



CNR: KAHC010024632021

NC: 2026:KHC:51343-DB
WP No. 1342 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 18TH DAY OF SEPTEMBER, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA
WRIT PETITION NO. 1342 OF 2021 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY THE PRINCIPAL SECRETARY
TO GOVERNMENT,
EDUCATION DEPARTMENT,
DR. B R AMBEDKAR VEEDHI
BANGALORE-560001.
2. THE COMMISSIONER
PUBLIC INSTRUCTIONS DEPARTMENT
NEW PUBLIC OFFICES
NRUPATHUNGA ROAD, BANGALORE-560 001.
3. THE HON'BLE UPA- LOKAYUKTA
REP. BY ITS REGISTRAR
M S BUILDING, DR. B.R. AMBEDKAR VEEDHI
BANGALORE-560001.
4. THE ADDITIONAL REGISTRAR
OF ENQUIRES-4
KARNATAKA LOKAYUKTA
M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI
BANGALORE- 560 001.

...PETITIONERS

(BY SRI. SANTHOSHRAJ C DESHMUKH, AGA)

AND:

SRI C THIMMAIAH
S/O KARE THIMMAIAH
AGED ABOUT 68 YEARS,

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka



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RETIRED BLOCK EDUCATION OFFICER,
R/AT NO.2453/7, 7TH B MAIN
RPC LAYOUT, VIJAYANAGAR
BANGALORE-560040.

...RESPONDENT

(BY SRI. VIJAYAKUMAR V.B., ADV.)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS IN APPLICATION NO. 6813/2017 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU; ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 01.07.2019 IN APPLICATION NO. 6813/2017, ON THE FILE OF THE HON BLE KARNATAKA ADMINISTRATIVE TRIBUNAL, BENGALURU, AS PER ANNEXURE -A AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

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

The authorities of the State in the Education Department have preferred this writ petition aggrieved by order dated 01.07.2019 in Application No.6813/2017, passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereunder the respondent's Application questioning the Government



order dated 02.07.2013, entrusting the enquiry to the Karnataka Lokayukta to conduct enquiry as well as articles of charge dated 30.02.2013 are quashed.

2. Heard learned Additional Government Advocate Sri.Santhoshraj S. Deshmukh for petitioners and learned counsel Sri.Vijay Kumar for respondent. Perused the entire writ petition papers.

3. It is stated that respondent retired on 31.03.2012 on attaining the age of superannuation. Subsequent to his retirement, by Government Order dated 02.07.2013, the first respondent entrusted the enquiry against respondent to Karnataka Lokayukta in exercise of its power under Rule 214(2)(b)(ii) of KCSRs as well as under Rule 13 and 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, 'CCA Rules'). Based on such entrustment, the Enquiry Officer nominated by the Upa-Lokayukta issued Articles of charge dated 30.08.2013. The charge relates to demand



and acceptance of bribe. The State Government order entrusting the enquiry to Lokayukta as well as articles of charge dated 30.08.2013 was the subject matter of above stated Application before the Tribunal. The Tribunal solely on the ground that Rule 14-A of CCA Rules would not apply to retired Government servants, quashed the Government Order dated 02.07.2013 entrusting the enquiry to the Lokayukta as well as the consequent articles of charge dated 30.08.2013 with a direction to the petitioners to settle pensionary benefits of the respondent. However, liberty was granted to the petitioner to proceed afresh against respondent. Questioning the said order of the Tribunal, the State is before the Court in this writ petition.

4. Learned Additional Government Advocate would submit that the enquiry under Government Order dated 02.07.2013 was entrusted under Rule 214 of KCSRs read with Rule 14-A of CCA Rules. Therefore, he submits that the Tribunal was not correct in quashing the Government



Order entrusting the enquiry as well as consequent articles of charge. Further, learned Additional Government Advocate would submit that Co-ordinate Bench of this Court in the case of ***Dr.M.BASAPPA REDDY VS. STATE OF KARNATAKA AND OTHERS (W.P.No.14770/2012 dated 01.04.2016)*** has further held that it is within the competence of the State authorities to entrust the enquiry under Rule 214 of KCSRS to the Lokayukta or Upa-Lokayukta against a retired Government servant. Thus, he would pray for allowing the writ petition and to direct the Upa-Lokayukta to continue with the enquiry.

5. However, on the other hand, learned counsel Sri.Vijay Kumar.V.B., would submit that subsequent to order of the Tribunal, the State has settled the pensionary benefits. Learned counsel for the respondent would submit that the petitioners could proceed with the enquiry against the respondent, however, when the petitioners have taken



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decision to settle pensionary benefits, it would be unnecessary for the State to proceed with the enquiry.

6. On hearing the learned counsel appearing for the parties and on perusal of the entire writ petition papers as well as **BASAPPA REDDY** (supra), we are of the considered opinion that the Tribunal committed grave error in setting aside the articles of charge by allowing the respondent's Application.

7. No doubt, the respondent retired from service on attaining the age of superannuation on 31.03.2012 and subsequent to his retirement, enquiry was entrusted to Upa-Lokayukta under Government order dated 02.07.2013. A perusal of the Government order dated 02.07.2013 entrusting the enquiry to Upa-Lokayukta reads as follows:

"ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ
ಸರ್ಕಾರವು (1) ಶ್ರೀ ಸಿ.ತಿಮ್ಮಯ್ಯ, ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿ, ದಕ್ಷಿಣ
ವಲಯ - 1, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ಜಿಲ್ಲೆ ಇವರು ಈಗಾಗಲೇ



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ನಿವೃತ್ತರಾಗಿರುವುದರಿಂದ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ
ನಿಯಮಗಳು 1958ರ ನಿಯಮ 214(2)(ಬಿ) ಅನ್ವಯ ಹಾಗೂ
ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ಪರೀಕ್ಷಾರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು
ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರನಿಯಮ 13 ಮತ್ತು 14(ಎ) ರನ್ವಯ
ವಿಚಾರಣೆ ನಡೆಸುವ ಸಲುವಾಗಿ ಮಾನ್ಯ ಉಪ ಲೋಕಾಯುಕ್ತರು,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಇವರಿಗೆ ವಹಿಸಿ ಆದೇಶಿಸಿದೆ."

A reading of the operative portion of the Government order, it is clear that the enquiry against the respondent is entrusted to Upa-Lokayukta under Rule 214(2)(b) of KCSRs and to conduct enquiry in terms of Rule 13 and 14-A of the CCA Rules.

8. The Tribunal without noticing the fact that the enquiry is entrusted under Rule 214 of KCSRs, quashed the entrustment order. The said finding is without application of mind by the Tribunal and is not sustainable in law. When the impugned order entrusting the enquiry to Upa-Lokayukta itself is under Rule 214 of KCSRs, the Tribunal could not have come to a different conclusion.



9. Even otherwise, suppose if the enquiry is entrusted by quoting the wrong provision i.e., Rule 14-A of CCA Rules, such entrustment order against a retirement Government servant would not become bad in law, since the power to entrust the enquiry could be traceable to Rule 214 of KCSRs. It is not that Government has no power to entrust enquiry to Upa-Lokayukta against a retired Government servant.

10. Furthermore, Co-ordinate Bench of this Court in **BASAPPA REDDY** (supra) was considering identical fact situation of entrustment of enquiry against a retired Government servant to Upa-Lokayukta and at paragraphs 18 and 19, it is held as follows:

"18. The learned counsel for the Petitioner submitted that even if Rule 214(2)(b) states that the Government can take action against the retired employees, and it specifically imposes responsibility on the Government to deal with the retired Government servant, it cannot delegate its power to any other person or authority. Further, he submitted that, even if the Government refers the



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matter to any other person or authority invoking the provision u/s.214(2)(b)(iii), in turn, it should follow Rule 11(1) to (5) and thereafter only it can refer the matter to any other authority; that the authority to which the Departmental Enquiry was transferred has no jurisdiction to frame charges and then proceed with the matter; that it is the fundamental duty of the Disciplinary Authority to frame charges and receive the statement of objections from the delinquent employee and thereafter if it is satisfied, an enquiry has to be proceeded with, only then the State Government can refer the matter to the other authority. It is further argued that, in this particular case, the Disciplinary Authority has not framed the charges or supplied the articles of charges to the delinquent employee and not taken the written statement before referring the matter to Lokayuktha for enquiry. Therefore, the entire procedure followed by the Disciplinary Authority and subsequently by inquiry officer is vitiated by serious incurable procedural defect and it vitiates the entire proceedings. Hence, on that ground also, the order passed by the Government has to be set aside.

19. Section 214(2)(b)(iii) empowers the Disciplinary Authority or the Government, to



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conduct enquiry through such authority and in such place as the Government may direct, in accordance with the procedure applicable. This clearly indicates that the Government can conduct enquiry through any other authority, but the other authority should follow the procedure applicable to departmental Inquiries. Therefore, it goes without saying that Rule 11 and 14A of CCA Rules are virtually mutatis mutandis applicable for the purpose of conducting Departmental Inquiry."

The above decision would aptly apply to the facts of the present case.

11. For the reasons recorded above and by respectfully following the **BASAPPA REDDY** (supra), the writ petition deserves to be allowed. Accordingly, the following:

ORDER

- a) Writ petition is allowed.
- b) Impugned order dated 01.07.2019 in Application No.6813/2017 passed by the



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Karnataka State Administrative Tribunal at Bengaluru is set aside.

- c) The Enquiry Officer of the Upa-Lokayukta is directed to proceed with the enquiry in terms of articles of charge dated 30.08.2013 (Annexure-A4) and complete the enquiry as far as possible within six months from the date of appearance of the respondent before the Enquiry Officer i.e., the Additional Registrar, Enquiries-4, Karnataka Lokayukta.
- d) The respondent shall appear before the Enquiry Officer stated above on **09.10.2026** without expecting any notice from the Enquiry Officer.

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

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

NC
CT:bms