

Reserved on : 23.03.2026
Pronounced on : 17.04.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 24171 OF 2022 (S-KSAT)

BETWEEN:

1. SRI ANAND,
S/O BYRAPPA,
AGED ABOUT 50 YEARS,
WORKING AS DEPUTY SECRETARY,
ZILLA PANCHAYAT, DAVANAGERE,
R/AT No.1827/78, KESHVA KRUPA,
HRB LAYOUT, NEAR SAINT JOHN'S SCHOOL,
SHIVAKUMAR SWAMY BADAVANE,
DAVANAGERE.

...PETITIONER

(BY SRI VIJAYA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYAT RAJ DEPARTMENT,
M. S. BUILDING,
BENGALURU -560 001.
2. THE KARNATAKA LOKAYUKTA,
REPRESENTED BY ITS REGISTRAR,
M. S. BUILDING,
BENGALURU -560 001.

...RESPONDENTS

(BY SRI V. SHIVAREDDY, AGA FOR R1;
SRI ANTONY JOSEPH, ADVOCATE FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 20.07.2022 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN A.No-5559/2020 VIDE ANNEXURE-A AND ALLOW THE APPLICATION AS PRAYED FOR.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, DELIVERED THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri Vijaya Kumar, learned counsel for the petitioner; Sri V. Shivareddy, learned Additional Government Advocate for respondent No.1 and Sri Antony Joseph, learned counsel for respondent No.2.

2. The unsuccessful applicant in Application No.5559/2020, impugning the order dated 20.07.2022 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short, "the Tribunal"), is before this Court.

3. The brief facts are that the applicant belongs to the Rural Development and Panchayat Raj Department. While working as Executive Officer, Taluk Panchayat, Channagiri Taluk, during the period from 16.09.2004 to 23.07.2007, a complaint was

lodged by one Yogaraj Shetty alleging illegalities in the identification of beneficiaries under the Ashraya and Indira Avas Schemes.

3.1 The Lokayukta investigated the complaint and submitted a report recording irregularities in the identification of beneficiaries and the release of funds for construction. In response to the notice issued, the petitioner submitted an explanation before the Lokayukta. Thereafter, a report was submitted under Section 12(3) of the Karnataka Lokayukta Act, 1984 (for short, "the Lokayukta Act").

3.2 Pursuant thereto, by order dated 14.11.2013, the enquiry was entrusted to the Upalokayukta under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. A joint enquiry was conducted against the petitioner and four other DGOs. Articles of charge alleging loss to the Government during the period from 16.09.2004 to 23.07.2007, while the petitioner was working as Executive Officer, were framed.

3.3 The Enquiry Officer submitted a report holding the charges proved. The enquiry report was forwarded with a recommendation to impose the penalty of withholding three

annual increments for a period of two years with cumulative effect. The Disciplinary Authority issued a second show-cause notice, to which the petitioner submitted a reply.

3.4 By order dated 03.07.2019, the Disciplinary Authority imposed the penalty of withholding three annual increments with cumulative effect for a period of two years. The said order of penalty was the subject matter of challenge before the Tribunal. The Tribunal, by the impugned order, rejected the application.

4. Sri Vijaya Kumar, learned counsel appearing for the petitioner, submits that the complaint is dated 29.12.2010, alleging illegalities in the identification of beneficiaries for the period 2004–07. It is contended that the complaint has been made after a lapse of more than three years.

4.1 It is further submitted that the Lokayukta shall not investigate any complaint involving a grievance made after the expiry of six months. It is also contended that the complaint does not contain any specific allegations against the petitioner and, in the absence of such allegations, the enquiry by the Lokayukta is not permissible.

4.2 Learned counsel further submits that there is no evidence to substantiate the charges against the petitioner, and that none of the witnesses have deposed against him. It is contended that the findings of the Enquiry Officer and the order imposing penalty are without any evidentiary basis.

4.3 It is lastly submitted that, despite demonstrating before the Tribunal that the imposition of penalty was without evidence, the Tribunal has committed an error in failing to appreciate the same.

5. Sri V. Shivareddy, learned Additional Government Advocate (AGA) appearing for respondent No.1, submits that though the complaint was made in the year 2010, the alleged incident pertains to the period during which the petitioner was serving as Executive Officer of the Taluk Panchayat.

5.1 It is further submitted that, though the list of beneficiaries was approved by the Gram Panchayat, it was the bounden duty of the petitioner to examine the same. It is contended that, having regard to the gravity of the misconduct involving financial irregularities, the enquiry and the resultant punishment cannot be interfered with on the ground of delay.

6. Sri Antony Joseph, learned counsel appearing for respondent No.2, supporting the submissions made by the learned AGA, contends that the Tribunal, upon a threadbare analysis of the evidence on record, has rightly rejected the application.

6.1 It is submitted that the petitioner was afforded sufficient opportunity to put forth his defence. It is further submitted that the involvement of the petitioner in the process of identification and approval of the list of beneficiaries under the Ashraya and Indira Avas Schemes, including beneficiaries such as physically disabled persons, is not in dispute.

6.2 It is contended that the plea that the petitioner was not working in the said post during the relevant period is a new ground urged before this Court, which was neither raised before the Tribunal nor taken as a defence in the enquiry proceedings, and therefore cannot be permitted to be canvassed at this stage.

7. Having considered the submissions made by learned counsel for the parties, and upon perusal of the writ petition, we are inclined to entertain the writ petition.

8. The dates and events referred to hereinabove are not in dispute. The complainant filed an application for allotment of a house and presented the same to the Zilla Panchayat on 21.08.2008. The Zilla Panchayat, in turn, forwarded the said application to the Taluk Panchayat and thereafter to the Gram Panchayat for necessary action.

8.1 Common articles of charge were issued against the petitioner and four other DGOs. Except for the fact that the petitioner was working as Executive Officer of the Taluk Panchayat, Channagiri Taluk, during the period from 16.09.2004 to 23.07.2007, there is no specific allegation with reference to the articles of charge. It appears that common articles of charge have been framed, without specifying the distinct role or misconduct attributable to the petitioner.

8.2 The enquiry report indicates that the complainant was examined as PW.1 and the Investigating Officer as PW.2. The Disciplinary Authority marked Exs.P1 to P16, while one witness was examined as DW.1 on behalf of the DGO and Exhibits D1 to D6 were marked. PW.1 has deposed that the petitioner (DGO-2) did not accept his application and issued an

acknowledgment. Except for this testimony, there is no other evidence to substantiate the charge against the petitioner.

8.3 The evidence of PW.2 is also silent with regard to the involvement of the petitioner in the alleged identification of beneficiaries, preparation of the list of beneficiaries, or the release of funds.

8.4 The application submitted by the complainant was made after the completion of the petitioner's tenure in the said post. The alleged misappropriation or irregularities in the release of funds are also subsequent events. PW.2, the Investigating Officer, has not conducted any enquiry with respect to the petitioner on the allegations made in the complaint, which is admitted by PW.2.

8.5 A perusal of the enquiry report clearly indicates that the conclusion recorded by the Enquiry Officer, holding that the charges are proved against the petitioner, is without any evidentiary basis. The Disciplinary Authority, while considering the findings of the Enquiry Officer and the recommendation made by the Lokayukta for imposition of penalty, has not applied its mind.

8.6 It is submitted that the other DGOs have accepted the order of penalty; however, the said position has no bearing on the case of the petitioner, which requires independent consideration. It appears that the Enquiry Officer, in view of the common articles of charge and common evidence, has failed to independently analyse the evidence so as to record a finding of guilt against the petitioner.

8.7 The Tribunal, without examining the evidence insofar as the petitioner is concerned, has proceeded to analyse the evidence in respect of all the DGOs. Such a course is impermissible, particularly when only one DGO is before the Tribunal. The Tribunal ought to have examined whether there exists any specific evidence against the petitioner. By failing to undertake the aforesaid exercise, the Tribunal has reiterated the error committed by the Enquiry Officer and the Disciplinary Authority.

8.8 It is a settled position of law that the Tribunal and this Court shall not sit in appeal over the conclusions of the Enquiry Officer and the Disciplinary Authority. This Court cannot substitute its own findings or opinion in place of those recorded by the competent authority. However, where a case is made

out demonstrating absence of evidence, or where findings are recorded without any basis or supporting material, it is open to this Court or the Tribunal to interfere. In the case on hand, the Tribunal has failed to exercise its jurisdiction in this regard.

8.9 Having considered the findings recorded by the Enquiry Officer, the recommendation made by the Lokayukta, and the reasons assigned for the imposition of penalty, we find that there is no evidence against the petitioner to hold that the alleged charges are proved. The case of the petitioner is one of "no evidence." When the conclusion reached by the Enquiry Officer and the Disciplinary Authority is without any basis, the penalty cannot be sustained.

9. In the light of the above, the following:

ORDER

- (i) Writ petition is ***allowed***.
- (ii) The order in Application No.5559/2020 dated 20.07.2022 passed by the Karnataka State Administrative Tribunal, Bengaluru is set aside.
- (iii) Application No.5559/2020 is allowed.
- (iv) The order dated 03.07.2019 (Annexure-A8) passed

by respondent No.1 insofar as the petitioner imposing penalty of withholding of three annual increments for two years with cumulative effect is hereby set aside.

- (v) The petitioner is entitled to all consequential benefits.
- (vi) Time for compliance of this order is *three* months from the date of production of copy of this order before the competent authority.
- (vii) No order as to cost.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**