



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH 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. 8507 OF 2024 (S-KSAT)

BETWEEN:

PAPANNA
S/O LATE NARASIMHAIAH,
AGED ABOUT 58 YEARS,
WORKING AS UNDER SECRETARY TO GOVERNMENT,
DEPARTMENT OF PUBLIC WORKS & WATER RESOURCE,
(LEGAL CELL), PRESENTLY UNDER
DISMISSAL FROM SERVICES,
R/AT NO. 12, 1ST MAIN, 4TH CROSS,
MARUTI NAGARA, YELAHANKA,
BENGALURU – 560 064.

...PETITIONER

(BY SRI. NARAYANA SWAMY V K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY TO GOVERNMENT,
DEPARTMENT OF PERSONAL &
ADMINISTRATION REFORMS (SERVICES-6)
VIDHANA SOUDHA, BENGALURU - 560 001.
2. SECRETARY
GOVERNMENT OF KARNATAKA,
DEPARTMENT OF PERSONAL &
ADMINISTRATIVE REFORMS,
VIDHANA SOUDHA, BENGALURU - 560 001.

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





3. THE ENQUIRY OFFICER
RETIRED DISTRICT AND SESSIONS (JUDGE)
OFFICE OF RDPR, 3RD GATE,
3RD FLOOR, M S BUILDING,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI.VIKAS ROJIPURA.,AGA FOR R1 & R2;
V.C.O DATED 25.03.2024- NOTICE TO R3 IS DISPENSED
WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 27.01.2024 PASSED IN APPLICATION No.4487/2023 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BENGALURU AS PER ANNEXURE-B AND II) A WRIT OF CERTIORARI QUASHING ORDERS DATED 01.08.2022 IN FILE No. SIAASUE 06 SEE 2019, (ANNEXURE-A-18) ISSUED BY THE THIRD RESPONDENT AND IMPUGNED ORDER DATED 28.08.2023 GOVERNMENT ORDER BEARING No. CAASUE 06 SEE 2019 PASSED BY THE 2ND RESPONDENT (ANNEXURE-A19) AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, 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 is knocking at the doors of Writ Court for assailing Karnataka State Administrative Tribunal's order dated 27.01.2024 whereby, his Application No.4487/2023 has been negatived. In the said Application, he had



challenged the Government Order dated 28.8.2023 awarding the punishment of dismissal from service, grave charges leveled against him having been proved in a disciplinary enquiry.

2. Learned counsel appearing for the petitioner vehemently submits that the Tribunal failed to appreciate the fact that the money transaction between his client and the third party was not connected to service condition at all; in fact, there was no money transaction between the petitioner and the said third party who alleged that he had given Rs.10,50,000/- for securing a government job; petitioner had offered the explanation that he had given cheques in question only because of the pressure/threat of the Police Inspector concerned. All relevant factors having not been considered by the Disciplinary Authority and later by the Tribunal, the indulgence of this court is eminently warranted.

3. Learned AGA appearing for the respondents with equal vehemence resists the petition making submission in



justification of the dismissal order and the order of the Tribunal. He points out that in a properly constituted enquiry, the grave charges against the petitioner having been established, he has been dismissed from service; petitioner not only has given back the money to the third party and has settled the cheque bounce cases before the Criminal Court; the proceedings of the Criminal Court cannot be doubted; the Tribunal having considered all aspects of the matter, has upheld the punishment of dismissal from service and a Writ Court ordinarily should not interfere whilst exercising extraordinary supervisory jurisdiction constitutionally vested vide Article 227.

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 is not an official of the lower rung; he was holding the post of Under Secretary in the Department of Public Works; he was subjected to disciplinary enquiry on the grave charge of receiving Rs.10,50,000/- for securing



government job to the payer. His defense was that he had paid this money to the payer by cheques inasmuch as the Police Inspector had asked him to make the payment, failing which dire consequences would follow. The disciplinary proceedings were properly constituted and held with full participation of the petitioner. The Enquiry Officer found him guilty and submitted the report. A copy of the report was given to petitioner to which he made a representation against. All that having been duly considered, the petitioner has been handed dismissal order by way of punishment. After perusing all the papers, we do not find any substantive or procedural error in the disciplinary proceedings. Therefore, we cannot readily interfere with the order of the Tribunal, which has employed accumulated wisdom in framing the same.

4.2 The stand of the petitioner that he was coerced to make the payment, does not merit acceptance and reasons for this are not far to seek: Firstly petitioner is not a lower rung official; he was holding a coveted position of



Under Secretary in the Government of Karnataka. Secondly, no reasonable person holding such a high post would yield to police pressure of the kind. If petitioner were to be a peon or SDC, we would have viewed this submission a bit differently.

4.3 There is yet another reason as to why petitioner's cock and bull story of yielding to police threat cannot be believed. There was a cheque bounce case against the petitioner in C.C.No.1988/2020. Petitioner being the accused, had filed a Joint Memo signed by himself and his lawyer reporting settlement. The Joint Memo dated 12.3.2020 reads as under:

"The above name accused & complainant submit as follows:-

1. The complainant have filed a complaint against the accused for an offence punishable under section 138 of N.I.Act.

2. The accused submits that, the complainant and accused have filed joint memo before this Hon'ble court and settled for a sum of Rs.7,50,000/- as per joint memo the accused agreed to pay the cheque amount of Rs.7,50,000/- and on 16.12.2020 the accused had paid Rs.1,00,000/- before this court and



Rs.3,00,000/- by way of RTGs dated:22.2.2021 & 6.03.2021 to the complainant and today the accused is ready to pay Rs.3,50,000/- by way of cash.

WHEREFORE, it is prayed that this Hon'ble court may be pleased to consider this memo and taken on record in the above case, in the interest of justice."

Accordingly, the criminal case came to be disposed off. It is not disputed before us that petitioner in terms of settlement has made the payment even by RTGS. Our Constitution vide Article 261 enacts Full Faith and Credit Clause. Clause (1) of Article 261 reads as under:

"Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State."

Absolutely, no explanation is offered by the petitioner why he did not take the same stand before the Criminal Court. Countenancing contention of the petitioner would be in breach of full faith doctrine, since no explanation for such a weird stand has been offered.

4.4 The last contention of the counsel that the petitioner has put in very long & spotless service and therefore, the



punishment is much on the higher side, cannot be agreed to. Learned AGA is right in telling us that the charge against the petitioner is very grave and it has been fully established by evidentiary material on record and that what punishment should be awarded, ordinarily is a matter pertaining to the domain of the Disciplinary Authority. Merely because a delinquent of the kind has put in long & spotless service, is no ground for interference in writ jurisdiction. A loud message has to go to the potential delinquents in public employment. By no measure, punishment awarded can be said to be disproportionate to the gravity of proven charge. A government in a Welfare State cannot be asked to retain in employment undesirable elements like the petitioner.

5. This is a fit case to award heavy costs. However, regard being had to totality of circumstances which the petitioner's counsel has demonstrated before us, we reluctantly refrain ourselves from awarding any costs.



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**

Snb/cbc
List No.: 1 Sl No.: 29