

Reserved on : 24.04.2026

Pronounced on : 05.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5th DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 15956 OF 2024 (S-KSAT)

BETWEEN:

1. KARNATAKA LOKAYUKTA,
M. S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE - 560 001,
REPT. BY ITS REGISTRAR.

...PETITIONER

(BY SRI. K. PRASANNA SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATH RAJ DEPARTMENT,
M. S. BUILDING, BANGALORE - 560 001.
2. CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
RAMANAGAR DISTRICT,
RAMANAGAR - 562 159.
3. SMT. C.B. MEENAKSHI,
W/O. KEMPARAJU,
AGED ABOUT 50 YEARS,

Digitally
signed by
VINODHA B S
Location:
High Court of
Karnataka

R/AT CHIKKASAHADDEVANAHALLI VILLAGE,
KARIKAL DODDI POST, KANAKPURA TALUK,
RAMANAGAR DISTRICT - 562 159.

...RESPONDENTS

(BY SRI. V. SHIVAREDDY, AGA FOR R1;
SRI M.S. DEVARAJU, ADVOCATE FOR R2;
SRI KRISHNA S. VYAS, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 02.01.2024 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION No.5459 OF 2022 (ANNEXURE-A) AND ETC,.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri K. Prasanna Shetty, learned counsel for the petitioner; Sri V. Shivareddy, learned Additional Government Advocate for respondent No.1; Sri M.S. Devaraju, learned counsel for respondent No.2; and Sri Krishna S. Vyas, learned counsel for respondent No.3.

2. The Registrar, Karnataka Lokayukta, has preferred the present writ petition, being aggrieved by the order dated 02.01.2024 passed in Application No.5459/2022 by the

Karnataka State Administrative Tribunal, Bengaluru (for short, 'the Tribunal').

3. The brief facts of the case are that one Srinivasa filed a complaint before the Karnataka Lokayukta against respondent No.3 herein, alleging demand of a bribe of Rs.3,000/- for the release of a cheque and Rs.5,000/- for effecting khata in respect of a house constructed in Survey No.67/2 situated at Kurubarahalli Sathunuru under the Ashraya Scheme.

3.1 A charge sheet came to be filed against respondent No.3 for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, thereby setting the criminal law in motion in Special C.C. No.21/2013.

3.2 Proceedings under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, were initiated by issuing articles of charge and appointing an Enquiry Officer. Upon conclusion of the enquiry, the charges against respondent No.3 were held to be proved.

3.3 In the meanwhile, the criminal proceedings culminated in the acquittal of respondent No.3. Based on the enquiry report

and the recommendation of the petitioner, the penalty of compulsory retirement was imposed upon respondent No.3. The said penalty order was assailed before the Tribunal in the aforesaid application.

3.4 By the impugned order, the Tribunal set aside the penalty order, the recommendation made by the petitioner, and the enquiry report. Consequently, the Tribunal directed reinstatement of respondent No.3 with all consequential benefits.

4. Sri K. Prasanna Shetty, learned counsel appearing for the petitioner, submits that the Tribunal interfered with the enquiry report and the order imposing penalty solely on the basis of the testimony of P.W.1 - the complainant, who had turned hostile, without examining the evidence of the other material witnesses, namely the shadow witness and the Investigating Officer. He would contend that the Tribunal exceeded the permissible scope of judicial review in disciplinary proceedings by requiring proof beyond reasonable doubt, while ignoring the settled principle that charges in departmental proceedings are required to be established only on the touchstone of preponderance of probabilities.

4.1 It is further submitted that the evidence on record clearly proves the acceptance of the tainted money and its recovery from the DGO, which is further corroborated by the FSL report. It is contended that the Tribunal proceeded to set aside the order of the disciplinary authority and the enquiry report as though the case was one of no evidence, which, according to the petitioner, is wholly erroneous.

5. Sri V. Shivareddy, learned Additional Government Advocate appearing for respondent No.1, supports the submissions advanced on behalf of the petitioner.

6. Sri M.S. Devaraju, learned counsel, appears for respondent No.2.

7. Sri Krishna S. Vyas, learned counsel appearing for respondent No.3 - DGO, submits that neither the demand nor the acceptance of the alleged bribe has been proved. It is contended that the complaint itself was lodged on the basis of hearsay information. It is further submitted that the complainant, who was examined as P.W.1, did not support the case of the disciplinary authority.

7.1 Learned counsel further submits that P.W.1, during his cross-examination in the criminal proceedings, categorically

admitted that no demand had been made by respondent No.3 - DGO. It is also contended that the manner in which the tainted money came to be recovered has been satisfactorily explained and is corroborated by the testimony of the witnesses examined on behalf of the disciplinary authority. On these grounds, it is submitted that the writ petition is devoid of merit and is liable to be dismissed.

8. We have considered the submissions advanced by the learned counsel for the petitioner, the learned Additional Government Advocate for respondent No.1, and the learned counsel appearing for respondent Nos.2 and 3.

9. It is evident from the record that a complaint came to be lodged against respondent No.3 alleging demand of a bribe for the release of a cheque and for effecting change of khata in respect of the land and house allotted/constructed under the Ashraya Scheme.

10. The complainant was examined as P.W.1. However, P.W.1 did not support the case of the disciplinary authority and, in fact, negated the allegations relating to demand and acceptance of the bribe amount. P.W.1 has categorically admitted that no demand was made by respondent No.3 - DGO

to the complainant. On the contrary, the allegation is that the demand was made to one Shivaraju, a friend of the complainant, in connection with the work pertaining to the complainant. The material on record further indicates that the complaint came to be lodged on the basis of hearsay information.

10.1 Insofar as the possession of the tainted money and the FSL report are concerned, the evidence on record indicates that the phenolphthalein-smeared currency notes were initially carried by the complainant in his pocket. Upon noticing the presence of several members of the public near the DGO, the complainant is stated to have taken the currency notes out of his pocket and placed them inside a house-warming invitation cover, which was thereafter kept on the table of the DGO. It has also come on record that, in the course of placing the currency notes inside the invitation cover, the phenolphthalein powder could have been transferred to the cover. The evidence further indicates that the said invitation cover was subsequently touched by the DGO.

10.2 Further, it is stated that the conversation relating to the alleged demand made by the DGO was recorded in a voice

recorder. However, the said voice recorder was not produced before the disciplinary authority. Though it is claimed that the voice recording was subsequently transferred to a CD, even the said CD has not been placed on record. Consequently, the alleged conversation said to evidence the demand has not been produced before the disciplinary authority.

10.3 P.W.1 was treated as a hostile witness and was subjected to cross-examination by the disciplinary authority. However, despite an extensive cross-examination, nothing worthwhile was elicited in support of the allegation of demand. P.W.2 has deposed only with regard to the recovery of the tainted money and has not spoken anything about the alleged demand. Similarly, the shadow witness has also deposed regarding the voice recorder; however, the said voice recorder was not produced in the enquiry proceedings. There is also an inconsistency in the testimony of the shadow witness with regard to the phenolphthalein test, namely, whether the right hand or the left hand of respondent No.3 was subjected to the said test.

11. The Tribunal, upon an elaborate examination of the evidence available on record in the disciplinary proceedings, as

well as the testimony of the very same witnesses in the criminal proceedings, and upon a careful analysis thereof, has held that the enquiry report and the order of the disciplinary authority imposing the penalty cannot be sustained having regard to the nature and quality of the evidence available on record.

12. This Court, upon examining the findings recorded by the Enquiry Officer, the testimony of the witnesses, the enquiry report, and the analysis undertaken by the Tribunal, is also of the considered view that the charge against the DGO cannot be held to have been proved. The explanation regarding the possession of the cash, as found in Exhibit P-7, sufficiently explains its presence. In the facts and circumstances of the present case, mere possession or recovery of the tainted money, by itself, would not be sufficient to hold the charge proved against the DGO even on the touchstone of preponderance of probabilities.

13. Judicial review and interference with an enquiry report and disciplinary proceedings are permissible where the findings are based on no evidence, are the result of a perverse or

erroneous appreciation of the evidence on record, or where the principles of natural justice have been violated.

14. In the present case, the findings recorded in the enquiry report are the result of an erroneous appreciation of the evidence available on record. Therefore, the Tribunal was justified in exercising its power of judicial review and in interfering with the enquiry report as well as the order passed by the disciplinary authority.

15. We do not find any exceptional circumstance or valid ground warranting interference with the impugned order in the present writ petition.

16. Accordingly, the writ petition stands ***dismissed***.

All pending interlocutory application(s), if any, stand disposed of.

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

**Sd/-
(K. V. ARAVIND)
JUDGE**

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