



CNR: KAHC010320092023

NC: 2026:KHC:42229-DB
WP No. 13331 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 13331 OF 2023 (S-KSAT)

BETWEEN:

SRI M.R. SRINIVASA REDDY,
S/O. M. RAMA REDDY,
AGED ABOUT 55 YEARS,
RETIRED AUDIT OFFICER,
OFFICE IF THE EXECUTIVE ENGINEER
MANCHINABLELE PROJECT DIVISION,
RAMANAGAR-571 511,
RESIDING AT NO.775/B, SRINIVASA NILAYA,
ANNAYAOOA LAYOUT, 4TH CROSS,
KONENA AGRAHARA, HAL POST,
BANGALORE - 560 017.

...PETITIONER

(BY SRI. SRIDHARA G BIDRE, ADVOCATE FOR
SRI. RAGHAVENDRA G GAYATRI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATH RAJ DEPARTMENT,
M.S. BUILDING, BANGALORE-560 001.
2. THE PRINCIPAL DIRECTOR/
THE CONTROLS OF STATE ACCOUNTS
DEPARTMENT
KARNATAKA STATE AUDIT AND
ACCOUNTS DEPARTMENT,

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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TIMC BUILDING, 3RD FLOOR, A BLOCK,
SHANTHI NAGAR BMTC BUS STAND,
K H ROAD, BANGALORE-560 027.
(EARLIER THE CONTROLS OF
STATE ACCOUNTS DEPARTMENT NOW
CHANGED TO THE PRINICPAL DIRECTOR)

3. THE EXECUTIVE ENGINEER,
MANCHINABELE PROJECT DIVISION,
CAUVERY NEERAVARI NIGAM LTD.,
RAMANAGAR DISTRICT-571 511.
4. THE ACCOUNTANT GENERAL,
(A AND E) IN KARNATAKA,
RESIDENCY PARK ROAD,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI.S H RAGHAVENDRA, AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
A)ISSUE A WRIT OF CERTIORARI AND SET ASIDE THE ORDER
DATED 11/06/2021 IN APPLICATION NO.7888/2011 VIDE
ANNEXURE-A PASSED BY THE HON'BLE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL AND ALLOW THE APPLICATION
NO.7888/2011 AND B)GRANT SUCH OTHER ORDER OR
DIRECTION.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL ORDER

[PER HON'BLE MR. JUSTICE H. SHANTHI BHUSHAN]

The Petitioner has approached this Court challenging the Order dated 11.06.2021 passed by the Karnataka State Administrative Tribunal ('KSAT' for short) in Application No. 7888/2011, wherein the KSAT has upheld the Order of penalty dated 03.10.2011, whereby the pay of the Petitioner was reduced to the lowest scale in the time-scale of his pay under Rule 8(v) of the Karnataka Civil Services (Conduct) Rules, 1957.

2. Brief facts of the case are, the Petitioner was working as an Accounts Superintendent in Zilla Panchayat (Engineering) Division in Hadagali. Based on a reference made by the respondent No.1, the Karnataka Lokayukta conducted an investigation pertaining to the irregularities in Zilla Panchayat (Engineering) Division in Harapanahalli and Hadagali. After the said investigation, the Karnataka Lokayukta recommended for initiating departmental enquiry against 11 officers. Accordingly, the State



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Government entrusted the departmental enquiry against the said 11 officers to the Upalokayukta vide order dated 17.09.2005. Thereafter, the Upalokayukta nominated the Additional Registrar of Enquiries-4 as the Enquiry Officer to frame the charges and conduct the departmental enquiry. The Enquiry Officer framed the Articles of Charge dated 22.02.2006.

3. On conducting an enquiry, the Enquiry Officer submitted the Enquiry Report dated 13.04.2011, wherein Charge No. 8, 10 and 11 were proved against the Petitioner and Charge No. 9 was not proved against the Petitioner. The State Government issued a second show cause notice dated 16.07.2011 to the Petitioner along with a copy of the Enquiry Report. The Petitioner submitted a reply dated 07.09.2011 to the said show cause notice, wherein he refuted the findings of the Enquiry Report. Thereafter, the State Government issued Order dated 03.10.2011 wherein the penalty imposed on the Petitioner is as follows:



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"Reduction in pay to the lowest scale in the time-scale of his pay with immediate effect till he retires (retiring on 31.01.2012 (under clause (v) of Rule 8 of KCS (CC&A) Rules, 1957."

In the interregnum, the Petitioner retired on attaining the age of superannuation on 31.01.2012.

4. The petitioner challenged the Order dated 03.10.2011 before the KSAT, which came to be allowed, vide Order dated 20.03.2017. Thereafter, this Court, vide order dated 05.11.2020 in W.P.No.33426/2018, remitted the Petitioner's application to the KSAT for re-consideration. On re-consideration, the KSAT vide order dated 11.06.2021, has dismissed the Petitioner's application and upheld the Order dated 03.10.2011. It is against this Order of the KSAT that the Petitioner knocks the doors of this Court.

5. The submissions of the learned counsel for the Petitioner assailing the Order of the KSAT on the following, among other, grounds:



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- (i) That in respect of Charge No. 8, the period of irregularities stated in the Articles of Charge is from 01.06.1998 to 31.03.2001. However, until 28.07.1998, the Petitioner was employed with the Bengaluru MahanagaraPalike (BBMP) and the Petitioner started working in the Zilla Panchayat (Engineering) Division, Hadagali, only from 28.07.1998 to 07.12.2000. That from 08.12.2000, the Petitioner was deputed to the Taluk Panchayat, Huvinahadagali;
- (ii) That a copy of the recommendation of the Upalokayukta dated 21.05.2011, which was relied upon by the State Government to issue the Order dated 03.10.2011, was not furnished to the Petitioner;
- (iii) That the Executive Engineer is the principal officer of the division, who is responsible for according sanctioning and payments. The petitioner is only an



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Accounts Superintendent who works under the Division Head, i.e., the Executive Engineer. Further, since the charges were dropped against the Executive Engineer on 06.10.2010 due to the Executive Engineer having retired; and,

- (iv) The Enquiry Officer has recorded a finding of guilt on the basis of the evidence of the investigating officer, which cannot be treated as a substantive evidence.

6. Per contra, the Learned Counsel for the Respondent has vehemently opposed the Petition on all its fours and prays for the dismissal of the Writ Petition on the grounds that:

- (i) That the state government has issued the showcause notice dated 16.07.2011 along with the Enquiry Report and the recommendations of the Upalokayukta, which has been duly served upon the Petitioner; and,



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(ii) There is no procedural lacuna and the enquiring officer as well as the disciplinary authority has followed all the procedures laid down, including the adherence to the principles of natural justice.

7. Having heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents, the only point that arises for our consideration is,

"Whether the petitioner has made out any grounds to interfere with the order of the KSAT dated 11.06.2021?"

8. Before delving into the factual analysis of the case, it is pertinent to note the standards for judicial review in administrative matters as laid down by the Hon'ble Supreme Court in **SBI v. Ajai Kumar Srivastava, (2021) 2 SCC 612**, wherein it was held as follows:

"25. It is thus settled that the power of judicial review, of the Constitutional Courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The Court/Tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent



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with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority is perverse or suffers from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact."
(emphasis supplied)

This position has been followed by the Hon'ble Supreme Court in its recent judgement in ***Sadachari Singh Tomar v. Union of India, 2026 SCC OnLine SC 721***. Therefore, it is through this narrow lense that we analyse the present *lis*.

9. The learned Counsel for the petitioner assails the Order of penalty dated 03.10.2011 on the ground that the petitioner has worked only for a part(i.e., from 28.07.1998to 07.12.2000) of the entire period (i.e., from 01.06.1998 to 31.03.2001) in which the irregularities are



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alleged in the Articles of Charge. However, it is trite to note that the petitioner has worked within the period wherein the irregularities have been proved to have been committed in the departmental inquiry; therefore, this contention of the Learned Counsel for the Petitioner is self-destructive and cannot be accepted.

10. Another ground urged by the Learned Counsel for the Petitioner is that the recommendation of the Upalokayukta dated 21.05.2011 was not furnished to the Petitioner. However, this contention also deserves to be rejected since a bare perusal of the second show cause notice dated 16.07.2011, depicts that the report of the Upalokayukta dated 21.05.2011 was sent to the Petitioner along with the said second show cause notice. In this light, it is pertinent to note the relevant portion of the second show cause notice, which reads thus:

"ಶ್ರೀ ಎಂ.ಆರ್. ಶ್ರೀನಿವಾಸರಾಜ್, ಲೆಕ್ಕಾಧೀಕ್ಷಕರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗ, ಹಡಗಲಿ ಅದ ನಿಮ್ಮ ಮೇಲೆ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳನ್ನು, 1957ರ ನಿಯಮ 13ರ ಅಡಿಯಲ್ಲಿ ಜಂಟಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಪ್ರಕರಣವನ್ನು ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ. ಗ್ರಾಅಪ:27:ಇಎನ್‌ಕೂ:2005 ದಿನಾಂಕ.



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17-09-2005ರಲ್ಲಿ ಮಾನ್ಯ ಉಪ ಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಲಾಗಿತ್ತು. ಆದರಂತೆ, ಅವರು ಪ್ರಕರಣದ ವಿಚಾರಣೆ ನಡೆಸಿ, ವಿಚಾರಣಾ ವರದಿಯನ್ನು ದಿನಾಂಕ. 21-05-2011ರಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಇಲಾಖಾ ವಿಚಾರಣಾ ವರದಿಯ ಪ್ರತಿಯನ್ನು ಇದರ ಜೊತೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.”

11. It is settled law that the role of the Constitutional Courts sitting in judicial review over administrative orders is to ensure fairness in procedure and not fairness in conclusion. The limited role of this Court is to assess whether the principles of natural justice has been followed in the process leading up to the issuance of the order of penalty and not to re-evaluate the substance of the action.

12. It is noted that the Petitioner had sufficient opportunity to make his representations in the departmental enquiry which culminated in the issuance of the Enquiry Report by the Enquiry Officer. Further, the Petitioner was duly served with the Enquiry Report dated 13.03.2011 and the recommendation/report of the Upalokayukta dated 21.05.2011, to which the Petitioner submitted his reply dated 07.09.2011. After considering the reply of the Petitioner, the State Government has issued the Order of penalty dated 03.10.2011. Therefore,



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the Order of penalty dated 03.10.2011 is in compliance with all principles of natural justice and we find no infirmity with the said Order.

13. All other contentions raised by the learned Counsel for the petitioner are on the merits of the dispute and do not deserve the traversal of this Court in light of the limited contours of judicial review as aforesaid. Accordingly, we pass the following;

ORDER

- (i) The Writ Petition is **dismissed**.
- (ii) The order dated 11.06.2021 passed by the KSAT in Application No. 7888/2011 is **hereby confirmed**.
- (iii) Pending I.A., if any, stand **disposed of**.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**