



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT PETITION NO. 100376 OF 2022 (S-KAT)

BETWEEN:

1. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
NRUPATHUNGA ROAD,
BENGALURU-560 001.
2. THE INSPECTOR GENERAL OF POLICE,
NORTH RANGE, BELAGAVI-590 001.
3. THE SUPERINTENDENT OF POLICE,
BELAGAVI DISTRICT,
BELAGAVI-590 001.

... PETITIONERS

(BY SRI G.K. HIREGOUDAR, GA)

AND:

1. SRI. RAJASHEKHAR GOUDA PATIL
S/O. SOMANGOUDA,
AGED ABOUT 38 YEARS,
SINCE DECEASED BY HIS LR'S.,



1A. RAMAMANI

W/O RAJASHEKAR GOUDA PATIL,
AGE. 36 YEARS, OCC. HOUSE WIFE,
R/O. GORBAL, TQ. SOUNDATTI,
DIST. BELAGAVI-591 126.

1B. ABHISHEKGOUDA

S/O RAJASHEKAR GOUDA PATIL,
AGE. 13 YEARS, OCC. STUDENT,
R/O. GORBAL, TQ. SOUNDATTI,
DIST. BELAGAVI-591 126.

... RESPONDENTS

(BY SRI DINESH M. KULKARNI, ADVOCATE FOR IMPEADING
R1A)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A
WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER
PASSED BY KARNATAKA APPELLATE TRIBUNAL, BELAGAVI IN
APPLICATION NO.6750/2018 DATED 16-12-2019 VIDE
ANNEXURE-C AND ETC.

THIS WRIT PETITION IS COMING ON PRONOUNCEMENT
AND THE SAME HAVING BEEN HEARD AND RESERVED FOR
ORDER ON 21.01.2026, THIS DAY, **B. MURALIDHARA PAI J.,**
MADE THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



CAV ORDER

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

1. The Respondent herein filed Application No. 6750/2018 before the Karnataka State Administrative Tribunal, Belagavi (in short, 'KAT'), challenging orders dated 29.06.2017, 13.10.2017, and 19.06.2018 passed by the Appellants, imposing and confirming his compulsory retirement from service. The KAT allowed the application vide its order dated 06.12.2019, set aside the orders under challenge and directed the Appellants to reinstate the Respondent in his original position with all consequential benefits except salary. Aggrieved by this, the Appellants have preferred the present appeal.

2. During the pendency of this appeal, the Respondent died, and his legal representatives were brought on record.

3. Sri G.H. Hiregoudar, learned Principal Government Advocate, submitted that the inquiry established the Respondent's guilt of unauthorized absence from duty, a serious misconduct unbecoming of a disciplined force like the police. He contended that the Appellants, considering this and the Respondent's past conduct, ordered compulsory retirement, which is not punitive. He further argued that the charges and



action were in accordance with rules, but the KAT ignored conclusive findings of misconduct, failed to properly appreciate the facts, and erred in interfering with the orders.

4. Per contra, Sri Dinesh M. Kulkarni, learned Counsel for the legal representatives of the Respondent, supported the KAT's findings in setting aside the orders and directing reinstatement. He submitted that the Respondent was absent for only 263 days due to illness, and the compulsory retirement relied on prior unauthorized absences, not part of the charges in the inquiry. Thus, the KAT's conclusion was proper and no grounds exist to interfere.

5. Admittedly, the Respondent, a Police Constable since 2002, remained absent from duty without authorization or intimation to higher authorities for 263 days from 15.12.2015 to 25.07.2016. Appellant No. 3 initiated an inquiry vide order dated 26.07.2016, appointing the Circle Inspector of Mudalagi Police Station as Inquiry Officer. A charge memo dated 20.08.2016 was served on the Respondent, on 04.09.2016. The Inquiry Officer submitted a report on 19.05.2017 holding the charges proved. Appellant No.3 issued a second show-cause notice on 31.05.2017 proposing dismissal. The Respondent replied on



08.06.2017 seeking exoneration. After considering the reply and hearing him, Appellant No.3 imposed compulsory retirement vide order dated 29.06.2017. The Respondent's appeal to Appellant No.2 was dismissed on 13.10.2017 and his revision to Appellant No.1 was rejected on 19.06.2018. Aggrieved, he filed Application No.6750/2018 before the KAT, which was allowed vide the impugned order.

6. The impugned order and contentions in this appeal make it clear that the Respondent raised no grievance regarding lack of fair trial, mala fides, or bias in the inquiry or penalty imposition. His sole argument was that his explanation for absence was not properly considered and the penalty was unlawful.

7. Paragraph 9 of the impugned order sets out the KAT's reasons for interference:

"... From going through the second show cause notice and the order, it is clear that the 3rd respondent has indicated the penalty of dismissal against the applicant in the second show cause notice and also there is no mention whatsoever about the past allegations or conduct referred in para 3(2) of the impugned order, wherein item No.3, he mentioned as 1, 2, 3 & 5 and mention that the applicant has absented for 1142 days earlier and said period is treated as leave without allowance. That is made the basis for passing the impugned order imposing penalty of



compulsory retirement, thereby, it is clear that the said action is contrary to the law laid down by the Apex Court in the case of ***Mahesh Dahiya***. ...”

8. The decision in ***Mahesh Dahiya*** [Civil Appeal No. 10913 of 2016 [arising out of SLP (C) No. 25742 of 2015)] pertains to non-compliance with natural justice principles, unlike the present case. Here, the Respondent appeared before the Inquiry Officer on 05.11.2016, submitted an unconditional written admission of the charges, and gave a statement admitting them. The Inquiry Officer reported the charges proved to Appellant No.3. Even after the second show-cause notice, the Respondent offered no satisfactory explanation, merely pleading leniency citing personal and financial problems for his absence.

9. It is well settled that the legal test to determine the validity of compulsory retirement order, focusing on procedural fairness and public interest rather than treating it as punishment. If such order is based on the authority's bona fide opinion, supported by substantial, unbiased evidence and genuine public interest, courts will not interfere. Judicial review is limited to ascertaining whether the authority applied its mind reasonably



without mala fides; interference is warranted only if arbitrary or punitive.

10. Here, the Respondent - a Police Constable, remained absent from duty without authorization for 263 days. He received all communications including a notice dated 06.02.2016 requiring him to report within 7 days. Such notice was served on 14.03.2016. Yet, he reported to duty only on 04.09.2016. Notably, he offered no explanation for his absence before the Inquiry Officer, in his reply to second show-cause notice, appeal, or revision to Appellants Nos.1 to 3. Only before the KAT, did the Respondent first cite ground of illness. Two medical certificates and a CT scan report produced before the KAT did not substantiate a valid reason for the Respondent's prolonged unauthorized absence.

11. The record further reveals poor past conduct of the Respondent, i.e, unauthorized absences totaling 1,142 days between 12.06.2010 to 22.05.2015, three major penalties, and four minor penalties. Despite this, Appellant No.3 leniently imposed compulsory retirement instead of dismissal and did not withhold pension or gratuity. The KAT was thus not justified in



interfering with the Appellants' well-reasoned, non-punitive orders aimed at administrative efficacy.

12. In the result, the following:

ORDER

- i) The appeal is allowed.
- ii) The impugned order dated 16.12.2019 passed in Application No.6750/2018 by the Karnataka Appellate Tribunal, Belagavi is quashed. Consequently, the Orders dated 19.06.2018, 13.10.2017 and 29.06.2017 passed by the Appellants against the Respondent are restored.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**