

(2015) 04 KAR CK 0130

In the Karnataka High Court

Case No : Writ Petition No. 58375/2013 (S-KAT)

S.N. Gangadharaiah, K.A.S.

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 13-04-2015

Acts Referred:

Constitution of India, 1950 — Article 162, 309

Citation : AIR 2015 Kar 146 : (2015) ILR Kar 1955 : (2015) 3 KCCR 2598

Hon'ble Judges : K.L. Manjunath, J;N.K. Patil, J;B.S. Patil, J

Bench : Full Bench

Advocate : M. Narayan Bhat, Advocate for Subba Rao and Co., for the Appellant; Ravi Verma Kumar, Advocate General and R. Omkumar, AGA, Advocates for the Respondent

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

The case arose from a writ petition challenging a notification issued by the State Government transferring the petitioner from the position of Special Deputy Commissioner to Additional Deputy Commissioner. The Karnataka Administrative Tribunal quashed this notification, leading to an appeal that questioned the interpretation of 'transfer' under the Karnataka Civil Service Rules (KCSR) and a Government Order dated 07.06.2013. The Division Bench referred the matter to a Full Bench due to conflicting interpretations of the term 'transfer'.

LAW POINTS

['Whether the definitions and rules regarding transfer under KCSR override the Government Order dated 07.06.2013.', 'Whether the transfer of a Government servant within the same headquarters constitutes a valid transfer.', 'The statutory authority of the Government Order concerning transfer regulations.']

ACTS & ARTICLES

['Karnataka State Civil Services Act, 1978', 'Article 309 of the Constitution of India', 'Article 162 of the Constitution of India']

JUDGMENTS REFERRED

['Chandru H.N. Gowda Vs. State of Karnataka and Others, (2011) ILR (Kar) 1585', 'K. Ramachandra v. State of Karnataka and Others, W.P. No. 53164/2013', 'Dr. Krushna Chandra Sahu and others Vs. State of Orissa and others, AIR 1996 SC 352']

OBITER DICTA

The court remarked on the need to understand provisions of law concerning transfers in the context of their intended purpose and the conditions necessitating such definitions. It emphasized that legal terms should not be interpreted in isolation but in a manner consistent with the context they address.

RATIO DECIDENDI

The Full Bench held that the definition of 'transfer' in KCSR does not apply to transfers regulated by the Government Order dated 07.06.2013. The Government Order has an independent statutory force as it addresses areas not covered by KCSR, thus allowing for transfer regulations that include transfers within the same headquarters.

FINAL RULING

The Full Bench ruled that the transfer of a Government servant within the same headquarters constitutes a valid transfer under the Government Order dated 07.06.2013. The earlier conclusion from the Division Bench regarding this matter was overruled.

PLAIN-LANGUAGE GIST

The dispute involved the interpretation of 'transfer' as defined under KCSR versus a Government Order. The Full Bench ultimately determined that the latter had statutory force and clarified that transfers within the same headquarters are permissible under the Government Order.