



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 42869 OF 2015 (S-KSRTC)

BETWEEN:

DR YELLAPPA K K PURA
S/O YELLAPPA
AGED ABOUT 57 YEARS
WORKING AS DEPUTY
CHIEF TRAFFIC MANAGER
(NOT IN SERVICE)
NEKRTS, GULBARGA
GULBARGA DISTRICT
R/O NO.3066/11,
1ST MAIN, 4TH CROSS
NEAR NIRMAL CONVENT SCHOOL
GOKULAM PARK,
GOKULAM, MYSORE

...PETITIONER

(BY SRI.H.M.MANJUNATHA, ADVOCATE)

AND:

1. THE DIRECTOR (ADMINISTRATION)
(APPELLATE AUTHORITY)
KSRTC, CENTRAL OFFICE
K H ROAD, SHANTHINAGAR
BENGALURU 560027
2. THE MANAGING DIRECTOR AND
DISCIPLINARY AUTHORITY
KSRTC, CENTRAL OFFICE
K H ROAD, SHANTHINAGAR
BENGALURU 560027

...RESPONDENTS

(BY SMT. H R RENUKA, ADVOCATE)

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ;QUASH THE IMPUGNED ORDER PASSED BY THE R-2 DATED 23.12.2014 VIDE ANNEXURE-M, AND THE ORDER OF THE APPELLATE AUTHORITY DATED 4.4.2015 VIDE ANNEXURE-P AS ARBITRARY, ILLEGAL AND VOID.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the order dated 23.12.2014 passed by the Disciplinary Authority (marked at Annexure-M) and the order dated 24.04.2015 passed by the Appellate Authority (marked at Annexure-P).

2. In terms of the order passed by the Disciplinary Authority, the petitioner is dismissed from service. The petitioner filed an appeal and remained unsuccessful in the appeal as the Appellate Authority confirmed the order passed by the Disciplinary Authority. Hence, the present Writ Petition.

3. Since the petitioner is dismissed from service, his gratuity is forfeited and he raised a dispute with the Appellate Authority and the Appellate Authority dismissed the appeal and



the petitioner has filed W.P. No.48686/2015 assailing the order passed by the Appellate Authority.

4. Writ Petition No.48686/2015 is filed against the order forfeiting the petitioner's gratuity consequent to order of dismissal imposed by the Appellate Authority.

5. Facts are as under:

The petitioner was working as the Principal of Driver's Training School. The petitioner was entrusted to hold Domestic Enquiry in respect of five distinct cases against one of the workmen namely H.M.Mruthunjaya of the respondent-Corporation.

6. It is alleged that the petitioner demanded Rs.10,000/- in each of the cases pending against H.M.Mruthunjaya and H.M.Mruthunjaya pleaded to reduce the said amount and the petitioner agreed to receive Rs.5,000/- less and H.M.Mruthunjaya as a complainant offered to pay the amount in installment and on 26.06.2009. It is stated that said H.M.Mruthunjaya reported the same to the Lokayukta Police at



Hospet and Lokayukta police have asked the complainant H.M.Mruthunjaya to record the conversation between the petitioner and the complainant.

7. On 26.06.2009, the complainant went to the office and spoke to the petitioner who allegedly insisted to make the part payment by next day, and this conversation is said to have been recorded. On 27.06.2009, the complainant lodged a complaint and same was registered in Crime No.5/209 under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

8. It is stated that the complainant went to the petitioner's office at around 01.20 p.m. on 26.02.2009 and offered Rs.5,000/- to the petitioner and when the petitioner received the said amount, he was caught and the currency was recovered. Based on this allegation, the Domestic Enquiry was initiated. It is also an admitted fact that the criminal case is also registered and charge sheet is also filed and petitioner is tried for the offence under Sections 7, 13(1)(d) read with Section 13(2) of Act, 1988.



9. The petitioner in the Domestic Enquiry disputed the charges. Both the complainant as well as the petitioner led evidence. Based on the evidence led in the domestic enquiry, the enquiry officer has held that the charges are proved and report is sent to the Disciplinary Authority. The Disciplinary Authority being satisfied with the finding of the Enquiry Officer, issued second show cause notice. The petitioner denied the finding of the Enquiry Officer. The Disciplinary Authority imposed the penalty of dismissal and the said order is called in question before the Appellate Authority. Appellate Authority also dismissed the appeal.

10. Learned counsel appearing for the petitioner would submit that in the criminal case filed against the petitioner, the charges are not proved and he was acquitted of the charges and the acquittal is an honourable acquittal.

11. It is further submission that the order of dismissal in the criminal case was called in question by filing an appeal before the High Court and Co-ordinate Bench of this Court in Criminal Appeal No.100084/2017 has dismissed the appeal filed



by the State and in paragraph No.22 of the said order, the High Court has recorded a finding that mere possession of the tainted money is not enough to hold that the accused (petitioner) has accepted the money knowing that it is a bribe.

12. Referring to the said observation in paragraph No.22, it is urged that the respondent-Corporation has failed to establish that the currency found in the custody of the petitioner was the bribe and he would urge that the benefit of the finding in Criminal Appeal No.100084/2017 has to be extended in the present case also and the petitioner is to be exonerated of all charges.

13. Learned counsel in support of his submission would also refer to the judgment of the Apex Court in ***State of Kerala and Another versus C. P. Rao***¹ to contend that the findings recorded in the criminal case where the evidence is similar and witnesses are similar, the benefit should be extended to the delinquent employee in a domestic enquiry.

14. Coming to the merits of the case, it is urged that the

¹ (2011) 6 SCC 450



petitioner is an author of several books and articles and he had also taken permission from the employer to sell the books and the complainant being one of the employees in the Corporation had offered to sell the books on behalf of the petitioner and complainant had received consideration amount from the purchasers of the book and the said amount was paid to the petitioner and the said amount cannot be treated as bribe amount.

15. To substantiate his contention that the oral contract between the petitioner and the complainant is established, learned counsel for the petitioner would refer to the finding of the inquiry officer wherein, it is observed that any other transaction between the petitioner and another employee of the Corporation would also amount to an act of corruption. By referring to this observation it is urged that the transaction between the petitioner and the complainant to sell the books is very much established and that being the position, the Disciplinary Authority could not have imposed the penalty of dismissal is the submission.



16. Learned for the respondent-Corporation would urge that the evidence was led in the domestic enquiry and the enquiry officer after considering the evidence led before him has concluded that the charges are proved and Appellate Authority has also considered the evidence on record and rightly dismissed the appeal.

17. It is also submitted that the Disciplinary Authority before imposing the penalty of dismissal has issued a second show cause notice being convinced with the finding of the enquiry officer and after considering the reply submitted by the delinquent employee, has imposed the penalty of dismissal as the misconduct alleged and proved is grave and said misconduct attracted penalty of dismissal.

18. Relating to the contention of the learned counsel petitioner that the petitioner is acquitted in a criminal case, and the benefit of acquittal should also be extended to the present proceeding, learned counsel for the respondent would urge that merely because the accused is acquitted in a criminal case, delinquent employee is not automatically



entitled to seek discharge in a domestic enquiry. It is urged that the degree of proof required in both proceedings are entirely different and each case has to be decided based on the evidence led before it is the submission.

19. Learned counsel appearing for the respondents would also rely upon the judgment of the Apex Court in ***State of Karnataka vs. Umesh*²** and ***State of West Bengal and others vs. Sankar Ghosh*³**. In addition, learned counsel for the respondent - Corporation also places reliance on the judgment of the Division Bench on this Court in ***Principal Secretary to Government and Another vs. Shivanagouda Vasanad and Another*⁴**.

20. The Court has considered the contentions raised at the Bar and perused the records and the judgments cited.

21. There is no dispute that the petitioner was working as Principal in the Institution of the respondent-Corporation and he was entrusted with the responsibility of

² (2022) 6 SCC 563

³ (2014) 3 SCC 610

⁴ W.P.No.100268/2024



conducting disciplinary inquiry against one H.M.Mruthunjaya. H.M.Mruthunjaya has lodged a complaint alleging that the petitioner demanded Rs.10,000/- bribe for each case and there were 5 cases pending against the complainant, and the petitioner demanded Rs.50,000/- in all.

22. It is noticed from the defence raised by the petitioner that the petitioner has taken a defence that the complainant owe money to the petitioner in connection with sale of books authored by the petitioner. Thus, from the tenure of the defence raised, it is very much evident that the petitioner has received Rs.5,000/- from the complainant on the day when the petitioner was trapped.

23. The possession of currency is very much established and not disputed at all. The defence is that money received is not towards bribe, but it is towards sale consideration relating to the books authored by the petitioner and allegedly sold by the complainant. The burden is on the petitioner to establish the alleged contract. The alleged contract between the petitioner and the complainant



to sell the books authored by the petitioner is not established.

24. Both the authorities have concurrently held that alleged defence is not established. There are no materials to indicate that the complainant had agreed to sell the books authored by the petitioner.

25. It is also relevant to notice that the petitioner was appointed as enquiry officer to enquire into allegations of misconduct against the complainant and there are 5 cases pending before the petitioner as an enquiry officer. If at all the complainant had agreed to sell the books authored by the petitioner, the petitioner should have disclosed this fact to the disciplinary authority and must have recused from the enquiry as there is a conflict of interest and a bias in favour of the delinquent employee in the said domestic enquiry. The petitioner has not done so.

26. Though the learned counsel of the petitioner would urge that neither before or after the alleged incident, order is passed in favour of the complainant and as such the



contention that the amount was offered as a favour to be done in those domestic enquiry cases is not established. The Court is not convinced with the submission. The charge of corruption steps into picture, moment there is a promise and not necessarily when there is an order pursuant to the promise.

27. This being the position, the Court is of the view that the finding of the Appellate Authority are based on evidence and in exercise of jurisdiction under Article 227 of Constitution of India, it is not possible to take a different view relating to proof of charges.

28. Though the learned petitioner has relied on the judgment of the Co-ordinate Bench of this Court, wherein, the appeal filed by the prosecuting agency i.e., Lokayuktha is dismissed and order of acquittal passed in favour of the petitioner/accused is upheld.

29. What is required to be noticed is the degree of proof in both the cases are entirely different. In paragraph No.12, which is led by the learned counsel for the petitioner,



the Co-ordinate Bench of this Court while deciding the criminal appeal has held as under:

"12. Per contra, the learned counsel for the respondent justified the judgment of acquittal passed by the Trial Court and further, he submitted that, PW.1 being a complainant deposed in his evidence that five enquiries were pending against him. The accused was appointed as enquiry officer and he demanded Rs.50,000/- for five cases. The complainant brought it to the notice of the Lokayukta / respondent - police and he was handed over the voice recorder to record the conversation. Accordingly, after recording the conversation, he handed over the voice recorder to the police. However, the said voice recorder contained some conversation which was not properly audible. PW.3 deposed in his evidence that he was made to listen the said voice recorder, however, he did not identify the voice."

30. The aforementioned observations in paragraph No.12 is rendered in the context of the criminal case and the degree of proof that is required in a criminal case, though learned counsel for the petitioner has emphasized on the observations, *"in the absence of proof of demand for illegal*



gratification and mere possession or recovery of currency notes from the accused is not sufficient to constitute such offence". The said observation cannot be read in isolation. It has to be read in the backdrop of the other observations made in the same paragraph where the Court has held that the degree of proof required in criminal case is beyond reasonable doubt.

31. It is well-settled position of law that in domestic enquiry the degree of proof required is not beyond reasonable doubt, but it is based on preponderance of probability.

32. Learned counsel for the petitioner made an attempt to distinguish the judgment cited by the learned counsel for the respondent and contented that in all those cases referred to by the learned counsel for the respondent-Corporation, the witnesses had turned hostile in the criminal proceedings. Whereas, in the instant case, all the witnesses in the criminal proceeding supported the case of the prosecution and despite that there is an order of acquittal



and in such situation, the finding recorded by the Criminal Court has to be followed in the proceeding pursuant to the domestic enquiry. The Court is unable to accept the said contention.

33. Merely because all the witnesses in the criminal proceeding have supported the case of the prosecution, the case does not stand on a different footing when it comes to application of the principles governing the domestic enquiry and the criminal proceeding.

34. Coming to the facts of this case, it is required to be noticed that the very defence raised by the petitioner is that he received the money from the complainant. It is his contention that the money received is in connection with a contract between the petitioner and the complainant. And the case has to be understood in the admitted factual background where the petitioner was conducting 5 disciplinary inquiries. Petitioner was appointed as enquiry officer in 5 domestic enquiries against the complainant.



35. In the facts and circumstances of this case, the view taken by the Disciplinary Authority as well as the Appellate Authority cannot be said to be erroneous so as to interfere in exercise of jurisdiction under Article 227 of Constitution of India.

36. The Writ Petition has to be dismissed and accordingly, the same is ***dismissed***.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS, GVP