



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.107000 OF 2024 (S-KAT)

C/W

WRIT PETITION NO.106969 OF 2024 (S-KAT),

WRIT PETITION NO.106971 OF 2024 (S-KAT),

WRIT PETITION NO.106999 OF 2024 (S-KAT)

IN WP NO.107000/2024:

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS PRL. SECRETARY TO GOVERNMENT,
IRRIGATION DEPARTMENT (W.R.DO),
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE- 560001.
2. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEVELOPMENT,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE 560001.
3. THE CHIEF ENGINEER,
MINOR IRRIGATION (NORTH),
JALANAGAR,
VIJAYAPURA 586109.

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)



AND:

1. SRI. M. KRISHNAIAH,
S/O SRI. M. LAKSHMAIAH,
AGE. 57 YEARS,
WAS WORKING AS ASSISTANT ENGINEER,
O/O THE ASSISTANT EXECUTIVE ENGINEER,
K.N.N.L NO.1, SUB-DIVISION,
TUNGABHADRA PROJECT (TBP),
ODDERAHATTI, GANGAVATI TALUK,
KOPPAL DISTRICT 572217.

R/AT BEHIND HRG HOUSE, I CROSS,
SAROJA NAGAR, GANGAVATI,
KOPPAL DISTRICT 583227.

2. THE ASSISTANT EXECUTIVE ENGINEER,
K.N.N.L NO.1, SUB-DIVISION,
TUNGABHADRA PROJECT (TBP),
ODDERAHATTI, GANGAVATI TALUK,
KOPPAL DISTRICT 572217.

...RESPONDENTS

(BY SRI. P. RAJASHEKAR AND SRI. R. NAVEEN KUMAR, ADVOCATES
FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN
THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER
PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE
TRIBUNAL, BELAGAVI BENCH IN APPLICATION NO.10323/2023 BY
ORDER DATED 18.12.2023 VIDE ANNEXURE-A & ETC.

IN WP NO.106969/2024:

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS PRL. SECRETARY TO GOVERNMENT,
IRRIGATION DEPARTMENT (W.R.D.O),
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE 560001.



2. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEVELOPMENT,
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI,
BANGALORE 560001.
3. THE CHIEF ENGINEER,
MINOR IRRIGATION (NORTH),
JALANAGAR,
VIJAYAPURA 586109.
4. THE STATE OF KARNATAKA,
BY ITS PRL. SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI,
BANGALORE 560001.

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

1. SRI. PRAVEEN M. KINNAL,
S/O LATE SRI. MAHADEVAPP KINNALA,
AGE. 40 YEARS,
WAS WORKING AS ASSISTANT ENGINEER,
O/O THE ASSISTANT EXECUTIVE ENGINEER,
NATIONAL HIGHWAYS SUB-DIVISION,
YELBURGA, KOPPAL DISTRICT 583236.

R/AT C/O RAMESH B. LAMANI,
HOUSE NO.80, MEENAKSHI NAGAR,
BEHIND KSRTC DEPOT,
SHIVANANDA NAGAR,
YELABURGA 583236.

2. THE ASSISTANT EXECUTIVE ENGINEER,
NATIONAL HIGHWAYS SUB-DIVISION,
YELBURGA, KOPPAL DISTRICT 583236.

...RESPONDENTS

(BY SRI. P. RAJASHEKAR AND SRI. R. NAVEEN KUMAR,
ADVOCATES FOR C/R1)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI BENCH IN APPLICATION, NO.10326/2023 BY ORDER DATED 18.12.2023 VIDE ANNEXURE-A & ETC.

IN WP NO.106971/2024:

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS PRL. SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU-560001.
 2. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEVELOPMENT,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALORE 560001.
 3. THE CHIEF ENGINEER,
MINOR IRRIGATION (NORTH),
JALANAGAR,
VIJAYAPURA-586109.
 4. THE CHIEF ENGINEER,
COMMUNICATIONS AND BUILDINGS (SOUTH),
K.R. CIRCLE, BENGALURU 560001.
- ...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

1. SRI. B. SHIVAKUMAR,
S/O SRI. GANGA NAIK,
AGE. 57 YEARS, WAS WORKING AS
ASSISTANT EXECUTIVE ENGINEER,



ZILLA PANCHAYATH SUB-DIVISION,
RON TALUK, RON, DIST. GADAG 582209.

R/AT C/O D.N. NEELAGUND,
SHIVANAND NAGAR,
NEAR WATER TANK, SUDI ROAD,
RON TALUK, RON,
GADAG DISTRICT 582209.

2. THE CHIEF EXECUTIVE OFFICER,
ZILLA NYAYA PANCHAYATH,
GADAG DISTRICT,
GADAG 581107.

...RESPONDENTS

(BY SRI. P. RAJASHEKAR AND SRI. R. NAVEEN KUMAR,
ADVOCATES FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI BENCH IN APPLICATION, NO.10219/2023 BY ORDER DATED 18.12.2023 VIDE ANNEXURE-A & ETC.

IN WP NO.106999/2024:

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS PRL. SECRETARY TO GOVERNMENT,
IRRIGATION DEPARTMENT (W.R.DO),
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE 560001.
2. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEVELOPMENT,
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI,
BANGALORE 560001.
3. THE CHIEF ENGINEER,
MINOR IRRIGATION (NORTH),



JALANAGAR,
VIJAYAPURA 586109.

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

1. SRI. A.K. NAYAK,
S/O LATE SRI. KUBA SINGH
AGED ABOUT 55 YEARS,
WAS WORKING AS ASSISTANT ENGINEER
GRADE II, O/O THE ASSISTANT
EXECUTIVE ENGINEER,
KOPPAL LIFT IRRIGATION (KLIS),
SUB-DIVISION, KRISHNA BHAGYA JALANIGAM
LTD., ILKAL,
BAGALKOT DISTRICT 587125.

R/AT HOUSE NO.P-66, 17TH CROSS,
VIDYAGIRI, BAGALKOTE 587102.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KOPPALA LIFT IRRIGATION SCHEME(KLIS)
SUB-DIVISION, KRISHNA BHAGYA
JALANIGAM LTD., ILKAL, DIST.
BAGALKOTE-587125.

...RESPONDENTS

(BY SRI. P. RAJASHEKAR AND SRI. R. NAVEEN KUMAR,
ADVOCATES FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI BENCH IN APPLICATION, NO.10324/2023 BY ORDER DATED 18.12.2023 VIDE ANNEXURE-A & ETC.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The above writ petitions are filed questioning the common order dated 18.12.2023 passed in Application Nos.10219, 10324, 10323 and 10326 of 2023 by the Karnataka State Administrative Tribunal, Belagavi (for short, 'the Tribunal') whereunder the penalty orders dated 11.04.2023 (Annexure-A26 in Application No.10323/2023, Annexure-A22 in Application No.10326/2023, and Annexure-A21 in Application No.10324/2023) and order of penalty of dismissal dated 02.02.2023 (Annexure-A24 in Application No.10219/2023) are quashed.

2. Heard Sri. G.K.Hiregoudar, learned Principal Government Advocate for the petitioners-State, and Sri. R.Naveen Kumar, learned counsel for caveator/respondent No.1. Perused the entire writ petition papers.

3. Respondent No.1-government servants in the respective writ petitions approached the Tribunal in the



aforesaid applications questioning the Articles of Charge issued to them individually under Rule 11 of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957 (for short, 'the CCA Rules'). The respondents-government servants submitted their reply to the charge memo and the petitioners-Disciplinary Authority, not being satisfied with the reply submitted by the respondents-government servants, appointed an Inquiry Officer by order dated 05.06.2017 (Annexure-A8) in terms of Rule 11 read with Rule 13 of the CCA Rules. The Inquiry Officer submitted his separate reports in respect of each of the delinquent government officials. The respondents-government servants were issued with second show cause notice along with enquiry report. Thereafter, the Disciplinary Authority imposed penalty of recovery and reducing the pay of the respondents-government servants to minimum of the pay scale for a period of 5 years, and in respect of applicant in Application No.10219 of 2023 imposed penalty of dismissal. Questioning the order of penalty, the respondents were before the Tribunal. The Tribunal, on considering the contentions of the parties, only on the ground that Rule 13 of the CCA Rules is violated, set aside the order of penalty and remitted the matter



back to government with liberty to proceed further complying Rule 13 of the CCA Rules. Questioning the said order, the State Authorities are before this Court.

4. Sri. G.K.Hiregoudar, learned Principal Government Advocate would submit that the provisions of Rule 13 is complied with and he invites attention of this Court to Government Order (Annexure-A8) dated 05.06.2017, and would submit that the Inquiry Officer is appointed to conduct a common Inquiry under Rule 11 and 13 of the CCA Rules; when the Inquiry Officer is appointed to conduct a common proceeding, it is clear that the State has complied Rule 13 of the CCA Rules. Further, the Principal Government Advocate would submit that the respondents-government servants without raising any objection participated in the proceedings and suffered penalty. He further submits that even in their reply to the second show cause notice, the respondents-government servants had not raised objections with regard to conducting joint inquiry. It is his contention that, having participated in the proceedings, the respondents could not turn around and submit that the procedure followed is not proper.



Thus, the learned Principal Government Advocate would pray for allowing the writ petitions.

5. *Per contra*, Sri. R.Naveen Kumar appearing for the respondent No.1 in the above writ petitions would submit that procedure prescribed under Rule 13 of the CCA Rules is not at all followed. He submits that an order under Rule 13 of the CCA Rules directing common disciplinary proceedings requires to be passed even before issuing charge memo. Learned counsel invites attention of this Court to Rule 13 and would submit that Rule requires the Government or the competent authority to make an order directing disciplinary action against all government servants in a common proceeding. Learned counsel would also submit that the order passed under Rule 13 shall satisfy sub-Rule (2) of Rule 13 of the CCA Rules also. Learned Counsel would submit that the question of not following Rule 13 is a question of law and it could be raised at any stage of the proceedings. The disciplinary authority, which had passed order, ought to have passed an order under Rule 13 to institute a common proceeding against all the government servants. Thus, learned counsel would submit that the Tribunal was



justified in setting aside the order of penalty and remitting the matter back to the disciplinary authority to comply provisions of Rule 13 of the CCA Rules. Learned counsel Sri Naveen Kumar relies on the decisions of a co-ordinate bench of this court in W.P. No.29818 & 52678 of 2013 (disposed of on 10.04.2014) as well as in W.P. No.25205/2015 (disposed of on 21.06.2021). Thus, the learned counsel would pray for dismissal of the writ petitions.

6. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the points which fall for consideration are:

- (i) Whether the Disciplinary Authority has followed Rule 13 of the CCA Rules?
- (ii) Whether the impugned order passed by the Tribunal requires interference at the hands of this Court?

7. The answers to the above points would be in the 'negative' and 'affirmative' respectively for the following reasons:

8. Rule 13 of CCA Rules reads as follows:



"13. Joint Inquiry. - (1) Where two or more Government servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Provided that if the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-rule (3) of rule 9 any such order shall specify –

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding;
- (ii) the penalties specified in rule 8 which such Disciplinary Authority shall be competent to impose; and
- (iii) whether the procedure prescribed in rules 11 and 11A or rule 12 may be followed in the proceeding."

9. A reading of the above Rule makes it abundantly clear that when two or more government servants are involved in a case, the government or any other authority competent to impose penalty may make an order directing that the disciplinary action against all of them may be taken in a



common proceeding. In other words, the government shall have to pass an order directing disciplinary action against all government servants in a common proceeding, which would mean that initiation of enquiry itself shall be joint. It is settled position of law that enquiry is said to be initiated on issuance of Articles of Charge or the Charge Memo. Therefore, even before issuance of the charge memo, the Disciplinary Authority is required to pass an order under Rule 13 initiating joint inquiry. The order directing disciplinary action in a common proceeding shall specify the Disciplinary Authority in respect of all the government servants involved in the case and the procedure to be followed in such common proceedings as indicated in sub-Rule 2 of Rule 13 of the CCA Rules.

10. In the instant case, admittedly, individual Articles of Charge, all dated 28.02.2017 were issued to respondent No.1 in the above writ petitions. Thereafter, Annexure-A8 Government Order dated 05.07.2017 is issued appointing an Inquiry Officer to conduct an inquiry against all the government servants involved.



11. In the preamble of the Government Order at Annexure-A8, Rule 13 of the CCA Rules is referred. Mere referring of Rule 13 would not be sufficient. The Government Order shall indicate the criteria enumerated under Rule 13 of the CCA Rules. The Government Order dated 05.06.2017 cannot be considered as an order passed under Rule 13 of CCA Rules. The contention that the respondents have not raised any objection and they have participated in the proceedings is unsustainable. It is settled position of law that if initiation or procedure followed itself is contrary to the Rules, the same cannot be held against the respondents. If the initiation of inquiry itself is bad, it vitiates the entire proceedings.

12. Insofar as the direction issued by the Tribunal in Application Nos.10323, 10324 and 10326 of 2023 directing to treat the period of suspension as period on duty and to pay consequential benefits is concerned, it requires to be set aside. When the Tribunal has granted liberty to the Disciplinary Authority to proceed with the inquiry, on compliance of Rule 13 of the CCA Rules, treating of suspension period as period on duty and payment of all consequential benefits would depend



on the outcome of the inquiry to be conducted by the Disciplinary Authority. Accordingly, the direction of the Tribunal to regulate period of suspension and to pay consequential benefit is set aside.

13. In the above circumstances, with the above modification to the order passed by the Tribunal, the writ petitions stand disposed of.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

KMS, CT:VP
LIST NO.: 1 SL NO.: 16