



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST 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. 32016 OF 2024 (S-KSAT)

BETWEEN:

SMT. P. SARALA,
D/O PUNDALINGA,
AGED ABOUT 71 YEARS,
RETIRED STAFF NURSE,
R/AT NO 8, SRINVASANAGARA,
SRIGANDADAKVAL, NEAR METRO QUARTERS,
SUNKADAKATTE, BENGALURU 560 091.

...PETITIONER

(BY SRI. VIJAYA KUMAR.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP BY ITS ADDITINAL CHIEF SECRETARY,
HEALTH AND FAMILY WELFARE SERVICES
DEPARTMENT,
VIKAS SOUDHA, BENGALURU 560 001.
2. THE COMMISSIONER,
HEALTH AND FAMILY WELFARE SERVICES,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU 560 023.
3. THE DIRECTOR,
HEALTH AND FAMILY WELFARE SERVICES,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU 560 023.

...RESPONDENTS

(BY SRI.B RAVINDRANATH.,AGA)

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by CHETAN B
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Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO I) SET ASIDE THE ORDER DATED 08/07/2024 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION NO.4819/2023 VIDE ANNEXURE-A AND ALLOW THE APPLICATION AND II) PASS SUCH OTHER ORDER

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 retired Staff Nurse, is grieving before the Writ Court against Karnataka State Administrative Tribunal's order dated 8.07.2024 whereby, her Application No.4819/2023 has been negatived. In the said Application, she had called in question the order of punishment as affirmed by the Appellate Authority. The punishment was withholding of four annual ancrements with cumulative effect on the charge that she had remained unauthorizedly absent from 8.6.1993 to 19.5.1994.

2. Learned counsel for the petitioner submits that no guilt can be laid at the threshold of his client inasmuch as



it was not a case of her remaining away from employment but her being put away on account of not giving posting. Secondly, he submits that the order of punishment is grossly disproportionate to the charge levelled against the petitioner; lastly, he says that the Tribunal has not duly considered the ground of charge being vague, petitioner was not in a position to defend it. Learned AGA appearing for the respondents makes submission in justification of the impugned order and the reasons on which it has been constructed.

3. Having heard the learned counsel for the parties and having perused the Petition Papers, we decline indulgence in the matter inasmuch as both the Disciplinary Authority and the Appellate Authority have recorded a concurrent finding as to unauthorized absence of the petitioner, in a properly constituted disciplinary enquiry. Petitioner was given full opportunity of participation. Despite turning the pages of the petition book, what breach is committed in the course of disciplinary proceedings has not been



demonstrated to find fault with the approach of Tribunal which comprised of a retired Judge of this Court and a retired official of the Administration. In such a composition, the presumption of accumulated expertise cannot be rebutted.

4. The second contention of the petitioner that the Charge Memo had only stated that the delinquent had remained absent from 20.1.1988 without mentioning up to what date, does not make much difference to the outcome of disciplinary proceedings. The Tribunal at para 4 of its order has observed as under:

"4. The contention of vague charge is not tenable at this stage when the matter has already been adjudicated by Court of law. The fact that this Tribunal has held that in the period of unauthorized absence alleged against the applicant, part of the period is not so, does not make the charge vague at all since the court has been able to rule that a part of the period is not attributable to the applicant with regard to the charge of unauthorized absence. It does not absolve the applicant to provide reasonable proof that the long period from 20-01-1988 to 7-06-1993 was indeed authorized. The contention of 'vague charge' is not tenable at this stage at all and is accordingly rejected."



5. Even otherwise, long absence from public duty creates difficulties to the administration and to the subjects who want to have redressal of their grievance in a normative way. Therefore, even if the alleged period of absence was less than half of what is stated, there are cases wherein courts have upheld harsh penalty of dismissal from service. Learned AGA is right in telling us that once the charges are proved, what punishment should be awarded is ordinarily for the Disciplinary Authority to decide. Despite vociferous submissions of the counsel appearing for the petitioner, we are not convinced that the punishment handed is disproportionate to the gravity of charge. No case is made out either, for invoking the doctrine of proportionality, let alone the plea of disturbing the conscience of the court. We cannot falter the decision of the Tribunal in awarding costs, on the ground that the cause brought before it was frivolous.



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.: 8