

Reserved on : 11.02.2026

Pronounced on : 05.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 6753 OF 2022 (S-KSAT)

BETWEEN:

1. B. SRIKANTH RAO,
S/O MOHAN RAO,
AGED ABOUT 48 YEARS,
FORMER SECOND DIVISION ASSISTANT,
GENERAL HOSPITAL, JAGALUR,
DAVANAGERE - 577528.

...PETITIONER

(BY SRI VIRUPAKSHAIAH P. H., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
HEALTH AND FAMILY
WELFARE DEPARTMENT,
VIKASA SOUDHA,
BENGALURU - 560001.

...RESPONDENT

(BY SRI K. R. RAJENDRA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING ORDER OF DISMISSAL BEARING No.AAKUKA 70 HSM 2007 BANGALORE, DATED 30/03/2015 PASSED BY THE RESPONDENT AUTHORITY VIDE ANNEXURE-A13 HOLDING THE SAME IS ILLEGAL AND ARBITRARY.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K.V. ARAVIND)

Heard Sri P.H. Virupakshaiah, leaned counsel appearing for the petitioner and Sri K.R. Rajendra, learned Additional Government Advocate appearing for the respondent.

2. The unsuccessful applicant in Application No.5050/2015 is before this Court impugning the order dated 18.02.2021 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short 'Tribunal').

3. The brief facts of the case are that the petitioner was appointed as a Second Division Assistant in the Department of Health and Family Welfare Services in the year 1998. The petitioner worked as an SDA at CG Hospital, Davanagere, from 17.07.2000 to 31.12.2004. During the said period, one Dr. T.S.

Suresh, a final year postgraduate student of JJM Medical College, Davanagere, lodged a complaint before the Lokayukta Police on 04.11.2004 alleging that the petitioner had demanded a bribe of Rs.1,000/- for preparation of the salary bill for the month of July 2004.

3.1 Based on the said complaint, Crime No.2/2004 came to be registered for the offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 (for short 'P.C. Act'). The Lokayukta Police laid a trap on 08.11.2004 and recovered the tainted currency amounting to Rs.1,000/-. Thereafter, a charge sheet came to be filed in Special Case No.1/2006 on the file of the Principal District and Sessions Judge and Special Judge, Lokayukta, Davanagere.

3.2 Based on the report submitted by the Investigating Officer, notice was issued to the petitioner calling upon him to submit his explanation. The Upa-Lokayukta, after considering the reply submitted by the petitioner, forwarded the report under Section 12(3) of the Karnataka Lokayukta Act, 1984. Pursuant thereto, an entrustment order under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, was issued for conducting a departmental enquiry

against the petitioner. Articles of charge were framed and, upon examination of the witnesses, the Enquiry Officer submitted a report holding the charges proved against the petitioner. Thereafter, a second show-cause notice was issued and, by order dated 30.03.2015, the penalty of dismissal from service came to be imposed.

3.3 Aggrieved by the same, the petitioner approached the Tribunal. In the meanwhile, the criminal case instituted against the petitioner for the offences punishable under the P.C. Act came to be decided on 25.09.2013, wherein the petitioner was acquitted of the charges.

4. Sri P.H. Virupakshaiah, learned counsel appearing for the petitioner, submits that the finding recorded by the Enquiry Officer is contrary to the evidence on record and the statements of the witnesses examined in the enquiry.

4.1 It is contended that the complaint alleging demand of illegal gratification was lodged on 04.11.2004, whereas the salary bills for the months of July 2004 and August 2004 had already been forwarded by the petitioner to the cash branch on 26.10.2004. It is therefore submitted that, as on the date of the complaint, the salary bill of the complainant had already

been cleared and that the complainant himself had not collected the salary amount from the cash branch.

4.2 Learned counsel further submits that what remained pending was only the stipend bill and that the complainant was not entitled to the same, as he was on leave and the leave had not been sanctioned. It is contended that, on the very same set of evidence, the petitioner has been acquitted on merits in the criminal case instituted under the provisions of the P.C. Act.

4.3 It is further submitted that the finding of the Enquiry Officer holding the charges proved is wholly contrary to the evidence available on record. According to the learned counsel, neither was any official work pending with the petitioner nor was the acceptance of tainted money proved in accordance with law. It is contended that the possession of the tainted currency notes was sufficiently explained by the petitioner by contending that the amount was forcibly thrust into his pocket. The said aspect, according to the learned counsel, stands corroborated by the evidence of the shadow witness and the panch witness.

4.4 It is therefore submitted that the findings recorded by the Enquiry Officer are without any supporting evidence and that the Tribunal failed to properly appreciate these aspects while

rejecting the application filed by the petitioner. It is also contended that the penalty imposed is grossly disproportionate to the alleged misconduct.

5. Sri K.R. Rajendra, learned Additional Government Advocate appearing for the respondent, submits that the Enquiry Officer, upon appreciation of the oral and documentary evidence placed on record, has rightly concluded that the charges levelled against the petitioner stood proved.

5.1 It is contended that the challenge to the order imposing penalty is principally founded on the acquittal of the petitioner in the criminal proceedings. Learned AGA submits that the acquittal recorded in the criminal case was not an honourable acquittal on merits, but was on account of the failure of the prosecution to establish the charges beyond reasonable doubt. It is further submitted that the prosecution case failed mainly because certain witnesses turned hostile during the course of the trial.

5.2 Learned counsel further submits that the standard of proof required in a departmental enquiry is entirely different from that required in criminal proceedings. While criminal charges are required to be proved beyond reasonable doubt, in

departmental proceedings the charges are required to be established on the touchstone of preponderance of probabilities.

5.3 It is therefore contended that the penalty imposed is commensurate with the misconduct proved against the petitioner. The Tribunal, upon finding that the charges were proved on the basis of the evidence available on record and further noticing that the acquittal in the criminal case was not an honourable acquittal on merits, has rightly declined to interfere with the order imposing penalty.

6. We have considered the submissions made by the learned counsel for the petitioner and the learned Additional Government Advocate appearing for the respondent.

7. The charge against the petitioner is one of demand and acceptance of illegal gratification of Rs.1,000/-. It is alleged that the petitioner demanded the said amount for disbursement of the salary of the complainant for the month of July 2004. The complaint came to be lodged on 04.11.2004. The records further disclose that an attempt to lay a trap was made on 04.11.2004; however, the same could not be completed as the

petitioner allegedly refused to receive the amount. Subsequently, another trap was laid on 08.11.2004.

8. The articles of charge and the findings recorded by the Enquiry Officer proceed on the basis that the petitioner had accepted the tainted currency notes, relying upon the evidence of PW-2 and PW-3, namely, the shadow witness and the second panch witness. However, in the course of cross-examination, PW-2 has categorically admitted that he had not seen the petitioner receiving the money from the complainant and that he had only seen the money in the hands of the complainant.

9. The petitioner has explained the possession of the tainted currency notes by contending that the amount was forcibly thrust into his pocket. Another version emerging from the material on record is that, upon refusal by the petitioner to receive the amount, the complainant forcibly left the money on the table.

10. The enquiry report itself records that the salary bill of the complainant for the month of July 2004 had been forwarded to the cash branch on 26.10.2004 and the salary bill for the month of August 2004 had been forwarded on 29.10.2004. The evidence of DW-2, the Cash Clerk, discloses that, as per Exhibit

P-12, an undisbursed salary and allowance amount of Rs.91,546/-, which included the salary of Dr. Suresh, the complainant, amounting to Rs.13,036/- for the month of July 2004, was received by the cash branch on 02.11.2004 and that DW-2 was in charge of disbursing the same. DW-2 has further deposed that the complainant was informed to receive the salary amount, but he did not turn up to collect the same.

11. The material on record also indicates that the complainant had demanded stipend for the months of July and August 2004, during which period he was on leave. The case of the petitioner is that the stipend was denied as the complainant was not entitled to the same for the leave period and that, in that background, the complainant forcibly thrust the money into the petitioner's pocket.

12. The entire evidence referred to in the enquiry report pertains to the salary for the month of July 2004, which had already been processed and forwarded by the petitioner on 26.10.2004. The same also stands corroborated by the testimony of DW-2, who was in charge of the cash branch.

13. The Tribunal, while examining the matter, has merely concurred with the findings recorded by the Enquiry Officer.

However, on a careful consideration of the material on record, there are certain inconsistencies in the findings recorded by the Enquiry Officer while appreciating the evidence available on record.

14. It is a settled position of law that this Court, in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India, cannot sit in appeal over the findings recorded by the Enquiry Officer and the Disciplinary Authority. Interference would be warranted only in cases where the conclusions arrived at are based on no evidence or are wholly contrary to the evidence available on record.

15. The present case cannot be termed as one involving complete absence of evidence. Mere inconsistencies in the appreciation of evidence would not by themselves justify interference with the findings recorded in the enquiry proceedings and affirmed by the Disciplinary Authority.

16. The defence set up by the petitioner is that the tainted currency notes were forcibly thrust into his pocket. However, the said defence has not been fully established. The Criminal Court, while acquitting the petitioner, proceeded on the basis that, to attract the offences punishable under the provisions of

the P.C. Act, mere possession of tainted currency notes would not suffice unless it was further established that the alleged official work was pending with the accused officer. However, the said principle governing criminal prosecution cannot be applied in its strict sense to departmental proceedings, which are required to be adjudged on the touchstone of preponderance of probabilities.

17. Nevertheless, having regard to the evidence available on record and the peculiar facts and circumstances of the present case, this Court is of the considered view that the penalty of dismissal imposed upon the petitioner is disproportionate and warrants interference and modification.

18. The penalty of dismissal from service has been imposed under Rule 8 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. The proviso to Rule 8 provides that, in cases involving an established charge of corruption, one of the penalties prescribed under Clauses (vi) to (viii) shall ordinarily be imposed. Clause (vi) prescribes compulsory retirement as one of the penalties for an established charge of corruption, whereas the Disciplinary

Authority, in the present case, has imposed the penalty of dismissal from service under Clause (viii).

19. Having regard to the peculiarity of facts and circumstances of the case, the nature of the evidence available on record, and the aspects noticed hereinabove, this Court is of the considered view that the present case warrants modification of the penalty imposed.

20. Ordinarily, when the penalty imposed by the Disciplinary Authority is interfered with, the matter would be remanded to the Disciplinary Authority for reconsideration of the quantum of punishment. However, in the facts of the present case, particularly having regard to the findings recorded hereinabove and considering that compulsory retirement is itself one of the prescribed penalties under Rule 8, this Court deems it appropriate to modify the penalty of dismissal from service to that of compulsory retirement.

21. In the light of the above, the following:

ORDER

- (i) The writ petition is ***allowed in-part***.
- (ii) The order dated 18.02.2021 passed by the
Karnataka State Administrative Tribunal in

Application No.5050/2015 stands modified to the extent of the penalty imposed.

- (iii) The order imposing penalty bearing No.33/2015 is modified by substituting the penalty of dismissal from service with the penalty of compulsory retirement.
- (iv) The petitioner shall be entitled to all consequential financial benefits flowing from the modification of the penalty.
- (v) Time for compliance is three months from the date of uploading of this order.
- (vi) No order as to costs.

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

**Sd/-
(K. V. ARAVIND)
JUDGE**

MV*