

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 16186 OF 2026 (S-KSAT)

BETWEEN:

SRI SANTHOSHKUMAR
S/O. LATE PEERAPPA,
AGED ABOUT 45 YEARS,
WAS WORKING AS REVENUE INSPECTOR,
BAINBUR HOBLI, KUNDAPURA TALUK,
UDUPI DISTRICT - 576 214,
UNDER AN ORDER OF COMPULSORY RETIREMENT,
PRESENTLY RESIDING AT NO.302,
CHAITYALAYA, HEMMADI VILLAGE,
KUNDAPUR TALUK, UDUPI DISTRICT - 576 230.
PH: 9632117113
EMAIL ID: SANTOSHKUMAR888@GMAIL.COM.

...PETITIONER

(BY SRI. SATISH K, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
AMBEDKAR VEEDHI,
M. S. BUILDING,
BANGALORE - 560 001.
2. THE KARNATAKA LOKAYUKTHA,
REPRESENTED BY ITS REGISTRAR,
M.S BUILDING,
DR. AMBEDKAR STREET,

BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. K.R. RAJENDRA, AGA FOR R1,
SRI. K. PRASANNA SHETTY, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 20/03/2024 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE IN APPLICATION NO.4590/2023 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE APPLICATION NO.4590/2023 AS SOUGHT FOR BY THE PETITIONER BEFORE THE HONBLE TRIBUNAL (ANNEXURE-B).

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 24.06.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, **RAJESH RAI K, J.,** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

This writ petition is filed by the petitioner-applicant assailing the order dated 20.03.2024 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short, 'the Tribunal'), in Application No.4590/2023, whereby the Tribunal dismissed the application filed by the petitioner and affirmed the penalty order dated 10.10.2023 passed by respondent No.1.

2. The brief facts necessary for adjudication of the present writ petition are that the petitioner while was serving

as a Revenue Inspector in Baindur Hobli, Kundapura Taluk, Udupi District, a complaint came to be lodged on 13.05.2014 by one Chako T.C. before the Lokayukta Police alleging that the petitioner had demanded illegal gratification for processing and preparing the pahani in his name. Pursuant to the said complaint, the Lokayukta Police, on the very same day, organized a trap operation against the petitioner. After drawing up the entrustment mahazar/panchanama, the complainant, accompanied by the police officials, shadow witness and panch witnesses, proceeded to the office of the petitioner, where the trap proceedings were conducted. Upon completion of the investigation, the Lokayukta Police filed a charge sheet against the petitioner for offences punishable under the provisions of the Prevention of Corruption Act, 1988.

3. Subsequently, the Government, in exercise of its powers under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, entrusted the matter to the Lokayukta for the purpose of conducting a departmental enquiry against the petitioner. The enquiry officer framed the following imputation of charge against the petitioner:

*"That, you DGO - Sri Santosh Kumar,
Revenue Inspector, Baindudru Hobli, Kundapur*

Taluk, Udupi District demanded a bribe of Rs.25,000/- from the complainant for issuing RTC in his name in respect of the land purchased by him measuring 1.65 acres in Sy.No.62/31 of Muduru Village in Kundapur Taluk registered under No.H29/2013-14 and after negotiation agreed to receive Rs.12,000/- and you DGO on 13.5.2014 in your office at Baindur having demanded the complainant received Rs.12,000/- from him to issue RTC in his name and thereby you have failed to maintain absolute integrity and devotion to duty in discharging your official duty and thereby committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966."

4. Pursuant thereto, an enquiry was held and, upon consideration of the oral and documentary evidence placed on record, the Enquiry Officer, by report dated 07.07.2022, recorded a finding that the charge levelled against the petitioner stood proved and accordingly submitted the enquiry report to the Government.

5. Upon receipt of the enquiry report, a copy thereof was furnished to the petitioner and a second show-cause notice was issued calling upon him to submit his explanation. After considering the reply submitted by the petitioner, the respondent No.1, by order dated 10.10.2023, imposed the

penalty of compulsory retirement from service. Aggrieved by the said order of penalty, the petitioner preferred Application No.4590/2023 before the Tribunal.

6. In the interregnum, the criminal proceedings initiated against the petitioner in Special Case No.3/2015 on the file of the I Additional District and Sessions Judge and Special Judge, Udupi (sitting at Kundapura), arising out of the very same allegations, culminated in his acquittal by judgment dated 06.01.2026.

7. The Tribunal, after considering the rival contentions and the records placed before it, dismissed the application by order dated 20.03.2024. Aggrieved by the said order of the Tribunal, the petitioner has preferred the present writ petition.

8. Heard learned Counsel Sri. Satish. K, for the petitioner, learned Additional Government Advocate Sri. K.R. Rajendra, for the respondent No.1-State and learned counsel Sri. K. Prasanna Shetty, for the respondent No.2-Karnataka Lokayukta. Perused the records and the material placed before us.

9. Learned Counsel for the petitioner would contend that the findings recorded by the Enquiry Officer and

subsequently affirmed by the Tribunal are wholly unsustainable in law and on facts, being contrary to the material available on record. It is submitted that the complainant, examined as PW.1, did not support in the enquiry proceedings and was consequently declared as hostile. It is further contended that the evidence of PW.2 and PW.3 does not establish the essential ingredients of either demand or acceptance of illegal gratification by the petitioner.

10. It is further contended that there is no corroborative material on record to substantiate the charge levelled against the petitioner. On the contrary, the documentary evidence placed on record, according to the petitioner, clearly demonstrates that no official work pertaining to the complainant was pending with the petitioner at the relevant point of time. Despite the same, the Presenting Officer failed to adduce any cogent and reliable evidence during the enquiry proceedings to establish that the petitioner had either demanded or accepted any illegal gratification from the complainant.

11. It is further contended that no substantial reliance can be placed upon the testimony of PW.2, for the reason that,

although he had accompanied PW.1, he neither overheard the alleged demand nor witnessed the acceptance of any illegal gratification by the petitioner. Learned counsel would also submit that the evidence of PW.3, who was the Investigating Officer, is not in consonance with the testimony of PW.2 on material particulars. In such circumstance, as PW.1 turned hostile in the enquiry proceedings, the uncorroborated testimony of PWs.2 and 3 cannot be relied. Notwithstanding the absence of any incriminating evidence, the Enquiry Officer proceeded to record a finding of guilt based on conjectures and surmises.

12. It is further contended that the petitioner came to be acquitted by the I Additional District and Sessions Judge/Special Judge, Udupi (Sitting at Kundapura) in Spl. Case No.3/2015 on the same set of facts, evidence and witnesses and the said acquittal having attained finality, the disciplinary proceedings could not have been sustained. Learned counsel would submit that where the criminal case and the departmental enquiry are founded on identical facts and common evidence, an acquittal in the criminal case would render the findings recorded in the disciplinary proceedings is

unsustainable. With these submissions, he prays to allow the petition.

13. In order to buttress his arguments, learned counsel for the petitioner has relied on the following judgments:

1. (2025) SCC OnLine SC 891 - State of Uttar Pradesh vs. Ram Prakash Singh.

2. (2025) SCC OnLine SC 2277 - V.M Saudagar though legal heirs vs. Divisional Commercial Manager, Central Railway and another.

3. (2026) SCC OnLine SC 190 - K. Rajaiah vs. State of Telagana.

14. *Per contra*, learned Additional Government Advocate appearing for respondent No.1-State and learned counsel appearing for respondent No.2-Lokayukta would support the impugned order and contend that the writ petition is liable to be dismissed on the ground of delay and laches. It is submitted that the impugned order was passed on 20.03.2024, whereas the present writ petition came to be filed only on 01.06.2026, after an inordinate delay of more than two years, for which no satisfactory explanation has been offered.

15. Without prejudice to the said contention, learned counsel would further submit that the petitioner has failed to make out any case for interference on merits. It is contended that the disciplinary enquiry was conducted strictly in accordance with law and in compliance with the principles of natural justice, affording the petitioner adequate opportunity to defend himself. According to the respondents, the evidence of the shadow witness and the Investigating Officer is mutually corroborative and sufficiently establishes the demand and acceptance of illegal gratification by the petitioner. It is further submitted that the phenolphthalein test yielded positive results and the tainted currency was recovered from beneath a file on the petitioner's table. In the circumstances, the defence that the petitioner had neither demanded nor received the money was rightly rejected as an afterthought.

16. It is further contended that the Enquiry Officer has duly considered the evidence of DW.1 and Exhibits D-1 to D-3 and has assigned cogent reasons for rejecting the defence put forth by the petitioner. It is therefore submitted that the findings recorded are based on legally admissible evidence and do not suffer from perversity warranting interference by this Court.

17. It is further contended that the acquittal of the petitioner in Spl. Case No.3/2015 has no bearing on the disciplinary proceedings, as the standard of proof required in a criminal trial is distinct from that applicable in a departmental enquiry. It is submitted that an acquittal in a criminal case does not ipso facto entitle an employee to exoneration in disciplinary proceedings. According to the respondents, the strict rules of evidence, including the requirements of Section 65-B of the Indian Evidence Act, are inapplicable to departmental enquiries and, in the absence of demonstrated prejudice, alleged procedural irregularities do not vitiate the proceedings. It is lastly contended that the scope of judicial review under Articles 226 and 227 of the Constitution is limited and does not permit re-appreciation of evidence or substitution of the findings concurrently recorded by the Enquiry Officer and affirmed by the Tribunal. On these grounds, dismissal of the writ petition is sought.

18. In order to buttress the argument, the learned counsel for respondent No.2 has relied on the following judgments:

1. Civil Appeal (S) No.8414/2017 - Airport Authority of India vs. Pradeep Kumar Banerjee.

2. SLP (Crl) No. 13057/2025 - Karnataka Lokayukta, Bagalakote District vs. Chandrashekara and another.

19. In the light of the rival submissions and upon perusal of the records secured from the Tribunal, the following points arise for our consideration:

i. Whether the writ petition is liable to be dismissed on the ground of delay and laches?

ii. Whether the Tribunal was justified in dismissing Application No.4590/2023 and upholding the penalty order dated 10.10.2023 passed by the respondent No.1?"

20. At the outset, it is seen that the trap was laid against the petitioner on 13.05.2014 and pursuant thereto, disciplinary proceedings were entrusted to the Lokayukta under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. The enquiry officer has framed the article of charge as stated supra.

21. In support of the charge, the Presenting Officer examined three witnesses, namely, PW.1-the complainant, PW.2-the shadow witness, and PW.3-the Investigating Officer, and marked Exhibits P.1 to P.21. The petitioner, in defence,

cross-examined the witnesses on behalf of the disciplinary authority, examined himself as DW.1 and produced Exhibits D.1 to D.3.

22. Upon a careful appreciation of the evidence of PWs.1 to 3, it emerges that PW.1, the complainant, did not support the case in the enquiry proceedings and was treated as hostile. PW.2, the shadow witness, deposed that on 13.05.2014 he was summoned to the Lokayukta Police Station, where the Police Inspector introduced him to the complainant and apprised him of the allegation that the petitioner had demanded illegal gratification of Rs.12,000/-. He further stated that the complainant produced a voice recorder and that an entrustment mahazar was drawn at the Police Station. Thereafter, at about 12.00 noon, they proceeded to the office of the petitioner. According to PW.2, while the complainant entered the Nadakacheri office, he remained near the entrance and witnessed the petitioner receiving the tainted currency from the complainant and placing the same beneath a file on his table.

23. PW.2 further deposed that, immediately thereafter, the Lokayukta Police conducted a raid, recovered the tainted

currency and subjected the petitioner's hands to a sodium carbonate test, which yielded a positive result by turning pink, indicating contact with the tainted notes. A mahazar was thereafter drawn and the tainted currency was recovered and seized at the instance of the petitioner under Ex.P3A.

24. The testimony of PW.2, the shadow witness, finds substantial corroboration in the evidence of PW.3, the Investigating Officer, who has deposed regarding the trap proceedings, the recovery of the tainted currency notes, and the demand and acceptance of the bribe amount by the petitioner in his office. The evidence of PWs.2 and 3 is consistent and mutually corroborative on material particulars, and both witnesses have unequivocally spoken to the demand and acceptance of illegal gratification by the petitioner, as well as the subsequent recovery of the tainted currency from his possession.

25. No doubt, PW.1, the complainant, did not support the case in the disciplinary proceedings. However, he has admitted his signature on the complaint (Ex.P1(a)) and the recovery of the tainted currency from the office of the petitioner. The evidence of PW.2, the shadow witness

accompanied PW.1 to the office of the petitioner and witnessed the demand and acceptance of the bribe amount, coupled with the testimony of PW.3 regarding the trap proceedings, recovery of the tainted currency and the positive hand-wash test, cannot be discarded merely because PW.1 turned hostile.

26. Further, the conversation pertaining to the demand of illegal gratification by the petitioner was recorded during the entrustment proceedings and has been spoken to by PW.3. The enquiry report, in paragraph 29, extracts the relevant conversation, which discloses that the petitioner had initially demanded a sum of Rs.25,000/- and, upon negotiation, agreed to receive Rs.12,000/-. These circumstances lend substantial corroboration to the evidence regarding demand and acceptance of illegal gratification.

27. Though the petitioner, examined as DW.1, denied the alleged demand of illegal gratification and the meeting with the complainant, the undisputed fact remains that the tainted currency notes were recovered from his office at his instance. The evidence on record, particularly that of PWs.2 and 3, speaks to the demand, acceptance and recovery of the tainted amount. In a departmental enquiry, the Court cannot insist

upon proof beyond reasonable doubt. It is well settled that disciplinary charges are required to be established only on the touchstone of preponderance of probabilities, and not to the standard applicable in a criminal trial. Viewed thus, the defence set up by the petitioner does not discard the evidence adduced in support of the charge.

28. This Court is unable to accede to the contention of the learned counsel for the petitioner that, merely because the petitioner has been acquitted in the criminal proceedings on the basis of the same charge and substantially the same evidence, the disciplinary proceedings cannot be sustained. The said issue is no longer res integra and stands concluded by a catena of decisions of the Hon'ble Supreme Court, more particularly, in **SHASHI BHUSHAN PRASAD VS. INSPECTOR, CENTRAL INDUSTRIAL SECURITY FORCE AND OTHERS**, reported in **(2019) 7 SCC 797**. Paragraph No.19 of the said judgment, which is relevant for the purpose of the present case, reads thus:

19. We are in full agreement with the exposition of law laid down by this Court and it is fairly well settled that two proceedings criminal and departmental are entirely different. They operate in different fields and have different objectives.

Whereas the object of criminal trial is to inflict appropriate punishment on an offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. Even the rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused beyond reasonable doubt, he cannot be convicted by a court of law whereas in the departmental enquiry, penalty can be imposed on the delinquent on a finding recorded on the basis of "preponderance of probability". Acquittal by the court of competent jurisdiction in a judicial proceeding does not ipso facto absolve the delinquent from the liability under the disciplinary jurisdiction of the authority. This is what has been considered by the High Court in the impugned judgment in detail and needs no interference by this Court.

29. In the case on hand, as discussed hereinabove, a careful appreciation of the evidence of PWs.2 and 3, read in conjunction with Exhibits P.1 to P.21, clearly establishes the charge levelled against the petitioner. The material on record is

sufficient to prove the imputation of misconduct on the touchstone of preponderance of probabilities. This aspect has been duly considered and correctly appreciated by both the Enquiry Officer and the Tribunal while recording their concurrent findings against the petitioner.

30. Insofar as the objection regarding delay and laches is concerned, this Court finds substantial merit in the contention advanced on behalf of respondent No.2. The impugned order was passed by the Tribunal on 20.03.2024, whereas the present writ petition came to be filed only on 01.06.2026. The petitioner admittedly chose to await the outcome of the criminal proceedings in Spl. Case No.3/2015 before approaching this Court. Such conduct demonstrates that the petitioner remained a fence-sitter and invoked the writ jurisdiction only after ascertaining the result of the criminal case.

31. The writ petition is thus afflicted by an inordinate delay of more than two years. Significantly, no satisfactory or plausible explanation has been forthcoming for the petitioner's failure to challenge the impugned order within a reasonable time. In the absence of any cogent justification for the delay,

the petitioner is not entitled to invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution of India.

32. No doubt, there is no limitation to file the writ petition, however, the Hon'ble Apex Court in the case of **CHENNAI METROPOLITAN WATER SUPPLY & SEWERAGE BOARD AND OTHERS V. T.T. MURALI BABU**, reported in **(2014) 4 SCC 108** has held:

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors

of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

33. The aforesaid principles enunciated by the Hon'ble Apex Court squarely apply to the facts of the present case. In view thereof, this Court is of the considered opinion that the writ petition is liable to be dismissed on the ground of delay and laches as well.

34. Having regard to the evidence on record, the circumstances discussed hereinabove, and the gravity of the misconduct established against the petitioner, which is wholly unbecoming of a public servant, this Court is of the considered view that the disciplinary authority was justified in imposing the penalty of compulsory retirement from service under Rule 8(vi) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

35. For the foregoing reasons, this Court finds no ground warranting interference with the impugned order

passed by the Tribunal, the order of penalty imposed by the disciplinary authority, or the enquiry report submitted by the Enquiry Officer. Accordingly, we answer the points raised above in the *affirmative*. Consequently, the writ petition stands ***dismissed.***

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

**SD/-
(RAJESH RAI K)
JUDGE**

PKS