



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 6246 OF 2025 (S-KSAT)

BETWEEN:

SRI SRINIVAS T R
S/O LATE T.R.RAJAIAH,
AGED ABOUT 42 YEARS,
WORKING AS INSPECTOR OF POLICE,
VVIP SECURITY DIVISION,
OFFICE OF COMMISSIONER OF POLICE,
BENGALURU CITY,
R/AT NO.69, BASAVESHWARA LAYOUT,
BENGALURU.

...PETITIONER

(BY SRI. VIJAYA KUMAR.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP 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 INSPECTOR GENERAL OF POLICE,
CENTRAL RANGE, NO.5, MILLERS ROAD,
BENGALURU-560 052.

Digitally
signed by
CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



4. THE DEPUTY SUPERINTENDENT OF
POLICE/ENQUIRY OFFICER,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA-562 101.

...RESPONDENTS

(BY SRI.B RAVINDRANATH.,AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO I) SET ASIDE THE
ORDER DATED 22/01/2025 PASSED BY THE HON'BLE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU
IN APPLICATION NO.4090/2024 VIDE ANNEXURE-A AND
ALLOW THE APPLICATION AND II) PASS SUCH OTHER ORDER.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY
HEARING, 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, then working as a Sub-Inspector of Police,
is knocking at the doors of Writ Court for assailing the
State Administrative Tribunal's order dated 22.1.2025
whereby, his Application No.4090/2024 has been
negatived. In the said Application, he had called in



question the initiation of disciplinary proceedings and suspension as well.

2. Learned counsel for the petitioner vehemently argues that the Memo of Charges was not furnished to his client and therefore, he was not in a position to file his representation to the same effectively, this is in gross violation of not only the extant Rules but the principles of natural justice too. He also points out that petitioner had offered a plausible explanation to the proposed notice of enquiry and the same having not been duly considered, a hasty decision is taken to constitute the enquiry when the circumstances did not warrant.

3. Learned AGA on request appearing for the official respondents, resists the petition making submission in justification of the impugned orders whereby, disciplinary enquiry has been constituted. He refutes the allegation of not serving Charge Memo on the petitioner. He points out that in his reply, he has not stated anything about this ad that the one now submitted is only an afterthought.



Lastly, he tells us that whether in a given set of facts, the enquiry should be constituted or not is a matter left to the employer/competent authority under the extant rules and Writ Courts should not readily grant interference. So contending, he seeks dismissal of the Writ Petition.

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

4.1 Petitioner, a police official is the accused in Crime No.60/2022, J.C. Nagar police station, Bangalore City, for the offences punishable under Sections 312, 354(A), 376B, 376(2)(f) of Indian Penal Code and also for the offences punishable under the provisions of Protection of Children from Sexual Offences Act, 2012. He was placed under suspension on 9.6.2022 issued by the Superintendent of Police. The said order has been ratified by the disciplinary authority on 24.6.2022. On his application, petitioner's suspension was rescinded vide order dated 30.12.2022 and he was posted to DCRB, DPO,



Chikkaballapur district. Despite that he did not report for duty and the explanation offered by him that he had suffered ligament tear and therefore, was not in a mobility condition, was found not plausible. Not reporting for duty at the transferred place is a serious thing vide Apex Court in ***ADDISONS PAINTS & CHEMICALS LTD vs. WORKMEN***, AIR 2001 SC 436. It is more so in Defence and Police forces. Therefore, institution of disciplinary enquiry for disobeying the orders of the superior authorities is justified.

4.2 The second contention of the petitioner's counsel that petitioner had suffered ligament tear and therefore was not in a position to report for duty, having been medical treatment, is difficult to countenance. The ligament tear admittedly happened on 26.4.2023, as vouched by the medical report. Petitioner's suspension was revoked on 30.12.2022 itself, followed by posting order to Chikkaballapur. He remained unauthorizedly absent for about four months. This would cause great



hardship to the department which has to maintain law and order in the society. We are also aware that this hardship has escalated because there are many vacancies that have remained unfilled due to several reasons. Though leniency was shown to the petitioner by rescinding the suspension order, as requested by him, he chose not to report for duty. Such persons cannot be granted relief by the Writ Court consistent with the view taken by the Tribunal.

4.3 The vehement contention of learned counsel for the petitioner that his client was not supplied with Charge Memo, is liable to be rejected inasmuch as in his representations, he has not made it a ground. There is not even a whisper about this. The submission that such a contention can be raised at any stage of the proceedings, is again difficult to countenance. We cannot assume non-supply of Charge Memo, no such a case having been made out. Added, what prejudice has been caused to the petitioner is also not forthcoming from his pleadings.



In the above circumstances, this petition being devoid of merits, is liable to be and accordingly dismissed, costs having been made easy.

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

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

cbc
List No.: 1 Sl No.: 15