



CNR: KAHC010303282019

NC: 2026:KHC:42198-DB
WP No. 46924 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 46924 OF 2019 (S-KSAT)

BETWEEN:

KARNATAKA LOKAYUKTA
M S BUILDINGS
DR B.R. AMBEDKAR VEEDHI
BENGALURU-560001
BY ITS REGISTRAR

...PETITIONER

(BY SRI. K PRASANNA SHETTY.,ADVOCATE)

AND:

1. SRI VIJAYAKUMAR FULARI
S/O SHARANAPPA
AGED ABOUT 51 YEARS,
OFFICE SUPERINTENDENT (SCP)
OFFICE OF JOINT DIRECTOR
KALABURGI-582 103
2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
SOCIAL WELFARE DEPARTMENT



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VIKASA SOUDHA
BENGALURU-560001

...RESPONDENTS

(BY SRI. PRASAD HEGDE, ADVOCATE FOR R1;
SRI. H.B. KESHAHA MURTHY, AGA FOR R2)

THIS W.P. FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DTD.18.6.2019 PASSED BY THE HONBLE KARNATAKA
STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION
NO.11181/2016 VIDEA ANEXURE-B.

THIS PETITION, COMING ON FOR ORDERS, 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 petitioner-Karnataka Lokayukta has called in
question the order dated 18.06.2018 passed by the
Karnataka State Administrative Tribunal, Bengaluru
(hereinafter referred to as 'the Tribunal') in Application
No.11181/2016, whereby the Tribunal allowed the
application filed by respondent No.1 and set aside the



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punishment order dated 02.11.2015 imposing the penalty of withholding of three annual increments for a period of three years.

2. Brief facts necessary for disposal of the petition are as under:

2.1 Respondent No.1, while working as Office Superintendent in the office of the Taluka Social Welfare Officer, Jewargi, was placed in additional charge of the post of Taluka Social Welfare Officer, Aland, under Rule 68 of the Karnataka Civil Services Rules. He discharged duties as In-charge Taluka Social Welfare Officer, Aland, during the periods 29.02.2008 to 07.12.2009 and 25.05.2010 to 11.07.2011.

2.2 A complaint was lodged by one Sri Chandrashekar A. Jagale alleging irregularities in the functioning of Kittur Rani Chennamma Residential School for Girls, Aland, run by the Social Welfare Department. Investigation was conducted and Articles of Charge were



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issued. A joint enquiry was held against the Wardens Smt. Tehara Banu and Smt. Sangeeta and the two In-charge Taluka Social Welfare Officers that is respondent No.1 and Sri Girish Ranjolkar. The charges related to lapses in supply of food items, proper accommodation and drinking water, and failure to supply text books and uniforms within reasonable time to the inmates of the said residential school.

2.3 The Enquiry Officer held the charges proved. The Hon'ble Upalokayukta recommended imposition of penalty. The Government, by order dated 02.11.2015, imposed the penalty of withholding of three annual increments for a period of three years on respondent No.1 and a higher penalty on the other delinquents.

3. Respondent No.1 challenged the said order before the Tribunal in Application No.11181/2016 mainly contending that he had submitted a detailed reply to the second show-cause notice, but the same was neither



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considered nor even referred to in the impugned order dated 02.11.2015. It was also pointed out that in respect of the co-delinquent Sri Girish Ranjolkar, the Tribunal in Application No.9008/2015 order dated 08.11.2016 had already quashed the punishment order on the identical ground of non-consideration of reply.

4. The Tribunal, after hearing the parties and perusing the records, found that the impugned Government order dated 02.11.2015 does not even refer to the detailed reply submitted by respondent No.1 to the second show-cause notice. Relying on its earlier decision in the case of the co-delinquent, the Tribunal held that the order was vitiated and accordingly allowed the application and set aside the punishment order dated 02.11.2015. Aggrieved, the Lokayukta has preferred the present writ petition.

5. Learned counsel for the petitioner contended that the Tribunal erred in setting aside the order without



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remanding the matter to the competent authority for fresh consideration of the reply; that the allegations were serious; that the earlier order in the case of Girish Ranjolkar is itself under challenge; and that the reply had in fact been considered. It was prayed that the Tribunal's order be quashed and the matter remanded.

6. Learned counsel for respondent No.1 supported the order of the Tribunal and submitted that non-consideration of the reply to the second show-cause notice is a clear violation of the principles of natural justice and the mandatory procedure under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. He further submitted that parity with the co-delinquent has been rightly maintained.

7. We have carefully considered the submissions and perused the impugned order of the Tribunal as well as the material placed on record.



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8. The short question that arises for consideration is whether the Tribunal was justified in setting aside the punishment order dated 02.11.2015 on the ground of non-consideration of the reply submitted by respondent No.1 to the second show-cause notice.

9. It is not in dispute that respondent No.1 had submitted a detailed reply to the second show-cause notice. A perusal of the Government order dated 02.11.2015 which is the subject-matter of challenge before the Tribunal shows that there is absolutely no reference, much less any consideration, of the said reply. The order proceeds to impose the penalty as if no reply had been received. This, in the considered view of this Court, constitutes a clear violation of the principles of natural justice and the procedure contemplated under the KCS (CCA) Rules, 1957.

10. It is well settled that when a second show-cause notice is issued proposing a particular penalty, the reply



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submitted by the delinquent must be considered and the consideration must reflect in the final order. Failure to do so vitiates the order. The Tribunal has rightly noticed this infirmity.

11. The contention that the Tribunal ought to have remanded the matter does not commend acceptance in the facts of the present case. Once the order is found to be non-speaking and violative of natural justice on the core aspect of consideration of the reply, the order cannot be sustained. The Tribunal has followed the same course that it had adopted in the case of the co-delinquent Sri Girish Ranjolkar arising out of the very same enquiry proceedings. Consistency in judicial approach is desirable, particularly when the foundational defect is identical.

12. The fact that a writ petition may be pending against the order passed in Application No.9008/2015 does not, by itself, denude the Tribunal of the power to follow its own earlier view in a similarly situated case



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arising out of the same enquiry. No distinguishing feature has been pointed out that would warrant a different treatment to respondent No.1.

13. The seriousness of the allegations cannot cure a fundamental procedural illegality. Natural justice is not a mere formality; its non-observance renders the consequential order vulnerable.

14. This Court, in exercise of its certiorari jurisdiction under Articles 226 and 227 of the Constitution, does not sit as an appellate authority to re-appreciate the evidence or the gravity of the charges when the Tribunal has interfered on a pure question of non-consideration of the reply. No perversity, illegality or jurisdictional error is made out in the order of the Tribunal.

15. For the foregoing reasons, the writ petition is devoid of merit and is liable to be dismissed.



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ORDER

- (i) The writ petition is **dismissed**.
- (ii) The order dated 18.06.2018 passed by the
Karnataka State Administrative Tribunal,
Bengaluru, in Application No.11181/2016 is
affirmed.
- (iii) No order as to costs.

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

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

BNV
List No.: 1 Sl No.: 32