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT IN THE LIKE NATURE TO QUASH THE IMPUGNED FINAL ORDER DATED 21.04.2025 MADE IN APPLI. NO.461/2025 AS THE SAME BEING ARBITRARY, ILLEGAL AND NOT SUSTAINABLE IN LAW AND CONSEQUENTLY, ALLOW THE A.NO.461/2025 FILED BY THE PETITIONER ON THE FILE OF KARNATAKA ADMINISTRATIVE TRIBUNAL BANGALORE BY QUASHING IMPUGNED TRANSFER ORDER DATED 29.01.2025 ISSUED IN NO.AE 35 EPS 2024 ISSUED BY FIRST RESPONDENT HEREIN PRODUCED AT ANNEXURE-A8 IN APPL.NO.461/2025 OR ALLOW THE APPL.NO.461/2025 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)

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 Anenxure-R1.

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 Anexure-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 non-executive 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.

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

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

BSV
CT:bms
List No.: 2 SI No.: 2