

HC WANTS END TO POSTINGS FOR MONEY

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

In an unprecedented order, the High Court of Karnataka has urged the Chief Justice to initiate *suo motu* proceedings against the State government to put an end to the “pernicious practice” of posting officers “for monetary considerations and reasons other than public interest”.

A Bench of Justice R. Devdas passed the order on March 15 taking note of “high-handedness” of the tahsildar and the assistant commissioner (AC) of Bengaluru South taluk, who acted contrary to the law even when an issue related to grant of a parcel of land, value of which is worth several crores of rupees, was *sub judice* before the High Court. “This court should take judicial notice of the fact that such high-handed action on the part of the respondent-authorities [tahsildar and AC] could not have happened if the authorities were sensitive enough about their powers and functions,” the court observed.

“The obvious disregard may have been occasioned due to the fact that postings are given to such sensitive offices, not on merits or with public interest in mind,” the court observed.

“It is obvious that the respondent-authorities are fearless of the consequences of being in conflict with the law. Such officers are emboldened by the fact that they are protected by the government.”

Plum postings

Pointing out that “every now and then the citizens of this State are given to understand that plum postings are assigned for monetary considerations,” the court said, “Such news and information are published in national newspapers, magazines, television channels and social media.”

“Such allegations are even levelled by the Opposition leaders and social activists; and cutting across all political parties that have formed the government, [such] allegations are levelled against the heads of the departments, Ministers and Chief Minister.”

The court also observed that “there cannot be two views that if an officer shells out money to get a plum posting, he would employ every means possible to recover the money he has invested and make every effort to make money for future needs and therefore, this forms the vicious circle of corruption.”

“Time has come when this court has to step in to find out the truth of the fact and direct the State to put in place regulations to check the tentacles of corruption from taking stranglehold of the society. Therefore, this court would urge that the Chief Justice may take note of the observations and take up *suo motu* proceedings against the State government to put an end to the pernicious practice,” observed Mr. Justice Devdas in his order.

Chequered history

The land, measuring around 1 acre 30 guntas in Doddathoguru in Bengaluru South taluk, was sold in 2001 by a person to whom it was granted by the government. Later, it was divided into sites, changed many hands, and several large constructions were put up.

However, the land has witnessed a chequered history of litigations since 2005 before the

Revenue authorities and the court.

The AC and the tahsildar in February 2020, in the guise of violation of provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978, had hastily demolished several buildings acting on an application made by one M. Muniraju who was claiming ownership alleging that parcels of land were sold using fabricated documents.

The court observed that the records “clearly betrays the conspiracy and consorted effort” made by AC M.G. Shivanna and tahsildar Shivappa Lamani along with Mr. Muniraju in “defrauding the petitioners”, Jayamma and others, even when the litigation on the land was pending before the High Court.

The court directed the government to enter its remarks in the service records of both the officers and hold an inquiry against them. The court allowed the petitioners to move the civil court to seek compensation for the damages caused to their properties while directing both the officers to pay cost of Rs. 10,000 each to each of the petitioners.

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