



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2026

BEFORE

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

WRIT PETITION NO. 8782 OF 2025 (S-RES)

BETWEEN:

SRI N R NAGARAJU
S/O SRI N REVANASIDDAPPA
AGED ABOUT 50 YEARS
WORKING AS UNDER SECRETARY
KARNATAKA STATE ELECTION COMMISSION
NO.16, 2ND 3RD FLOOR BELLARY ROAD
SADASHIV NAGAR ARMANE NAGAR
BENGALURU KARNATAKA -560080

...PETITIONER

(BY K N PHANEEDRA, SENIOR COUNSEL FOR
SMT. VAISHALI HEGDE., ADVOCATE)

AND:

STATE OF KARNATAKA
REP. BY THE PRINCIPAL SECRETARY
DEPARTMENT OF PERSONNEL
AND ADMINISTRATIVE REFORMS
VIDHANA SOUDHA DR B R AMBEDKAR VEEDHI
BANGALORE- 560001

...RESPONDENT

(BY SRI.SPOORTHY HEGDE N, HCGP.)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED:
28.02.2025 BEARING GOVERNMENT ORDER NO. ಸಿಆಸುಇ 67 ಕೆಇವಿ
2012 PASSED BY THE RESPONDENT VIDE ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN
'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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



CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the order dated 28.02.2025 passed by the respondent vide Annexure-A, invoking Rule 26 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, "CCA Rules"), and imposing a penalty.

2. The brief facts necessary for the consideration of this petition are that the petitioner was working as a Special Land Acquisition Officer in the Karnataka Industrial Area Development Board (KIADB). The petitioner disbursed a sum of Rs.1,86,00,000/- by way of cheque on 18.06.2010 to a person by name Sri R. Kodandaraman, S/o Ramaswamy, towards compensation for acquisition of land measuring 3 acres in Survey No.6/P12 of Singahalli Village, Jala Hobli, Bengaluru.

3. Thereafter, a writ petition in W.P. No.43759/2011 was filed before this Court by a person claiming to be the



real R. Kodandaraman, seeking a direction to KIADB and the State Government to pay the compensation amount in respect of the land acquired by KIADB. The said writ petition was partly allowed by this Court vide order dated 18.10.2012, wherein this Court specifically observed that the disciplinary authority, being seized of the matter, shall deal with the same strictly on merits and in accordance with law.

4. Based on the allegation of disbursal of a sum of Rs.1,86,00,000/-, a departmental enquiry was initiated against the petitioner. The Government appointed Sri Kukkaje Ramakrishna Bhat, a retired District & Sessions Judge, as the Enquiry Officer to conduct an enquiry into the alleged misconduct of the petitioner, as per Government Order dated 22.08.2013. The Enquiry Officer submitted his report dated 28.12.2013, marked as Annexure-C, concluding that the charge against the petitioner was proved only to the extent of dereliction of duty amounting to misconduct. The Enquiry Officer



categorically held that there was no evidence of any intentional or dishonest act on the part of the petitioner, nor was there any intention to cause loss to the State Government.

5. Consequently, the State Government passed an order dated 29.03.2014 vide Annexure-D, imposing a penalty of withholding one annual increment without cumulative effect. The State Government further directed the Department of Commerce and Industry and KIADB to take necessary action against the officers and staff of KIADB who were responsible for misleading the petitioner into disbursing the compensation amount to an impostor instead of the real beneficiary, which resulted in loss to the State Government. The penalty imposed by the State Government vide Annexure-D was accepted by the petitioner.

6. When matters stood thus, the respondent, unilaterally and without issuing any show cause notice to



the petitioner, passed an order dated 21.04.2016 vide Annexure-E, directing recovery of a sum of Rs.53,15,369/- from the petitioner's monthly salary at the rate of Rs.20,000/- per month towards the alleged loss caused to the Government due to wrongful disbursal of compensation while the petitioner was working as a Special Land Acquisition Officer in KIADB. The said order was passed based on the alleged oral directions issued by this Court in W.P. No.43759/2011 and a letter addressed by the learned Government Advocate.

7. Aggrieved by the said order, the petitioner challenged the same before the Karnataka State Administrative Tribunal (for short, "the Tribunal") in Application No.6108/2016. The Tribunal, by order dated 20.03.2020, dismissed the application. The operative portion of the said order is extracted below:

"13. On perusal of the entire annexure i.e., proceedings of the Government of the Karnataka dated 21.04.2016, it is crystal clear the entire order



has been passed on the basis of oral directions issued by the Hon'ble High Court of Karnataka in Writ Petition No.43759/2011 dated 22.02.2016, that too for recovery of loss causing to the government from the hands of the present applicant and another government official namely M.S.Ramachandrappa. In other words, as per the oral directions and oral order of the High Court, both the government pleaders addressed a letter to the Chief Secretary and intimated the High Court order and request the Chief Secretary to recover the amount from the applicant as well as M.S.Ramachandrappa who is also working in KIADB. On further reading the order, the respondent received all correspondence letter from KIADB and also from the Commerce and Industries Department and ultimately passed the impugned order. It is pertinent to note the applicant not included the KIADB and Department of Commerce and Industrial Department as a party, in this case what is the method adopted for recovery and what are correspondence in between them, in their absence it cannot be said that the both the departments have acted illegally. Over all scrutiny of the government order marked as Annexure-A7 dated 21.04.2016, it is based purely on the letter addressed by the Government Pleader dated 09.02.2016, 22.02.2016 and 18.04.2016



respectively. The Hon'ble High Court verbal order with direction to initiate action for recovery of the amount from the present applicant and another. Now the crucial point before this Court is that the entire order passed by the respondent based on the three letters of the government pleader and oral directions which issued by the Hon'ble High Court in W.P.No.43759/2011 (LA-KIADB) decided on 18.10.2012 and also connected writ petitions. Whether the oral directions/oral orders issued by Hon'ble High Court of Karnataka as stated in all three letters addressed by the Government pleader to the Government are contrary to law and against the Article 14, 16 & 21 of the Constitution and the said order is passed without giving opportunity being heard and the present applicant is not a party to the said writ petition to decide all these things this Court has no jurisdiction as the remedy of the applicant is elsewhere if so advised. In other words, this court is not competent to debate such oral order issued by the Hon'ble High Court. On perusal of the impugned order, the entire order is passed based on oral directions of High Court and also on the three letters addressed by the learned government pleaders and correspondence between respondent and concerned departments. Hence, the remedy of the applicant is else where if so advised not before this Court. In my opinion, application is



not sustainable in law. Hence, I answered point No.1 accordingly."

8. Being aggrieved by the order passed by the Tribunal, the petitioner herein filed a writ petition before this Court in W.P.No.7868/2021 vide Annexure-K. This Court, by order dated 28.09.2022, partly allowed the writ petition and made it clear that the said order would not come in the way of the respondent initiating any action strictly in accordance with law. The operative portions of the order at paragraphs 12 and 13 are extracted below:

"12. From a reading of the above it is clear that the learned Single Judge has not left anything to the caprice and whims of the respondent and has categorically directed that the disciplinary authority shall deal with it, strictly on merits and in accordance with law. The impugned action can by no stretch of imagination be stated as in accordance with law or muchless the C.C.A. Rules. In that view of the matter, we have no hesitation to partly allow the writ petition. Accordingly, the writ petition is partly allowed. The order impugned dated 20.03.2020 passed by the Karnataka State Administrative Tribunal at Bengaluru in Application



No.6108/2016 is quashed and also the Government Order dated 21.04.2016 bearing No.Si.Aa.Su.E 67 KEV 2012 passed by the respondent is quashed.

13. The quashment of the impugned order will not come in the way of the respondent initiating any action strictly in accordance with law.”

9. Thereafter, the Government, by invoking its power under Rule 26 of the CCA Rules, passed the impugned order.

10. The State can invoke the power of review under the said Rule only when new material or evidence, which could not be produced or was not available at the time of passing the original order, and which has the effect of changing the nature of the case, has come to its notice. Under Rule 26, the State may confirm, modify, or set aside the earlier order.

11. The learned Senior Counsel appearing for the petitioner submits that the Government has exercised its power under Rule 26 of the CCA Rules after an inordinate



delay of 11 years. On the ground of delay alone, the impugned order is liable to be set aside. It is further contended that the impugned order merely reiterates what transpired in the earlier proceedings and that no new material has been produced to justify the exercise of review jurisdiction.

12. The learned High Court Government Pleader appearing for the State has filed a statement of objections and placed reliance on the contentions raised in paragraph 5 thereof. The same is extracted below:

"5. The Respondent-State seeks to place the facts that led to the issue of the impugned order as follows:-

i. The Petitioner while working as the Special Land Acquisition Officer-2. KIADB, Bengaluru, had wrongly issued a cheque towards compensation for acquisition of 3 acres land belonging to R. Kodandaraman in favour of a third party / imposter. The said original land owner R.Kodandaraman filed a Writ Petition bearing W.P.No.43759/2011 before this Hon'ble Court and sought directions to the K.I.A.D.B. and the State Government to pay the



compensation amount towards the land acquired by K.I.A.D.B. The matter was considered by this Hon'ble Court and the said W.P. No.43759/2011 was allowed in part vide order dated 18.10.2012 (produced by Petitioner as Annexure-B). This Hon'ble Court specifically observed that "..... the disciplinary authority which is seized of the matter shall deal with it strictly on merits and in accordance with law."

ii. Accordingly, the respondent state appointed Shri N Subbarao, retired Judge as the Enquiry Officer on 20.05.2013, who cited personal reasons and withdrew from the proceedings. Thereafter, Shri. Kukkaje Ramakrishna Bhat, Retired District Judge was appointed as the Enquiry Officer to hold an enquiry against the petitioner regarding the misconduct alleged against him as per Government Order dated 22.08.2013.

iii. The Enquiry Report dated 28.12.2013 was submitted holding the Petitioner/ DGO guilty and that the charges were proved against the Petitioner.

iv. The State Government/respondent herein passed the Government Order dated 29.03.2014, imposing upon the petitioner a penalty of withholding one annual increment without



cumulative effect. The state Government also directed the Department of Commerce and Industries and the K.I.A.D.B. to take necessary action against the staff and servants of K.I.A.D.B. who were responsible for disbursement of the compensation amount to an imposter instead of the real person and which resulted in causing loss to the State Government.

v. In consonance with the directions of the Hon'ble High Court in WP No 43759/2011, a Government order dated. 21.04.2016 was issued imposing recovery by deduction of Rs. 20,000 from the monthly salary of the petitioner.

vi. The petitioner challenged the above G.O dated 18.04.2016 In Application No. 6108/2016 before the Karnataka State Administrative Tribunal which dismissed the application. The same was challenged before this Court in WP 7868/2021. This Hon'ble court in its order dated 28.09.2022 (produced as Annexure-K by the Petitioner) has held as under:-

"The petitioner was serving as Special Land Acquisition Officer-2, Karnataka Industrial Area Development Board, Bangalore. Out of the lands acquired for the purpose of establishing a I T Parks,



for 3-00 acres of land in Survey No.6P12, Singhahalli village, Jala Hobli, Bangalore North Taluk, the petitioner had disbursed the compensation amount of Rs.1,86,00,000/- to one R Kodandarama slo Ramaswami instead of to Shri R. Kodandarama, ex-serviceman, the land owner. This action of the respondent caused financial loss to the public exchequer and a charge memo dated 17.10.2012 was issued to the petitioner under Rule 11 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

"12. From a reading of the above it is clear that the learned Single Judge has not left anything to the caprice and whims of the respondent and has categorically directed that the disciplinary authority shall deal with it, strictly on merits and in accordance with law. The impugned action can by no stretch of imagination be stated as in accordance with law or much less the C.C.A.Rules. In that view of the matter, we have no hesitation to partly allow the writ petition. Accordingly, the writ petition is partly allowed. The order impugned dated 20.03.2020 passed by the Karnataka State Administrative Tribunal at Bengaluru in Application No.6108/2016 is quashed and also the Government Order dated 21.04.2016 bearing No.Si.Aa.Su.E 67 KEV 2012 passed by the respondent is quashed.



13. The quashment of the impugned order will not come in the way of the respondent initiating any action strictly in accordance with law."

13. I have verified and perused the impugned order vide Annexure-A. The entire order refers only to the earlier proceedings. Nowhere does the impugned order disclose what new material or evidence, which was not available earlier, has been placed before the authority for the purpose of reviewing the earlier order. What is stated in the statement of objections is also not reflected in the impugned order.

14. The State Government can invoke the power under Rule 26 of the CCA Rules only if new material or evidence, which was not available at the time of passing the penalty order, is placed on record. There is no such finding in the impugned order vide Annexure-A. On this ground alone, the impugned order at Annexure-A is liable to be quashed.



15. Accordingly, the following order is passed:

(i) The writ petition stands disposed of.

(ii) The impugned order dated 28.02.2025 vide Annexure-A is hereby quashed.

(iii) If the respondents intend to invoke Rule 26 of the CCA Rules, they shall exercise such power strictly in compliance with Rule 26 of the CCA Rules, after issuing proper notice to the petitioner and affording a reasonable opportunity of hearing.

(iv) If the respondents so desire, they may invoke Rule 26 of the CCA Rules within a period of three months from the date of receipt of a certified copy of this order.

(v) The contentions of all the parties, including the ground of limitation, are kept open.

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

CM
LIST NO.: 1 SL NO.: 57