



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 5657 OF 2025 (S-KSAT)

BETWEEN:

SRI. SATHISH K T,
S/O THIMMAPPA,
AGED ABOUT 35 YEARS,
WORKING AS SUB INSPECTOR OF POLICE,
(UNDER ORDERS OF REMOVAL FROM SERVICE),
WHITEFIELD TRAFFIC POLICE STATION,
BENGALURU CITY, BENGALURU.
RESIDING AT NO. 306, KUMUTHAVATHI,
NEAR VINAYAKA THEATRE, MYSORE ROAD,
BENGALURU - 560 018.

...PETITIONER

(BY SRI. PRITHVEESH M K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY,
HOME DEPARTMENT, VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE
NRUPATHUNGA ROAD,
BENGALURU-560 001.
3. THE COMMISSIONER OF POLICE,
BENGALURU CITY,
BENGALURU-560 001.

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signed by
CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



4. THE ADDITIONAL POLICE COMMISSIONER (ADMN)
BENGALURU CITY, BENGALURU-560 001.
5. THE DEPUTY COMMISSIONER OF POLICE
TRAFFIC (EAST DIVISION)
BENGALURU CITY, BENGALURU-560 001.

...RESPONDENTS

(BY SRI.VIKAS ROJIPURA.,AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS FROM THE RESPONDENTS AND B) ISSUE A WRIT OR ORDER SETTING ASIDE THE IMPUGNED ORDER DATED 15.01.2025 PASSED BY THE HON'BLE KSAT BENGALURU BENCH IN A.No-4763/2024 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE SAID A.No-4763/2024 AS PRAYED FOR BY THE PETITIONER BEFORE THE HON'BLE TRIBUNAL (ANNEXURE-B) IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
AND
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner, a civil servant is knocking at the doors of Writ Court for assailing the State Administrative Tribunal's order dated 15.1.2025 whereby, his Application No.4763/2024 having been partly favoured, the penalty order is set at naught 'only on technical grounds' and '...matter is remitted back to the disciplinary authority to



issue fresh second show cause notice annexing copy of the enquiry officer's report...' so that he can submit his reply to the same and that final order shall be passed after considering the same.

2. FACTS IN BRIEF:

2.1 Petitioner whilst working as Sub-Inspector of Police in Basaveshwara Nagar Police Station, Bangalore, was punished with an order of penalty of withholding increments for two years. Allegedly, petitioner *inter alia* had threatened of shooting the disciplinary authority and of sending objectionable messages to him. He was placed under suspension vide order dated 3.8.2023 and a disciplinary enquiry was constituted, for the serious charges. The Enquiry Officer held the charges as proved.

2.2 In terms of second Show Cause Notice, petitioner submitted his representation refuting the charges that were held proved in the Enquiry Report. The 4th respondent herein being the disciplinary authority vide order dated 13.9.2024 levied the punishment of



compulsory retirement. This was challenged in Application No.4763/2024 on several grounds including the violation of principles of natural justice, non-application of mind, bias, etc. In the said application, he had also challenged the findings of the Enquiry Officer. The respondents filed the Reply Statement resisting the application.

2.3 The Tribunal having heard the parties although negated petitioner's challenge to the findings in the Enquiry Report, set aside the punishment order remitting the matter back to the disciplinary authority for consideration afresh from the stage of Pre-Second Show Cause Notice. That is how, this petition is now at our hands.

2.4 Learned counsel appearing for the petitioner vehemently argues that the disciplinary proceedings have been held on fast track basis, denying reasonable opportunity to his client; a specific ground as to bias and violation of principles of natural justice was taken up and the same are not treated in the right perspective; remand if at all was warranted, ought to have been an open



remand; however, the Tribunal has upheld the findings of the Enquiry Report and that would prejudice case of the petitioner enormously. Learned AGA appearing for the respondents vehemently oppose the petition making submission in justification of the impugned order and the reasons on which it has been constructed. He draws our attention to the seriousness of charges leveled against the petitioner, who belongs to State Police Force. Lastly, he submits that in matters of remand of the kind, Writ Court should not interfere.

3. Having heard the learned counsel for the parties and having perused the Petition Papers, we decline indulgence in the matter for the following reasons:

(a) Firstly, petitioner happens to be a member of State Police Force wherein, discipline, punctuality and hierarchical respect are a must. The charges framed against the petitioner are very serious. Threatening the higher officer and employing abusive language would breed indiscipline and insubordination, materially affecting efficacy of the police force. Disciplinary proceedings having



been held, petitioner has been found to be guilty of charges. Be that as it may.

(b) The vehement submission of learned counsel for the petitioner that the Tribunal has undertaken discussion even on merits of the matter and has recorded certain findings prejudicial to interest of his client, does not much impress us. The order of the Tribunal is bit long, is true. However, it has remanded the matter for consideration afresh from the state of Pre-Second Show Cause Notice. Obviously, it gives an opportunity to the petitioner to show cause against the findings of the Enquiry Report and that would be dispassionately considered by the disciplinary authority. It hardly needs to be stated that regardless of observations of the Tribunal, it is open to the petitioner to take up all contentions to impeach the findings of Enquiry Report and persuade the disciplinary authority to his point of view.

(c) Learned AGA appearing for the respondents is more than justified in contending that the Tribunal having remanded the matter, justice as is due to the petitioner



has been done and therefore, this court exercising a limited supervisory jurisdiction under Article 227 of the Constitution of India ordinarily would not undertake a deeper examination of the matter, merely Article 226 also has been employed in the pleadings of the petitioner. Normally, when there is a lacuna at a particular stage of the disciplinary proceedings, matters are remitted back for consideration from that point onwards, as has happened in this case.

(d) Petitioner appears to have apprehensions that the findings of the Enquiry Officer have been upheld by the Tribunal and therefore, the remand exercise would prove futile. We do not share that view. Ordinarily, whether the findings of the Enquiry Officer should be accepted or not, is a matter left to the domain of disciplinary authority. The observation of the Tribunal at the penultimate & ultimate paragraph of the impugned order have to be viewed from that angle. Petitioner need not have any such apprehensions. Further, all contentions are open to him to



take up before the disciplinary authority which shall decide the matter afresh as has been dictated by the Tribunal. It hardly needs to be stated that while taking such a decision, the authority shall act independently keeping in mind all contentions of the petitioner, some arguable adverse observations in the Tribunal's order notwithstanding.

In the above circumstances and with the aforesaid observations, this petition fails, costs having been made easy.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

AM/cbc
List No.: 1 Sl No.: 21