

Reserved on : 18.02.2026  
Pronounced on : 11.03.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11<sup>TH</sup> DAY OF MARCH, 2026

PRESENT

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

AND

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

**WRIT PETITION No. 26076 OF 2025 (S-KSAT)**

**BETWEEN:**

1. MR. OMKARAPPA K. H.,  
S/O TAILOR HANUMAPPA,  
AGED ABOUT 55 YEARS,  
WORKING AS JOINT DIRECTOR,  
LOCAL AUDIT CIRCLE,  
SHIMOGA577203,  
RESIDING AT  
LOCAL AUDIT CIRCLE OFFICE QUARTERS,  
COUNTRY CLUB ROAD,  
VIDYANAGAR, SHIMOGGA-577203.

...PETITIONER

(BY SRI MAHESH L., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL  
SECRETARY TO GOVERNMENT,  
FINANCE DEPARTMENT,  
(ADMINISTRATION AND ADVANCES),  
VIDHANA SOUDA,  
BENGALURU 560 001.

...RESPONDENT

(BY SRI V. SHIVAREDDY, AGA)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 09/01/2025 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN OA No.4030/2024 VIDE ANNEXURE-A, AS THE SAME IS ARBITRARY, ERRONEOUS AND CONTRARY TO THE SETTLED LAW.

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

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

**C.A.V. ORDER**

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

Heard Sri L. Mahesh, learned counsel for the petitioner and Sri V. Shivareddy, learned Additional Government Advocate for the respondent.

2. The unsuccessful applicant in Application No.4030/2024 has preferred the present writ petition challenging the order dated 09.01.2025 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short, 'Tribunal').

3. The facts, in brief, are that while the petitioner was working as Chief Accounts Officer, Zilla Panchayat, Chitradurga, a charge memo was issued to him. The petitioner submitted a detailed reply to the charge memo. An Enquiry Officer was

thereafter appointed, and upon conclusion of the enquiry, a report was submitted holding the charge proved against the petitioner.

3.1 The Disciplinary Authority issued a show-cause notice, to which the petitioner submitted a detailed reply contending that the charges had been levelled with an intention to victimise him. The Disciplinary Authority, upon consideration of the enquiry report and the reply submitted by the petitioner, imposed the penalty of withholding four annual increments with cumulative effect by order dated 04.07.2024. The said order was the subject matter of challenge.

4. Sri L. Mahesh, learned counsel appearing for the petitioner, submits that the allegation regarding misutilisation of funds under the MGNREGA Scheme had already been examined by the Ombudsman, Zilla Panchayat, Mandya, and therefore, a parallel enquiry by the Lokayukta in respect of the very same incident was impermissible.

4.1 It is further contended that the Ombudsman, upon enquiry, did not find any fault on the part of the petitioner and had, in fact, given him a clean chit. Learned counsel submits that the petitioner had no role whatsoever in the alleged work.

Even assuming that any misappropriation is established, unless there is material to demonstrate the petitioner's involvement in the alleged work, he cannot be subjected to disciplinary enquiry or penalty.

4.2 It is also submitted that the enquiry report has been submitted mechanically and that the Disciplinary Authority, without proper application of mind, has imposed the penalty. According to the learned counsel, the findings recorded in the enquiry report are not supported by any evidence to substantiate the charge against the petitioner.

4.3 It is further contended that the Tribunal, while dismissing the application, has failed to examine the correctness and legality of the findings recorded by the Enquiry Officer and the Disciplinary Authority. On these grounds, learned counsel prays that the writ petition be allowed and the order imposing penalty be set aside.

5. *Per contra*, Sri Vikas Rojipura, learned counsel appearing for the respondent, submits that the Enquiry Officer, upon appreciation of the material on record, has recorded a finding that the charge stood proved against the petitioner. The evidence on record, according to the learned counsel, clearly

establishes the petitioner's involvement in the alleged misappropriation of funds.

5.1 It is further contended that the report of the Ombudsman has no bearing on the disciplinary enquiry initiated under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short "CCA Rules"). The scope and object of the proceedings before the Ombudsman are distinct and serve a different purpose, whereas the disciplinary proceedings under the said Rules are independent in nature.

5.2 On these submissions, the learned Additional Government Advocate prays that the writ petition be dismissed.

6. Considered the submissions of learned counsel for the parties and perused the writ papers.

7. The petitioner was issued a charge memo dated 19.03.2019, pursuant to which a departmental enquiry was conducted. The Enquiry Officer, upon conclusion of the enquiry, held that the charges levelled against the petitioner (DGO-II) stood proved. In the course of the enquiry, the Disciplinary Authority examined two witnesses PW1 & PW2 and marked documents at Exs.P1 to P22. The petitioner examined himself

as DW.1, and another DGO was examined as DW.2. On behalf of the defence, documents at Exs.D1 to D12 were marked.

7.1 Upon appreciation of the oral and documentary evidence, the Enquiry Officer recorded a finding that no spot inspection had been conducted prior to granting permission to carry out the works. It was further noticed that the works under the MGNREGA Scheme were not inspected and that due diligence had not been exercised while approving the work estimates.

7.2 After receipt of the enquiry report, a second show-cause notice was issued by the Disciplinary Authority, to which the petitioner submitted a detailed reply. The Disciplinary Authority, upon consideration of the enquiry report, the evidence on record, and the reply submitted by the petitioner, concluded that the petitioner had granted permission for the work without conducting a spot inspection. It was also observed that there was no material on record to establish completion of the work. Accordingly, the Disciplinary Authority imposed the penalty of withholding four annual increments with cumulative effect.

8. The primary contention urged by the petitioner is that the very same irregularities/allegations had earlier been enquired

into by the Ombudsman, Zilla Panchayat, Mandya. It is contended that the Ombudsman, upon investigation, did not find any fault on the part of the petitioner, though certain penalties were levied on other officers.

9. The Tribunal, upon consideration of the said contention, has held that the enquiry conducted by the Ombudsman and the disciplinary proceedings initiated pursuant to the report of the Lokayukta operate in distinct fields and serve different purposes. The Tribunal has further recorded that the findings in the enquiry report, the recommendation of the Upa-Lokayukta, and the imposition of penalty are based on substantiated evidence on record.

10. We have perused the enquiry report, the findings recorded by the Disciplinary Authority, as well as the report of the Ombudsman. The Ombudsman has examined the allegation of misappropriation of funds. The Enquiry Officer, however, has recorded findings with regard to the irregularities in the execution of the works and the role attributed to the petitioner therein.

11. It is well settled that the strict rules of evidence are not applicable to disciplinary proceedings. The material on record is

required to satisfy the test of preponderance of probabilities. Further, neither the Tribunal nor this Court, in exercise of judicial review, can sit in appeal over the findings recorded by the Enquiry Officer or the Disciplinary Authority. The scope of interference is confined to examining whether there is any evidence to sustain the charge.

12. In the present case, it cannot be said that the findings are based on no evidence. Sufficient material is available on record to support the conclusions arrived at in the departmental enquiry. Interference by this Court is warranted only in rare cases, and that too with respect to the decision-making process and not the decision itself.

13. The object of an enquiry under the CCA Rules is to examine the conduct of a public servant in discharge of official duties. The enquiry conducted by the Ombudsman into the alleged misappropriation of funds operates in a different sphere and has no bearing on the disciplinary proceedings initiated under the CCA Rules. The charge against the petitioner must be examined strictly within the framework of the said Rules and not beyond.

14. We find no infirmity in the order passed by the Tribunal. The findings recorded by the Tribunal are based on the oral and documentary evidence available on record. No demonstrable ground has been made out warranting interference with the order of the Tribunal in exercise of our writ jurisdiction.

15. Accordingly, the writ petition stands ***dismissed***.

Pending I.A., if any, stands disposed of.

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

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

MV