IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF APRIL, 2024

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.202207 OF 2023 (S-TR)

BETWEEN:

SHRI MOHAMAD FAIZ
S/O LATE J.M. BASHU,
AGED ABOUT 59 YEARS,
WORKING AS DIVISIONAL CONTROLLER,
KKRTC, VIJAYAPURA DIVISION,
VIJAYAPURA-586 101.

…PETITIONER

(BY SRI PRAKASH YELI &
SRI J.M. ANILKUMAR, ADVOCATES)

AND:

Digitally signed by SACHIN
Location: HIGH COURT OF KARNATAKA

1. THE MANAGING DIRECTOR,
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
CENTRAL OFFICE,
K.H. ROAD, SHANTINAGAR,
BENGALURU-560 027.

2. THE CHIEF PERSONNEL MANAGER,
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
EST SECTION, CENTRAL OFFICE,
K.H.ROAD, SHANTINAGAR,
BENGALURU-560 027.

3. THE MANAGING DIRECTOR,
KALYANA KARNATAKA ROAD
TRANSPORT CORPORATION,
CENTRAL OFFICE,
SHAMBHOGNLLI, KALABURAGI,
KARNATAKA-585 102.

4. SRI NARAYANAPPA KURUBARA,
DEPUTY CHIEF COMPUTER MANAGER,
NORTH EAST KARNATAKA ROAD
TRANSPORT CORPORATION,
HEAD OFFICE, HUBBALLI-580 009.

…RESPONDENTS

(SRI DEEPAK V. BARAD, ADVOCATE FOR R-1 TO R-3;
SRI A. SAMPATH, SRI MALLIKARJUN N.K. &
SRI ANANTH S. JAHAGIRDAR, ADVOCATES FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER BY QUASHING THE IMPUGNED ORDER OF TRANSFER BEARING NO.KARASA/KEKA/SIBBANDHI/C-1/34/574/2023-24 DATED 01.08.2023 ISSUED BY THE 2ND RESPONDENT (ANNEXURE-F) DECLARING THE SAME AS ILLEGAL AND ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT OR ORDER BY DIRECTING THE RESPONDENT NOS.1 AND 2 TO CONTINUE THE SERVICES OF THE PETITIONER AT PRESENT PLACE TILL THE DATE OF HIS RETIREMENT.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard Sri J.M. Anilkumar, learned counsel for the writ petitioner as well as Sri Deepak V. Barad, learned counsel appearing for respondent Nos.1 to 3.

2. Seeking a Writ in the nature of Certiorari and to quash the Order of transfer vide Order No.KARASA/Keka/Sibbandhi/C-1/34/574/2023-24 dated 01.08.2023 that was issued by the second respondent – The Chief Personnel Manager, Karnataka State Road Transport Corporation, Shantinagar, Bengaluru, the present writ petition s filed.

3. Sri J.M. Anilkumar, learned counsel for the writ petitioner submits that this Court through order dated 03.08.2023, stayed the operation of the impugned order dated 01.08.2023. Learned counsel also submits that the writ petitioner, on attaining the age of superannuation would be retiring on 30.04.2024 and therefore, stay may be extended till 30.04.2024.

4. Sri Deepak V. Barad, learned counsel who is representing respondent Nos.1 to 3 submits that the writ petitioner holds the post of Divisional Controller and in the Summer, number of buses have to ply across the area and without filling up the post of Divisional Controller, it would be difficult for the Karnataka State Road Transport Corporation to run the buses in a scheduled manner. Learned counsel states that as the writ petition itself would become infructuous on the writ petitioner attaining the age of superannuation, continuing the order of stay till then, the writ petition may be disposed of.

5. Learned counsel for the writ petitioner Sri J.M. Anilkumar did not raise any objection for passing such an order. Also, the request appears justifiable. Hence, the following:

ORDER

The stay of the operation of the impugned Order dated 01.08.2023 which was issued by this Court through Order dated 03.08.2023 shall continue till 30.04.2024.

With the said observation, the writ petition stands disposed of.

In view of disposal of the writ petition, I.A.2/2023 filed for vacating stay does not survive for consideration and is accordingly dismissed.

Sd/-
JUDGE

LG
List No.: 1 Sl No.: 15