



CNR: KAHC010253622023

NC: 2026:KHC:39636-DB
WP No. 10883 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH 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. 10883 OF 2023 (S-KSAT)

BETWEEN:

THE REGISTRAR
KARNATAKA LOKAYUKTA
M S BUILDING
DR. B R AMBEDKAR ROAD
BENGALURU -560001.

...PETITIONER

(BY SRI. VENKATESH S ARBATTI, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
PUBLIC WORKS PORTS AND
WATER RESOURCES DEPARTMENT,
VIKASA SOUDHA,
BENGALURU - 560001.
2. SRI MARUTHI GAIKWAD S/O MANIK,
AGED ABOUT 53 YEARS,
WORKING AS ASSISTANT EXECUTIVE ENGINEER,
COMMAND AREA DEVELOPMENT
AUTHORITY (CADA),
ENGINEERING SUB-DIVISION,
HALAHALLI, BHALKI TALUK
BIDAR DISTRICT
R/AT DEVI COLONY,
BIDAR.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1
SRI NAGARAJU, ADV. FOR R2)

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka



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THIS PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION IN THE NATURE OF A WRIT THEREBY QUASHING THE ORDER DATED 29/08/2019 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION NO.3326/2017, AS PER ANNEXURE-A 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)

The petitioner-Karnataka Lokayukta represented by the Registrar is before this Court, questioning the order dated 29.08.2019 in Application No.3326/2017 passed by the Karnataka State Administrative Tribunal at Bengaluru (For short "Tribunal") whereunder the penalty of withholding of two increments with cumulative effect imposed on respondent No.2 under Government Order dated 30.01.2017 (Annexure-A7) is quashed.

2. Heard learned counsel Sri.Venkatesh S Arbatti for petitioner; learned Additional Government Advocate



Sri.Harisha A.S. for respondent No.1 and learned counsel Sri.Nagaraju for respondent No.2. Perused the writ petition papers.

3. Learned counsel Sri.Venkatesh Arbatti would submit that the Tribunal failed to appreciate the material on record and came to a wrong conclusion that the complaint or grievance of P.W.1-complainant was against one regular Executive Engineer Sri.Eshwar Nayak who was working at the relevant point of time. Further, learned counsel would submit that the second respondent was in-charge Executive Engineer between 28.08.2012 to 06.12.2012 of the concerned division and second respondent failed to reply to the show-cause notice dated 28.09.2012 which was specifically addressed to the second respondent. Further, learned counsel Sri.Arbatti would submit that observation note at Ex.P9 in the enquiry dated 26.11.2012 was issued to respondent No.2. However, he has failed to reply to the observation note also. Learned counsel would submit that the charge against the second respondent is



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that he has failed to furnish the details sought from the Office of the Executive Engineer with regard to Karanja Project, Bhalki Taluk, Bidar District. It is submitted that though the second respondent was served with second show-cause notice which referred to the earlier notices issued to the Executive Engineer and called upon the second respondent to reply to the show-cause notice, he submits that the second respondent failed to reply or to furnish the details sought in the referred letters. Therefore, he submits that respondent No.2 has committed misconduct and the Tribunal committed an error in quashing the order of penalty.

4. Per contra, learned counsel Sri.Nagaraju for respondent No.2 would submit that the second respondent was working as Assistant Executive Engineer at Karanja Project, Bhalki Taluk, Bidar District. It is submitted that Sri.Eshwar Nayak was the regular Executive Engineer. From 28.08.2012 to 06.12.2012 the petitioner was working as in-charge Executive Engineer and during that



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period, no communication was received by the second respondent directing him to produce the copy of the estimate, copy of technical sanction of works done and documents pertaining to the matter in the complaint of P.W.1. Learned counsel for respondent No.2 would submit that he submitted reply to the show-cause notice dated 28.09.2012. Learned counsel further submits that Ex.P4, Ex.P5, Ex.P6 and Ex.P7 are addressed to the Executive Engineer, Karanja Project (CADA) Bhalki, Bidar District and it is not addressed to the Assistant Executive Engineer to reply to the said letters. Thus, learned counsel would submit that the charge against the second respondent that he has not produced copy of estimate, copy of technical sanction of works done and documents pertaining to the complaint of Sri.Kailasanath would not stand to reason. Thus, he would pray for dismissal of the writ petition.

5. Learned Additional Government Advocate would support the submission made by the learned counsel for the petitioner.



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6. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for our consideration is as to whether the impugned order passed by the Tribunal quashing the order of penalty imposed on the second respondent warrants interference by this Court?

7. Answer to the above point would be in the negative for the following reasons:

It is an admitted fact that the second respondent was working as Assistant Executive Engineer in Karanja Project, Bhalki of Bidar District at the relevant point of time. One Sri.Eshwar Nayak, was working Executive Engineer at Karanja Project, Bhalki of Bidar District at the relevant point of time. In terms of the Articles of Charge dated 22.08.2013, the charge against the second respondent reads as follows:

CHARGE



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That you DGO Sri Maruthi Gaikwad, Executive Engineer (in-charge) Karanja Project, Bhalki Taluk, Bidar District deliberately not complied the direction to produce the copy of the estimate, copy of the technical sanction of works done and documents pertaining to the matter in the complaint of Sri.Kailasanath S/o. Deshmukappa Meenkere R/o.Bhalki besides photos taken at the time of commencement and during works and thereafter and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

8. The sum and substance of the charge against the second respondent is that, he being Executive Engineer (in-charge) of Karanja Project, Bhalki, Bidar District, the second respondent deliberately not complied the direction to produce the copy of the estimate, copy of the technical sanction of works done and documents pertaining to the matter in the complaint of one Sri.Kailasanath besides



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photos taken at the time of commencement and during works and thereafter. As noted above, the second respondent was in-charge Executive Engineer from 28.08.2012 to 06.12.2012. The letters by the petitioner-Lokayukta as at Ex.P4, Ex.P5, Ex.P6 and Ex.P7 are addressed to Executive Engineer, Karanja Project, Bhalki Taluk, Bidar District directing to produce copy of the estimate, copy of the technical sanction of works done and documents pertaining to the matter in the complaint of Sri.Kailasanath besides photos taken at the time of commencement and during works and thereafter. No letter directing respondent No.2 is produced in the documents is placed on record. However, show-cause notice is addressed to the second respondent. In the show-cause notice, reference is made to the letters addressed to the Executive Engineer. Learned counsel for the second respondent submitted that the second respondent has replied to the said show-cause notice.



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9. Be that as it may, admittedly, no letter is addressed to the second respondent directing him to produce the details as enumerated in the charge. The charge is specific that the second respondent has failed to produce the documents i.e., copy of the estimate, copy of the technical sanction of works done and documents pertaining to the matter in the complaint of Sri.Kailasanath. When the charge is specific, to prove the said charge, specific material shall be placed on record. Except the show-cause notice, no other corroborative material is placed on record to prove the charge against respondent No.2. Moreover, as stated above, the second respondent was working as Assistant Executive Engineer and he was not the Executive Engineer of Karanja Project. Hence, we are of the considered view that the finding of the Enquiry Officer is perverse and the Tribunal has rightly come to the conclusion that the charges are not proved against respondent No.2.



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10. The impugned order passed by the Tribunal is dated 29.08.2019 whereas the present writ petition is filed before this Court on 24.05.2023, nearly 4 years from the date of the order passed by the Tribunal. In the entire writ petition, no averment is forthcoming with regard to delay in approaching this Court. Learned counsel Sri.Arbatti would submit that Covid-19 was prevailing as such, the question of delay would not arise. Even if the Covid period is taken note of, there is delay of more than two years i.e., from 2021 till May 2023 in filing the present writ petition.

11. For the reasons recorded above, we do not find any merit in the writ petition and accordingly the writ petition stands ***rejected***.

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

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

MPK
CT:bms