



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 2926 OF 2024 (S-DE)

BETWEEN:

SRI MAHESHWARAPPA T
S/O THIMMAPPA
AGED ABOUT 41 YEARS
WORKING AS MECHANIC GRADE 2
OFFICE OF THE L T RATING SUB DIVISION
MESCOM, SHIKARIPURA TALUK-577427
SHIVAMOGGA DISTRICT.

...PETITIONER

(BY SRI. SRIKANTH PATIL K., ADVOCATE)

AND:

1. THE CHIEF ENGINEER (ELECTRICITY)
AND APPELLATE AUTHORITY
O AND M ZONE, MESCOM
VIDHUTH BHAVAN, B H ROAD
SHIVAMOGGA 577203.
2. THE SUPERINTENDING ENGINEER (ELECTRICITY)
O AND M ZONE, MESCOM
VIDHUTH BHAVAN, B H ROAD
SHIVAMOGGA 577203.
3. THE EXECUTIVE ENGINEER (ELECTRICITY)
O AND M ZONE, MESCOM
SHIKARIPURA 577427
SHIVAMOGGA DISTRICT.

...RESPONDENTS

(BY SRI. MUHAMMAD SHAMIL., ADVOCATE FOR R1 TO R3)

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED: 13.05.2022 MADE IN NO.AAIM(VI)HIAAASA/KA-39/2096-113 VIDE ANNEXURE-A PASSED BY THE R2 HEREIN BEING ARBITRARY, ERRONEOUS AND OPPOSED TO LAW EQUITY AND JUSTICE AND ALSO QUASH THE ORDER DATED: 04.11.2022 MADE IN NO.MUIM(VI)/SHI.VA.KA/2022-23/3584-94 PASSED BY THE R1 APPELLATE AUTHORITY (ANNEXURE-A1) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the order dated 13.05.2022 passed by respondent No.2, as at Annexure-A, and the order dated 04.11.2022 passed by the first respondent-appellate authority, whereby the penalty imposed was modified, as at Annexure-A1.

2. The brief facts of the case are that the petitioner is working as a Mechanic. While he was in service, a departmental enquiry was initiated against him, and a penalty of withholding of one increment with cumulative effect was imposed. Being aggrieved by the same, the



petitioner preferred an appeal before the first respondent–appellate authority. The appellate authority modified the punishment and reduced it to censure. Being still aggrieved, the petitioner has approached this Court.

3. The learned counsel appearing for the petitioner raised the following contentions:

(i) Firstly, on 04.11.2020, the petitioner was on leave. There is no material produced to show that the petitioner had consumed alcohol on that day or that he had taken photographs and forwarded the same on social media.

(ii) Secondly, the photographs produced during the enquiry have not been proved. The petitioner has specifically denied the charges made against him. Even the Enquiry Officer has given a clear finding that there is no material to prove that the petitioner had consumed alcohol or that he was riding a two-wheeler in violation of traffic rules. In spite of this, the penalty imposed by the



authorities is contrary to the material available on record, and the finding arrived at is without any evidence and is perverse. Hence, he sought for allowing the writ petition.

4. Per contra, the learned counsel appearing for the respondents raised the following contentions:

(i) Firstly, a show-cause notice was issued to the petitioner vide Annexure-D. In response to the said notice, the petitioner submitted a reply. He has not denied the photographs taken on 04.11.2020, nor has he denied his presence in the said photographs. The Enquiry Officer, after affording an opportunity to the parties, has given a clear finding that the charges have been proved against the petitioner.

(ii) Secondly, once the charges have been admitted in the reply, the burden shifts on to the delinquent employee to disprove the same. In support of this contention, reliance is placed on the judgment of the Apex Court in the case of **STATE BANK OF INDIA VS. A.G.D.**



REDDY, reported in **(2023) 11 SCR 652.** The respondents have also produced the photographs along with the memo.

5. Heard the learned counsel appearing for the parties and perused the writ papers.

6. The respondents have initiated a departmental enquiry against the petitioner and three other employees of the respondent-Corporation. The charges were framed against the petitioner on 27.04.2021 vide Annexure-H, which is extracted below:

“ಶ್ರೀ ಮಹೇಶ್ವರಪ್ಪ ಟಿ ಮೆ.ದ-2, ಮವಿಸಕಂ ಶಿಕಾರಿಪುರ ಪಟ್ಟಣ ಶಾಖೆ, ಆದ ನೀವು ದಿ: 4.11.2020 ರಂದು ನಿಮಗೆ ವಾರದ ರಜಾ ಇದ್ದಾಗ್ಯೂ ಕರ್ತವ್ಯಕ್ಕೆ ಹಾಜರಾಗಿದ್ದು, ಐ.ಪಿ. ಸೆಟ್‌ಗಳ ಜಿ.ಪಿ.ಎಸ್. ಸರ್ವೆ ಮಾಡಲು ಶಾಖಾಧಿಕಾರಿಗಳು ನಿಮಗೆ ಸೂಚನೆ ನೀಡಿರುತ್ತಾರೆ. ಆದರೆ, ನೀವು ಶಾಖಾಧಿಕಾರಿಯವರ ಸೂಚನೆಯನ್ನು ಧಿಕ್ಕರಿಸಿ ಕರ್ತವ್ಯದ ವೇಳೆಯಲ್ಲಿ ಶಿಕಾರಿಪುರ ತಾಲ್ಲೂಕಿನ ಅಂಜನಾಪುರ ಜಲಾಶಯಕ್ಕೆ ನಿಮ್ಮ ಸಹೋದ್ಯೋಗಿಗಳೊಂದಿಗೆ ತೆರಳಿ ಮದ್ಯಪಾನ ಮಾಡಿರುವುದು, ತನ್ನೂಲಕ ಕಂಪನಿಯ ಗೌರವ ಘನತೆಗೆ ಧಕ್ಕೆ ತಂದಿರುತ್ತೀರಿ, ಹಾಗೂ ಕರ್ತವ್ಯದಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯತನ ತೋರಿಸಿರುತ್ತೀರಿ. ಇದಲ್ಲದೆ, ನಿಮ್ಮ ಅಸಭ್ಯ ವರ್ತನೆ ಮತ್ತು ನಡವಳಿಕೆಯನ್ನು ಮೊಬೈಲ್ ನಲ್ಲಿ ಚಿತ್ರೀಕರಿಸಿ ವಾಟ್ಸಾಪ್ ಮೂಲಕ ಸಾಮಾಜಿಕ



ಜಾಲತಾಣದಲ್ಲಿ ವೈರಲ್ ಆಗಲು ಕಾರಣರಾಗಿರುತ್ತೀರಿ. ಒಬ್ಬ ಜವಾಬ್ದಾರಿಯುತ ಇಲಾಖೆಯ ನೌಕರರಾಗಿ ನೀವು ಸಾರ್ವಜನಿಕವಾಗಿ ಅಸಭ್ಯವಾಗಿ ಮತ್ತು ಅಶಿಸ್ತಿನಿಂದ ನಡೆದುಕೊಂಡಿರುವುದು ಹಾಗೂ ಕರ್ತವ್ಯದಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯತನ ತೋರಿಸಿರುವುದು ನಿಮ್ಮ ಕರ್ತವ್ಯದಲ್ಲಿನ ಲೋಪ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದೆ. ನಿಮ್ಮ ಅನುಚಿತ ವರ್ತನೆಯು ಕವಿಪ್ರನಿನಿ ನೌಕರರ ನಡತೆ ನಿಯಮಗಳು 1988ರ ನಿಯಮ-3 ಮತ್ತು 33 ರ ಅನುಬಂಧ-ಬಿ ರ ಪ್ರಾರ ಸಂಖ್ಯೆ: 03, 07 ಮತ್ತು 15 ರ ಅನ್ವಯ ಕರ್ತವ್ಯಚ್ಯುತಿಯಾಗಿರುತ್ತದೆ.”

7. The petitioner submitted his reply vide Annexure-J. In respect of the allegation relating to the photographs, he has not denied the same. On the other hand, he has admitted that he is one of the persons appearing in the said photographs, while denying the other allegations.

8. The Apex Court, in the case of **A.G.D.REDDY (supra)**, has held that the burden may shift to the respondents depending upon the explanation offered. The relevant paragraphs are extracted below:

"23. It is well settled that, in a disciplinary proceeding, the question of burden of proof would depend upon the nature of the charge and the nature of the explanation put forward by the respondent. In a given case, the burden may be



shifted to the respondent depending upon the explanation. [See Orissa Mining Corporation and Another vs. Ananda Chandra Prusty, (1996) 11 SCC 600, Para 6].

24. Here the specific charge was with regard to a series of named units, periodical inspections were not carried out. To support the charge, witnesses were examined and on the request through his defence representative, the Enquiry Officer has directed the presenting officer to produce the inspection records. The Enquiry Officer specifically asked the defence representative to mention the inspection registers in respect of the units which are required. The defence representative specifically makes a request for the inspection records in respect of the units mentioned in the charge sheet. The Enquiry Officer directs the presenting officer to examine the request and records, if available, be given. Thereafter, it has come on record that the Presenting Officer produced the inspection register for the relevant period for perusal of the Enquiry Officer and the defence representative. On this, the defence representative stated that they would respond, after going through the documents. In the written submissions filed, a grievance is raised that the records pertaining to inspection were produced at



the fag end of the enquiry. We are not impressed with the submission since, it was after the production of the inspection register that the defence representative of the respondent had stated, that they will respond after going through the said documents. No response was forthcoming. Neither from the records nor at the hearing has it been demonstrated as to how the charge of failure to conduct the inspection was countered by the respondent. The records sought being made available, the onus did shift to the respondent to show that the charge was untenable."

9. In the case on hand, the petitioner has admitted the photographs produced by the respondent–Corporation. He has not produced any evidence to disprove the allegations made by the respondents. With regard to the allegation that the petitioner had consumed alcohol and was riding a motorcycle in violation of traffic rules, the finding of the Enquiry Officer is that the same has not been proved. However, the allegation that the petitioner was wearing the departmental uniform, had taken



photographs along with his colleagues, and had uploaded the same on social media has been proved.

10. As far as a departmental enquiry is concerned, the scope of interference by this Court under Article 226 of the Constitution of India is limited. In this regard, the Apex Court, in the case of **STATE OF ANDHRA PRADESH AND OTHERS VS. CHITRA VENKATA RAO**, reported in **(1975) 2 SCC 557**, has held as under:

"21. The scope of Article 226 in dealing with departmental inquiries has come up before this Court. Two propositions were laid down by this Court in State of Andhra Pradesh v. S. Sree Rama Rao [(1963] 3 S.C.R. 25]. First, there is no warrant for the view that in considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court must be applied. If that rule be not applied by a domestic Tribunal of Inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare the order of the authorities holding a departmental inquiry invalid. The High



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Court is not a Court of Appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Second, where there is some evidence which the authorities entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. The High Court may interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. The departmental authorities are, if the enquiry is



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otherwise properly held, the sole judges of facts and if there is some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226."

11. Also, the Apex Court in the case of **THE INDIAN OIL CORPORATION AND OTHERS vs. AJIT KUMAR SINGH AND ANOTHER** reported in **(2023) 5 SCR 447** held as below:

"6. The facts of the case leading to the issuance of chargesheet, initiation of departmental inquiry, the report of the inquiry officer and the punishment inflicted upon respondent no. 1 have already been narrated in the preceding paragraphs. It is not in dispute that during the course of inquiry, fair opportunity of hearing was afforded to the respondent no. 1 at every stage. This was even found by the learned Single Judge while dismissing the writ petition challenging the punishment inflicted upon him. The judgment passed by the Division Bench of the High Court shows that matter was dealt with in a manner as if it was the first stage of the case, namely, the inquiry was being conducted and inquiry report was being prepared,



which is not the scope in judicial review. The views expressed by this Court on the scope of judicial review in Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava [(2021) 2 SCC 612], are extracted below:

"24. It is thus settled that the power of judicial review, of the constitutional courts, is evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.

25-27 xx xx xx

28. The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental



authority, the same has to be sustained.”
(emphasis supplied)

12. Under these circumstances, this Court declines to interfere with the punishment imposed by the competent authority. The writ petition is devoid of merit and is accordingly dismissed.

In view of the disposal of the petition, all pending applications stand disposed of.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 52