IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2024

PRESENT

THE HON'BLE MR JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

WRIT PETITION NO. 12547 OF 2024 (S-KSAT)

BETWEEN:

SRI. CHIDANANDA L. B.
AGED ABOUT 43 YEARS,
S/O LAKSHMAN BADIGERE
WORKING AS DEPUTY RANGE
FOREST OFFICER,
RAJARAJESHWARI NAGAR
RANGE, BRUHAT BENGALURU
MAHANAGARA PALIKE (BBMP)
RESIDING AT NO.60,
3RD MAIN ROAD, 2ND CROSS,
BRUNDAVANA NAGAR,
TAVAREKRE BANGALORE SOUTH
BANGALORE-560029.

REPRESENTED BY HIS COUNSEL
SRI. VINAY BHAT &
SMT. SHRIDEVI GANAPUMANE
ADVOCATE
NO. 116/2, 2ND FLOOR
ABOVE UNION BANK OF INDIA
11TH CROSS MALLESHWARAM
BANGALORE - 560 003.

...PETITIONER

(BY SRI. SANDESH KUMAR M.,ADVOCATE)

AND:

1. THE CHIEF COMMISSIONER
BRUHAT BENGALURU MAHANAGARA
PALIKE (BBMP), N R CIRCLE
BBMP OFFICE
BENGALURU-560002.

2. DEPUTY COMMISSIONER
(ADMINISTRATION)
BRUHAT BENGALURU MAHANAGARA
PALIKE (BBMP), N R CIRCLE
BBMP OFFICE
BENGALURU-560002.

3. THE DEPUTY CONSERVATOR
OF FORESTS
BBMP FOREST WING
ANNEX BUILDING 3
N R CIRCLE, BBMP OFFICE
BENGALURU-560002.

4. ASSISTANT CONSERVATOR
OF FORESTS
BANGALORE SOUTH,
JAYANAGARA 2ND, BLOCK
9TH MAIN, NEAR BANGALORE ONE
JAYANAGARA BENGALURU-560011.

5. THE RANGE FOREST OFFICER
RAJARAJESHWARI NAGAR RANGE,
OFFICE OF THE
ZONAL COMMISSIONER
BRUHAT BENGALURU
MAHANAGARA PALIKE (BBMP)
IDEAL HOMES BENGALURU-560098.

6. THE RANGE FOREST OFFICER
BOMMANAHALLI RANGE
OFFICE OF THE ZONAL COMMISSIONER
BRUHAT BENGALURU MAHANAGARA
PALIKE (BBMP)
BOMMANAHALLI MAIN ROAD
BENGALURU-560068.

...RESPONDENTS

(BY SMT.SAVITHRAMMA., AGA FOR R4 TO R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE IN RESPECT OF THE IMPUGNED ORDER DATED 22/01/2024 PASSED IN APPLICATION NO.325/2024 (ANNEXURE-A) b) SET ASIDE THE IMPUGNED ORDER DATED 22/01/2024 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.325/2024, IN SO FAR AS NON-GRANT OF INTERIM ORDER OF STAY OF THE IMPUGNED ORDER OF SUSPENSION DATED 22/01/2024 IS CONCERNED, AS SOUGHT FOR BY THE PETITIONER (ANNEXURE-A) AND CONSEQUENTLY GRANT INTERIM RELIEF AS PRAYED FOR BY THE PETITIONER IN APPLICATION NO.325/2024, DURING THE PENDENCY OF THE SAID APPLICATION NO.325/2024.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY ***B.M. SHYAM PRASAD J,*** DELIVERED THE FOLLOWING:

ORDER

The petitioner is aggrieved by the order in Application No.325/2024 passed by the Karnataka State Administrative Tribunal, Bengaluru Bench [for short, *'Tribunal'*], and the Tribunal by the impugned order, has opined that prior notice to the respondents would be necessary before considering grant of interim order. The petitioner has filed this application in No.325/2024 with the Tribunal impugning *inter alia* the second respondent's order dated 17.01.2024 [Annexure-A4 in Annexure-B], and the second respondent, by this impugned order, has kept the petitioner, who was working at the relevant time as Deputy Range Forest Officer, Rajarajeshwarinagar Range, under suspension as contemplated under Rule-10 of the Karnataka Civil Services [Classification, Control and Appeals] Rules, 1957.

2. Sri Sandesh Kumar M, the learned counsel for the petitioner, submits that the

petitioner's specific case is that he was holding additional charge for the post of Range Forest Officer of Rajarajeshwarinagar Range only till 01.01.2024 and the alleged complaint about illegal felling of trees in the private property is on 04.01.2024 and that the concerned Range Officer is the Range Forest Officer, Bommanahalli Range, has acted upon this complaint and notwithstanding these circumstances, the petitioner is kept under suspension.

3. Smt. Savithramma, the learned Additional Government Advocate, apart from contesting the petitioner's claim as aforesaid, submits that the question whether there must be stay of second respondent's Order dated 17.01.2024 [Annexure-A4 in Annexure-B] is still at large with the Tribunal and therefore, this Court may not grant any interim order. However, given the grounds urged and the consezquences that could befall if despite *prima facie* case, the petitioner is under suspension, this Court is of the considered opinion that there must be stay

of the operation of the second respondent's Order dated 17.01.2024 until the Tribunal considers the petitioner's request for such Order after due opportunity to the respondents. Hence the following:

ORDER

The petition stands disposed of staying operation of the second respondent's Order dated 17.01.2024 [Annexure-A4 in Annexure-B] for the period until the Tribunal decides on the petitioner's request for interim order, and the Tribunal shall consider the rival submissions uninfluenced by the interim arrangement as provided now by this Court.

Sd/-
JUDGE

Sd/-
JUDGE

AN/-