



IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH

DATED THIS THE 8TH DAY OF JANUARY, 2025

BEFORE
THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO.105244 OF 2024 (S-KSRTC)

BETWEEN:

SRI SHRIPATI MARIYAPPA DODDALINGANNAVAR,
AGED ABOUT 58 YEARS,
OCC: PRESENTLY WORKING AS DEPOT MANAGER,
RANEBENNUR DEPOT, HAVERI DIVISION,
DIST: HAVERI – 581 110.

...PETITIONER

(BY SRI RAVI HEGDE, ADVOCATE)

AND:

1. THE CHIEF PERSONNEL MANAGER,
NWKRTC, CENTRAL OFFICE, GOKUL ROAD,
HUBBALLI, DIST: DHARWAD – 580 030.
2. THE MANAGING DIRECTOR,
NWKRTC, CENTRAL OFFICE, GOKUL ROAD,
HUBBALLI, DIST: DHARWAD – 580 030.

...RESPONDENTS

(BY SRI PRASHANT S. HOSAMANI, ADVOCATE FOR R1 AND R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, ISSUE WRIT IN THE NATURE OF CERTIORARI TO QUASH THE COMMON EMPLOYEE ORDER NUMBER-G-4555, DATED 13.06.2024 BEARING NO.VAKARASA/ KEKA / HU/ SIBBANDI/C-5(718)/913/2024, VIDE ANNEXURE-A, ONLY INsofar AS PETITIONER IS CONCERNED, AND CONSEQUENTIAL ENDORSEMENT DATED 27.07.2024, NO.VAKARASA/ KEKA/ HU/ SIBBANDI/A5(718)/1217/2024-25, VIDE ANNEXURE-G, BOTH WERE ISSUED BY THE 1ST RESPONDENT AND ETC.,

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

**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

The petitioner is before this Court calling in question an order dated 13.06.2024 and consequential endorsement dated 27.07.2024, by which, the petitioner is transferred from Vigilance Department of the NWKRTC to the post of Depot Manager.

2. Heard Sri Ravi Hegde, learned counself or petitioner and Sri Prashant S. Hosamani, learned counsel for respondents.

3. Since the petitioner was already before this Court, it would not become necessary to reiterate the grounds that are now being urged which were already urged and answered before the Coordinate Bench in W.P. No.103386/2024. It would suffice if the observations therein are paraphrased to the case at hand. The Coordinate Bench held as follows:

"8. The said request and reasoning cannot be held to be unjustified. Having worked for the entire length of service in



the said Department, if at the end period of his service, he is asked to change and work at a different discipline, it would definitely cause certain amount of discomfort. Shortage of Depot Manager is the only ground appears to be canvassed by the respondent- Corporation, which from the records produced along with the rejoinder appears to be not substantive.”

4. The Coordinate Bench holds that the contention of the petitioner that he is not averse to work at any different place, but in the same department as he has spent his lifetime of service in the said department i.e., Vigilance Department, and he is now put into the post of the Depot Manager. The Coordinate Bench also rejected the contention of the respondent-Corporation that the shortage of Depot Manager was the only ground on which the Corporation had posted the petitioner to the post Depot Manager.

5. The Coordinate Bench directed the petitioner to submit a representation to the respondent-Corporation, to consider the grounds of his apprehension. The matter was thus remitted for a fresh consideration of the



representation of the petitioner, the consideration has led to the impugned order dated 27.07.2024. The impugned order dated 27.07.2024 reads follows:

“ಶ್ರೀ ಎಸ್. ಎಂ. ದೊಡ್ಡಲಿಂಗಣ್ಣನವರ, ಭದ್ರತಾ ಮತ್ತು ಜಾಗೃತಾಧಿಕಾರಿ ಪ್ರಸ್ತುತ ಹಿರಿಯ ಘಟಕ ವ್ಯವಸ್ಥಾಪಕರು, ರಾಣೇಬೆನ್ನೂರ ಘಟಕ, ಹಾವೇರಿ ವಿಭಾಗ ಆದ ನೀವು ಉಲ್ಲೇಖ 3 ರಡಿಯ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶವನ್ನು ಪರಿಗಣಿಸಿ ರಾಣೇಬೆನ್ನೂರ ಘಟಕದಿಂದ ಮೂಲ ಹುದ್ದೆಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಲು ನಿಯೋಜಿಸುವಂತೆ ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತೀರಿ.

ನೀವು ದಿನಾಂಕ: 01-04-1996 ರಂದು ಸಂಸ್ಥೆಯ ಸೇವೆಯಲ್ಲಿ ನೇಮಕಗೊಂಡಿದ್ದು ಹುಬ್ಬಳ್ಳಿ- ಧಾರವಾಡಗಳಲ್ಲಿಯೇ ಸುಮಾರು 17 ವರ್ಷ ಸೇವೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೀರಿ. ಸಂಸ್ಥೆಯ ಅಧೀನದಲ್ಲಿ ಬರುವ ಘಟಕಗಳ ಕಾರ್ಯನಿರ್ವಹಣೆಯ ಮೇಲ್ವಿಚಾರಣೆಯ ವಿಷಯಗಳ ಕುರಿತು ಅಪಾರ ಅನುಭವವಿರುವುದರಿಂದ ಸಂಸ್ಥೆಯ / ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಆಡಳಿತಾತ್ಮಕ ಕಾರಣಗಳ ಮೇರೆಗೆ ಪ್ರಸ್ತುತ ನಿಮ್ಮ ಹುದ್ದೆ ಮತ್ತು ವೇತನ ಶ್ರೇಣಿಯಲ್ಲಿಯೇ ರಾಣೇಬೆನ್ನೂರ ಘಟಕದಲ್ಲಿ ಖಾಲಿ ಇರುವ ಹಿರಿಯ ಘಟಕ ವ್ಯವಸ್ಥಾಪಕ ಹುದ್ದೆಯಲ್ಲಿ ನಿಯೋಜಿಸಲಾಗಿದೆ.

ನೀವು ಉಲ್ಲೇಖ 4 ರಡಿಯ ಮನವಿಗಳಲ್ಲಿ ಪತಿ-ಪತ್ನಿ ಪ್ರಕರಣದಲ್ಲಿ ಹಾವೇರಿ ವಿಭಾಗದ ರಾಣೇಬೆನ್ನೂರ ಘಟಕದಿಂದ ಮೂಲ ಹುದ್ದೆಗೆ ನಿಯೋಜಿಸಲು ಕೋರಿದ್ದು ನಿಮ್ಮ ಪತ್ನಿಯವರು ಸನ್-2013 ರಿಂದ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗದಲ್ಲಿ ಸಹಾಯಕ ಕಾನೂನು ಅಧಿಕಾರಿ ಹುದ್ದೆಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆ. ಅವರನ್ನು ಪತಿ-ಪತ್ನಿ ಪ್ರಕರಣದಲ್ಲಿ ಖಾಲಿಯಿರುವ ಹಾವೇರಿ ವಿಭಾಗದ ಸಹಾಯಕ ಕಾನೂನು ಅಧಿಕಾರಿ ಹುದ್ದೆಗೆ ನಿಯೋಜಿಸಲು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಲ್ಲಿ ಅದರಂತೆ ಪರಿಗಣಿಸಲು ಕ್ರಮಕೈಗೊಳ್ಳಲಾಗುವುದು.

ಮುಂದುವರೆದಂತೆ, ನಿಮ್ಮ ಅನಾರೋಗ್ಯದ ಕುರಿತು ಉಲ್ಲೇಖ 4 ರಡಿಯ ಮನವಿಗಳಲ್ಲಿ ತಿಳಿಸಿದ್ದು, ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಹಾವೇರಿ / ರಾಣೇಬೆನ್ನೂರ ಇಲ್ಲಿ ಸಂಸ್ಥೆಯ ಹಾಗೂ ಕರ್ನಾಟಕ ಸರ್ಕಾರದಿಂದ ಮಾನ್ಯತೆ ಪಡೆದ ಆಸ್ಪತ್ರೆಗಳು ಸಹ ಇದ್ದು ಸದರಿ ಆಸ್ಪತ್ರೆಗಳಿಂದ ಸೂಕ್ತ ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳಬಹುದಾಗಿದೆ.



ಅದುದರಿಂದ ಸಂಸ್ಥೆಯ / ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಪ್ರಸ್ತುತ ನೀವು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಹಿರಿಯ ಘಟಕ ವ್ಯವಸ್ಥಾಪಕ ಹುದ್ದೆಯಲ್ಲಿ (ಪ್ರಸ್ತುತ ನಿಮ್ಮ ಹುದ್ದೆಯ ವೇತನ ಮತ್ತು ಶ್ರೇಣಿಯಲ್ಲಿ) ಹಾವೇರಿ ವಿಭಾಗದ ರಾಣಬೆನ್ನೂರು ಘಟಕದಲ್ಲಿಯೇ ಮುಂದುವರಿಸಲಾಗಿದೆ.

ಮುಖ್ಯ ಸಿಬ್ಬಂದಿ ವ್ಯವಸ್ಥಾಪಕರು”

6. The issue now would be whether the transfer of the petitioner is in violation of any operative guidelines or a statue, as the case would be. The Coordinate Bench refers to the Cadre and Recruitment Regulations 1982, insofar as the appointment to the post of Depot Manager what was prevalent reads as follows :

"8. CATEGORY:- DEPOT MANAGER (CLASS-I JUNIOR)

(For Depot with 75 Schedules and above and as may be notified by the Management from time to time)

<p>By transfer from the category of class-I junior Officers of Traffic Or Mechanical Department</p>	<p>Must have rendered a service of not less than three (3) years as ATM/AME and must have been in service as DTO/DME.</p>
--	--

A Depot Manager can be posted by way of transfer from the cadre of Class-I Junior Officer of Traffic or Mechanical Department. This is said to have undergone a change. The change in the Regulation reads as follows :

**"8. CATEGORY:- DEPOT MANAGER (CLASS-I JUNIOR)**

*** (For Mofussil Depots with 150 and above Schedules and for City service Depots with 200 and above Schedules as may be notified by the Management from time to time)**

By transfer from the category of class-I junior Officers of Traffic Or Mechanical Department Must have rendered a service of not less than three (3) years as ATM/AME and must have been in service as DTO/DME.

** ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ 1549 ದಿನಾಂಕ: 14.07.2015*

The difference between the two is with regard to the schedule of the depot. A depot with 75 Schedules was the earlier norm and the depot with 150 Schedules is the present norm, which are indicated hereinabove, but the transfer from the category of Class-I Junior Officers of Traffic or Mechanical Department remains the same. Therefore, the officers who can be posted under the Cadre and Recruitment Rules to the post of Deputy Manager would be only from the category of Class-I Junior Officers of Traffic or Mechanical Department. This is the unmistakable tenor of the regulations.



7. It is trite that those regulations are statutory. The exercise of power of transfer is in terms of Section 17(1) of the Cadre and Recruitment Regulations. Therefore, the acts are statutory. If an action is to be taken in terms of the statute, it shall be taken in the manner that is prescribed under the statute, and in no other manner is by now a too well settled principle of law.

8. The issue to the *lis* as observed hereinabove is regard to transfer. Transfer to the post of Depot Manager as observed is from these posts that are noted hereinabove. The petitioner has spent his entire service in the Vigilance Department, and is in the last leg of service, as he is said to be left with 24 months of service. Therefore, it is not that the petition deserves to succeed on the score that the petitioner is left with 2 years of service, but on a plain interpretation, of who should be posted to the cadre of Depot Manager, as obtaining in the Cadre and Recruitment Regulations.



9. It is no doubt, administrative exigency can be a reason for the Corporation to exercise its right of transfer of an employee, from one place to another, as transfer is an incidence of service, it cannot be that, such transfers would be in violation of the statute, or operative guidelines. Such violation is sans countenance and the subject violation undoubtedly is unsustainable. Therefore, the petition deserves to succeed.

10. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is allowed.
- (ii) The order dated 13.06.2024 vide Annexure-A *qua* the petitioner and endorsement dated 27.07.2024 vide Annexure-G issued by the respondent No.1 are quashed.
- (iii) The petitioner is entitled to all consequential benefits that would flow from the quashment of the order.

Sd/-
(M.NAGAPRASANNA)
JUDGE