



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION NO.7267 OF 2024 (S-KSAT)

BETWEEN:

SHRI GOVINDARAJU B.M.
S/O. MANJANNA
AGED ABOUT 35 YEARS
WORKING AS TAHSILDAR GRADE- I
TALUK OFFICE, CHANNARAYAPATNA TALUK
HASSAN DISTRICT
RESIDING AT BYADARAHALLI
J .C. PURA POST, CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT-572 214.

...PETITIONER

(BY SRI VINAYAK S. PANDIT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M.S. BUILDING
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
TUMKUR DISTRICT
TUMKUR-572 101.
3. THE ASSISTANT COMMISSIONER
MADHUGIRI SUB DIVISION
TUMKUR DISTRICT-572 132.

...RESPONDENTS

(BY SMT. RASHMI PATEL, H.C.G.P.)

* * *

Digitally
signed by
ANJALI M
Location:
High Court
of Karnataka



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED 23-8-2023 PASSED BY THE TRIBUNAL IN APPLICATION NO.6278 OF 2022 (VIDE ANNEXURE-A) AND ALLOW THE APPLICATION, AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This petition is filed under Article 226 of the Constitution of India to set aside the order dated 23.08.2023 passed by the Karnataka State Administrative Tribunal, Bengaluru, in Application No.6278/2022 and to set aside the show-cause notice bearing No.RD.24.ADE.2022 dated 06.08.2022 issued by respondent No.1-State and charge memo issued by respondent No.2.

2. The brief facts of the petitioner's case are as under:

The petitioner was appointed as a Tahsildar Grade II through KPSC and was subsequently promoted as Tahsildar Grade I on 27.09.2017. The petitioner while working at



Virajpet, Kodagu District, was transferred to Koratagere Taluk, Tumkur District on 29.06.2019 and he reported to duty on 06.07.2019.

On 20.01.2021, the Assistant Commissioner, Madhugiri, Tumkur District, (respondent No.3) issued notice to the petitioner for not taking steps to evacuate the pit in Survey No.33 of Akkajihalli Village, which is a Government land. Further, the Assistant Commissioner, Madhugiri, issued another show-cause notice dated 02.02.2021 to the petitioner and sought explanation from him regarding not taking steps to stop the encroachment in Survey No.16 of Chikkanayakanahalli Village. In this regard, the petitioner submitted his detailed reply on 08.02.2021 to respondent No.3 and stated that, steps have been taken to protect the Government land and action was taken for removal of closure of pit/halla by issuing notice to Surveyor. However, respondent No.3 ignoring the reply given by the petitioner, prepared a charge memo on 14.07.2021 and forwarded the charge memo alleging that the petitioner has failed to take any steps in checking encroachment and sought further action in the matter.



Thereafter, respondent No.2, the Deputy Commissioner, Tumkur District, without application of mind and without noticing the reply given by the petitioner, forwarded articles of charges to respondent No.1-Government of Karnataka on 05.03.2022 for further action. In turn, respondent No.1-Government of Karnataka issued a show-cause notice dated 06.08.2022 (Annexure-A8) seeking explanation from the petitioner to the charge memo, stating that the petitioner has not submitted any reply to the said show-cause notice.

3. Being aggrieved by the aforesaid charge memo, the petitioner filed Application No.6278/2022 before the Karnataka State Administrative Tribunal, Bengaluru, on 19.12.2022. The Tribunal after hearing the matter and noticing that the procedure followed by respondent No.1-State in issuing charge memo being contrary to Rule 11 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, (for short 'KCS (CCA) Rules, 1957'), granted an interim order of stay on 02.01.2023 and thereafter, the Tribunal dismissed the application filed by the petitioner. Thus, the petitioner is before this Court.



4. We have heard the learned counsel for the petitioner, the learned counsel for the respondents and perused the material on record.

5. Sri Vinayak S. Pandit, learned counsel appearing for the petitioner, has vehemently contended that the procedure followed in issue of the charge memo to the petitioner is contrary to Rule 11 of KCS (CCA) Rules, 1957. The charge memo came to be prepared by respondent No.3 suppressing the material facts relating to explanation submitted by the petitioner to the two notices issued by him, which also happens to be the alleged charge in the charge memo. The said proposed charge memo prepared by respondent No.3 having been signed by respondent No.2, the same could not have been forwarded to respondent No.1, as respondent No.2 being Disciplinary Authority, and having power to impose penalty as prescribed under Rule 8 of KCS (CCA) Rules, 1957 and the respondent No.2 having signed the charge memo forwarded it to respondent No.1 for issuance of the same to the petitioner. In fact, Rule 9(ii)(b) of KSC(CEA) Rules, 1957, provides that the Deputy Commissioner would be the Disciplinary Authority



for the Tahsildars. Therefore, respondent No.2-Deputy Commissioner could not have abdicated his power in issue of the charge memo and on this ground, the impugned order ought to have been interfered by the Tribunal, however there is no whisper about the contention taken by the petitioner in the application.

5(a). It is further contended that the Tribunal committed an error in coming to the conclusion that the very issue of charge memo does not give cause to the petitioner to approach the Tribunal and the Tribunal has failed to notice that the very charge memo issued is in respect of allegations, which the petitioner had already submitted his explanation to respondent No.3, who without referring the same, has framed the charge stating that the petitioner has committed the misconduct.

5(b). It is further contended that the petitioner having submitted his explanation to show-cause notice, there is no misconduct on the part of the petitioner. However, the respondents have issued charge memo. Thus, the very initiation of disciplinary proceedings against the petitioner is arbitrary and without application of mind.



5(c) It is further contended that the allegations levelled against the petitioner being not of serious nature and does not require any detailed inquiry, the action taken by respondents is without any basis. Further, respondent No.3 having misled respondent No.1 in suppressing the material facts relating to the petitioner's explanation to the show-cause notice issued, the very charge memo issued by respondent No.1 as Disciplinary Authority under Rule 11 of KCS(CCA) Rules 1957, is without application of mind.

5(d). It is further contended that it is settled principle of law that ordinarily, the Courts should not interfere with the charge memo as no cause of action would have arisen, but, under exceptional cases like the instant case, the Courts can interfere with the issue of charge memo also. Hence, the petitioner sought for allowing the petition.

6. Smt. Rashmi Patel, learned High Court Government Pleader appearing for the respondent-State, has contended that the petitioner has challenged the articles of charges and show-cause notice bearing No. RD 24 ADE 2022 dated 06.08.2022 passed by respondent No.1 along with charges Nos.1 and 2 in



regard to clearing of encroachment of Survey No.16 at Chikkanayakanahalli Village and further, as the petitioner did not respond for the notice issued by respondent No.3 and other charges, notice was served to the petitioner under Rule 11(a) of K.C.S. (CCA) Rules, 1957.

6(a). She further contended that, in the first charge, the petitioner while working as Tahsildar Grade-1 at Koratagere Taluk, he was issued with a notice for not clearing the encroachment in Survey No.16 at Chikkanayakanahalli Village and co-operating with encroachers. Since it is the bounden duty of the Tahsildar to protect the Government land and as he has not visited the encroached area also, the same shows the carelessness attitude of the petitioner. Further, the petitioner did not respond to the notice issued by respondent No.3. In the second charge, the petitioner while working as Tahsildar Grade-1 at Koratagere Taluk, he was issued with a notice for not taking steps to clear the Government canal/pit in Survey No.33 of Akkajihalli Village, which is a Government land and the petitioner carelessly, replied that he further informed Surveyor for the action, thereby committed misconduct by not



clearing the said canal/pit and also not protecting the Government land. The charges against the petitioner were communicated by respondent No.2 through the notice. Since the explanation submitted by the petitioner was not enough to nullify the charges, respondent No.2 recommended for initiation of Departmental Enquiry against the petitioner to respondent No.1 along with draft articles of charges.

6(b). She further contended that the article of charges were issued by the disciplinary authority i.e. respondent No.1 after thoroughly examining the reports submitted by respondent No.2, who recommended for initiation of disciplinary proceedings against the petitioner, which goes to show that the petitioner has not done his duty properly. Therefore, there is no violation of Rule 10(8) of KCS Rules, 1957. The act of the petitioner is in violation of Karnataka State Civil Services (Conduct) Rules, 2021, Rule (3)(1)(i) maintain absolute integrity (ii) maintain devotion to duty and (iii) do nothing which is unbecoming of Government Servant.

6(c). She further contended that the entire incident occurred during the petitioner's tenure at Koratagere Taluk,



since the statement given by him that he has been transferred from the place is totally false. It is the duty of the petitioner to clear the canal/pit in Survey No.33 of Government land and the petitioner has not done his duty properly.

6(d). She further contended that since the report proves the charges levelled against the petitioner, respondent No.1 further examined the report and decided to conduct the Departmental Enquiry for the charges under Karnataka Civil Services (Classification, Conduct and Appeal) Rules, 1957 under Rule 11 and issued the show-cause notice bearing No. RD 24 ADE 2022 dated 06.08.2022 along with article of charges. Hence, respondent No.1 initiated the Departmental Enquiry against the petitioner. Thus, the Departmental Enquiry should not be interfered as sought for by the petitioner. Further, there is no violation of Rule 11(3) of KCS (CCA) Rules, 1957 and respondent No.1 is the Competent Authority for conducting Departmental Enquiry against the petitioner. Further, the order challenged by the petitioner is just an initial process of Departmental Enquiry as per Rule 11(a) of KCS



(CCA) Rules, 1957 and article of charges 1 to 4 is just and proper. Therefore, she prays to dismiss the petition.

7. We have perused the charge memo which is as under:-

Charge No.1: *That the applicant while working as Tahsildar Grade-1, at Koratagere Taluk, he was issued with a notice dated 02.02.2021 by the respondent no. 3 seeking explanation/reply in the regard to encroachment of Sy.No.16 at Chikkanayakanahalli Village and further the applicant having received the notice, has not submitted any reply to the notice issued by respondent No.3 and thereby committed a misconduct.*

Charge No.2: *The petitioner while working at Koratagere Taluk, the respondent no. 3 having served a notice on 20.02.2021 seeking explanation from the petitioner in regard to not taking steps to clear the pit in Site No. 33 of Akkajihalli Village, which is a Government land and thereby committed a misconduct.*

8. It is the contention of the petitioner that respondent No.1 issued the articles of charges prepared by respondent No.3 and signed by respondent No.2. Therefore, the same is



without authority in view of Note 2 to Rule 10(8) of KCS(CCA) Rules, 1957, which reads as under:-

10. Suspension, -

(1) xxxxxxxxxxxxxxx

(2) xxxxxxxxxxx

(8) *Notwithstanding anything contained in sub-rule (1) the following authorities may impose suspension pending inquiry, as hereunder:-*

(1) xxxxxxxxxxxxxxx

(2) *Deputy Commissioners are delegated power of suspension of Group 'C' Group 'D' service of all State Civil Services except the Karnataka Judicial Service working in the District under the immediate administrative control of any officer who does not have jurisdiction beyond the limits of the District.*

(vide Notification No. DPAR 24 SSR 75, Dated:11.12.1975).

9. In the instant case, no such procedure seems to have been taken and based on the reports of respondent Nos.2 and 3 respectively, respondent No.1-State has issued articles of



charges prepared by respondent No.3 and signed by respondent No.2. Whereas, the respondents have alleged that the petitioner has not cleared the encroachment and failed to remove the closure of pit/halla in Government land and thereby, committed misconduct.

10. Hence, it is just and necessary to ascertain the term '*misconduct*'. The term '*misconduct*' defined as a wrongful, improper or unlawful behaviour that deviates from established rules of conduct, duty, or professional ethics. It implies a wilful or intentional act rather than the mere error of judgment, carelessness or negligence. In the case of ***Ravi Yashwant Bhoir v. District Collector, Raigad and Others*** reported in ***(2012) 4 SCC 407***, the Hon'ble Apex Court has particularly observed in paragraph No.12 that the word "*misconduct*", though not capable of precise definition, gets its meaning from the context, the degree of deviance and its effect on the discipline and the nature of the duty. Mere negligence, lack of efficiency, or failure to achieve the highest standard of duty does not typically constitute misconduct, unless it is wilful or leads to serious consequences.



11. As per *Stroud's* Judicial Directory, 'misconduct' means misconduct arising from ill motive; acts of negligence, errors of judgment, or innocent mistake, do not constitute such misconduct. As per *Black's* Law Dictionary, 'misconduct' defines as 'A transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behaviour, wilful in character, improper or wrong behaviour'. The *Oxford* Learner's Dictionary describes the term 'misconduct' as 'unacceptable or improper behaviour, especially by a professional person in a position of authority. In ***Shayama Devi and others v. NCT of Delhi***, the Delhi High Court defined 'misconduct' as being remiss in the discharge of duty of care caused upon public servants. In *Wex* dictionary, the term 'dereliction of duty' is defined as a person's purposeful or accidental failure to perform an obligation without a valid excuse, particularly, an obligation associated with a person's job. Dereliction of duty is a dismissible offence. It often leads to immediate termination, compulsory retirement or major penalties, especially when it results in damage to property or loss of life.



12. In the instant case, respondent No.3 has issued notice to the petitioner calling explanation from him as to non-removal of encroachment made in the Government land and removal of closure of pit/halla. In the notice or in the charge memo, there is no allegation against the petitioner that there is damage to the property or loss of Government land.

13. In spite of it, respondent No.3-the Assistant Commissioner, Madhugiri Taluk, issued notice to the petitioner calling explanation from him. The petitioner, in-turn, replied to respondent No.3-the Assistant Commissioner explaining all details and contended that all the requirements were complied with and the concerned Revenue Inspector also submitted a report of compliance to that effect. Under such circumstances, the learned counsel for the petitioner vehemently contended that, there was no necessity for respondent No.3 to issue notice to the petitioner.

14. Insofar as competency for issuance of notice to the Tahsildar by the Assistant Commissioner is concerned, the Assistant Commissioner of Revenue Sub-Division is the superior



authority to a Tahsildar within that Sub-Division and is generally competent to issue notices, initiate enquiries, request reports from a Tahsildar (including Grade II) regarding revenue. The Tahsildar is sub-ordinate to the Assistant Commissioner, who is in-charge of revenue sub-division. The Assistant Commissioner exercises direct control and supervision over the Tahsildar and ensures that they perform their duties efficiently. The Assistant Commissioner acts as the first appellate authority against the order passed by the Tahsildar. Therefore, the Assistant Commissioner is authorised to issue notices for explanations, conduct revisions, and enforce compliance in cases involving land records, transfers, and illegal encroachments, etc.

15. In matters involving disciplinary proceedings, the Assistant Commissioner can initiate a notice or report misconduct and the final authority to suspend a Tahsildar (Gazetted Officer) usually lies with higher authorities, such as, the Deputy Commissioner of the concerned District in the State.



16. As per the provisions of the Karnataka Land Revenue Act, the Tahsildar is the most important Government functionary in the Taluk. He is immediately sub-ordinate to the Assistant Commissioner. The Tahsildar is responsible for collection of land revenue and ensures that the Village Accountants and Revenue Inspectors in his charge, work efficiently and keep the village records up-to-date and he has to take action as to any encroachment, if made by the public. He has to pay special attention for removal of encroachments. He has to institute action on breachers of Land Reforms Act and to inspect works for which land improvement loans have been given or are to be given. As the Officer responsible for the keeping of the record of rights in his taluk, he must, whenever on tour, satisfy himself that the Revenue Inspectors and Village Accountants understand their duties and other aspects and carry out them properly. After the village inspection, the Tahsildar should record any orders or instructions given to the Revenue Inspectors and the Village Accountants.

17. In the instant case, respondent No.2-Deputy Commissioner has formulated articles of charges and handed



over to respondent No.1-State. Articles of charges are the formal, written allegations of misconduct or negligence framed against a Government employee to initiate disciplinary proceedings. They specifically detail the nature of acquisition, such as, rule violations or negligence and constitute the core of charge-sheet or memorandum. Each Article includes misconduct, relevant rules violated, and specific details of time, place and event. The article of charges must be clear, precise and free from ambiguity, usually framed in accordance with the law.

18. A perusal of notice issued by respondent No.3, reply given by the petitioner, articles of charges and the show-cause notice and reply given by the petitioner, it clearly demonstrates that pursuant to the notice given by respondent No.3, the petitioner has suitably replied and so also to the show-cause notice issued by respondent No.2, he has replied, wherein the petitioner has stated that he has complied with the directions issued by the Assistant Commissioner, Madhugiri, Tumkur, and as on the date of issuance of articles of charges, no work was pending as described in both the show-cause notices issued by



respondent No.3 and respondent No.2. But this aspect was not considered by the Assistant Commissioner, Deputy Commissioner and the State of Karnataka.

19. We have perused Annexure-A5, show-cause notice dated 20.01.2021 issued by the Assistant Commissioner, Madhugiri Sub-Division to the petitioner, wherein the Assistant Commissioner has called upon explanation from the petitioner stating that the land bearing Survey No.33 was illegally granted in favour of Sri Kamanna, S/o. Chikkanarasappa and Sri Daali Narasimhaiah, S/o. Narasappa, measuring 2 acres each at Akkajihalli Village. The said land was granted on 27.10.2004 on payment basis and as per the order of the Bagar Hukum Committee. The Bagar Hukum Committee has approved the earlier grant made in favour of the aforesaid landowners on 17.04.2017 and a sketch was also prepared. But the Assistant Commissioner, in his show cause-notice alleged that the land granted in favour of Sri Kamanna and Sri Daali Narasimhaiah was not in accordance with law and he has stated that the land was granted without following the due procedure of law. Further, perusal of the material available on record, it clearly



appears that the order of Bagar Hukum Committee was reaffirmed and the land was granted in favour of the landowners on 17.04.2017 and intimation slip mutating the name of the landowners was issued on 26.12.2017, whereas, the petitioner was transferred and he reported to duty on 06.07.2019 at Koratagere, Tumkur District.

20. Therefore, the Assistant Commissioner has come to a wrong conclusion as to how the petitioner committed an error or negligent in granting the disputed land way back in the year 2003 and reaffirmed in the year 2017. It is also not forthcoming from the records as to how the Assistant Commissioner informed the irregularities to the Tahsildar and there is no finding to that effect. Further, in the show-cause notice, the Assistant Commissioner further called upon explanation from the petitioner that on 19.01.2021, he inspected the disputed land, where he found a pit/halla near the Government land, where the pit was closed.

21. In order to substantiate this contention, no report is annexed to the show-cause notice either from the Revenue Inspector or the Village Accountant. No sketch or document is



produced to that effect as to how the petitioner committed error or negligence.

22. We have perused Annexure-A6, the reply issued by the petitioner to the show-cause notice issued by Assistant Commissioner. As per the reply dated 08.02.2021, the Tahsildar has stated that the aforesaid lands were granted in favour of Sri Kamanna, S/o. Chikkanarasappa and Sri Daali Narasimhaiah, S/o. Narasappa, as per No.LND/RUC/244/91/92 dated 29.10.2003 and as per the order dated 17.04.2017 of Bagar Hukum Committee. Further, the petitioner has clarified that the mutation in respect of those lands and sketch were prepared prior to December 2017 and during both periods, the petitioner was not working as a Tahsildar at Madhugiri, Tumkur District. The intimation slip was also prepared in the month of December 2017. During this period also, the petitioner was not working as Tahsildar at the said taluk. As per the allegations of Assistant Commissioner in his show-cause notice that, on 17.04.2017, in Bagar Hukum Committee, the proceedings or resolutions appears to be in handwriting and there is variation in handwriting, this error also has not occurred during the



period of the petitioner and it was held prior to 17.04.2017. Perhaps the Assistant Commissioner ought to have issued notice to the Tahsildar, who held the post during that period or prior to 2017.

23. Insofar as encroachment in Survey No.16 of Chikkanayakanahalli Village is concerned, the report of Revenue Inspector and Village Accountant clearly establishes that all encroachments were removed as per the instructions of the Tahsildar. Thus, as on the date of the show-cause notice issued by respondent No.2, the Deputy Commissioner, Tumkur dated 05.03.2022, all encroachments were removed and therefore, there was no negligence on the part of the petitioner.

24. We have perused Annexure-A7, the show-cause notice issued by respondent No.2, wherein at second page, the Deputy Commissioner called upon the petitioner to explain as to why the petitioner did not reply to the show-cause notice issued by the Assistant Commissioner, Madhugiri, and also to explain as to non-removal of the encroachment made in Survey No.16 of Akkajihalli Village. But Annexure-A6 dated



08.02.2021, which is a reply to the show-cause notice issued by the Assistant Commissioner, wherein, the petitioner has clearly answered to the queries raised by the Assistant Commissioner. Insofar as the closure of pit/halla in a Government land is concerned, in reply to show-cause notice dated 08.02.2021, the petitioner has clearly stated that, he instructed the Taluk Surveyor to inspect and trace the removal or closure of Government pit/halla. Though the petitioner has taken action for removal of the encroachments, the Assistant Commissioner, Madhugiri, and the Deputy Commissioner, Tumkur, have initiated action against the petitioner, that too, without any basis. Even respondent No.1-State issued show-cause notice to the petitioner on 06.08.2022 as per Annexure-A8, wherein, respondent No.1 without looking to the reply to show-cause notice and annexed documents submitted by the petitioner, mechanically issued the show-cause notice for initiation of disciplinary inquiry against the petitioner. Though show-cause notice was issued by respondent No.1-State on 06.08.2022, till date, the Disciplinary Authority has not initiated any disciplinary proceedings against the petitioner. It appears that without there being any material particulars against the



petitioner, the respondents are causing trouble to the petitioner.

25. On perusal of articles of charges, it transpires that there is no allegation in respect of violation of any rules by the petitioner and the articles of charges are also not clear as to which provision of law he has violated. The charges appears to be full of ambiguity and not framed in accordance with law.

26. As per the material available on record, the Government has not appointed any inquiry authority till date. The Hon'ble Apex Court in the case of ***Prem Nath Bali v. Registrar, High Court of Delhi and Another*** reported in ***(2015) 16 SCC 415*** recommends to complete the departmental enquiry proceedings once initiated against delinquent employee within an outer limit of six months, ideally not exceeding one year in total, for completion of inquiry.

27. In view of the aforesaid reasons, we are of the opinion that the proceedings initiated against the petitioner lacks clarity on applicable rules and possibly, initiated in vengeance. Further, there are no verifiable material so as to



implicate the petitioner for gross negligence, and hence, the proceedings initiated against the petitioner are likely to cause undue hardship. Therefore, the allegations made against the petitioner are liable to be quashed.

28. Accordingly, we pass the following

ORDER

- i. Writ petition is ***allowed***.
- ii. The order dated 23.08.2023 passed by the Karnataka State Administrative Tribunal, Bengaluru, in Application No.6278/2022 vide Annexure-A and show cause notice bearing No.RD.24.ADE.2022 dated 06.08.2022 issued against the petitioner by respondent No.1 vide Annexure-A8 and charge memo appended to Annexure-A8 are hereby set-aside.
- iii. Pending IAs, if any, stands disposed of.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**