



CNR: KAHC010017312025

NC: 2026:KHC:38694-DB
WP No. 655 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.655 OF 2025 (S-KSAT)

BETWEEN:

THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF TOURISM,
VIKASA SOUDHA,
BANGALORE - 560 001.

...PETITIONER

(BY SRI.V.SHIVAREDDY, AGA)

AND:

1. SRI. T.V.L.N RAJU
S/O LATE VENAKTARAMANIAH,
AGED ABOUT 64 YEARS,
RETIRED AS ASSISTANT DIRECTOR OF
TOURISM,
RESIDING AT NO.102,
R.R.HILL VIEW APARTMENT,
AKKAMAHADEVI ROAD,
BEHIND MAHARSHI SCHOOL
VISHVESHWARANAGARA INDUSTRIAL AREA,
MYSURU - 570 008.
2. THE REGISTRAR,
KARNATAKA LOKAYUKTHA,
M.S.BUILDING,

Digitally signed
by G
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA





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BENGALURU – 560 001.

...RESPONDENTS

(BY SRI.SATISH K, ADVOCATE FOR C/R1 IN CP 19431/24,
SRI.JOSEPH ANTHONY, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN APPLICATION No. 3024/2023 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU AND ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO QUASH THE ORDER DATED 28.06.2024 IN APPLICATION No. 3024/2023 PASSED BY THE HONBLE KSAT, BENGALURU (ANNEXURE-A).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner-State (Department of Tourism) is before this Court questioning order dated 28.06.2024 in Application No.3024/2023 whereunder respondent No.1 challenge to order of penalty dated 30.06.2023 withholding pension to an extent of 50% is allowed.



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Brief facts of the case are that:

2. While respondent No.1 was in service, a departmental enquiry came to be instituted by issuance of Articles of Charge dated 28.04.2018. It was a joint enquiry against the petitioner and two others. During the course of enquiry, the Disciplinary Authority examined only one witness as PW.1 i.e., Investigating Officer. On behalf of the respondent - AGO himself examined as DW.1. The Enquiry Officer, based on the evidence of PW.1, the only witness held that the Disciplinary Authority has proved the charges leveled against the DGOs No.1 to 3. The Upa Lokayukta forwarded his recommendation for imposing penalty of withholding 50% of pension of petitioner since he had been retired from service by the time enquiry was completed. The petitioner was issued with second show cause notice dated 07.03.2023 along with enquiry report. The petitioner submitted his reply dated 25.03.2023. The petitioner - State by impugned order dated 30.06.2023 imposed penalty of withholding 50% of pension of the



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petitioner permanently along with two others. Questioning the said order of penalty, the respondent No.1 was before the Tribunal in the above stated application. The Tribunal under impugned order dated 28.06.2024, set aside the order of penalty holding that it is a case of no evidence. Questioning the said order, the State by Tourism Department is before this Court in this writ petition.

3. Heard learned AGA Sri.V Shivareddy for the petitioner - State, learned counsel Sri.Satish K for the respondent No.1 and Sri.Joseph Anthony for respondent No.2. Perused the entire writ petition papers.

4. Learned AGA would submit that the charge against the petitioner is very serious. He submits that under SC/ST/TSP project for the year 2013-14, provision was made to provide subsidy of Rs.2,00,000/- to unemployed educated SC/ST candidates for purchase of tourist taxies for two thousand Tribes. However, the petitioner contrary to the guidelines, in that regard,



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prepared a list of ineligible candidates and also received documents after last date. Learned AGA would submit that the petitioner had contact with certain of the candidates and accepted the applications of candidates, who had paid money and rejected the applications of the candidates, who had failed to pay money to the petitioner. It is submitted that the said charge is proved based on the evidence of PW.1 and the documents marked on behalf of the Disciplinary Authority. Learned AGA, in that regard, would refer to the enquiry report and submits that the Tribunal failed to appreciate the evidence and material on record. Further, learned counsel would submit that, the Investigating Officer has deposed in detail with regard to seizure of the file from the petitioner's house and details with regard to non-following of norms while extending the tourist taxi benefit to certain of candidates. Learned AGA would submit that, in a departmental proceedings, charges could be proved on the preponderance of probability and Enquiry Officer would need not follow strict rules of



evidence, as such whatever the material or evidence produced by the Disciplinary Authority, the charges are proved. Thus, he would submit that the Tribunal could not have interfered with the order of penalty. Wherefore, he would pray to allow the writ petition and to dismiss the application filed before the Tribunal.

5. On the other hand Sri.K Satish, learned counsel for respondent No.1 would submit that there is no evidence whatsoever to prove the charge against the petitioner. Learned counsel for the respondents would submit that except PW.1 - the Investigating Officer, no other witness is examined to prove the charge. When it is the charge against the petitioner that he has favored the applications of the persons, who had given money and, has rejected the applications of candidates, who have not given money, no candidate in that regard is examined before the Enquiry Officer. In the absence of any corroborative evidence, to support PW.1, it is to be held



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that there is no evidence to prove the charge and, it is a case of no evidence. Learned counsel would invite attention to the finding of the Tribunal and submits that the Tribunal has rightly come to the conclusion that it is a case of no evidence and also invites attention of this Court to the evidence of PW.1. PW.1 has admitted that the applications are to be scrutinized by the Committee and, the petitioner was only member Secretary of the said Committee. The decision is by the Committee. Therefore, he submits that the Tribunal is justified in allowing the application as there is no evidence to prove the charge. Thus, he would pray for dismissing the writ petition.

6. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the finding recorded by the Tribunal. In a challenge to the order of penalty in a departmental proceedings, scope of interference by this Court under Article 226 is very limited. If it is shown that



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the order passed is without jurisdiction or that it is a case of no evidence or that the order is the result of total violation of principles of natural justice, then only the writ court would normally interfere with the order of penalty. In the instant case, the respondent No.1 has succeeded in establishing before the Tribunal that it is a case of no evidence. Admittedly, the charge against the petitioner in terms of the Articles of Charge reads as follows:

“ಕರ್ನಾಟಕ ಪ್ರವಾಸೋದ್ಯಮ ಇಲಾಖೆಯ ವತಿಯಿಂದ ಎಸ್.ಸಿ/ಎಸ್.ಟಿ./ಟಿ.ಎಸ್.ಟಿ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿ 2013-14 ನೇ ಸಾಲಿನಲ್ಲಿ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪಂಗಡಗಳ ಅರ್ಹ ನಿರುದ್ಯೋಗ ವಿದ್ಯಾವಂತ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಪ್ರವಾಸಿ ಟ್ರಾಕ್ಟಿ ಖರೀದಿಸಲು ತಲಾ ರೂ.2 ಲಕ್ಷಗಳ ಸಹಾಯ ಧನ ವಿತರಿಸಲು ಅನುಮೋದನೆಯಾಗಿದೆ. ಆಯ್ಕೆ ಪ್ರಕ್ರಿಯೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪ್ರವಾಸೋದ್ಯಮ ಇಲಾಖೆ ಕಮಲಾಪುರದಲ್ಲಿ ನೀವು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು

1) ಆಸನ್-1 ಆದ ನೀವು ಆಯ್ಕೆಯಲ್ಲಿ ಸರಿಯಾದ ಮಾನದಂಡ ಅನುಸರಿಸಿಲ್ಲ. ಸರಿಯಾದ ನೋಟ್‌ಶೀಟ್‌ಗಳನ್ನು ಬರೆದಿರುವುದಿಲ್ಲ. ನಿಮಗೆ ಬೇಕಾದ ಅರ್ಜಿದಾರರಿಗೆ ಸರಿಯಾದ ದಾಖಲೆಗಳು ಇಲ್ಲದಿದ್ದರೂ ಆಯ್ಕೆ ಮಾಡಿಕೊಂಡಿದ್ದೀರಿ. ಕೊನೆಯ ದಿನಾಂಕದ ನಂತರ ದಾಖಲಾತಿಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದೀರಿ. ಅರ್ಜಿ ಪರಿಶೀಲನಾ ಸಮಿತಿ ಷರಾ ಮಾಡಿದ್ದನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಿ ನಿಮಗೆ ಬೇಕಾದವರನ್ನು ಆಯ್ಕೆ ಮಾಡಿಕೊಂಡಿರುತ್ತೀರಿ. ಲಂಚದ ಹಣ ಕೊಡುತ್ತೇವೆ ಅಂತ ಹೇಳಿದವರಿಗೆ ಸಂದರ್ಶನ ಇರುವ ಬಗ್ಗೆ ಮುಂಚಿತವಾಗಿ ತಿಳಿಸುವುದು, ಹಣ ಕೊಡಲು ಒಪ್ಪದೇ ಇದ್ದವರಿಗೆ ಹಿಂದಿನ ದಿವಸ ರಾತ್ರಿ ಮೊಬೈಲ್ ಮೂಲಕ ಸಂದೇಶ ಕಳುಹಿಸಿ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಸಂದರ್ಶನಕ್ಕೆ ಹಾಜರಾಗುವುದನ್ನು ತಪ್ಪಿಸಿರುತ್ತೀರಿ. ಹಿಂದಿನ ಸಾಲಿನಲ್ಲಿಯೇ ಪ್ರವಾಸಿ ಟ್ರಾಕ್ಟಿ ಪಡೆದಿರುವ ಅಭ್ಯರ್ಥಿಗಳು ಮತ್ತು ಅವರ



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ಕುಟುಂಬದವರಿಗೆ ಪುನಃ ಆಯ್ಕೆ ಮಾಡಿಕೊಂಡಿದ್ದು, ನಿರಂತರವಾಗಿ ಸದರಿ
ಅರ್ಜಿದಾರರ ಜೊತೆ ಮೊಬೈಲ್ ಸಂಪರ್ಕ ಇಟ್ಟುಕೊಂಡಿರುತ್ತೀರಿ.”

7. To prove the above charge, the Disciplinary Authority examined only PW.1- Investigating Officer, no other witness is examined to prove the above charge. When it is the charge against the petitioner that the petitioner has favored the applications on receiving certain amount and he has rejected the applications of candidates, who have not paid any money, to prove that charge, no such candidates have been brought before the Enquiry Officer. Moreover, PW.1 in his evidence, has admitted that the applications were scrutinized by a Committee not by petitioner alone. The petitioner was one of the member of the Committee as he was Member Secretary of the said Committee. The Tribunal, on examination of the entire material, has rightly recorded that the findings of the Enquiry Officer is perverse and findings are not in accordance with the material placed before the Enquiry Officer. We do not find any reason to interfere with such



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finding. There is no merit in the writ petition. Accordingly,
the writ petition stands ***rejected***.

**SD/-
(S.G.PANDIT)
JUDGE**

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

GSR
List No.: 1 Sl No.: 27