



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH 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. 7559 OF 2025 (S-KSAT)

BETWEEN:

SRI. T.C. SHIVAPRAKASH
S/O LATE CHANDRASHEKAR
AGED ABOUT 43 YEARS
VILLAGE ACCOUNTANT
BIDARAKERE CIRCLE
KASABA HOBLI, SIRA TALUK
TUMKUR DISTRICT- 572 137

...PETITIONER

(BY SRI. ABHISHEK PATIL, ADVOCATE FOR
SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

Digitally signed
by SHAKAMBARI
Location: High
Court of
Karnataka

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
DR.B.R. AMBEDKAR VEEDHI
BENGALURU-560 001
2. THE KARNATAKA LOKAYUKTA
REP. BY ITS REGISTRAR
M.S.BUILDING, DR. B.R. AMBEDKAR VEEDI
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 ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER DATED 09/01/2025 PASSED BY THE HON'BLE KSAT IN APPLICATION NO.1837/2024 VIDE ANNEXURE-A AND ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER BEARING NO.KAM E 39 BDP 2022 DATED 11/03/2024 PASSED BY THE RESPONDENT NO.1 VIDE ANNEXURE-A11 AND ETC.

THIS 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 RAMACHANDRA D. HUDDAR)

The instant Writ Petition is preferred under Articles 226 and 227 of the Constitution of India, impugning the order dated 09.01.2025 passed by the Karnataka State Administrative Tribunal (hereinafter referred to as "Tribunal") in Application No.1837/2024 produced at annexure-A, which upheld the disciplinary action initiated against the petitioner, culminating in the penalty of



compulsory retirement vide Government Order dated 11.03.2024. After exhaustive scrutiny of the voluminous records, meticulous examination of the legal propositions advanced, and careful consideration of the residential jurisprudence, this Court arrives at the ineluctable conclusion that the petition merits dismissal for the elaborate reasons that follow.

Facts of the case:

2. The petitioner was a former Village Administration Officer in the Revenue Department. He was subjected to disciplinary proceedings pursuant to the allegations of demanding and accepting illegal gratification from the complainant for official favours relating to mutation of land records. The chronology of events reveals that while posted at Sira taluk, a formal complaint was lodged by one Hanumantharayappa alleging that the petitioner had demanded a bribe of Rs.4,000/- for effective corrections in the Records of Rights (RTC), pertaining to Sy. No. 101 of Chikkanakote village.



3. This complaint led to registration of FIR in Crime No.15/2018 for the offence punishable under Section 7A of the Prevention of Corruption Act, 1988. After a full-fledged trial, the 7th Additional Sessions and Special Judge, Tumakuru, acquitted the petitioner vide judgment dated 05.01.2022, primarily on the ground that the prosecution failed to establish the demand and acceptance of a bribe beyond reasonable doubt, thereby extended the benefit of doubt to the accused.

4. It is the case of the petitioner that, parallelly Departmental Proceedings were initiated under the Karnataka Civil Services (Conduct) Rules, 1966. The Enquiry Officer, after conducting a comprehensive enquiry wherein 4 witnesses were examined on behalf of the Department and the petitioner himself was examined as DW1. The Enquiry Officer submitted report dated 11.12.2023 holding that the charges against the petitioner stood proved. The Upa-lokayuktha, upon consideration of the enquiry report, recommended the penalty of



compulsory retirement, which was accepted by the State Government after receiving a second show-cause notice and considering the petitioner's representation.

5. This was challenged by the petitioner before the Tribunal and the Tribunal rejected the application of the petitioner by passing impugned order dated 09.01.2025, which forms the subject matter of this Writ Petition.

Arguments of the counsel for the petitioner:

6. The learned counsel for the petitioner strenuously urged the following propositions:

- (i) That the continuation of Departmental Proceedings after acquittal in the criminal case amounts to double jeopardy and violates Article 20(2) of the Constitution. In support of this submission, he places reliance on the decision of the Hon'ble Supreme Court in ***G.M. Tank v. State of Gujarat*** reported in ***(2006) 5 SCC 446***



and ***Ram Lal v. State of Rajasthan & Others*** reported in ***(2024) 1 SCC 175***.

- (ii) That the initiation of proceedings under the repealed Karnataka Civil Services (Conduct) Rules, 1966, renders the entire action *void ab initio* for being without jurisdiction.
- (iii) That the Upa-lokayuktha exceeded his Jurisdiction by recommending a specific penalty of compulsory retirement when Rule 14-A (2)(d) of KCS (CCA) Rules only permits recommendations regarding category of penalty.
- (iv) That the findings in the Departmental Enquiry are perverse, being based on no evidence and the penalty imposed is shockingly disproportionate.



Arguments of the counsel for the respondent:

7. *Per contra*, the learned Additional Government Advocate and counsel for the Lokayuktha defended the impugned orders. It is their submission that:

- (i) The standard of proof in Departmental Proceedings being preponderance of probability is distinct from criminal trials, as held in ***Ajit Kumar Nag v. Indian Oil Corpn. Ltd.***, reported in **(2005) 7 SCC 764**.
- (ii) The acquittal being on benefit of doubt does not operate as *res judicata* in Departmental Proceedings.
- (iii) The enquiry was conducted in strict compliance with the principles of natural justice and the penalty is commensurate with the gravity of misconduct.



8. We have given our anxious consideration to the arguments of both sides. Perused the records.

Analysis and findings:

9. The Karnataka State Administrative Tribunal's order dated 09.01.2025 commenced its analysis by establishing the jurisprudential framework governing the judicial review of Departmental Enquiries, drawing upon the seminal decision in ***B.C. Chaturvedi v. Union of India & Others***, reported in ***(1995) 6 SCC 749***, which authoritatively delineates the constitutional boundaries of interference in disciplinary matters. The Tribunal correctly emphasized that judicial review is not an appellate re-examination of evidence but a limited supervisory jurisdiction to ensure compliance with fundamental principles of natural justice and the absence of jurisdictional errors.

10. The Tribunal undertook a microscopic examination of the evidentiary matrix before the Enquiry



Officer. It systematically analyzes the depositions of each witness, i.e., the complainant PW1, who gave detailed testimony about the demand and acceptance of the bribe; so also the evidence of shadow witness (PW2), who corroborated the sequence of events during the trap operation; and the Investigation Officers (PW3 and PW4), who established the procedural integrity of the investigation. The Tribunal noted to the precedent how their testimonies were corroborated by contemporaneous documentary evidence, including the trap mahazar (Ex.P3) and the Forensic Report (Ex.P32) confirming the presence of phenolphthalein powder on the petitioner's hand. This evidentiary change, the Tribunal rightly concluded, satisfied the standard of preponderance of probability applicable to Departmental Proceedings.

11. So far as acquittal of the petitioner in criminal proceedings is concerned, the Tribunal engaged in a nuanced analysis distinguishing between different species of acquittal. It extracted verbatim the operative portion of



the Criminal Court judgment, which specifically used the phrase "benefit of doubt" rather than a finding of complete exaggeration. The Tribunal correctly applied the ratio in ***Depot Manager, A.P. SRTC v. Mohd. Yousuf Miya & Others***, reported in **(1997) 2 SCC 699**, which holds that an acquittal based on 'benefit of doubt' does not operate *as res judicata* in Departmental Proceedings owing to the different standards of proof. A Co-ordinate Bench of this Court in **WP.No.9642/2020** (S-KSAT) in ***P.V Rudrappa v. The State of Karnataka***, authored by one of us, (Dixit J), decided on 30.01.2024 it is specifically distinguished between honourable acquittal, its effect on disciplinary action, and also the meaning of 'benefit of doubt'. In para-2 and 3 of the said judgment, it is observed as follows:

"2. AS TO DIFFERENCE BETWEEN CRIMINAL PROCEEDINGS & DISCIPLINARY PROCEEDINGS, AND INVOCABILITY OF DOCTRINE OF DOUBLE JEOPARDY:



(a) The vehement submission of learned AGA & learned Panel Counsel that there is difference between Criminal Proceedings and Disciplinary Proceedings, cannot be disputed. Even an average law student would not disagree with this. The nature of criminal proceedings, the form before which they are brought, the quality & quantum of evidence, degree of proof and the outcome of such proceedings, are all much different from those in a Disciplinary Proceeding. The rule of evidence applicable to Departmental Proceedings is not the same for criminal trial; criminal cases are ordinarily governed inter alia by the provisions of the Indian Evidence Act, 1872 & the Criminal Procedure Code, 1973. The technical rule relating to sufficiency of evidence does not apply to departmental enquiries. The authority conducting such enquiry is guided by the Rules of Natural Justice & Fairness. In a departmental enquiry, there is no inhibition against placing reliance on the evidence of a co-delinquent, unlike in a criminal case. This is the reason why courts ordinarily do not stay the disciplinary proceedings only on the ground that a parallel criminal proceeding pends.

(b) What is observed by the Apex Court in AJIT KUMAR NAG vs. INDIAN OIL CORPORATION LTD.,



2005 SCC Online SC 1352 at para 11 is worth reproducing:

"As far as acquittal of the appellant by a criminal court is concerned, in our opinion, the said order does not preclude the Corporation from taking an action if it is otherwise permissible. In our judgment, the law is fairly well settled. Acquittal by a criminal court would not debar an employer from exercising power in accordance with Rules and Regulations in force. The two proceedings criminal and departmental are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with service Rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is



on the prosecution and unless the prosecution is able to prove the guilt of the accused 'beyond reasonable doubt', he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of 'preponderance of probability'. Acquittal of the appellant by a Judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the Corporation. We are, therefore, unable to uphold the contention of the appellant that since he was acquitted by a criminal court, the impugned order dismissing him from service deserves to be quashed and set aside".

However, the above observations are by way of general rule which admits at least one exception namely the abnormal of honourable acquittal.

(c) In RAM LAL v. STATE OF RAJASTHAN, (2024) 1 SCC 175, it is observed at para 30 as under:

"We are additionally satisfied that in the teeth of the finding of the Appellate Judge, the disciplinary proceedings and the orders passed thereon cannot be allowed to stand. The charges were not just similar but identical and the evidence, witnesses and circumstances were all the same. This is a case



where in exercise of our discretion, we quash the orders of the disciplinary authority and the appellate authority as allowing them to stand will be unjust, unfair and oppressive.”

In other words, when the facts, evidentiary material and the circumstances arising from the criminal case are identical to those in the disciplinary proceedings, ordinarily there cannot be difference in terms of their outcome. If on identical set of facts/allegations that are vouched by the very same evidentiary material/witnesses, an accused employee is acquitted after a full-fledged trial, ordinarily he cannot be punished in a disciplinary enquiry. In a way, this can be likened to doctrine of double jeopardy, constitutionally enacted in Article 20(2); the Apex Court in a catena of decisions has applied the same even in disciplinary proceedings eg., STATE OF HARYANA vs. BALWANT SINGH, (2003) 3 SCC 362. This vital aspect has not figured in the consideration of petitioner’s case at the hands of disciplinary authority. Alas, Tribunal too missed it. This constitutes yet another lacuna in the impugned orders.

3. AS TO PLEA OF HONOURABLE ACQUITTAL & ITS EFFECT ON DISCIPLINARY ACTION:

(a) As a norm offences are tried in the Criminal Courts. After the trial, Court may convict or acquit



the accused. Even at the pre-trial stage, an accused may be discharged too. There may be quashment of criminal cases by the Apex Court/High Court. An order of acquittal generally means that the person has not committed the offence for which he was charged and tried; the cloud on his presumed innocence thus stands removed. Acquittal is recorded when prosecution fails to prove its case beyond all reasonable doubt; that is, when the guilt is not proved to the hilt. The benefit of doubt given to the accused does not mean that he was involved in the case, but the same could not be established by the prosecution. In Criminal Jurisprudence, the term "beyond reasonable doubt" employed in a judgment ordinarily does not imply stigma qua the one who was accused. However, that is not the end of matter when the accused being a delinquent employee is facing a disciplinary proceeding on the same allegations. That is where the plea of 'honourable acquittal', factors.

(b) The concept of 'honourable acquittal' is easy to say, but difficult to employ, there being no statutory definition thereof, more particularly in the IPC, Cr.PC & Indian Evidence Act. Lord Williams, J. in ROBERT STUART WAUCHOPE vs. EMPEROR (1934) 61 ILR Cal.168 observed: "The expression 'honourably acquitted' is one which is unknown to



court of justice. Apparently it is a form of order used in courts martial and other extra judicial tribunals...". The Apex Court in COMMISSIONER OF POLICE, NEW DELHI v MEHER SINGH, (2013) 7 SCC 68 at para 25 explained the same:

"...the expressions "honourable acquittal", "acquitted of blame" and "fully exonerated" are unknown to the Criminal Procedure Code or the Penal Code. They are coined by judicial pronouncements. It is difficult to define what is meant by the expression "honourably acquitted". ... when the accused is acquitted after full consideration of the prosecution case and the prosecution miserably fails to prove the charges leveled against the accused, it can possibly be said that the accused was honourably acquitted."

(c) The idea of 'honourable acquittal' is not easy to define although it can be illustrated. If an accused is discharged at pre-trial stage or the criminal proceeding launched against him is quashed, there is no difficulty in treating the same as the cases of 'honourable acquittal' for the limited purpose of disciplinary enquiry. (We are mindful that the question of acquittal comes post trial). A case of 'honourable acquittal' may arise when, after



trial the Criminal Court orders acquittal with any of nearly the following illustrives:

(i) the accused is falsely prosecuted to seek vengeance or for some ulterior motive.

(ii) that there is absolutely no evidence to implicate the accused in the proceedings;

(iii) there is very little evidence which is insufficient to connect the accused with the commission of crime;

(iv) the prosecution has miserably failed to prove the charges against the accused;

(v) the prosecution witnesses are unworthy of any credit and their version does not generate any confidence.

We again say that the above are only illustrative and not exhaustive. We would also add a caveat that in considering as to whether the case of delinquent is of 'honourable acquittal', the entire judgment in Criminal Case should be perused. It is also desirable to secure a copy of record of the proceedings for examination, unless the said exercise poses practical difficulty. At least, it should be open to the delinquent employee to produce such copies".

12. The Tribunal's legal analysis regarding the jurisdiction or competence of the Upa-lokayuktha deserves



particular mention. It interpreted Rule 14-A (2)(d) of KCS (CCA) Rules through the lens of established principles of statutory construction, noting that the rule-making authority had consciously used the term "recommendation" without specifying any limitation on its scope. The Tribunal relied on the doctrine of implied powers to hold that, recommending a specific penalty falls within a legitimate ambit of the Upa-lokayuktha's functions, provided it is based on proper application of mind to the facts of the case.

13. On the procedural fairness of fact, the Tribunal verified the sequence of events - from the issuance of charge memo to the conduct of enquiry and the opportunity given for defence. It is noted that the petitioner was represented by defence assistant throughout the proceedings, had full access to documents, and was given adequate opportunity to cross-examine witnesses. This scrupulous adherence to procedural



safeguards, the Tribunal concluded, left no room for allegation of violation of natural justice.

14. The juridical distinction between criminal trials and departmental enquiries forms the bedrock of administrative law. As expounded in judgment of Hon'ble Apex Court in ***State of Karnataka v. Umesh*** in Civil Appeal Nos.1763-1764 of 2022 decided on 22.03.2022 by the full Bench as these proceedings operate in parallel but distinct universes – while criminal law focuses on reformatory justice through the prism of penal consequences, departmental enquiries serve the preventive and reformatory purpose of maintaining institutional integrity. This dichotomy is rooted in offering standards of proof, the criminal standard of “proof beyond reasonable doubt” V/s. the civil standard of “preponderance of probability” applicable to departmental matters.

15. The doctrine of double jeopardy under Article 20(2) of the Constitution has been consistently interpreted



in a narrow technical sense. The Constitution Bench in ***Maqbool Hussain v. State of Bombay***, reported in ***(1953) 1 SCC 736***, established that, it applies only when there is prosecution and punishment for the same offence before a Court of competent jurisdiction. Departmental proceedings, being administrative in nature, do not constitute “prosecution” under this constitutional provision.

16. The scope of judicial review in disciplinary matters has been circumscribed by a catena of decisions. In Union ***of India and others v. P. Gunasekaran***, reported in ***(2015) 2 SCC 610***, the Hon'ble Supreme Court enumerated the limited grounds for interference:

- i. When the enquiry is conducted by an incompetent authority,
- ii. Violation of principles of natural justice,
- iii. Conclusions based on no evidence or
- iv. Findings which are manifestly perverse.



17. The High Court cannot transform itself into an appellate authority to reweigh evidence, as emphasized in ***High Court of Judicature at Bombay v. Shashikant S. Patil***, reported in **(2000) 1 SCC 416**.

18. Regarding proportionality of punishment, the jurisprudence has evolved through several landmark decisions. In ***Ranjit Thakur v. Union of India & others***, reported in **(1987) 4 SCC 611**, the Apex Court laid down the "shock the conscience" "test for judicial review of penalties". However, in cases involving corruption by public servants, the Courts have shown deference to disciplinary authorities, as seen ***in Karnataka SRTC v. M.G. Vittal Rao***, reported in **(2012) 1 SCC 442**, which upheld dismissal for misconduct involving financial impropriety. The rationale is that, such misconduct erodes public trust and warrants stringent action regardless of the frugality of amount involved. The principle of "unclean hands" assumes significance in cases involving corruption charges. As observed in ***Delhi***



Admn. v. Sushil Kumar, reported in **(1996) 11 SCC 605**, a person holding positions of public trust must demonstrate impeccable integrity. The Courts have consistently refused to interfere with penalties imposed in such cases unless there is glaring perversity in the findings, keeping in view the larger public interest in maintaining probity in public service.

19. After the aforesaid analysis of legal principles and factual matrix, we arrive at the inescapable conclusion that the Tribunal's order represents a model of judicial discipline in dealing with disciplinary matter. The Tribunal has not merely paid lip service to the principles of limited judicial review but has demonstrated their applications through analysis of evidence and cogent reasoning.

20. The petitioner's contentions, while articulated with legal sophistication, ultimately fail to overcome the formidable barriers directed by settled jurisprudence against interference in disciplinary matters. The attempt to equate the departmental proceedings with criminal



trials overlooks their fundamentally different purposes and standards. The argument regarding double jeopardy, though superficially appealing, crumbles upon the closure examination of constitutional text and precedent.

21. The proportionality argument deserves particular rejection. In an era where corruption in public office has become a pressing national concern, Courts must be particularly circumspect about interfering with penalties imposed for proven misconduct. The penalty of compulsory retirement, while severe, cannot be termed as shockingly disproportionate when viewed against the brevity of the misconduct – demand of illegal gratification by an officer entrusted with maintaining land records, which form the very foundation of property rights in our society.

22. The procedural objections regarding the repealed rules are nothing but an afterthought. The petitioner's active participation in the enquiry proceedings without raising this objection at the appropriate stage



creates an insurmountable barrier of waiver and acquiescence. Moreover, the substance of charges would remain unchanged under the new rules, rendering this technical objection devoid of substantive merits.

23. For the multifaceted reasons elaborated above, the Writ Petition is found to be devoid of merits. Consequentially, it is liable to be dismissed.

24. Resultantly, we pass the following:

ORDER

- (i) The Writ Petition stands ***dismissed***.
- (ii) Pending applications, if any, stand disposed off.
- (iii) Costs made easy.

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

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