

Reserved on : 01.04.2026
Pronounced on : 05.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

PRESENT

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

AND

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

WRIT PETITION No. 20414 OF 2025 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
REPTD. BY ITS ADDL. CHIEF SECRETARY,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA,
BENGALURU -560 001.
2. THE CHIEF ENGINEER,
COMMUNICATION AND BUILDING (SOUTH),
PUBLIC WORKS DEPARTMENT,
BENGALURU -560 001.
3. ACCOUNTANT GENERAL
KARNATAKA CIRCLE, PARK HOUSE,
BENGALURU -560 001.

...PETITIONERS

(BY SRI REUBEN JACOB, AAG A/W
SRI SHIVAREDDY, AGA)

AND:

1. SRI ANJANAPPA C. T.,
S/O. THIPPANNA C.,
AGED 63 YEARS,
RETIRED ASSISTANT EXECUTIVE ENGINEER,



R/AT No.255, 5TH STAGE,
VISHWESHVARAIAH LAYOUT,
ULLALA MAIN ROAD,
BENGALURU-560091.

...RESPONDENT

(BY SRI SHANTHARAJU, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 25.11.2024 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION No.4157 OF 2024 (ANNEXURE-A).

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 Reuben Jacob, learned Additional Advocate General (AAG) along with Sri V. Shivareddy, learned Additional Government Advocate for the petitioners and Sri Shantharaju, learned counsel for the respondent.

2. This writ petition is filed by the State challenging the order dated 25.11.2024 passed in Application No.4157/2024 by the Karnataka State Administrative Tribunal, Bengaluru (for short 'Tribunal').

3. The brief facts of the case are that the respondent, while working as an Assistant Executive Engineer, was placed under suspension upon registration of a case by the Anti-Corruption Bureau (ACB) in Crime No.1/2021 alleging possession of disproportionate assets.

3.1 The respondent challenged the order of suspension before the Tribunal. Initially, an interim order staying the suspension was granted. However, subsequently, Application No.2375/2021 came to be dismissed by order dated 14.10.2022. The order passed by the Tribunal was challenged in W.P. No.20768/2022, which also came to be dismissed by order dated 23.11.2022.

3.2 The respondent attained the age of superannuation and retired from service on 31.08.2023. Upon retirement, provisional pension was sanctioned to him. Since the representations submitted by the respondent seeking release of full pensionary and retiral benefits were not considered, he preferred an application before the Tribunal. The Tribunal, by the impugned order, directed release of full pension and all pensionary benefits, including DCRG, commutation value of

pension, and earned leave encashment, together with applicable interest.

4. Sri Reuben Jacob, learned AAG along with Sri V. Shivareddy, learned Additional Government Advocate for the petitioners, submits that an FIR was registered against the respondent and he was placed under suspension by order dated 17.05.2021. It is submitted that though the order of suspension was initially stayed by the Tribunal, the application subsequently came to be rejected. Thereafter, the writ petition filed challenging the said order also came to be dismissed.

4.1 It is further submitted that the respondent retired from service while under suspension. Subsequently, on 11.07.2025, a charge sheet came to be filed and cognizance was taken on 29.07.2025. Learned AAG submits that, in view of the criminal proceedings pending against the respondent as on the date of retirement, he is not entitled to full pensionary and retiral benefits. It is further submitted that the respondent failed to furnish the statement of assets and liabilities at the end of every financial year, thereby violating the provisions of the Karnataka Civil Services (Conduct) Rules, 2021.

4.2 It is contended that when a criminal case relating to possession of disproportionate assets is pending, full pensionary and retirement benefits cannot be released. It is further submitted that the Government is the appointing authority and, in terms of Rule 214(1)(a) of the Karnataka Civil Services Rules (KCSRs), is entitled to withhold full or part pension when departmental enquiry is initiated. It is contended that by virtue of the order of suspension, departmental enquiry is deemed to have been initiated.

4.3 Learned AAG further submits that once a raid was conducted on allegations of possession of disproportionate assets and an FIR was registered under the provisions of the Prevention of Corruption Act, 1988, the same would constitute criminal proceedings so as to withhold retirement benefits. It is therefore contended that the Tribunal erred in directing release of pensionary benefits without noticing the aforesaid aspects.

5. *Per contra*, Sri Shantharaju, learned counsel appearing for the respondent, submits that retirement benefits can be withheld only when departmental enquiry or judicial proceedings are pending. It is submitted that, as on the date of retirement of the respondent, neither judicial proceedings nor

departmental enquiry was pending as contemplated under Rule 214(1)(a) of the KCSRs.

5.1 It is further submitted that continuation of the respondent under suspension as on the date of retirement was contrary to Rule 10(5) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (1957 Rules). Learned counsel submits that, as on the date of retirement, no charge sheet had been filed and, therefore, withholding of pensionary benefits is contrary to Rule 214 of the KCSRs. It is contended that the Tribunal, having taken note of the aforesaid aspects, has rightly directed release of full pension and other retiral benefits to the respondent.

6. We have considered the submissions made by the learned counsel appearing for the parties.

7. It is evident from the record that, while the respondent was working in the BBMP, an FIR in Crime No.1/2021 came to be registered by the ACB alleging possession of disproportionate assets. On the recommendation of the ACB, the respondent was placed under suspension by order dated 17.05.2021.

7.1 The respondent challenged the order of suspension before the Tribunal in Application No.2375/2021. The Tribunal, by order dated 17.06.2021, stayed the order of suspension. However, by final order dated 14.10.2022, the application came to be rejected. The said order was challenged by the respondent in W.P. No.20768/2022 before this Court, which also came to be dismissed on 23.11.2022. While disposing of the writ petition, this Court directed the authorities to pass appropriate orders regarding continuation or revocation of suspension within a period of two weeks. Admittedly, no orders came to be passed by the authorities pursuant to the said direction.

7.2 In the meantime, the respondent attained the age of superannuation and retired from service on 31.08.2023. The charge sheet came to be filed only on 11.07.2025 and cognizance was taken in Special C.C. No.342/2025 on 29.07.2025. It is submitted that the criminal case is presently at the stage of hearing before charge. There is no material on record indicating initiation of any departmental enquiry alleging service misconduct against the respondent.

7.3 The Tribunal, while interpreting Rule 214 of the KCSRs, held that withholding of pension and retirement benefits is permissible only when a Government servant is found guilty in departmental or judicial proceedings. The Tribunal further held that, as on the date of retirement, i.e., 31.08.2023, neither disciplinary proceedings nor judicial proceedings were pending against the respondent and, therefore, withholding of pensionary benefits was unjustified.

8. The FIR was registered in the year 2021 and the respondent retired from service on 31.08.2023. However, the charge sheet came to be filed only on 11.07.2025. No explanation whatsoever is forthcoming for the delay of more than four years in filing the charge sheet. Reliance is placed on sub-rule (6) of Rule 214 of the KCSRs to contend that departmental proceedings shall be deemed to have been instituted. The said contention cannot be accepted in the facts of the present case.

8.1 Rule 10(5) of the 1957 Rules mandates review of the order of suspension upon expiry of six months for continuation or revocation of suspension. This Court, in W.P. No.20768/2022 by order dated 23.11.2022, had specifically directed the

authorities to undertake such review within two weeks. Admittedly, no order either extending or revoking the suspension came to be passed thereafter. Continuation of suspension, therefore, is contrary to Rule 10(5) of the 1957 Rules. In that view of the matter, Rule 214(6) of the KCSRs is of little assistance to the petitioners.

9. Another contention urged is that mere registration of an FIR under the provisions of the Prevention of Corruption Act, alleging possession of disproportionate assets would amount to pendency of judicial proceedings. On a plain reading of Rule 214, we are unable to accept the said interpretation.

10. The facts of the present case indicate that neither the petitioners nor the ACB authorities have discharged their duties diligently and in public interest. The respondent was suspended on account of registration of the FIR in the year 2021. However, the charge sheet came to be filed only on 11.07.2025, after more than four years. No reasons are forthcoming on record for not filing the charge sheet at the earliest.

10.1 The respondent retired from service on 31.08.2023 and the ACB authorities decided to file the charge sheet after more

than four years and seven months. Non-filing of the charge sheet within a reasonable time and filing of the same after more than four years that too after the respondent retired from service seriously raises doubt regarding the *bona fides* of the ACB authorities. We find no satisfactory answer to the said query from the learned AAG appearing for the petitioners.

11. We are also compelled to make one more observation regarding the conduct of the petitioners. The order of suspension was stayed by the Tribunal on 17.06.2021. The application, however, came to be rejected on 14.10.2022. The writ petition filed against the said order also came to be dismissed on 23.11.2022. In the said writ petition, this Court specifically directed the authorities to pass appropriate orders regarding continuation or revocation of suspension within two weeks from the date of receipt of certified copy of the order. Admittedly, the said direction was not complied with till the respondent retired from service on 31.08.2023.

11.1 Despite the same, a contention is raised placing reliance on Rule 214(6) of the KCSRs to contend that the order of suspension amounts to deemed pendency of departmental enquiry. When the writ petition came to be dismissed on

23.11.2022 and the respondent retired only on 31.08.2023, nothing prevented the petitioners from initiating departmental enquiry during the *interregnum*. The petitioner-authorities were conscious and aware of the bar imposed under Rule 214(2)(b)(ii) of the KCSRs regarding initiation of departmental proceedings after retirement.

11.2 Having noticed the utter disregard on the part of the petitioners and the ACB authorities and having regard to the *prima facie* material on record and the observations made by the Tribunal as well as this Court while deciding the issue relating to suspension, we are of the view that the lapses on the part of the authorities cannot be permitted to operate to the prejudice of the respondent.

11.3 At the same time, if the pending criminal proceedings ultimately result in recovery or confiscation relating to disproportionate assets, the same cannot be rendered ineffective. This Court is also not in possession of complete information regarding the status of the assets of the respondent. Admittedly, the respondent is presently drawing provisional pension. In the interest of both parties, we deem it appropriate to modify the order passed by the Tribunal.

12. Accordingly, we pass the following;

ORDER

- (i) The writ petition is ***allowed in-part***.
- (ii) The order dated 25.11.2024 passed in Application No.4157/2024 by the Karnataka State Administrative Tribunal, Bengaluru, is hereby ***modified***.
- (iii) The petitioners are directed to release full pension and all other retirement benefits to the respondent, except DCRG till conclusion of Special C.C.No.342/2025.
- (iv) No order as to costs.

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

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

MV*