



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.15844 OF 2021 (S-KSAT)

BETWEEN:

1. H. VENKATESH,
S/O HUSSINAPPA,
AGED ABOUT 57 YEARS,
R/AT H NO.8-11/112,
KRISHNADEVARAYA NAGAR,
BOLAMMANDODDY ROAD,
RAICHUR - 584 103.
2. MR. JAYRAM NAIK D,
S/O THIPPA NAIK,
AGED ABOUT 56 YEARS,
RESIDING AT NO.1857/123,
SARASWATHI LAYOUT,
VINAYAKA BADAVANE,
DAVANAGERE - 577 005.

...PETITIONERS

(BY MS.VIDYA S AND MS.SELVAMANI, ADVOCATES)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
PUBLIC WORKS DEPARTMENT
VIDHANA SOUDHA

Digitally signed
by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA





BANGALORE – 560 001.

2. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
VIDHANA SOUDHA
BANGALORE – 560 001.
3. THE LOKAYUKTA
REPRESENTED BY ITS REGISTRAR
M.S. BUILDING
AMBEDKAR VEEDHI
BANGALORE – 560 001.

...RESPONDENTS

(BY SRI.HARISHA A.S., AGA FOR R1 & R2,
SRI.K PRASANNA SHETTY.,ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER SUITABLE WRIT OR DIRECTION TO SET ASIDE THE ORDER PASSED BY THE RESPONDENT NO.2 BEARING NO.NaAaEe 127 BMK 2013 BANGALORE DATED 29/02/2016 AND CONFIRMED IN APPLICATION NO.1082-1084/2017 BEFORE KARNATAKA APPELLANT TRIBUNAL BENGALURU DATED 23/02/2021 MARKED AS ANNEXURE - D AND G 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 DR. JUSTICE K.MANMADHA RAO)

The petitioners have called in question the Government Order dated 29.02.2016 passed in No.UDD 127 DMK 2013 imposing the penalty of withholding three annual increments with cumulative effect and directing recovery of Rs.57,605.33/- each with interest at 8% per annum. The said order has been affirmed by the Karnataka Administrative Tribunal (herein after referred to as 'the Tribunal' for short) in Application Nos.1082-1084/2017 by order dated 23.02.2021. Aggrieved thereby, the present writ petition is filed under Articles 226 and 227 of the Constitution of India.

2. Heard the learned counsel appearing for the parties and perused the material on record.

3. The facts leading to filing of this writ petition are that:-



The petitioner No.1 was working as the Assistant Executive Engineer and petitioner No.2 was working as the Junior Engineer. During the year 2009-2010, they were entrusted with supervision of the asphaltting work of Lingyankoppa–Ramakoppa Main Road undertaken under the Chief Minister's Small and Medium Town Development Programme. The estimate was prepared by petitioner No.2 and technically sanctioned by petitioner No.1. The work was awarded through tender to one B. Satya, Contractor.

4. Subsequently, one Sri Narahari Bhat lodged a complaint before the Karnataka Lokayukta on 16.08.2010 alleging that the asphaltting work of Lingyankoppa–Ramakoppa Main Road executed under the Chief Minister's Small and Medium Town Development Programme for the year 2009-10 was of sub-standard quality and had resulted in damage to the road. Pursuant thereto, objections were called from the then Chief Officer Mr. Jatteppa H.P. and petitioner No.2. The matter was thereafter referred to the Technical Wing of the Lokayukta



for investigation. On inspection, the Assistant Engineer of the Technical Wing submitted a report assessing the loss caused to the Government at Rs.1,72,816/- and also attributing responsibility to petitioner No.1. The said report was furnished to the concerned officials and their explanations were obtained. As the explanations were found unsatisfactory, the Hon'ble Upa-Lokayukta submitted a report under Section 12(3) of the Karnataka Lokayukta Act recommending initiation of disciplinary proceedings.

5. Acting upon the said recommendation, the Government by order dated 06.11.2013 entrusted the matter for enquiry under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 against the petitioners and ordered separate proceedings against the retired Chief Officer in accordance with Rule 214(2)(b)(i) of the Karnataka Civil Services Rules. Articles of charge were thereafter framed alleging that the petitioners failed to properly supervise and inspect the



work, permitted execution of sub-standard work and thereby caused loss of Rs.1,72,816/- to the Government, constituting misconduct under Rule 3 (1)(i), (ii) and (iii) of the Karnataka Civil Services (Conduct) Rules, 1966. The petitioners denied the charges contending that the work was satisfactorily executed and that deterioration occurred due to heavy rainfall, movement of overloaded vehicles and delayed inspection. Accordingly, a regular departmental inquiry was conducted by the Enquiry Officer.

6. The Enquiry Officer relied upon appreciation of the evidence of PW-1 and PW-2 and technical reports marked at Exs.P-14, P-16 and P-18, which disclosed deficiencies in aggregate quantity, density and bitumen content. On that basis, loss to the Government was quantified at Rs.1,72,816/-. It was further noticed that the third-party reports relied upon by the petitioners remained unproved as their authors were not examined during the



enquiry. By report dated 01.09.2015, the Enquiry Officer held the alleged charges proved.

7. The contention of the petitioners that deterioration of the road occurred due to heavy rainfall, local conditions and movement of overloaded vehicles was considered and rejected by the Enquiry Officer and he has also taken note of the fact that the notices dated 18.07.2010, 29.09.2010 and 10.10.2010 were issued to the Contractor calling upon him to rectify the damaged portions of the road.

8. Confirming the Enquiry Report, the Hon'ble Upa-Lokayukta made recommendation dated 08.09.2015 for imposition of penalty. Thereafter, a second show-cause notice dated 13.10.2015 was issued to the petitioners. Upon consideration of their replies, the Government passed order dated 29.02.2016 imposing the penalty of withholding three annual increments with cumulative



effect and directing recovery of Rs.57,605.33/- each with interest at 8% per annum.

9. Aggrieved by the same, the petitioners initially approached the Co-ordinate Bench of this Court in W.P.Nos.33188-33189/2016. However, the writ petitions came to be dismissed on 16.08.2016 reserving liberty to the petitioners to avail remedy before the Tribunal. Pursuant thereto, the petitioners filed Application Nos.1082-1084/2017. By order dated 23.02.2021, the Tribunal dismissed the applications and affirmed the punishment order.

10. It is contended by the learned counsel for the petitioners that the authorities have failed to consider that the Bills were cleared by the petitioners only after obtaining and relying upon the reports of two independent third-party agencies appointed for evaluation of the completed work. The petitioners contend that the work entrusted to the Contractor was confined to application of



bitumen tack coat on the existing black-topped surface and filling of potholes and did not involve construction of a new road.

11. It is also contended that the deterioration of the road was attributable to extraneous factors, namely movement of vehicles carrying loads of 15 to 20 tonnes on a road designed for vehicular movement of 8 to 10 tonnes and the increased frequency of such traffic. According to the petitioners, the road was also opened for traffic immediately after asphaltting without allowing the prescribed curing period of 48 hours, thereby, contributing to wear and tear. Further, the Investigation Officer appointed by the Lokayukta did not adhere to the prescribed procedure for inspection and collection of samples for testing the bitumen binding content.

12. *Per contra*, the learned Additional Government Advocate supported the impugned orders and contended that the enquiry was conducted in accordance with law



and that the findings are supported by oral and documentary evidence available on record.

13. Having considered the rival submissions and material placed on record, this Court finds no ground to interfere with the impugned orders. The records disclose that the enquiry was conducted after framing charges and affording adequate opportunity to the petitioners. No violation of principles of natural justice is demonstrated.

14. The principal contention of the petitioners rests upon the reports allegedly issued by Premier Infratech Centre and Globetech Engineering Consultants. Though it is contended that the Measurement Book was prepared in the presence of officials of Globetech Engineering Consultants and that the work was certified as completed in April 2010 without noticing any defect, the said officials were not examined during the enquiry. Consequently, the contents of the said reports and certifications remained unproved and no evidentiary value could be attached to



them. On the other hand, the findings recorded by the Enquiry Officer are based upon the evidence of PW-1, PW-2 and Exs.P-14, P-16 and P-18, which disclosed deficiencies in aggregates and bitumen content resulting in loss of Rs.1,72,816/-.

15. The explanation regarding rainfall, overloaded vehicles and local conditions was specifically considered and rejected by the Enquiry Officer. Significantly, the documents relied upon by the defence themselves disclose notices dated 18.07.2010, 29.09.2010 and 10.10.2010 requiring rectification of damaged portions of the road.

16. The Government Order dated 29.02.2016 records consideration of the explanations submitted by the petitioners before imposition of penalty. The contention that the disciplinary authority mechanically acted upon the recommendation of the Hon'ble Upa-Lokayukta is therefore not borne out from the record. The Tribunal has



also independently examined the enquiry proceedings and found no infirmity in the disciplinary action.

17. It is well settled that while exercising jurisdiction under Articles 226 and 227 of the Constitution of India, this Court does not sit in appeal over findings recorded in departmental proceedings. The findings recorded by the Enquiry Officer, accepted by the Disciplinary Authority and affirmed by the Tribunal are supported by evidence on record. No perversity, procedural irregularity or jurisdictional error warranting interference is made out.

18. Having regard to the finding that loss of Rs.1,72,816/- was caused to the Government on account of sub-standard execution of public work, the punishment imposed cannot be termed shockingly disproportionate. Accordingly, the writ petition being devoid of merit is liable to be dismissed.



19. In view of the foregoing discussions, we proceed to pass the following:-

ORDER

(i) The writ petition is ***dismissed***.

(ii) The order dated 29.02.2016 passed by the Government in No.UDD 127 DMK 2013 and the order dated 23.02.2021 passed by the Karnataka Administrative Tribunal in Application Nos.1082-1084/2017 are hereby confirmed.

(iii) Pending I.As., if any, stand disposed of.

(iv) No order as to costs.

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

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

bnv
List No.: 1 Sl No.: 34