



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 28417 OF 2017 (S-RES)

BETWEEN:

SRI. K. RAGHAVAPPA
S/O M.KRISHNAPPA
AGED ABOUT 43 YEARS
R/AT APPAKONDENAHALLI VILLAGE
THIMRAVATHANAHALLI POST
THAYALUR HOBLI, MULABAGILU TALUK
KOLAR DISTRICT-563136.

...PETITIONER

(BY SMT. SHARVANI P T., ADVOCATE FOR
SRI. DEEPAK J., ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
PANCHAYATH RAJ
VIDHANA SOUDHA
BANGALORE-560001.
2. CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH
KOLAR-563101.
3. EXECUTIVE OFFICER
TALUK PANCHAYATH
MULBAGILU, KOLAR-563136.



4. PANCHAYATH DEVELOPMENT OFFICER
THIMMARAUTANAHALLI GRAMA PANCHAYATH
THIMMARAUTANAHALLI VILLAGE AND POST
THAYALUR HOBLI,
MULABAGILU TALUK
KOLAR DISTRICT-563136

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N, HCGP FOR R1:
SRI M NARAYANA REDDY, ADVOCATE FOR R3 & R4 [ABSENT]
SRI DEVARAJ, ADVOCATE FOR R2 [ABSENT]))

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A
WRIT OF CERTIORARI BY QUASHING THE ORDER
DATED:29.8.2016 PASSED BY THE R-2 IN NO: Z.P.
KO/CDP(5)/LDK/CR-89/2016-17 VIDE ANNEXURE-H 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

1. In this writ petition, the petitioner has called in
question the order dated 29.08.2016 passed by
respondent No.2-Zilla Panchayath vide Annexure-H,
whereby respondent No.2 directed respondent No.3 to
remove the petitioner from the post of Bill Collector under



Section 113 of the Karnataka Panchayat Raj Act, 1993. Pursuant to Annexure-H dated 29.08.2016, the Panchayath has issued the impugned order dated 15.09.2016 vide Annexure-K, whereby the petitioner has been removed from service.

2. The case of the petitioner is that he was appointed as a Clerk by respondent No.4-Panchayath Development Officer (PDO), Thimmarautanahalli Grama Panchayath, Mulabagilu Taluk, thereafter, respondent No.4 vide resolution dated 30.12.2011 appointed the petitioner as a Bill Collector and the same was approved by respondent No.2-Zilla Panchayath vide order dated 29.09.2015, produced as Annexure-B. While he was working as a Bill Collector in respondent No.4, one person by name Satish, lodged a complaint before the Lokayukta stating that the petitioner had created allotment certificate and issuing khata in respect of Sy.No.62/2 and earned money through the corruption and had misused the power. The Lokayukta, after conducting an enquiry, submitted a report under



Section 12(3) of the Karnataka Lokayukta Act, 1984 to the Government on 30.04.2016 vide Annexure-E, recommending action against the petitioner. Pursuant to the said recommendation dated 30.04.2016, respondent No.4-PDO, by exercising the power under Section 113(2) of the Karnataka Panchayat Raj Act, imposed a fine of Rs.10,000/- on the petitioner and concluded the enquiry. The petitioner accepted the said penalty.

Thereafter, respondent No.2-Zilla Panchayath, by the impugned order at Annexure-H dated 29.08.2016, directed respondent No.3 to remove the petitioner from service under Section 113 of the Karnataka Panchayat Raj Act. Based on the order at Annexure-H, respondent No.3 directed respondent No.4 to remove the petitioner from service, pursuant to which, respondent No.4 passed the impugned order at Annexure-K dated 15.09.2016, removing the petitioner from service. Being aggrieved by the same, the petitioner is before this Court.



3. Learned counsel appearing for the petitioner submitted that, as per the recommendation made by the Lokayukta under Section 12(3) of the Karnataka Lokayukta Act, vide Annexure-E dated 30.04.2016, a direction was issued to take action against the petitioner under the Karnataka Panchayat Raj Act. In the very same report, it was also recommended that disciplinary proceedings be initiated against Smt.K.Saritha, PDO, Thimmarautanahalli Grama Panchayath, Mulabagilu Taluk, and Sri K.V. Raghupathi, Secretary of the said Grama Panchayath under the KCS (CCA), Rules, 1966.

However, no action has been initiated against the said Smt.K.Saritha and Sri K.V. Raghupathi. On the other hand, respondent No.4-PDO, by order dated 30.06.2016 (Annexure-G), imposed a fine of Rs.10,000/- on the petitioner, which was accepted by the petitioner and the proceedings were concluded.

It was further argued that once action had been taken pursuant to the recommendation of the Lokayukta



and the matter had attained finality, the Chief Executive Officer of the Zilla Panchayath had no authority to direct invocation of Section 113 of the Karnataka Panchayat Raj Act to remove the petitioner from service. Hence, the impugned order at Annexure-H is without jurisdiction and liable to be quashed.

It was also contended that respondent No.4 passed the order dated 15.09.2016 (Annexure-K), dismissing the petitioner from service, solely on the basis of the directions issued by respondent No.2-Chief Executive Officer, Zilla Panchayath, vide Annexure-H. The dismissal is based on the very same allegations for which the petitioner had already been penalized. Therefore, he sought for allowing this writ petition.

4. None appear for the respondents.
5. Heard the learned counsel for the petitioner. Perused the writ petition papers.



6. It is not in dispute that the petitioner's appointment as Bill Collector was approved by the Chief Executive Officer, Zilla Panchayath, under Sections 112 and 113 of the Karnataka Panchayat Raj Act, vide Annexure-B dated 29.09.2015. While the petitioner was serving in respondent No.4-Grama Panchayath, a complaint was lodged by one Sri Sathish before the Lokayukta alleging creation of grant certificate and issuing khata in respect of Sy.No.62/2 and earned the money through the corruption and had misused the power.

7. The Lokayukta, after conducting an enquiry, submitted a report dated 30.04.2016 under Section 12(3) of the Karnataka Lokayukta Act (Annexure-E), recommending that action be taken against the petitioner under the Karnataka Panchayat Raj Act. In the same report, a recommendation was also made therein for initiation of disciplinary proceedings under the KCS (CCA) Rules, 1966 against Smt.K.Saritha, Panchayath



Development Officer, and Sri K.V. Raghupathi, Secretary of the said Grama Panchayath.

8. Respondent No.4, in respect of the petitioner is concerned, acted upon the Lokayukta's recommendation and imposed a penalty of Rs.10,000/- under Section 113(2) of the Karnataka Panchayat Raj Act, which the petitioner accepted and the proceedings attained finality. However, no material is forthcoming to show that similar action has been initiated against the aforesaid officials, as recommended in the report.

9. Thereafter, the Chief Executive Officer, Zilla Panchayath, issued the order dated 29.08.2016 (Annexure-H), directing removal of the petitioner from service under Section 113 of the Karnataka Panchayat Raj Act. Acting upon the said direction, respondent No.4 passed the order dated 15.09.2016 (Annexure-K) removing the petitioner from service.



10. In the considered view of this Court, once the competent authority had exercised its statutory power under Section 113(2) of the aforesaid Act and concluded the disciplinary proceedings by imposing a penalty, the matter had attained finality. There was no authority for the Chief Executive Officer, Zilla Panchayath, to again invoke Section 113 of the said Act and direct the removal of the petitioner from service. Therefore, the impugned order dated 29.08.2016 at Annexure-H is without authority of law.

11. Further, the order of removal has been passed without affording the petitioner an opportunity to be heard and solely on the basis of the order issued by respondent No.2. The said action amounts to double jeopardy and is in clear violation of the principles of natural justice. Therefore, the impugned orders at Annexures H and K are liable to be quashed.

12. Further, though the recommendation dated 30.04.2016 (Annexure-E) directed initiation of action



against Smt.K.Saritha, Panchayat Development Officer, and Sri K.V. Raghupathi, Secretary, Thimmaravuthanahalli Grama Panchayat, no action has been taken against them. The High Court Government Pleader has also not produced any documents to show that action has been taken pursuant to the recommendation of the Upalokayukta.

13. Therefore, respondent No.1–Principal Secretary, Panchayat Raj and Rural Development Department is required to initiate appropriate action against the concerned officials who have failed to act upon the report submitted by the Upalokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984, dated 30.04.2016.

14. Accordingly, I pass the following order:

ORDER

- a) The writ petition is ***allowed***.
- b) The impugned orders dated 29.08.2016 vide Annexure-H and 15.09.2016 vide Annexure-K, are hereby quashed.



c) Respondent No.1 is directed to take appropriate action against the concerned officials, who have failed to act upon the report submitted by the Upalokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984, dated 30.04.2016.

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

HA
LIST NO.: 1 SL NO.: 25