



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF MAY, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 15660 OF 2026 (S-KSAT)

BETWEEN:

M. B NAGARAJ
S/O LATE BORALINGIAH,
AGED ABOUT 59 YEARS,
WORKING AS EXECUTIVE ENGINEER,
HEALTH AND FAMILY WELFARE DEPARTMENT,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU-560 023
NOW UNDER ORDER OF SUSPENSION,
RESIDING AT NO.68, 3RD CROSS,
5TH MAIN, HEALTH AND FAMILY LAY-OUT,
SRIGANDHA KAVAL,
BENGLAURU-560 091.

...PETITIONER

(BY SRI. P.S. RAJAGOPAL., SENIOR COUNSEL A/W
MS. SINCHANA MR.,ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF PUBLIC WORKS,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
VIKAS SOUDHA,
BENGALURU-560 001.
2. THE STATE OF KARNATAKA,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
VIKAS SOUDHA,



BENGALURU-560 001.

3. THE STATE OF KARNATAKA,
DEPARTMENT OF MEDICAL EDUCATION,
REPRESENTED BY ADDITIONAL CHIEF SECRETARY,
M.S. BUILDING,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. VIKAS .R. AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DATED 06.05.2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, BENGALURU IN APPLICATION No. 2561 OF 2026 UNDER ANNEXURE-B TO THE WRIT PETITION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Learned AGA accepts notice for respondents No.1 to 3.
2. The Petitioner is before this Court seeking for the following reliefs:
 - a. *Quash order dated 6.5.2026 passed by the Karnataka State Administrative Tribunal, Principal Bench, Bengaluru in Application No.2561 of 2026 under Annexure-B to the writ petition.*



b. Stay the order or suspension of the petitioner passed by the 2nd respondent/Government in No.Aa Ku Ka 171 CGIM 2026 dated 01.05.2026 under Annexure-A13 to the writ petition.

c. Issue such other appropriate order or direction as this Hon'ble Court deems fit to grant in the interest of justice and equity.

3. The petitioner was suspended from service under clause (d) of sub-rule (1) of Rule 10 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, 'CCA Rules'), vide order dated 01.05.2026 passed by the Principal Secretary, Department of Health and Family Welfare Services. This order was challenged by the Petitioner before the Karnataka State Administrative Tribunal, Principal Bench, Bengaluru in Application No.2561/2026, wherein an order of interim stay was sought for. The Tribunal, vide its order dated 6.5.2026, refused to grant an interim order on the ground that there is an investigation by an enquiry committee, which is in progress. It is challenging the said order, the Petitioner is before this Court.



4. Sri P. S. Rajagopal, learned Senior Counsel appearing for the Petitioner by relying on the decision of the Hon'ble Apex Court in the case of ***State of Haryana vs. Dinesh Singh***¹ would submit that for suspending an officer, the requirements under sub-rule (1) of Rule 10 of the CCA Rules have to be satisfied. In the present case, what has been invoked is clause (d) thereof, which requires "a *prima facie* evidence of gross dereliction of duty". His submission therefore is that there is nothing on record indicating any *prima facie* evidence of gross dereliction against the petitioner.

5. The Public Works Department has constituted an investigating team consisting of the Deputy Commissioner, Bangalore Urban District and Tahsildar, Yelahanka to conduct a local investigation. In addition, a committee consisting of officers of Public Works Department has also been formed to

¹ (2024) 13 SCC 357



technically examine the said cases and submit a report within seven days. Without the said reports being on record implicating the Petitioner, the Petitioner could not have been suspended inasmuch as there is no *prima facie* evidence which has been recorded in the order of suspension dated 01.05.2026.

6. His submission therefore is that even if disciplinary proceedings are under contemplation, there can only be contemplated after the committee report is submitted and it is only then that the powers under clause (d) of sub-rule (1) of Rule 10 of CCA Rules could be exercised.

7. Learned AGA on the other hand would submit that the fact that the compound wall has fallen and it is the Petitioner who is the Executive Engineer of the said location is *prima facie* evidence enough for the implication of the Petitioner and it is for that reason



that powers under clause (d) of sub-rule (1) of Rule 10 of CCA Rules have been exercised by the respondent no.2 let alone is sufficient for suspending the petitioner.

8. Having heard learned Senior counsel for the petitioner and learned AGA for the respondents, what can be seen from perusal of clause (d) of sub-rule (1) of Rule 10 of CCA Rules is that there has to be *prima facie* evidence 'against him'. The usage of the word 'him' would indicate that such evidence is required insofar as the officer who is proposed to be suspended and not the event itself.
9. In the present case, the event of the falling of the compound wall by itself does not create any *prima facie* evidence of gross dereliction against the petitioner, but it is only the evidence of falling of the compound wall, which though tragic, cannot at present be attributed to the Petitioner on account of



gross dereliction, let alone be *prima facie* evidence of gross dereliction.

10. Two committees having been appointed. It is for the committees to submit their report, indicating if there is a gross dereliction of duty by the Petitioner and if that be so, the respondents would be free to exercise their powers under clause (d) of sub-rule (1) of Rule 10 of CCA Rules.
11. At present, we are of the considered opinion that such powers could not have been exercised without an application of mind recording the *prima facie* evidence of gross dereliction as indicated supra.
12. Though the main relief sought for does not contemplate setting aside of the suspension order, the relief sought for is stay of suspension order which *ex facie* appears to be a clerical error since the interim order is also for stay of the suspension order. We are of the considered opinion that when the order



dated 6.5.2026 passed by Karnataka State Administrative Tribunal is required to be set aside, the suspension order would also have to be set aside. Hence, we pass the following:

ORDER

- i) The order dated 6.5.2026 passed by the Karnataka State Administrative Tribunal, Principal Bench, Bengaluru in Application No.2561/2026 at Annexure-B is set aside.
- ii) The order of suspension passed against the Petitioner passed by Respondent No.2 bearing No.Aa Ku Ka 171 CGIM 2026 dated 1.5.3026 at Annexure-A13 to the writ petition is set aside.
- iii) Liberty is however reserved to the respondents to initiate action under Clause (d) of sub-Rule (1) of Rule 10 of CCA Rules upon receipt of a report to be submitted.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**