



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.5043 OF 2022 (S-KSAT)

BETWEEN:

SMT. SUREKHA,
W/O SUDHAKARA M.N,
AGED ABOUT 47 YEARS
WORKING AS WOMEN POLICE CONSTABLE,
W.P.C NO.750,
HOSANAGARA POLICE STATION,
HOSANAGARA, TQ,
SHIVAMOGGA DISTRICT – 577 418.

...PETITIONER

(BY SRI. BASAVARAJ FOR
SRI.CHANDRASHEKAR K.,ADVOCATES)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
HOME DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. INSPECTOR GENERAL OF POLICE,
EAST ZONE,
DAVANAGERE - 560 001.
3. SUPERINTENDENT OF POLICE
SHIVAMOGGA DISTRICT,
SHIVAMOGGA - 577 201.

...RESPONDENTS

(BY SRI. HARISH A.S, AGA)

Digitally signed
by G
SHREE RAKSHA
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD 24.08.2013 PASSED BY THE R-3 HERE IN, BEING ARBITRARY, ERRONEOUS AND OPPOSED TO LAW, EQUITY AND JUSTICE IN SO FAR AS IT RELATES TO THE PETITIONER VIDE ANNEX-9 AND QUASH THE ORDER DTD 04.08.2018 MADE IN NO.31/APPEAL/SIBANDI-2/2013-14 OB 88/2018-19 PASSED BY THE R-2 HERE IN, BEING ARBITRARY, ERRONEOUS AND OPPOSED TO LAW, EQUITY AND JUSTICE IN SO FAR AS IT RELATES TO THE APPLICANT VIDE ANNEX-13 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 S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

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

Petitioner, aggrieved by Order dated 29.12.2021 in Application No.7023/2020 passed by the Karnataka State Administrative Tribunal, Bangalore (for short 'the Tribunal') is before this Court in this petition where the petitioner's prayer to quash order of penalty dated 24.08.2013 imposed by Respondent No.3-Superintendent of Police, Shivamogga District, is rejected.



2. While the petitioner was working as Woman Police Constable at Hosanagara Police Station, Shivamogga District, Respondent No.3 initiated disciplinary proceedings against the petitioner by issuing show-cause notice dated 21.05.2012 in terms of Rule 6 of the Karnataka State Police (Disciplinary Proceedings) Rule, 1965, alleging that by furnishing false information and claiming that she is a Journalist, obtained allotment of Site No.162 MIG reserved for Shivamogga Somonakoppa Journalist and Employees News Agency from Karnataka Housing Board. Not being satisfied with the reply submitted by the petitioner, an enquiry was conducted by examining five witnesses and marking 15 documents on behalf of the disciplinary authority and the Enquiry Officer held that the charge against the petitioner is proved. Second show-cause notice was issued to the petitioner enclosing enquiry report. On submission of the reply and on consideration of the entire enquiry material, 3rd respondent/disciplinary authority imposed punishment of withholding three annual



increments with cumulative effect by order dated 24.08.2023. Against the said order, the petitioner filed appeal before the 2nd respondent and the 2nd respondent by order dated 06.03.2014, rejected the appeal. Thereafter, the petitioner preferred revision, which also came to be rejected under order dated 04.08.2015. Questioning the order of penalty as well as appellate order, the petitioner was before the Tribunal in the above said application. The Tribunal, on consideration of the rival contentions of the parties, rejected the prayer of the petitioner to quash the order of penalty holding that it is not a case of no evidence and it cannot be said that the finding recorded by the Enquiry Officer is perverse in nature. Questioning the order of the Disciplinary authority as well as the Tribunal, the petitioner is before this Court in this petition.

3. Heard the learned counsel Sri.Basavaraj, for Sri.Chandrashekar.K, learned counsel for the petitioner and learned AGA Sri.Harisha.A.S, for respondent.



4. In addition to the grounds urged in the writ petition, learned counsel for the petitioner would submit that the finding of the Enquiry Officer as well as order of penalty passed by the disciplinary authority are opposed to the material on record. Learned counsel submits that there is no sufficient evidence to prove the charge.

5. Learned counsel for the petitioner would further submit that in the name of petitioner, somebody have filed application and the application for allotment of site as Journalist is not filed by the petitioner.

6. Learned counsel would submit that the impugned order of penalty came to be passed without appreciating the defence taken by the petitioner and the punishment of withholding three increments with cumulative effect is harsh. Thus, he prays for allowing the writ petition.

7. Per contra, learned AGA would support the order passed by the Tribunal and further submits that the



evidence on record would prove the charge. When the charges are proved by evidence on record, this Court normally would not interfere with the same.

8. Learned AGA would further submit that the petitioner being employed in disciplined Police Force could not have misrepresented before the KHB for allotment of the site. The allegation against the petitioner that she claimed to be a Journalist for allotment and obtained allotment of site which amounts to misconduct and cannot be condoned. Thus, he prays for dismissal of the writ petition.

9. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order of penalty as well as impugned order passed by the Tribunal.

10. In a departmental enquiry proceedings, the scope of interference by this Court under Article 226 of the Constitution of India is very limited. This Court could



interfere with the penalty only if it is shown that the penalty imposed is by an incompetent authority or that it is a case of no evidence or that the order of penalty is the result of violation of natural justice.

11. In the instant case, it is not the case of the petitioner that the penalty is imposed by incompetent authority or that it is a case of no evidence or that the order is passed in violation of principles of natural justice.

12. To prove the charge against the petitioner, the disciplinary authority has examined five witnesses and 15 documents are marked. The allegation against the petitioner is that by producing false documents claiming that she is working as DTP operator in Shivamogga Somonakoppa Journalist and Employees News Agency applied for site to the KHB and the KHB considered the documents submitted by her, allotted site which was to be allotted to Journalist society. The petitioner obtained allotment of site by totally misrepresenting the KHB. The



evidence on record has amply proved the charge. The material on record are more than sufficient to prove the case and at the same time, it cannot be considered as case of no evidence.

13. Further, it is not the case of the petitioner that the order of penalty is the result of violation of principles of natural justice. The petitioner is given ample opportunity at every stage of the enquiry. He was given time to submit his reply to the charge memo and he was also given opportunity to cross-examine the witnesses. Thereafter, the Enquiry report was also made available to the petitioner along with the second show-cause notice. Therefore, it cannot be said that the order is passed in violation of principles of natural justice.

14. Learned counsel for the petitioner contended that the punishment is disproportionate to the alleged charge. We are not inclined to accept the said submission. When petitioner is working in a disciplined Police force, could not



have submitted false documents for allotment of site from KHB. In fact for the proved misconduct of misrepresentation for allotment of site, the punishment of withholding three annual increment with cumulative effect is not harsh.

15. Looking to the nature and gravity of charge, it deserved higher punishment.

16. We do not find any merit in the writ petition. Accordingly, Writ Petition stands ***rejected.***

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

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