



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.52872 OF 2016 (CS-RES)

BETWEEN:

MYSURU AND CHAMARAJANAGARA
DISTRICT CENTRAL CO-OPERATIVE
BANK LIMITED,
NEHRU CIRCLE, ASHOKA ROAD,
MYSURU - 570 001.
REP. BY ITS MANAGING DIRECTOR.

...PETITIONER

(BY SRI. K. ANANDA, ADVOCATE)

AND:

1. R. NAGARAJ
SINCE DECEASED, REP. BY LRS.

1(a). SMT. ASHWINI N.
D/O LATE NAGARAJA R.,
AGED ABOUT 38 YEARS.

1(b). SRI. ANIL N.
D/O LATE NAGARAJA R.
AGED ABOUT 35 YEARS.

BOTH RESPONDENTS 1(a) AND 1(b) ARE
R/AT DOOR NO.696,
SHIVARAJESHWARANAGARA,
BANNIMANTAP 'B' LAYOUTM
NEAR JSS DENTRAL COLLEGEM
MYSURU - 571 015.



2. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
MYSURU DIVISION,
PUBLIC OFFICE BUILDINGS,
NEW KANTHARAJA URS ROAD,
MYSURU - 570 001.

...RESPONDENTS

(BY SRI. BHASKAR K., ADVOCATE FOR R1(a) AND R1(b);
SRI. H.K. KENCHEGOWDA, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06TH JUNE, 2016 PASSED IN APPEAL NO.405/2013 BY THE KARNATAKA APPELLATE TRIBUNAL, BENGALURU VIDE ANNEXURE-A AND CONSEQUENTLY DISMISS THE APPEAL IN ITS ENTIRETY.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this petition, the petitioner-Bank is challenging the order dated 06th June, 2016 (Annexure-A) passed in Appeal No.405/2013 on the file of the Karnataka Appellate Tribunal, Bengaluru (for short, hereinafter referred to as '*Tribunal*').

2. The relevant facts for adjudication of this petition are that, the petitioner is a registered Bank under the provisions of Karnataka Co-operative Societies Act, 1959. It is stated that the respondent No.1 was employed as Steno-Typist



in the petitioner-Bank on 30th December, 1973 and thereafter, on promotion, he was appointed as General Manager of the petitioner-Bank on 30th April, 2004.

3. It is the case of the petitioner-Bank that, a complaint was received by the petitioner-Bank from its customers stating that the Demand Draft obtained by them in favour of Pandavapura Sahakara Sakre Karkane and Sri. Rama Sakara Karkane was not credited to those persons. On an enquiry, the petitioner-Bank found that the respondent No.1 in collusion with one Sri. M. Vijeya had credited the five Demand Drafts amount to Rs.41,50,190/- into the account of the said Sri. M. Vejeya, though the said Demand Drafts were not issued in favour of M. Vijeya. Pursuant to the same, by issuing Show-cause Notice dated 20th May, 2005 to the respondent No.1, the petitioner-Bank initiated enquiry against the respondent No.1 and appointed an Enquiry Officer. In furtherance of the report of the Enquiry Officer, the petitioner-Bank taking into account the seriousness of charges and the finding of the Enquiry Officer against the respondent No.1, passed an order of dismissal of the respondent No.1 from service on 06th July,



2006 (Annexure-H). Thereafter, the respondent No.1 challenged the order of dismissal dated 06th July, 2006 before the respondent No.2, by raising a dispute, which came to be dismissed by order dated 17th June, 2013 (Annexure-K). Being aggrieved by the same, the respondent No.1 challenged the order passed by the respondent No.2 before the Tribunal in Appeal No.405/2013. The Tribunal, by order dated 06th June, 2016 (Annexure-A), allowed the appeal preferred by the respondent No.1 and quashed the order of dismissal of the respondent No.1 dated 06th July, 2006 passed by the petitioner-Bank and consequently, directed the petitioner-Bank to pay the respondent No.1 full back wages and all service and financial benefits from the date of his dismissal up to the date of his superannuation. Being aggrieved by the same, the petitioner-Bank preferred the present petition.

4. Heard Sri. K. Ananda, learned counsel appearing for the petitioner; Sri. Bhaskar K., learned counsel appearing for respondents 1(a) and 1(b); and Sri. H.K. Kenchegowda, learned Additional Government Advocate appearing for the respondent No.2.



5. Sri. K. Ananda, learned counsel appearing for the petitioner-Bank invited the attention of the Court to the paragraph 31 of the impugned order passed by the Tribunal and contended that the Tribunal ought not to have interfered in the appeal as the Tribunal itself on re-appreciation of the material, taken note of the fact that the presenting officer produced all documents but failed to mention what are those documents.

6. Per contra, Sri. Bhaskar K., learned counsel appearing for respondents 1(a) and 1(b) sought to justify the impugned order passed by the Tribunal and argued that the delinquent is no more and his legal representatives were brought on record, Accordingly, he submitted that, in view of subsequent events, the order passed by the Tribunal has to be accepted.

7. Sri. H.K. Kenchegowda, learned Additional Government Advocate appearing for the respondent No.2 argued for disposal of the petition.

8. In the light of submission made by learned counsel appearing for the parties, I have gone through the finding



recorded by the Tribunal, wherein the Tribunal held that, no documents were produced before the Enquiry Officer and none of the documents have been marked during the enquiry. It is the case of the petitioner-Bank that the delinquent has introduced one Sri. Vijeya to the one of its Branch and thereby, committed a fraud against the Bank. It is well settled principle in law that the power of judicial Court under Article 226 of the Constitution is very limited insofar as the departmental enquiry is concerned and this Court cannot interfere with the decision. However, this Court shall exercise judicial review insofar as judicial making process [See (2020) 3 SCC 423]. On perusal of the finding recorded by the Tribunal so also, the original records, the same would indicate that the documents have been produced before the Enquiry Officer, however, same were not marked during the enquiry and as such, the Tribunal ought to have remitted the matter to the Enquiry Officer for fresh consideration by examining those documents and ought to have ordered for *de novo* enquiry. In that view of the matter, the impugned order dated 06th June, 2016 (Annexure-A) passed by the Karnataka Appellate Tribunal requires to be set-aside as this court found the documents produced before the Enquiry



Officer by the petitioner, however, same were not marked inadvertently before the Enquiry Officer. Therefore, I am of the view that the matter requires to be remitted to the Enquiry Officer for fresh consideration. Accordingly, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Order dated 06th June, 2016 (Annexure-A) passed by the Karnataka Appellate Tribunal and order dated 17th June, 2013 (Annexure-K) passed by the respondent No.2 in Dispute No.371/2007-08 are hereby set-aside and matter is remitted back to the Enquiry Officer for fresh consideration;
- (ii) Since, the matter is of the year-2013 before the Karnataka Appellate Tribunal, it is open for the petitioner-Bank to appoint new Enquiry Officer for giving fact finding as to the charges leveled against the delinquent.

**SD/-
(E.S. INDIRESH)
JUDGE**

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List No.: 2 Sl No.: 52