

Reserved on : 21.01.2026

Pronounced on : 11.03.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2026

PRESENT

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

AND

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

WRIT PETITION No. 9590 OF 2024 (S-KSAT)

BETWEEN:

1. THE ZILLAPANCHAYATH,
MYSORE DISTRICT,
MYOSRE 570 001,
REP. BY ITS CHIEF EXECUTIVE OFFICER,
...PETITIONER
(BY SRI CHANDRAKANTH R. GOULAY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYATH RAJ,
M.S. BUILDING,
BANGALORE 560 001.
2. SRI. K.SOMASUNDAR,
S/O LATE KRISHNABHAVI,
AGED ABOUT 52 YEARS,
GRAMA PANCHAYATH SECRETARY GR.II,
SIDDAPURA GRAMA PANCHAYATH,



K.R. NAGAR TALUK,
MYSORE DISTRICT,
R/O No.918, NARAYANA ASHRAMA ROAD,
HINKAL, MYSORE 570 001.

...RESPONDENTS

(BY SRI V. SHIVAREDDY, AGA FOR R1;
SRI RANGANATHA S JOIS, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 21.3.2023 OF THE TRIBUNAL OF BELGAUM IN APPLICATION No. 1938/2020 VIDE ANNEXURE-A AND TO SET ASIDE THE ORDER DATED 6.2.2024 PASSED BY THE PRINCIPAL BENCH BENGALURU IN CTA No. 570/2023 VIDE ANNEXURE-B ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri.Chandrakanth R. Goulay, learned counsel for the petitioner, Sri. V. Shivareddy, learned Additional Government Advocate for respondent No.1 and Sri. Ranganatha S. Jois, learned counsel for respondent No.2.

2. The unsuccessful applicant in Application No.1938/2020 has filed the present writ petition, impugning the order dated 21.03.2023 passed by the Karnataka State Administrative Tribunal, Belagavi (hereinafter referred to as "the Tribunal").

2.1 The petitioner filed an application questioning the endorsement dated 14.08.2019 at Annexure-A7, whereby the request for promotion from Panchayath Secretary Grade-II to Panchayath Secretary Grade-I was rejected. The petitioner also sought a direction to the respondents to promote him as Panchayath Secretary Grade-I with effect from 07.05.2016 by operating the applicable quota.

3. The brief facts of the case are that the petitioner was appointed as Grama Panchayath Secretary Grade-II in the year 2010 in Coorg District. At his request, he was transferred to Mysore District by order dated 19.08.2014. Upon such transfer, he was placed at the bottom of the seniority list published as on 01.01.2016.

3.1 Promotion from Panchayath Secretary Grade-II to Panchayath Secretary Grade-I is governed by the Cadre and Recruitment Rules (C & R Rules), which prescribe a quota in the ratio of 3:2 between Panchayath Secretary Grade-II and

Second Division Accounts Assistants. For promotion to Grade-I, the concerned official must have completed a minimum of five years of service in the cadre of Grade-II, or three years in the absence of eligible candidates with five years of service.

3.2 A Departmental Promotion Committee (DPC) was convened by the Chief Executive Officer, Zilla Panchayat, Mysore, on 07.05.2016, wherein 28 Second Division Accounts Assistants were promoted as Panchayath Secretary Grade-I without operating the prescribed quota.

3.3 After a lapse of three years, the petitioner submitted a representation questioning the non-operation of the quota system. The said representation was rejected by the Government on the ground that it was belated, having been submitted three years after the DPC, and also on the ground that no person senior to the petitioner had been promoted.

3.4 Aggrieved thereby, the petitioner approached the Tribunal seeking a direction to consider his promotion with effect from 07.05.2016. He also contended that his case ought to be considered on par with that of Sri Naveen, who was earlier a Grade-II Secretary and has since been promoted as Grade-I Secretary.

3.5 The Tribunal, taking note of the subsequent developments, remitted the matter to the Chief Executive Officer, Zilla Panchayat, Mysore District, for consideration of promotion from Grade-II to Grade-I Panchayath Secretary in accordance with the eligibility criteria and the C & R Rules in force as on 07.05.2016.

3.6 Thereafter, the petitioner filed a Contempt Application CTA No.570/2023 alleging disobedience of the order dated 21.03.2023. By the impugned order, the Tribunal granted further time for compliance.

3.7 Both the aforesaid orders are assailed in the present writ petition, which has been filed by the Chief Executive Officer, Zilla Panchayat.

4. Sri Chandrakanth R. Goulay, learned counsel appearing for the petitioner, submits that promotion to the post of Grade-I Panchayath Secretary is to be effected in the ratio of 3:2 from amongst Grade-II Panchayath Secretaries and Second Division Accounts Assistants, in terms of the Government Order dated 17.09.2014. He further submits that, as per the seniority list published as on 01.01.2016, the name of respondent No.2 appears at Sl. No.115.

4.1 It is contended that the Departmental Promotion Committee was duly convened and promotions were granted strictly in accordance with entitlement and availability of vacancies. Learned counsel submits that the promotion granted to respondent No.2 on 06.10.2023 is in accordance with law and is fully justified. It is further submitted that the Tribunal, without properly considering the seniority position and eligibility criteria, has committed an error in issuing directions to promote respondent No.2 with effect from the year 2016.

4.2 Learned counsel further submits that the endorsement dated 25.10.2023, whereby the claim for retrospective promotion was rejected, has not been challenged and has thus attained finality. In the absence of any challenge to the said endorsement, it is not open to the petitioner to seek further relief in the nature of retrospective promotion. It is therefore contended that the order passed by the Tribunal is unsustainable in law and is liable to be interfered with.

5. Sri Ranganatha S. Jois, learned counsel appearing for respondent No.2, submits that when the Departmental Promotion Committee was convened on 07.05.2016, the post of Grade-I Panchayath Secretary was required to be filled in the

ratio of 3:2 from amongst Grade-II Panchayath Secretaries and Second Division Accounts Assistants. He submits that respondent No.2 was placed at Sl. No.115 in the seniority list. The eligibility criteria for promotion require a minimum of five years' service in the cadre, or three years in the absence of candidates possessing five years' service.

5.1 Learned counsel contends that the seniors placed above respondent No.2 were not eligible, as they had been appointed during the years 2013-14 and had not completed the minimum required period of service. It is further submitted that respondent No.2 was appointed as Grama Panchayath Secretary Grade-II in the year 2010 in Coorg District and had completed the requisite qualifying service. He was placed lower in the seniority list only on account of his inter-district transfer, and as a condition of such transfer, he was placed at the bottom of the seniority list in the transferee district as on the relevant date.

5.2 It is therefore submitted that, in the absence of any other eligible candidate and having satisfied the requirement of minimum service in the cadre, respondent No.2 was fully qualified for consideration and promotion.

6. Sri.V. Shivareddy, learned AGA appears for respondent No.1.

7. We have considered the submissions of the learned counsel for the parties and perused the writ petition papers.

8. The appointment of respondent No.2 as Grama Panchayath Secretary Grade-II in the year 2010 in Coorg District and his subsequent transfer to Mysore District by order dated 19.08.2014 are not in dispute. It is also admitted that, as a condition of transfer, respondent No.2 forfeited his seniority in Coorg District and was placed at the bottom of the seniority list in the cadre of Grama Panchayath Secretary Grade-II in Mysore District.

8.1 The next promotional post is that of Panchayath Secretary Grade-I. Under the C & R Rules, a quota of 3:2 is prescribed for promotion from Grade-II Panchayath Secretaries and Second Division Accounts Assistants. The DPC was convened by the petitioner on 07.05.2016, wherein 28 Second Division Accounts Assistants were promoted as Panchayath Secretary Grade-I without operating the quota system.

8.2 The said action was questioned after a lapse of three years and the representation came to be rejected. The endorsement dated 25.10.2023 rejecting the claim for retrospective promotion has attained finality. The said endorsement was issued in compliance with the directions of the Tribunal in Application No.1938/2020 dated 21.03.2023.

8.3 Subsequently, contempt proceedings were initiated. The Tribunal, by interim order, rejected the compliance affidavit filed by the petitioner and, by order dated 05.04.2024, directed filing of a fresh compliance affidavit in terms of its earlier order dated 21.03.2023.

9. Upon consideration, we are of the view that the order dated 21.03.2023 passed in Application No.1938/2020 and the order dated 16.02.2024 passed in CTA No.570/2023 are unsustainable.

9.1 Though respondent No.2 was appointed in the year 2010, he was placed at the bottom of the seniority list in the cadre maintained in Mysore District upon his transfer. When the DPC was conducted for promotion to the post of Panchayath Secretary Grade-I, the Grade-II Panchayath Secretaries placed above respondent No.2 in the seniority list had not acquired the

prescribed eligibility of rendering a minimum of five years service in that grade. Respondent No.2, by virtue of his appointment in the year 2010, had completed the requisite qualifying service.

9.2 It is the contention of respondent No.2 that, since none of the seniors above him were eligible, his case ought to have been considered on the ground that he had completed the minimum tenure of five years in the cadre, reckoning his service in the earlier district. This claim proceeds on the premise that service rendered in the parent district must be taken into account for determining eligibility.

9.3 However, while directing consideration of promotion as on 07.05.2016, the Tribunal has failed to advert to the object and purpose of placing respondent No.2 at the bottom of the seniority list upon transfer. If seniority alone is the governing factor, respondent No.2 has none in the transferee district. If eligibility coupled with seniority is to be considered, though respondent No.2 had acquired the requisite qualifying service, he remained junior in the seniority list, and the implications of the transfer condition could not have been disregarded.

9.4 Having regard to the object and purpose of placing respondent No.2 at the bottom of the seniority list upon inter-district transfer, mere possession of the requisite qualifying service cannot entitle him to march over his seniors in the transferee district. If such a course is permitted, the very purpose of assigning bottom seniority on transfer would be defeated, and the settled seniority position and promotional prospects in the district cadre would stand unsettled on account of inter-district transfers.

10. It is also not in dispute that the endorsement dated 25.10.2023, issued in compliance with the directions of the Tribunal, has not been challenged and has thus attained finality. In the absence of any challenge to the said endorsement, the Tribunal committed an error in entertaining the contempt application and issuing directions which, in effect, run contrary to the endorsement.

11. When the Tribunal had directed consideration of the application for promotion to the post of Grade-I Panchayath Secretary in accordance with the eligibility criteria and the C & R Rules in force as on 07.05.2016, and an endorsement was issued in compliance therewith, it was not open to the Tribunal,

in contempt proceedings, to insist upon compliance in a particular manner so as to secure a specific outcome. If respondent No.2 was aggrieved by the endorsement dated 25.10.2023, it was open to him to challenge the same in accordance with law. This material aspect has not been adverted to by the Tribunal.

12. It is further to be noted that, in the *interregnum*, a DPC was convened on 03.10.2023 and respondent No.2 has since been promoted as Grade-I Panchayath Secretary. It is not the case of respondent No.2 that any person junior to him has been promoted prior to his promotion.

13. For the foregoing reasons, we are of the considered view that the orders passed by the Tribunal cannot be sustained in law.

14. Accordingly, we pass the following:

ORDER

- (i) The writ petition is allowed.
- (ii) The order of the Tribunal dated 21.03.2023 in Application No.1938/2020 and the order dated

16.02.2024 in CTA No.570/2023 are hereby set aside.

(iii) No order as to costs.

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

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

VBS