



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 778 OF 2024 (S-DIS)

C/W

WRIT APPEAL NO. 808 OF 2024 (S-DIS)

IN WA No. 778/2024

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
AND SECRETARY
BANGALORE WATER SUPPLY
AND SEWAGE BOARD
FIRST FLOOR,
CAUVERY BHAVAN,
BANGALORE - 560 009.
2. THE CHAIRMAN AND
DISCIPLINARY AUTHORITY,
BANGALORE WATER SUPPLY
AND SEWAGE BOARD,
1ST FLOOR, CAUVERY BHAVAN,
BANGALORE - 560 009.
REPRESENTED BY APPELLANT NO.1

...APPELLANTS

(BY SRI. B.S. SRINIVAS, ADVOCATE FOR
SRI. SANJEEV B L., ADVOCATE)



**NC: 2026:KHC:29225-DB
WA No. 778 of 2024
C/W WA No. 808 of 2024**

AND:

SRI. C. GOUTHAM KUMAR,
AGED ABOUT 70 YEARS,
S/O LATE A CHINNAIH,
EXECUTIVE ENGINEER,
BANGALORE WATER SUPPLY
AND SEWERAGE BOARD,
(SINCE DOOR NO.303,
POLICE LAYOUT,
KACHARNAYAKANAHALLI,
BOMMASANDRA,
HOSUR ROAD
BANGALORE - 560 105.

...RESPONDENT

(BY MS. B.V. VIDYULATHA, ADVOCATE FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT,1961, PRAYING TO SET ASIDE
THE ORDER DATED:04.12.2023 PASSED BY THE LEARNED
SINGLE JUDGE IN WP No.47257/2013 (S-DIS) AND
CONSEQUENTLY DISMISS THE SAID WRIT PETITION, IN THE
INTEREST OF JUSTICE AND EQUITY.

IN WA NO. 808/2024

BETWEEN:

1. THE BOARD MEMEBERS,
BANGALORE WATER SUPPLY
AND SEWARAGE BOARD,
1ST FLOOR,CAUVERY BHAVAN,
KEMPEGOUDA ROAD,
BANGALORE - 560 009.
REPRESENTED BY ITS CHAIRMAN
2. THE BANGALORE WATER SUPPLY
AND SEWARAGE BOARD,



**NC: 2026:KHC:29225-DB
WA No. 778 of 2024
C/W WA No. 808 of 2024**

1ST FLOOR, CAUVERY BHAVAN,
KEMPEGOUDA ROAD,
BANGALORE - 560 009.
REPRESENTED BY ITS C.A.O.
AND SECRETARY.
NOTE: APPELLANT NO.1 IS
REPRESENTED BY APPELLANT NO.2.

...APPELLANTS

(BY SRI. SRINIVAS, ADVOCATE FOR
SRI. SANJEEV B.L., ADVOCATE)

AND:

M.K. LINGARAJU,
S/O LATE SRI. D. KEMPAIAH,
AGED ABOUT 69 YEARS,
(ASST. ACCOUNTS OFFICER)
(UNDER ORDER OF DISMISSAL)
R/AT NO. 266/305,
9TH 'A' MAIN ROAD,
KOTTIGEPALYA,
RANGASWAMY EXTENSION,
SRIGANDADAKAVALU,
BANGALORE - 560 091.

...RESPONDENT

(BY SRI. SATISH. K., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
SET ASIDE THE ORDER DATED:04.12.2023 PASSED BY THE
LEARNED SINGLE JUDGE IN WP NO.50051/2013 AND
CONSEQUENTLY DISMISS THE SAID WRIT PETITION.

THESE APPEALS ARE COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These two intra-Court appeals are by Bengaluru Water Supply and Sewage Board¹, assailing the common order dated 04.12.2023 passed by the Writ Court in W.P.No.47257/2013 C/w W.P.No.50051/2013.

2. The Writ Court by the impugned order, allowed W.P.No.47257/2013, directing the BWSSB to pay arrears of salary for the remaining period of service existing at the time of dismissal of the petitioner and also directed to grant all the consequential benefits to which the petitioner Mr.C.Goutham Kumar is entitled. So far as Mr.M.K.Lingaraju is concerned, disposed of W.P.No.50051/2013 and modified the order of dismissal with that of compulsory retirement entitling him for all

¹ the BWSSB, for short



other consequential benefits and directed the BWSSB to settle all the benefits in a time bound manner.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to file these two appeals are as under:

4.1 Sri.C.Goutham Kumar, filed W.P.No.47257/2013 seeking following reliefs:

- (i) *Call for the entire records relating to concerning and connected with the disciplinary proceedings held against him under and in pursuance of Articles of Charge bearing No.B.Ja.Mum/MuAaAa-Ka/07-11-08/3694/2008-09 dated 12.1.2009 vide Annexure-J issued by the 2nd respondent and culminating in the impugned order of dismissal from the service of the Board vide Notification bearing No.B.Ja.Mum/MuAaAa-Ka/16-2013 794/2013-14 dated 3.6.2013 vide Annexure-AB passed by the 2nd respondent and the latter resolution of rejection of the Review Petition bearing*



No.B.Ja.Mum/MuAaAa-Ka/16-

*2013/2486/2013-14 dated 28.9.2013
vide Annexure-AD passed by the 1st
respondent, peruse the same and
declare and quash the same as
arbitrary, irrational and unsustainable in
law;*

- (ii) Issue a consequential direction in the
nature of a writ of mandamus
commanding the respondents to
reinstate the petitioner into the active
service of the 1st respondent - Board
making available to him all the
consequential benefits including the
financial benefits flowing therefrom;*

and

- (iii) Pass such other orders as this Hon'ble
Court may deem fit in the
circumstances of the case, including the
award of the costs of this petition, in
the interest of justice and equity.*

4.2 Sri.M.K.Lingaraju, filed W.P.No.50051/2013 seeking
following reliefs:

- (i) Issue a writ of Certiorari quashing the
order bearing No.BeJaMa/MuAaA-
Ka/16-2013/790/2013-14 dated 3-
05/06-2013 (Annexure-F) and
proceedings bearing No. Nil dated 28-*



*08-2013/ 06-09-2013 (Annexure-H)
passed by the respondents and direct
the respondents to grant all
consequential service and monetary
benefits to the petitioner, flowing from
quashing the said orders.*

*(ii) Pass any other order that this Hon'ble
Court deems fit, in the circumstances of
the case, in the interest of justice and
equity.*

4.3 Petitioner Mr.C.Goutham Kumar was working as an Executive Engineer and Mr.M.K.Lingaraju as Accounts Superintendent, with the board.

4.4 In an annual audit conducted for the year 2007-08, certain discrepancies were noticed, which led to issuance of show-cause notice to both Mr.Goutham Kumar, Mr.M.K.Lingaraju and one Mr.Somesh Bairy, who was working as a Superintendent.

4.5 To the show cause notice, Office Superintendent Mr.Somesh Bairy, submitted a letter, wherein, he has confessed to have misappropriated the amount to the tune of Rs.13,00,000/- by withdrawing cash from



the bank account of the Board. The confession letter which is produced at Annexure-B in W.P.No.47257/2013 is extracted in paragraph No.3 of the order, which reads as follows:

“ಅನುಬಂಧ-3

ಬಿ.ಸೋಮೇಶ್ ಬಾಯಿರಿ ಅದ್ವಕ್ಷನಾದ ನಾನು ನಿಮ್ಮಿಂದ ನೀಡಿರುವ ವಿವರಣೆ ಕೇಳಿ ನೋಟಿಸ್‌ಗೆ ಕೆಳಗಿನಂತೆ ಉತ್ತರಿಸುತ್ತಿದ್ದೇನೆ.

ನನಗೆ ಮನೆ ಕಡೆ ಬಹಳ ತೊಂದರೆ ಆಗಿದ್ದುದರಿಂದ ಹಾಗೂ ಸಾಲಗಳ ಬಾಡೆ ಹೆಚ್ಚಾಗಿದ್ದರಿಂದ, ಅನಿವಾರ್ಯವಾಗಿ ನಿಮಗೆ ಗೊತ್ತಿಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಮಂಡಳಿಗೆ ಮೋಸ ಮಾಡಿ ನಗದು ಮೂಲಕ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಸುಮಾರು 13 ಲಕ್ಷದವರೆಗೆ ಬೇರೆಬೇರೆ ಮಾಹೆಗಳಲ್ಲಿ ಹಾಗೂ ವಿವಿಧ ರೀತಿಯ ಹಂತಗಳಲ್ಲಿ ಡ್ರಾಮಾಡಿರುತ್ತೇನೆ.

ಈ ತಪ್ಪು ಶಿಕ್ಷಾರ್ಹವೆಂದು ತಿಳಿದಿದ್ದು ಅನಿವಾರ್ಯತೆಯಿಂದ ತಪ್ಪೆಸಗಿರುತ್ತೇನೆ. ಇಲಾಖೆಯಿಂದ ಈ ಬಗ್ಗೆ ನೀಡುವ ದಂಡನೆಗೆ ಒಪ್ಪಿರುತ್ತೇನೆ. ಹಾಗೂ ಮೇಲಿನಂತೆ ಬಳಸಿಕೊಂಡಿರುವ ಮೊತ್ತವನ್ನು 2 ತಿಂಗಳ ಒಳಗಾಗಿ ಮಂಡಳಿಗೆ ಪೂರ್ಣವಾಗಿ ವಾಪಸ್ಸು ಭರಿಸುತ್ತೇನೆ. ಇನ್ನುಮುಂದೆ ಯಾವುದೇ ರೀತಿಯ ತಪ್ಪು ಮಾಡುವುದಿಲ್ಲ. ಈ ಬಾರಿ ನನ್ನನ್ನುಕ್ಷಮಿಸಿ ಕರ್ತವ್ಯವನ್ನುಮುಂದುವರೆದುಕೊಂಡು ಹೋಗಲು ಅನುಮತಿ ಕೋರುತ್ತೇನೆ.

ನಗದು ಗುಮಾಸ್ತನಾಗಿ ನಗದು ಶಾಖೆಯ ನಿರ್ವಹಣೆಯ ಜವಾಬ್ದಾರಿ ಪೂರ್ತಿ ನನ್ನದೆ ಆಗಿದ್ದು ನನ್ನ ಅವಧಿಯಲ್ಲಿ ಆಗಿರುವ ದುರ್ಬಳಕೆಗೆ ಪೂರ್ಣವಾಗಿ ನಾನೇ ಜವಾಬ್ದಾರನಾಗಿರುತ್ತೇನೆ. ಲೆಕ್ಕ ಅಧೀಕ್ಷಕರಾಗಲಿ, ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರಾಗಲಿ ಅಥವಾ ಇತರೇ ಸಿಬ್ಬಂದಿಗಳಾಗಲಿ ಈ ದುರ್ಬಳಕೆಯಲ್ಲಿ ಅವರು ಭಾಗಿಯಾಗಿರುವುದಿಲ್ಲ, ಸಂಪೂರ್ಣವಾಗಿ ನಾನೋಬನೇ ಈ ದುರ್ಬಳಕೆ ಮಾಡಿರುತ್ತೇನೆ.



ಈ ಪ್ರಕರಣದಿಂದ ನನಗೆ ಬೇಜಾರಾಗಿರುದೇನೋ ನಿಜ
ಅದರೆ ಇದಕ್ಕೆ ನಾನು ವೈಯಕ್ತಿಕವಾಗಿ ಯಾವುದೇ ರೀತಿಯ
ಅನಾನುಕೂಲವನ್ನು ಉಂಟು ಮಾಡಿಕೊಳ್ಳುವುದಿಲ್ಲ, ಮಂಡಳಿಗೆ
ಭರಿಸಬೇಕಾಂತಹ ದುರ್ಬಳಕೆಯ ಪೂರ್ಣ ಮೊತ್ತವನ್ನು ನನ್ನಲ್ಲಿರುವ
ನಗದು, ಸ್ಥಿರ ಅಸ್ತಿ ಹಾಗೂ ಚರ ಅಸ್ತಿಗಳ ವಿಲೇವಾರಿಯಿಂದ ಮೇಲೆ
ತಿಳಿಸುವ 3 ತಿಂಗಳಲ್ಲಿ ತೀರುಸುತ್ತೇನೆ.”

(In Kannada vernacular, as it is in the order
passed by the Writ Court)

"Annexure-3

*B. Somesh Bairy, Superintendent,
received your show cause notice and reply as
hereunder.*

*There are lot of problems in our house
also loan problems, due to unavoidable
circumstances without bringing to your
knowledge played a fraud on the board and
drawn the cash from the Bank up to Rs.13
lakhs and on different months at different
stages drawn the money.*

*I know it is punishable offence and due
to unavoidable circumstances, the said
mistake taken place and I admit the
punishment that may be given by the
Department. Within 2 months I will return the
entire amount. Hereinafter no such mistake
will be committed. This time I may be
pardoned and seek permission to continue my
duty.*



I being the Cashier of the cash branch and the entire responsibility is upon me and the misappropriation taken place during my period for which I will be held responsible. Either the Cash Superintendent, Executive Engineer or any subordinates have not taken part in this misappropriation and I alone have misused the same in full.

It is true I felt bad in this case, but I have not caused inconvenience personally in any manner, I will deposit the amount which is due to the board by selling my movable and immovable within the three months."

(English translation, as provided by
learned counsel for the Board in the Writ
Appeal)

4.6 Both Mr.Goutham Kumar and Mr.M.K.Lingaraju, submitted their reply to the Show cause notice. The discipline authority not satisfied with the reply submitted by Mr.Goutham Kumar as well as Mr.M.K.Lingaraju, though the fraudulent act of Mr.Somesh Bairy has been reported by the said Mr.Goutham Kumar to the Board, an enquiry was constituted against both the officers Mr.Goutham Kumar as well as Mr.M.K.Lingaraju. The Inquiry



Officer on consideration of evidence and submissions made, proceeded to come to a conclusion against Mr.Goutham Kumar in the following terms:

"Though, A.G.O.No.1 is not a privy to the fact of misappropriation of B.W.S.S.B. funds by A.G.O.No.4, he cannot escape the responsibility for lack of effective control of the division staff and in regard to the discharge of his duties, both pertaining to administration and accounts. Therefore, on a consideration of the evidence on record, I hold that A.G.O.No.1 is answerable for the omissions and commissions of A.G.O.No.2 to 4 and in that view of the matter, I hold that charge at item No.3, second para is established. As regards, other charges, A.G.O.No.1 cannot be held responsible and for misappropriation alleged therein the said cannot be attributed to A.G.O.No.1 and the said charges are not established."

4.7 So far as Mr.M.K.Lingaraju is concerned, in the following terms:

"As confessed by A.G.O.No.4, Exhibit M13, it is he who is responsible for the misappropriation and in view of the fact that the cheques were in the custody of the cashier



as evident from the mahazar at Exhibit M46, and for the deliberate omissions and commissions of A.G.O.No.4 and cashier, A.G.O.No.2 cannot be held responsible for the misdeeds of A.G.O.No.2 cannot be held responsible for the misdeeds of A.G.O.No.4. In the absence of evidence of entrustment of cash to the A.G.O.No.2, he cannot be accused of misappropriation or any misconduct on his part."

"There is no evidence to hold that A.G.O.No.2 was a party to the misappropriation of the funds of B.W.S.S.B. but there is evidence as to neglect of duties which had led to huge misappropriation of funds and he is liable to answer the same. On a consideration of the evidence on record, I hold that A.G.O.No.2 has failed to exercise checks as required under P.W.D. Accounts Code, 19 to 25, 76 to 81 and 88 to 90. He has also failed in his duty in not taking register and he is responsible for the payment of amount to Visweswarayya Grameena Bank and other financial institutions causing loss to a sum of Rs.3.73,890/- paid towards loan instalments though not actually recovered from the salary of the staff. Therefore, I hold that charge mentioned in para 2, 3 and 5 of Annexure-1 of the articles of charges are



established. Charge at para 4 is not established."

4.8 A perusal of the said findings clearly postulates that both Mr.Goutham Kumar and Mr.M.K.Lingaraju were not responsible for misappropriation of the amount. However, both of them were held responsible, Mr.Goutham Kumar was held responsible for the omissions and commissions of the other two delinquents being the Division Head, and Mr.M.K.Lingaraju is concerned, the Inquiry Officer has stated that though there was no evidence of entrustment of cash to him and therefore he cannot be accused of misappropriation, however he has failed to exercise his duties as required under the PWD Accounts Code and failed in discharging his duty, for which he is held to be guilty.

4.9 On the report of the Inquiry Officer, the Board on 20.02.2013, upon consideration of reply to the second show cause notice issued after furnishing the



copy of the Inquiry Officer report, took a decision to accept the inquiry report and imposed the punishment of dismissal on both Mr.Goutham Kumar as well as Mr.M.K.Lingaraju.

4.10 A Review Petition was filed by both the petitioners, which came to be dismissed. Aggrieved by the order, they were before the Writ Court in separate Writ Petition seeking the relief stated supra.

4.11 The Writ Court having considered the entire material, considering the fact that the real culprit Mr.Somesh Bairy having categorically admitted that he was alone responsible for the illegal withdrawal of cash from the bank account of the Board and responsible for the misappropriation, held that the action contemplated against Mr.Goutham Kumar only on the ground that he being the Divisional Head is responsible for non-examination of Divisional Stock Register of Cheque Books, held as responsible for the



wrongdoing of Mr.Somesh Bairy, is bad in law. Although Mr.Goutham Kumar was the Division Head, but he is essentially trained to discharge technical aspects of working of the Division. Therefore, an Executive Engineer cannot be expected to examine or supervise the accounts of the concerned branch. Even if he were to supervise the accounts, he would not possess the expertise to detect any anomalies or discrepancies in the accounts for the simple reason that he would not be trained in the field of accounts. In view of the said finding, the Writ Court held that the allegation that the charges proved against Mr.Goutham Kumar for lack of regular supervision of accounts, is not justified and the order of dismissal from service, is bad in law. Accordingly, set aside the order of dismissal passed against Mr.Goutham Kumar and having considered that he was 59 years at the time of passing of the order, with 01 year of service remained to superannuation, instead of reinstating



him, as he had crossed the age of superannuation, directed the Board to pay the arrears of salary for the remaining period of service existing at the time of dismissal and also directed the Board to settle all his retrial benefits for which he is entitled in law, in a time bound manner.

4.12 So far as Mr.M.K.Lingaraju is concerned, the Writ Court has held that there is some responsibility on the Account Superintendent, which he has failed in accounting malpractices committed by Mr.Somesh Bairy. However, in view of the finding that there was no entrustment of cash to him by the Inquiry Officer and he was no way responsible for misappropriation, the order of dismissal passed against Mr.M.K.Lingaraju was held to be shockingly disproportionate and excessively harsh to the charges of improper supervision of accounting practices being followed in the concerned branch, and in view of Mr.Somesh Bairy accepting his guilt



and as Mr.M.K.Lingaraju failed in his supervision on Mr.Somesh Bairy being the Account Superintendent, the Writ Court substituted the penalty of dismissal with that of compulsory retirement and directed the Board to settle all the retrial benefits in a time bound manner as stated supra. It is this common order passed by the Writ Court is called in question in these appeals.

5. Heard, Sri.B.S.Srinivasa, learned counsel appearing for Sri.B.L.Sanjeev, learned counsel for the Board and Smt.B.V.Vidyulatha, learned counsel appearing for respondent No.1 in W.A.No.778/2024, Sri.Satish.K, learned counsel appearing for the respondent and Sri.Ashoka.T, learned counsel appearing for impleading respondent on I.A.No.1/2026 in W.A.No.808/2024.

6. Sri.B.S.Srinivas, learned counsel with all vehemence submits that Writ Court has exceeded its jurisdiction of judicial review while going into the findings



of the Inquiry report. He further submits that in catena of judgments the Supreme Court has time and again reminded that the High Court cannot exercise its jurisdiction under Article 226 which is limited jurisdiction only to the extent of judicial review so far as departmental inquiry is concerned as it is not sitting as an Appellate Authority to consider the findings of the Discipline Authority. Learned counsel further submits that the Discipline Authority having found in the Inquiry Report that the charges alleged against the petitioners having been proved, and both the parties, one being the Division Head and another being the Account Superintendent, had failed to maintain their duty in the accounts, though there is no misappropriation of charges against them, but for the dereliction of duty which has caused loss to the establishment, passed an order of dismissal, as the said dereliction of duty amounts to major misconduct. The Writ Court, only on the ground that another delinquent has admitted the guilt that he is responsible for the



misappropriation, swayed by the said statement to hold that there is no dereliction of duty on the part of Mr.Goutham Kumar in its entirety and in respect of Mr.M.K.Lingaraju only an error or some irregularity in supervision, which is against the documents and evidence produced, in that view of the matter, the order passed by the Writ Court required to be set aside and the petitions be dismissed confirming the order of dismissal.

7. On the other hand, Smt.B.V.Vidyulatha, and Sri.K.Satish, learned counsel appearing for the respective petitioner, argued in support of the order passed by the Writ Court stressing more on the admission of guilt by Mr.Somesh Bairy and non-involvement of both the petitioners, the Writ Court has properly considered and passed appropriate order and the same does not suffer from any infirmities which requires any interference at the hands of this Court.



8. We having considered the rival submissions are of the considered opinion that the order passed by the Writ Court does not suffer from any infirmities, which require any interference at our hands, inasmuch as the real culprit has come forward and admitted all the guilt/charges leveled stating that he is responsible for the misappropriation and withdrawal of cash illegally.

9. The mere fact that Mr.Goutham Kumar was the Division Head, cannot be held guilty of misconduct as he was discharging the duty as a Technical Head and not well versed in the accounts. Even if he were to supervise, he may not be in a position to detect the anomalies and discrepancies found in the accounting as rightly held by the Writ Court. Therefore, we find no infirmities in the order passed by the Writ Court in so far as Mr.Goutham Kumar is concerned. Accordingly, we ***dismiss*** the appeal filed by the Board against Mr.Goutham Kumar.



10. In so far as Mr.M.K.Lingaraju is concerned, the Writ Court having found that he being the Account Superintendent is responsible for supervision of the Office Accountant/ Superintendent Mr.Somesh Bairy, which he has failed in his duties. But mere failure of supervision when there is no allegation of misappropriation or withdrawal of cash against the said person, the Writ Court having found these important aspects even as per the Inquiry Report, has held that the order of dismissal passed against Mr.M.K.Lingaraju is disproportionately and shockingly harsh to the alleged misconduct and accordingly, substituted the punishment from that of dismissal to compulsory retirement. We find no infirmities in the said order also. Accordingly, the appeal filed by the Board against Mr.M.K.Lingaraju is also ***dismissed***.

11. In view of dismissal of the appeals, we confirm the order passed by the Writ Court. Accordingly, the Board is hereby directed to settle the entire benefits if not already settled in terms of the order passed by the Writ



**NC: 2026:KHC:29225-DB
WA No. 778 of 2024
C/W WA No. 808 of 2024**

Court within a period of two months without giving any room for the petitioners to take any other coercive steps.

In view of dismissal of Writ Appeals, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 26
ct-vn