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IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH

DATED THIS THE 16<sup>TH</sup> DAY OF NOVEMBER, 2015

PRESENT

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

AND

THE HON'BLE MR.JUSTICE P.S.DINESH KUMAR

WRIT APPEAL No.100796/2015 (S-KSRTC)

BETWEEN:

1. THE CHAIRMAN  
K.S.R.T.C., CENTRAL OFFICE  
SHANTI NAGAR  
BENGALURU-5600027
2. THE MANAGING DIRECTOR  
KSRTC, CENTRAL OFFICE  
SHANTI NAGAR,  
BENGALURU-5600027
3. THE DEPARTMENT PROMOTION COMMITTEE  
REPRESENTED BY THE MANAGING DIRECTOR  
KSRTC, CENTRAL OFFICE  
SHANTI NAGAR, BENGALURU-5600027
4. THE GENERAL MANAGER (PERSONAL)  
KSRTC, CENTRAL OFFICE  
SHANTI NAGAR  
BENGALURU-5600027.

AT PRESENT ALL THE APPELLANTS ARE  
REPRESENTED BY THE CHIEF LAW OFFICER,  
K.S.R.T.C., CENTRAL OFFICE,  
SHANTHI NAGAR,  
BENGALURU.

... APPELLANTS

(BY SHRI.PRASHANTH KADADEVAR, ADV. FOR  
SHRI RAVI V.HOSAMANI, ADV.)

AND:

R.A. NAGENDRANATH  
S/O LATE AMARENDRANATH  
AGE:58 YEARS  
CHIEF PLANNING AND STATISTICAL OFFICER  
NWKRTC, CENTRAL OFFICE,  
HUBBALLI. ... RESPONDENT

(BY SRI SUBRAMANYA JOIS, SR.. ADV.)

THIS WRIT APPEAL IS FILED U/S.4 OF THE KARNATAKA HIGH COURT ACT, 1961, R/W. RULE 27 OF THE WRIT PROCEEDINGS RULES, 1977, PRAYING TO, ALLOW THE APPEAL AND SET ASIDE THE IMPUGNED INTERIM ORDER DATED:09.10.2015, PASSED BY THE LEARNED SINGLE JUDGE IN WP.NO.108192/2015 FILED BY THE RESPONDENT BEFORE THIS HON'BLE COURT.

THIS APPEAL COMING ON FOR PRELIMINARY HEARING, THIS DAY, S.ABDUL NAZEER, J., DELIVERED THE FOLLOWING:

JUDGMENT

This writ appeal is directed against an interim order dated 09.10.2015 in W.P.No.108192/2015.

2. The respondent filed the above writ petition for a mandamus directing the appellants herein to consider his claim and post him as Chief Mechanical Engineer, (Class-I Selection Grade) either at BMTC, Central Office, Bangalore, or NEKSRTC, Gulbarga and also for a writ of certiorari thereby quashing the notification at Annexure-F dated 29.06.2015. The learned Single Judge has passed the aforesaid interim order granting the respondent an opportunity to make a representation requesting the appellants to re-transfer him

either to Bangalore or Gulbarga. The learned Single Judge directed the appellants herein to pass appropriate orders on the representation, if, made within a period of 15 days from the date of its receipt.

3. The contention of the learned counsel for the appellants is that in order to maintain the writ petition, the respondent ought to have made a demand. Without there being any demand, the writ petition itself is not maintainable. Therefore, the learned Single Judge is not justified in permitting the respondent to make a representation.

4. As noticed above, two prayers are made in the writ petition. The first prayer is for a mandamus directing the respondents/appellants herein to consider the claim of the petitioner/respondent herein and post him as Chief Mechanical Engineer either at BMTC, Central Office, Bangalore or at NEKSRTC, Gulbarga. The second prayer is for quashing the notification at Annexure-F dated 29.06.2015. Since, the respondent herein has sought for a certiorari for quashing the notification at

Annexure-F, it cannot be said that the writ petition is not maintainable.

5. Learned Single Judge in exercise of his discretion has permitted the respondent to make a representation and the appellants are directed to consider the said representation within a time frame. We do not find any error in the order. It is well settled law that Article 226 of the Constitution grants extraordinary remedy, which is essentially discretionary. It is perfectly open for the Court exercising this flexible power to pass such orders as public interest dictates and equity projects. In order to do complete justice between the parties, it has power even to mould the relief. Power to do complete justice inheres in every Court, not to speak of a Court of plenary jurisdiction, like a High Court. There is no merit in this appeal. It is accordingly dismissed.

6. At this stage, learned counsel for the appellants submits that a week's further time may be granted to the appellants to consider the representation filed by the respondent.

7. The request made by the learned counsel for the appellants is reasonable. Therefore, a week's further time is granted to the appellants to consider the representation filed by the respondent in terms of the impugned order. No costs.

Sd/-  
JUDGE

Sd/-  
JUDGE

Jm/-