

**IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL
AT KALABURAGI**

DATED: THIS THE 31st DAY OF JULY, 2026

P R E S E N T

HON'BLE Mr. S.Y. WATAWATI., JUDICIAL MEMBER

AND

HON'BLE DR. AMITA PRASAD., ADMINISTRATIVE MEMBER

APPLICATION NUMBER 20709 OF 2025

Mr. Praveenkumar.K.P,
S/o Prandurang D Kulkarni,
Aged about 40 years,
Occ: P.D.O on deputation,
As Personal Assistant (PA) to
Member of Legislative Assembly (MLA),
Lingasugur Constituency,
Residing at: 2-15-87/2/1, Vasavi Colony,
Near Ayyappa Swami Temple,
Lingasagur, Raichur, Karnataka-584122.

... APPLICANT

(Sri S.L.Tejasvi Surya & Sri Anirudh A. Kulkarni, Advocates for Applicant)

VERSUS

1. The State of Karnataka,
Department of Rural Development &
Panchayath Raj,
M.S.Building,
Bangalore-560001,
Represented by its
Principal Secretary,
2. The Commissioner,
Karnataka Panchayath Raj Commissionerate,
K.G.Road, Bangalore-560001.
3. Karnataka Legislative Assembly
Secretariat,

Represented by its Secretary,
Vidhan Soudha,
Bengaluru-560001.

...RESPONDENTS

(Sri Virangouda M.Biradar, AGA for respondents)

This Application is filed under Section 19 of the Administrative Tribunals Act, 1985, with a prayer to call for records from the respondent No.2 as regards the issuance of the impugned order dated 17.10.2025 issued by the respondent No.2 (Annexure-A6) and to quash the impugned order of suspension dated 17.10.2025 issued by respondent No.2 (Annexure-A6) and to direct the respondents to grant all consequential benefits to the applicant.

This Application coming on for Hearing, having been heard and reserved for pronouncement of orders, this day, the **Hon'ble JUDICIAL MEMBER Mr. S. Y. WATAWATI**, made the following:

ORDER

We heard the arguments on both sides.

2. Sri Anirudh A. Kulkarni, learned Counsel for the applicant, during the course of his arguments, has reiterated the facts as pleaded in the application.

3. Sri Virangouda M.Biradar, learned AGA appearing for the official respondent even though he has not chosen to file a reply statement but orally opposed the application of the applicant and filed a Memo and produced six documents. The same is taken on record.

4. We have gone through the pleadings, documents and submissions made on behalf of both parties. It reveals that while the applicant was working as Personnel Assistant to the Member of Legislative Assembly (MLA), Lingasugur Constituency, Lingasugur, Raichur, the 2nd respondent placed the applicant under suspension vide order dated 17.10.2025 pending departmental enquiry vide Annexure-A6. The applicant being aggrieved by the said order has preferred this application on the grounds that the impugned suspension order would indicate that the 2nd respondent has relied on the news item published by Vartha Bharathi, 3rd party which depicted that the applicant participated in the aforesaid event of Rashtriya Swayam Sevaka Sangha (for short "RSSS" hereinafter), the impugned suspension order has been issued by the 2nd respondent on the ground that the applicant allegedly violated Rule 3 of the Karnataka State Civil Services (Conduct) Rules, 2021. The impugned order is contrary to Rules 3 & 5 of Karnataka State Civil Services (Conduct) Rules, 2021 and contrary to the judgment of the Hon'ble High Court of Mysuru in the case of **Ranganathachar Agnihotri Vs. State of Mysore and others** and the judgment of the Hon'ble High Court of Bombay (Nagpur Bench) in the case of **Chintamani Purushottam Neurgaonkar Vs. The Post Master**

General, Central Circle, Nagpur. Further urged that the RSSS is non-Governmental and nationalist organization on a non-working day i.e., Sunday how the applicant would act as unbecoming of a Government servant and also failed to observe how the actions of the applicant in participating in an event of the RSSS of a non-working day has resulted in a misconduct which would necessitate suspension pending disciplinary proceedings. There is absolutely nothing on record or in the impugned order that the applicant's actions amount to misconduct. The Government of India, by way of an Official Memorandum dated 09.07.2024 as per Annexure-A7 removed the mention of the RSSS in certain earlier OMs thereby allowing the employees of the Government of India to participate in the activities of the RSSS. The applicant's participation in the aforementioned event which was organized during holiday, in the personal capacity, at a cultural/social event, not political activity, without using official position or resources. The participation of the applicant in an activity of a non-governmental, patriotic and nationalist organization like the RSSS i.e., engaged in social, educational, cultural and health related seva activities, would not amount to dereliction of duty and activities that are do not comes

under the purview of such activities of the applicant are unbecoming of a Government servant.

5. Learned AGA appearing for the official respondents by producing certain documents along with a Memo would submit that the applicant is a Government servant has participated in the event of RSSS on 12.10.2025 which appeared in Kannada Newspaper namely Kannada Vartha Bharathi which discloses that the applicant holding a lotty, wearing the dress of RSSS being a Government servant participated in the event organized by the RSSS which is attached to the political party of BJP and when the applicant has participated in the event organized by the RSSS which is political party of BJP as per the 3rd document produced along with memo. The CEO, Zilla Panchayath has submitted a report to the Commissioner i.e., 2nd respondent who after verified the material placed before him has placed the applicant under suspension pending enquiry which is in accordance with Rules 3 to 5 of the (Conduct) Rules and the judgment as relied by the learned Counsel for the applicant will not applicable to the case on hand and the facts and circumstances of the said decisions are totally different from the facts and circumstances of this case. Therefore, he prays for dismissal of the application.

6. Admittedly, the applicant is working as Panchayath Development Officer in Raichur District. Later, he was deputed as Personnel Assistant to the Member of Legislative Assembly (MLA), Lingasugur Assembly Constituency, Lingasugur, Raichur, as per Annexure-A1. When the applicant was a Government servant, whether he can participate in the event conducted by the organization, namely RSSS, on 12.10.2025 is in violation of the Service Rules? As such we have gone through Rule 3(1) of Karnataka State Civil Service (Conduct) Rules, 2021 which made it clear that every Government servant shall at all times; maintain absolute integrity, maintain devotion to duty and do nothing which is unbecoming of a Government servant and not involve in any criminal activity. Secondly, every Government servant shall maintain high ethical standards, political neutrality, etc. the impugned order has been passed based on Rule 3(1)(iii) and Rule 3(2)(ii) of the said Rules and Rule 5 of the said Conduct Rules, further, made it clear that no Government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity. The facts make it clear that except the

organization which attached to the political party or any movement or activity organized by the political party is disallowed the Government servant to participate in the event organized by such organization or political party.

7. The question is arises as to whether, respondents have establishes that RSSS is a face of political party or organization of the political party or not.

As such, learned AGA by referring to two documents at Sl.No.1 & 3 produced along with a memo referred that one is news item with participation of the applicant in the event organized by the RSSS holding lotty, wearing the dress of RSSS is not in dispute and 3rd document is the Tweet made by the political party, namely, BJP. It is not the Tweet made on behalf of the RSSS, if said Tweet has been issued by the RSSS, certainly could have held as it is part of BJP political party, but that Tweet made by the BJP party. Mere that BJP has Tweeted as from farmers to youth, education to environment, the RSSS Vichar Parivaar shapes society across every field matter would have been different. The BJP by way of Tweet appreciated the events of RSSS. Mere that one political party has appreciated the activities of the non-political organization itself cannot be said that the said organization is part of that party.

However, Rule 5 made it clear that if any Government servant participated in the activities or organization made by the political party directly or indirectly, it is completely barred under Rule 3 of the said Conduct Rules. As such, Hon'ble High Court of Mysuru in case of **Agnihotri** referred to supra in para No.2 of the judgment question was raised as active participate in the activities of R.S.S.S. whose tenets and ideology are subversive and accretive and opposed to secularism and the established partition of India as accepted under the constitution, are not conducive for the proper discharge of the duties of the post of Munsiff. For which, the Hon'ble High Court answered in page No.1206 by observing as *"when there is no other defect in the character or antecedents of a candidate, his membership in an organization and his participation in the activities thereof, will be an irrelevant consideration, unless the aims, objects and activities of that organization are such as would have a bearing on the question of his suitability to the post of a Munsiff. In the present case, it is stated that the tenets and ideology of the R.S.S.S are subversive and secretive and opposed to secularism and the established partition of India as accepted under the Constitution. These allegations in the counter-affidavit filed by the Government are denied in the reply affidavit filed by the*

petitioner and it is stated that the R.S.S.S is functioning as a cultural organization and that the same is not banned by the State or the Central Government and it is further stated that the R.S.S. merely preaches about the character building of an individual in the context of the nation. Mr. Advocate General on behalf of the State contends that having regard to the tenets and ideology of the R.S.S. the person who has actively participated in the activities of such an organization, would not, in the opinion of the Government, be suitable to discharge the duties of the post of a Munsiff. Further, Hon'ble High Court of Mysuru in page No.1211, wherein it is made it clear that all the above materials show that prima-facie the R.S.S. is a non-political cultural organization without any hatred or illwill towards non-Hindus and that many eminent and respected persons in the country have not hesitated to preside over its functions or appreciate the work of its volunteers. In a country like ours which has accepted the democratic way of life (as ensured by the Constitution), it would not be within reason to accept the proposition that mere membership of such peaceful or non-violent Association and participation in activities thereof, will render a person (in whose character and antecedents there are no other defects) unsuitable to be appointed to the post of a Munsiff.

Further, in page No.1215 at para 8 made it clear that from what has been stated above, it is clear that the opinion of the Government that the petitioner is unsuitable to be appointed to the post of Munsiff, has been founded on the irrelevant consideration of the petitioner having been a member of the R.S.S. and in his having participated in the establishment of its branch unit in his town. The opinion founded on irrelevant considerations is arbitrary and therefore unacceptable to the Court.

8. As such, we have gone through the Rule 3(1) and Rule 3(2)(ii) of the Karnataka Civil Services (Conduct) Rules, 2021, which reads as follows;

"3. General.-(1) Every Government Servant shall at all times.-

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government Servant.

3(2)(ii) No Government Servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except that when he is acting under the direction of his official superior and shall, where he is acting under such direction obtain the direction in

writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible"

9. We have gone through the Rule 5(1) of the Karnataka Civil Services (Conduct) Rules, 2021, which reads as follows;

"5. Taking part in politics and election.-(1) No Government Servant shall be a member of or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity."

10. In the instant case, the alleged act of the applicant was in an event organized by a non-political party. When he participated in the event organized by a non-political party, the act of the applicant did not violate the conditions stipulated in Rule 5 of the Conduct Rules, 2021. Further, there was no bar imposed by the state Government by issuing any order or notification prohibiting any Government Official from participating in such an event. If there had been any specific order issued by the Government barring Government servant from participating in an event organized by such an association, then only it would have amounted to a violation of the Conduct Rules, 2021 stipulated above.

11. When the Hon'ble High Court of Mysuru, now designated as the Hon'ble High Court of Karnataka, has made it clear that mere membership of such an association or participation in its activities will not render a person unsuitable for the post of Munsiff, even though the facts of the said case are totally different from the facts of the present case, the involvement of the petitioner therein in such a non-political organization was held not to have violated any Conduct Rules. When there was no specific bar either on the applicant or on anybody from participating in such an organization before it has been declared as a political party, it cannot be said that the act of the applicant violated the conditions stipulated in the Conduct Rules. When the State Government has not prohibited the participation of any citizen, including a Government servant, in the activities conducted by such an organization on holidays, the participation of the applicant in such activities, without affecting his regular work, i.e., on a holiday, will not violate any of the conditions mentioned in Rules 3 and 5 of the Conduct Rules, 2021.

12. Already six months have lapsed and no articles of charge have been issued. Further, there was an interim order of stay. Therefore, the respondent authority may not have reviewed the suspension order under Rule 10(5) of the KCS (CC&A) Rules, 1957.

13. Further, We have gone through the decision of Hon'ble High Court of Bombay (Nagpur Bench) in case of **Chintamani Purushottam Neurgaonkar Vs. The Post Master General, Central Circle, Nagpur**, para Nos. 13 & 14 are relevant and the same reads as under:

"(13) In the case of the petitioner Chintamani the first allegation is that he has been associated and taking active part in the activities of R.S.S.S Though Chintamani has denied this allegation we may assume that the allegation is true according to the respondent. But the R.S.S. is not an organisation which is declared unlawful. The allegations also does not disclose what are the activities of the R.S.S., participation in which or association with which is considered subversive. To that extent the averment is extremely vague. Unless a person is reasonably suspected of being engaged in doing something unlawful, or ex facie prejudicial to public security, it is difficult to countenance the suggestion that mere association with an institution which is neither declared as unlawful nor is alleged or shown to be indulging in any anti-social or treasonable activities or activities leading to breach of the peace, can form a foundation for action under R. 3.

(14) The next allegation is that Chintamani attended the trip organised by R.S.S. at a point called Starkey point, on 17th November 1957. Here again we fail to see, in the absence of any indication as to what was the objection of the trip and what was the achievement of this trip, how attending or associating with a picnic, or mere visiting the Starkey Point, would amount to a subversive activity. The third ground is that he participated in the "Sankrant Mohotsav" of the R.S.S. on 14th January 1960 at Mohita ground, Nagpur. Prima facie every Hindu generally celebrates or participates in this social gathering. For all one knows, this is a most secular type of gathering that is observed amongst Hindus, in which persons belonging to other communities also take part. It is really difficult to understand how and why participation in such an innocuous social function should be invested or associated with a subversive motive."

14. In the light of the above said discussions and findings, we proceed to pass the following;

ORDER

- i) The application is allowed.
- ii) The impugned order bearing No.KPRC/DD-4/201/2025 dated 17.10.2025, passed by the 2nd

respondent vide Annexure-A6, in so far as the suspension of the applicant is concerned, is hereby quashed. Consequently, the applicant is entitled to all consequential benefits to which he is legally entitled, with liberty to the respondent authorities to initiate a departmental enquiry against the applicant into the charges, if occasion arises.

Sd/-

(S. Y. WATAWATI)
JUDICIAL MEMBER

Sd/-

(Dr. AMITA PRASAD)
ADMINISTRATIVE MEMBER