

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 857 OF 2022 (S-KSAT)

BETWEEN:

SMT. SHILPA K.
W/O SRI SURENDRA H. A.
AGED ABOUT 37 YEARS
WORKING AS ASSISTANT
DIRECTOR OF FISHERIES
O/O THE ASSISTANT DIRECTOR FISHERIES
TALUK PANCHAYATH PREMISES
NANJANGUDU TALUK
MYSORE DISTRICT, R/AT NO.26
INCOME TAX LAYOUT
CHAMUNDIHALLI ROAD
MYSORE – 570 011.

...PETITIONER

(BY SRI C.M. NAGABUSHANA., ADVOCATE)

AND:

Digitally signed
by G. SHREEAKSHA
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
ANIMAL HUSBANDRY AND
FISHERIES DEPARTMENT
M S BUILDING, BANGALORE-560 001.
2. THE DIRECTOR
DEPARTMENT OF FISHERIES
THIRD FLOOR, PODIUM BLOCK
V V TOWER
DR B.R. AMBEDKAR VEEDHI
BANGALORE – 01.

3. THE HON'BLE UPA-LOKAYUKTHA
REPRESENTED BY ITS REGISTRAR
M S BUILDING, BANGALORE-01.

4. THE ADDITIONAL REGISTRAR
(ENQUIRIES-4)
KARNATAKA LOKAYUKTHA
M S BUILDING
BANGALORE – 560 001.

...RESPONDENTS

(BY SRI A.S.HARISHA, AGA FOR R1 & R2;

SRI VENKATESH S. ARABATTI, ADVOCATE FOR R3 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR CALL FOR RECORDS PERTAINING TO THE IMPUGNED ORDER No.Pa.Sum.Mi190.Mi.E.Se.2018 DATED 11.01.2019 (ANNEXURE-A9) PASSED BY THE 1ST RESPONDENT AND IMPUGNED ARTICLE OF CHARGES No.UpaLok-2/DE/19/2019/ARE-4 (ANNEXURE-A10) PASSED BY THE 4TH RESPONDENT AND SET ASIDE THE SAME AND DIRECT THE RESPONDENTS NOT TO PROCEED FURTHER IN THE ENQUIRY AND ALSO TO DROP ALL FURTHER PROCEEDINGS IN THE MATTER AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.08.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT

and

HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

The petitioner is before this Court calling in question the order dated 15.12.2021 passed by the Karnataka State Administrative Tribunal, Bengaluru, in Application No.1079/2019, whereby the Tribunal has dismissed the application filed by the petitioner challenging the Government Order bearing No: Pa.Sum.Mi.190. Mi.E.Se.2018 dated 11.01.2019 and the consequential Articles of Charge bearing No.UpaLok-2/DE/19/2019/ARE-4 dated 08.02.2019.

2. Heard the learned counsel for the petitioner and the learned counsels appearing for the respondents. Perused the material placed on record.

3. The facts, in brief, are that a complaint came to be lodged before the Karnataka Lokayukta alleging irregularities in the implementation of the Fishermen Housing Scheme. Pursuant to the complaint, investigation was conducted by the Superintendent of Police, Karnataka Lokayukta. It is the specific contention of the petitioner

that the investigation report submitted by the Superintendent of Police was favourable to her and did not disclose misappropriation or financial irregularity as alleged in the complaint.

4. The matter, however, did not end with the submission of the investigation report. The Upa-Lokayukta, after considering the matter, submitted a report under Section 12(3) of the Karnataka Lokayukta Act, 1984. Pursuant thereto, the Government passed the impugned order dated 11.01.2019 entrusting the matter for disciplinary enquiry. Consequent upon the said order, Articles of Charge dated 08.02.2019 came to be issued to the petitioner.

5. The petitioner questioned the Government Order and the Articles of Charge before the Tribunal in Application No.1079/2019. The Tribunal, by the order impugned herein, declined to interfere and dismissed the application, holding that the petitioner could raise all her contentions in the course of the disciplinary enquiry.

6. Learned counsel for the petitioner would contend that the order dated 11.01.2019 is contrary to Section 12(4) of the Karnataka Lokayukta Act, inasmuch as the competent authority has failed to independently examine the report forwarded under Section 12(3) of the Act before taking a decision to initiate disciplinary proceedings. It is his further contention that the Government has merely acted upon the recommendation of the Upa-Lokayukta without independent application of mind.

7. It is further contended that the Superintendent of Police, who had conducted the investigation, had submitted a report favourable to the petitioner. According to the petitioner, the material collected during the investigation did not substantiate the allegations of financial irregularity or misappropriation. It is therefore contended that the subsequent decision to initiate disciplinary proceedings, without properly considering the investigation report, is unsustainable.

8. Learned counsel would further contend that the Articles of Charge are vague and do not specifically disclose the alleged irregularities said to have been committed by the petitioner. In support of the said submission, reliance is placed upon the judgment of the Apex Court in **Anil Gilurker v. Bilaspur Raipur Kshetriya Gramin Bank and Another, reported in (2011) 14 SCC 379**, and **Union of India and Others v. Gyan Chand Chattar AIR ONLINE 2009 SC 561**.

9. Reliance is also placed upon the judgment of the Division Bench of this Court in **Sri Sanjeev Kumar v. State of Karnataka and Others in W.P.No.205398/2019 (S-KAT)**, disposed of on 24.02.2020, to contend that the requirement under Section 12(4) of the Karnataka Lokayukta Act is mandatory and that the competent authority is required to independently examine the report and the material before taking a decision.

10. Reliance is also placed upon the decision of this Court in **H.N. Niranjan and Others v. Karnataka**

Lokayukta and Others in W.P.No.43079/2015 (S-KAT).

11. Per contra, the learned counsel for the respondents would support the order passed by the Tribunal and contend that the matter is still at the stage of disciplinary enquiry and that no final order adverse to the petitioner has been passed. It is submitted that the petitioner would have full opportunity to defend herself in the enquiry.

12. Having heard the learned counsel for the parties, the question that falls for consideration is:

Whether the petitioner has made out any ground for interference with the order dated 15.12.2021 passed by the Tribunal and, consequently, with the Government Order dated 11.01.2019 and the Articles of Charge dated 08.02.2019?

13. The first contention of the petitioner is with regard to the report submitted by the Superintendent of Police, Karnataka Lokayukta. There is no dispute that investigation was conducted pursuant to the complaint.

The petitioner places reliance upon the conclusions contained in the investigation report and contends that the same was favourable to her.

14. The mere fact that the Investigating Officer had taken a view favourable to the petitioner, however, would not by itself preclude the competent authority from proceeding further, if the subsequent report under Section 12(3) and the material considered therein warranted initiation of disciplinary proceedings. The Tribunal has taken note of the investigation report and has recorded that the Upa-Lokayukta had considered the material and assigned reasons for taking a view different from that of the Investigating Officer. The Tribunal has further held that the competent authority had considered the relevant material and formed a prima facie opinion to proceed with the departmental enquiry.

15. At this stage, this Court is not required to examine whether the conclusion arrived at by the Superintendent of Police is correct or whether the view subsequently taken by the Upa-Lokayukta is correct. Such

an exercise would necessarily involve an examination of the merits of the allegations and the material on which the disciplinary proceedings are founded.

16. The petitioner would be entitled to place reliance upon the investigation report in the disciplinary proceedings and contend that the allegations are not established. The evidentiary value of the said report and the effect thereof are matters which can appropriately be considered in the enquiry.

17. The next contention concerns the alleged non-compliance with Section 12(4) of the Karnataka Lokayukta Act. Strong reliance was placed upon the judgment of the Division Bench of this Court in ***Sri Sanjeev Kumar (supra)***.

18. There can be no dispute with the proposition that the competent authority is required to examine the report forwarded under Section 12(3) of the Act and take a decision in accordance with Section 12(4). The requirement cannot be treated as an empty formality.

19. However, the applicability of the judgment in ***Sri Sanjeev Kumar (supra)*** would depend upon the facts of each case. The said judgment cannot be applied without examining the nature of the order under challenge and the material available in the particular case.

20. In the case on hand, the Tribunal has examined the contention regarding non-application of mind and has recorded that the competent authority had considered the relevant material and formed a prima facie opinion for initiation of disciplinary proceedings. The Tribunal has also taken note of the fact that the Upa-Lokayukta had considered the investigation report before submitting the report under Section 12(3).

21. Therefore, the contention of the petitioner that the Government was bound to accept the investigation report submitted by the Superintendent of Police cannot be accepted. The investigation report was one of the materials arising out of the proceedings. The question as to whether the conclusions therein should ultimately

prevail is not a matter to be adjudicated by this Court at this stage.

22. The next contention is that the Articles of Charge dated 08.02.2019 are vague. Reliance is placed upon the decisions in ***Anil Gilurker(supra)*** and ***Gyan Chand Chattar(supra)***.

23. There can be no quarrel with the proposition that a government servant against whom disciplinary proceedings are initiated should be informed of the charges with sufficient clarity so as to enable him or her to effectively defend the proceedings. An enquiry founded on wholly vague and indefinite charges may, in an appropriate case, be liable to be interfered with.

24. However, the said principle does not mean that every charge memorandum can be subjected to a detailed examination by this Court at the threshold to determine the truth or otherwise of each allegation.

25. A perusal of the Articles of Charge dated 08.02.2019 indicates that the proceedings are not founded

upon a mere bald allegation of misconduct. The charge memorandum refers to the Fishermen Housing Scheme, the procedure relating to its implementation and the acts and omissions alleged against the petitioner with regard to the implementation of the Scheme and selection of beneficiaries. The charge memorandum is accompanied by the statement of imputations setting out the basis on which the disciplinary proceedings are proposed.

26. Therefore, it cannot be said, at this stage, that the Articles of Charge are so vague or bereft of particulars as to render the initiation of the disciplinary proceedings without jurisdiction. The petitioner would have full opportunity to submit her defence and contest each of the allegations in the enquiry.

27. The Tribunal has also placed reliance upon the decisions governing interference by constitutional Courts at the stage of issuance of a charge memorandum. In this regard, reference may appropriately be made to the judgment of the Apex Court in ***Union of India and***

Another v. Kunisetty Satyanarayana, (2006) 12 SCC 28.

28. The Apex Court has held that ordinarily a charge-sheet or show-cause notice does not give rise to a cause of action warranting interference under Article 226 of the Constitution, unless the same is shown to have been issued by an authority having no jurisdiction or is otherwise wholly without authority of law.

29. In the present case, the petitioner has not established that the authority which initiated the disciplinary proceedings lacked jurisdiction. The principal contentions urged by the petitioner relate to the correctness of the allegations, the effect of the report submitted by the Superintendent of Police, the sufficiency of the material and the alleged failure to properly appreciate the material. All these matters are essentially matters which can be urged before the Enquiry Officer.

30. This Court cannot, in exercise of jurisdiction under Articles 226 and 227 of the Constitution of India,

undertake a detailed examination of the rival material and record a finding regarding the correctness of the allegations even before the disciplinary enquiry has been concluded.

31. The Tribunal, therefore, cannot be said to have committed any error in holding that the petitioner would be entitled to raise all her contentions in the disciplinary proceedings. The finding of the Tribunal that interference at the stage of initiation of enquiry is unwarranted, in the facts of the present case, does not suffer from any jurisdictional error or perversity.

32. Consequently, no ground is made out to interfere with the Government Order bearing No.Pa.Sum.Mi.190, Mi.E.Se.2018 dated 11.01.2019 or the consequential Articles of Charge bearing No.UpaLok-2/DE/19/2019/ARE-4 dated 08.02.2019.

33. Once this Court finds that the challenge to the Government Order and the Articles of Charge does not merit acceptance, the consequential challenge to the order

dated 15.12.2021 passed by the Karnataka State Administrative Tribunal in Application No.1079/2019 also fails.

34. It is made clear that this Court has not expressed any opinion on the merits of the allegations levelled against the petitioner. All contentions of the petitioner, including her reliance upon the investigation report submitted by the Superintendent of Police, the contention regarding the correctness of the allegations, and all other defences available to her in law, are left open to be urged before the Enquiry Officer.

35. The Enquiry Officer shall conduct the proceedings independently and in accordance with law and afford reasonable opportunity to the petitioner to defend herself.

36. Hence, the following:

ORDER

(i) The writ petition is ***dismissed.***

- (ii) The order dated 15.12.2021 passed by the Karnataka State Administrative Tribunal, Bengaluru, in Application No.1079/2019 is ***affirmed.***
- (iii) Consequently, the challenge to Government Order No.Pa.Sum.Mi.190, Mi.E.Se.2018 dated 11.01.2019 and the consequential Articles of Charge No.UpaLok-2/DE/19/2019/ARE-4 dated 08.02.2019 fails.
- (iv) All contentions of the petitioner on the merits of the allegations are left open to be urged in the disciplinary enquiry.
- (v) No order as to costs.

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

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