



CNR: KAHC010262652020

NC: 2026:KHC:37373
WP No. 13873 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 13873 OF 2020 (S-RES)

BETWEEN:

SIR M KUMAR
AGED ABOUT 52 YEARS,
S/O LATE MALINGAIAH
WORKING AS CHIEF OFFICER
TOWN MUNICIPAL COUNCIL
CHANNARAYAPATNA HASSAN DISTRICT
R/AT MUTHAGADAHALLI AND POST
TURUVEKERE TALUK
TUMKUR DISTRICT -571 221

...PETITIONER

(BY MISS JAHNAVI M., ADVOCATE FOR
SRI. CHANDRAKANTH R GOULAY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
RURAL DEVELOPMENT AND PANCHAYATH RAJ
M S BUILDING, BENGALURU - 560 001.
2. THE KARNATAKA LOKAYUKTA
REP. BY ITS REGISTRAR
M S BUILDING, BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 (MA NOT FILED))

Digitally signed
by KIRAN
KUMAR
Location: HIGH
COURT OF
KARNATAKA



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SRI. VENKATESH ARABATTI, ADVOCATE FOR R2(VK NOT FILED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RELEVANT RECORDS AND QUASH THE GOVERNMENT ORDER DATED BEARING No.NAAHEI 61 DMK 2015 BENGALURU DATED 27.7.2020 ANNEXURE-F PASSED BY THE R-1 AS ILLEGAL, ARBITRARY AND VOID AND ONE WITHOUT COMPETENCE AND JURISDICTION AND IN VIOLATION OF THE PROVISIONS OF SECTIONS 8, 9, 12 OF THE KARNATAKA LOKAYUKTHA ACT, IN THE INTEREST OF JUSTICE AND EQUITY WITH ALL CONSEQUENTIAL BENEFITS. ISSUE ANY OTHER INCIDENTAL OR CONSEQUENTIAL RELIEFS AS DEEMED FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE AND IN AID OF THE MAIN RELIEF SOUGHT FOR, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- (a) Issue an order or direction or writ in the nature of writ of certiorari quashing the Government Order bearing No.NaAhEi 61 DMK 2015 Bangaluru dated 27.07.2020 (Annexure-F) passed by the 1st respondent, as illegal, arbitrary



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and void and one without competence and jurisdiction and in violation of the provisions of Sections 8, 9, 12 of the Karnataka Lokayuktha Act, in the interest of justice and equity with all consequential benefits;

- (b) Issue any other incidental or consequential relief/s as deemed fit in the facts and circumstances of the case and in aid of the main relief sought for, in the interest of justice and equity.

2. Brief facts leading rise to the filing of this writ petition are as follows:

The petitioner is working as Chief Officer at TMC, Channarayapatna. While working as Chief Officer, the ARE, Lokayukta appears to have issued a letter on 07.05.2015 to the petitioner on the complaint filed by one Sri Harish that during the year 2014, he had not taken proper legal measures against the contractor Sri C.S.Kodandaswami despite having knowledge of the lapses in the contract work etc., This was also against Sri Rachaiah, the Retired PSI, Turuvekere P.S. The Upa-Lokayukta had made a



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recommendation under Section 12(3) of the Lokayukta Act on 1.10.2019 to the State Government recommending penalty of withholding of four annual increments payable to DGO 2 Sri Kumar with cumulative effect and withholding of 10% pension payable to DGO 1 Sri Rachaiah for a period of 10 years. Petitioner submitted his detailed reply on 22.01.2020 contending that there was no question of holding any enquiry against the petitioner at all in view of the fact that he was not working in the said office from 3.6.2011 to 9.6.2014 that is during the issuance of work order and further the amount of Rs.75 lakhs was released by one Sri Venkatesh Shetti who was the then Chief Officer, Turuvekere followed by payment of Rs.50 lakhs to the contractor (Kodaramaraju). The petitioner has specifically mentioned that the Lokayukta has no jurisdiction to recommend punishment in the nature of withholding of four increments with cumulative effect would be without competence and otherwise would not stand to reason and therefore the



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same is impermissible. The State Government without considering the reply and various other aspects including oral and documentary evidence on record, has surprisingly passed an order dated 27.7.2020 imposing punishment of four increments with cumulative effect under Rule 8(3) of KCS(CCA), 1957. The impugned Government Order dated 27.07.2020 imposing penalty of four annual increments is highly arbitrary, illegal and contrary to settled principles of law. The petitioner was not at all responsible for any act of misconduct. The incident occurred in 2014 and the initiation has been done long before in 2016 and after delay of two years, the present order of punishment has been passed. There is inordinate delay in conduct of enquiry and imposition of penalty. Further, the recommendation has held by this Hon'ble Court from time to time that, the State Government is required to independently consider the report and decide as to whether charges have been proved or otherwise and as to



whether any punishment is to be imposed or not. Hence, this writ petition.

3. Heard the arguments of Miss. Jahnavi.M, learned counsel for the petitioner and also learned Government Advocate for the respondents.

4. Learned counsel for the petitioner submits the impugned order passed by respondent No.1 is without application of mind and she submits that the petitioner was not working as a Chief Officer from 03.06.2011 to 09.06.2014 and the work order and payments were made to the contractors during the said period. It is also submitted that the previous Chief Officer Sri Venkatesh Shetti was responsible and he has paid an amount of Rs.1.25 crores to the contract. He was terminated from service and the order of Termination of Venkatesh Shetti was set aside by the State Government and he has been reinstated. It is contended that there are no allegations



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against the petitioner in regard to the payment or in issuing a work order or payments made to the contractor and she submits that there is no dereliction on the part of the petitioner. The impugned order passed by respondent No.1 is arbitrary and erroneous. She also submits that PW2 admitted during cross-examination that the petitioner was not the Chief Officer during the issue of work ordered to the contractor and one T. R. Venkatesh Shetti was the Chief Officer and admitted that the petitioner has issued a legal notice to the contractor, which clearly discloses that the petitioner has not caused any delay in taking a legal action against the contractor within his limits and the Executive Officer has issued a bogus charge sheet just to avoid his responsibility. She submits that there is no gross violation or lapse of procedure on the part of the petitioner and discharging his official duty. Hence, on these grounds, she prays to allow the writ petition.



5. *Per contra*, learned Government Advocate supported the impugned order and contended that there was a procedural lapse on the part of the petitioner in discharging his duty. Respondent No.1 has rightly passed the impugned order. Hence on this ground, prays to dismiss the writ petition.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is an undisputed fact that the petitioner was working as a Chief Officer at TMC, Chennarayaptana. In 2015, while he was working as a Chief Officer of TMC, Turvakere, one Harish had complained against the petitioner that during the year 2014, he has not taken proper measures against the contractor despite having a knowledge of lapses in the contract works. This was against Sri Rachaiah retired PSI, Thurvakere PS. in respect of the allegations. The Additional Registered Enquiry, Lokayukta issued a letter on 07.05.2015 and thereafter,



the State Government made notes on 25.05.2015. Based on this, an order came to be passed by the State Government on 24.06.2015 under Rule 14 of Karnataka Civil Service (CCA) Rules, 1957, for initiation of proceedings against the petitioner by Lokayukta. On the said allegation, a charge memo was issued to the petitioner. The petitioner has submitted a reply to the charge memo. The enquiry officer conducted an enquiry. The Investing Officer was examined as PW1 and got marked 97 documents as Exs.P1 to P97. During the course of cross-examination of PW1, he has admitted that the petitioner was not working in the said TMC during the release of amount to the contractor and he also admitted that there is no question of holding an enquiry against the petitioner.

8. From the perusal of the records, it clearly discloses that the petitioner after resuming the work as a Chief Officer, has secured the bank guarantee from the



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contractor. Immediately, after knowing about the fake bank guarantee and simultaneously the petitioner filed a complaint against the contractor before the jurisdictional police. There was admission about in bringing to the notice of the superior officers like Deputy Commissioner, Commissioner of Municipal Administrative Bangalore and sought appropriate direction and to take further action. PW1 has further deposed that the complainant had not given any written complaint against this petitioner as DGO 2 and he further stated that, during his investigation, it came to his knowledge that the work order was issued by the Karnataka Municipal Administration Office and the work order issued by the Karnataka Municipal Administration Office, which is superior than the Chief Officer of TMC.

9. The complainant was examined as PW2. He reiterated the complaint averments in the examination-in-chief and during the course of cross-examination, he has



stated that he has not given any written complaint against the petitioner and he admits that the petitioner was not the Chief Executive Officer during the issue of work order to the contractor and that once Sri T.R.Venkatesh Shetti was the Chief Officer and he admits that the petitioner was not the officer in charge at the time of release of the amount. He also admits that the petitioner has taken steps against the contractor by issuing a legal notice to the contractor.

10. From the perusal of the records, it is clear that the complainant has not made any written complaint against the petitioner making allegation. Admittedly, the petitioner was not the officer of the TMC as on the date of issuing the work order and disbursing the amount to the contractor. The work order was issued by the Karnataka Municipal Administration. The petitioner, one Venkatesh Shetti was the Chief Officer of Thuruvekere from 03.06.2011 to 09.06.2014, he has paid the amount of



Rs.1.25 crores to the contractor. The petitioner immediately after resuming the office as a Chief Officer has called upon the contractor to produce the bank guarantee. The contractor has submitted a bank guarantee. On verification, the petitioner came to know that it was a fake bank guarantee. Immediately, the petitioner filed a complaint against the contractor and the same was informed to the higher authorities and also got issued a legal notice to the contractor. The petitioner has taken all steps against the contractor. There is no diligence on the part of the petitioner in discharging the duties. The said aspect was not considered by respondent No.1 and passed the impugned order. The impugned order passed by respondent No.1 is without application of mind and also without considering the admissions of PW1 and PW2. Further, there is no discussion in regard to the charges and reply submitted by the petitioner except reiterating the certain statements of the petitioner along with another person Rachaiah who is none other than the Sub Inspector



of Police, who was retired from service. Sri Venkatesh Shetti was terminated from service and the State Government has set aside the order of termination. The person who has paid the amount of Rs.1.25 crores to the contractor, no action has been taken against the Sri Venkatesh Shetti. Respondent No.1 has passed an impugned order on the ground of dereliction of duty. As observed above, the petitioner has taken the steps against the contractor by issuing a legal notice and by lodging a complaint against the contractor. Thus, the impugned order passed by respondent No.1 is arbitrary and erroneous and contrary to the records.

11. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The Writ Petition is ***allowed***.



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- ii. The impugned order dated 27.07.2020 passed by respondent No.1 vide Annexure- F is hereby quashed.
- iii. As the petitioner has retired from service, the respondents are directed to pay all the consequential benefits to the petitioner within a period of one month from the date of the receipt of the copy of this order.
- iv. Pending application/s, if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SSB