



CNR: KAHC010412762026

NC: 2026:KHC:36902
WP No. 18618 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 18618 OF 2026 (S-RES)

BETWEEN:

1. R. K. RAMESH
S/O. SRI. R. KRISHNAMURTHY,
AGED ABOUT 41 YEARS,
TECHNICAL CO-ORDINATOR,
TALUK PANCHAYATH, CHITRADURGA,
CHITRADURGA DISTRICT-577 501,
C/O. H. BASAWARAJAPPA,
SHIVAGANGA VILLAGE,
HOLALAKERE TALUK.
2. SMT. DEEPTHI. T. S.
W/O. SRI. ANIL KUMAR. M,
AGED ABOUT 30 YEARS,
TECHNICAL ASSISTANT ENGINEER,
TALUK PANCHAYATH, MOLAKALMURU,
CHITRADURGA DISTRICT-577 501,
C/O. SMT. LAKSHMIDEVI,
OPP. GANESH TEMPLE,
VALMIKI NAGARA,
CHALLAKERE.

...PETITIONERS

(BY SRI. C M NAGABUSHANA., ADVOCATE)

AND:

1. THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYAT,
CHITRADURGA-577 501.

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA





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2. THE EXECUTIVE OFFICER
TALUK PANCHAYATH,
HOLALKERE - 577 526
CHITRADURGA DISTRICT.

...RESPONDENTS

(BY SRI. N PRAVEEN KUMAR., ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR OTHER WRIT BY QUASHING THE IMPUGNED MEMORANDUM SUM/GI PUM/AA(9)MA GA RA GRA VU KA YO /CR-02/2026-27/81327 PASSED BY THE FIRST RESPONDENT (ANNEXURE-H) IN SO FAR AS IT RELATES TO THE PETITIONERS ARE CONCERNED AND DIRECT THE RESPONDENTS TO ALLOW THE FIRST PETITIONER AS TECHNICAL COORDINATOR, CHITRADURGA AND SECOND PETITIONER AS TECHNICAL ENGINEER MOLAKALMURU WITH ALL CONSEQUENTIAL BENEFITS AND B). PASS SUCH OTHER ORDERS OR ISSUE SUCH OTHER DIRECTIONS AS THIS HON'BLE TRIBUNAL DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



ORAL ORDER

The petitioners filed this petition seeking the following reliefs:

- "a). *Issue a writ of Certiorari or other writ by quashing the impugned Memorandum Sum /Gi Pum/Aa(9) Ma Ga Ra Gra Vu Ka Yo/CR-02/2026-27/81327 passed by the first respondent (Annexure-H) in so far as it relates to the petitioners are concerned and direct the Respondents to allow the first Petitioner as Technical Coordinator, Chitradurga and second petitioner as Technical Engineer Molakalmuru with all consequential benefits; and*
- b). *Pass such other orders or issue such other directions as this Hon'ble Tribunal deems fit in the facts and circum-stances of the case in the interest of justice and equity."*

2. Brief facts leading rise to the filing of this petition are as follows:

2.1. The petitioners were appointed in respondents-Department and petitioner No.1 has been serving for more than 13 years and petitioner No.2 has been serving for more than 8 years. One Shivanaik filed a complaint to



respondent No.1 alleging that the petitioners were receiving illegal gratification from the contractors/vendors etc., for doing their official work. As a matter of fact, he is not a Contractor, respondents-Department did not entrust any work to the complaint. Based on the complaint of the complainant, respondent No.1, without ascertaining the true facts, directed respondent No.2 to hold an enquiry and to submit a report within 3 days. Based on the said direction, respondent No.2 held an enquiry and submitted a report that that there is no truth in the complaint filed by the complainant and the petitioners have not received any gratification from the complainant. Despite having clear report, respondent No.1 dismissed the petitioners from service by issuing the memorandum dated 04.06.2026 vide Annexure-H. Hence, this petition.

3. Heard the arguments of learned counsel for the petitioners and learned counsel for the respondents.



4. Learned counsel for the petitioners submits that, the petitioners are serving in respondents-Department. One Shivanaik has filed a complaint against the petitioners alleging that they are receiving the illegal gratification. He submits that, respondent No.1 directed respondent No.2 to hold an enquiry in regard to the allegation made by the complainant. Respondent No.2, after holding an enquiry, submitted a report stating that the allegations made against the petitioners are not true. Despite the submission of report by respondent No.2, respondent No.1 has issued the impugned memorandum dated 04.06.2026 terminating the petitioners from service without holding an enquiry. The impugned memorandum issued by respondent No.1 is in violation of principles of natural justice and also an enquiry has to be conducted as per Section 113 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (**'Act of 1993'** for short). Hence, on these grounds, he prays to allow the writ petition.



5. *Per contra*, learned counsel for the respondents submits that, on the basis of the complaint submitted by the complainant alleging that the petitioners were receiving illegal gratification, respondent No.1 has issued the impugned memorandum. The impugned memorandum passed by respondent No.1 is in accordance with law. Hence, on these grounds, he prays to dismiss the writ petition.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is an undisputed fact that the petitioners are working in respondents-Department. One Shivanaik has filed a complaint alleging that the petitioners are receiving illegal gratifications from the contractors/vendors. On the basis of the complaint, respondent No.1 directed respondent No.2 to hold an enquiry and submit a report. Pursuant to the directions issued by respondent No.1, respondent No.2 conducted an enquiry and submitted a



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report stating that the allegations made by the complainant in the complaint are false. Respondent No.1, without considering the report submitted by respondent No.2, has issued the impugned memorandum dated 04.06.2026 terminating the petitioners from service without holding an enquiry as required under Section 113 of the Act of 1993.

8. Section 113 of the Act of 1993 provides appointment and control of employees, which reads as follows:

"113. Appointment and control of employees.-

(1) Subject to the provisions of sections 111 and 112 the Grama Panchayat may, with the prior approval of the Chief Executive Officer appoint other employees of the Grama Panchayat and pay their salaries from the Grama Panchayat Fund:

Provided that in making appointments the appointing authority shall reserve posts for the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.



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(2) The Panchayat Development Officer may, by order, fine or withhold, the increment of any employee appointed by the Grama Panchayat.

(3) The Grama Panchayat may reduce in rank, remove or dismiss any employee appointed by it.

(4) An appeal shall lie against an order passed by the Panchayat Development Officer under sub-section (2) to the Executive Officer and against an order passed by the Grama Panchayat under sub-section (3) to the Chief Executive Officer.

(5) Any appeal under sub-section (4) pending before the Mandal Panchayat or the Zilla Parishad on the date of commencement of the Karnataka Panchayat Raj Act, 1993, shall stand transferred respectively to the Executive Officer and the Chief Executive Officer and such appeal shall be decided by them as if it had been filed before them."

From the bare reading of Section 113 of the Act of 1993, it provides that the Gram Panchayath may reduce in rank, remove or dismiss any employee appointed by it. But, before passing an order of reduction in rank, removal or dismiss from service, the respondent has to hold an



enquiry. Admittedly in the instant case, respondent No.1, without holding an enquiry, has issued the impugned memorandum, which is in violation of principles of natural justice.

9. I would like to place reliance on the judgment of the Hon'ble Apex Court in the case of ***Maneka Gandhi Vs. Union of India and Another***¹ has held that, substantive and procedural laws and actions taken under them will have to pass tests under Articles 14 and 19 of the Constitution. The tests of reason and justice cannot be abstract. They cannot be divorced from the needs of the nation. The tests have to be pragmatic as otherwise, they would cease to be reasonable. The procedure prescribed must be just, fair and reasonable even though there is no specific provision to be taken against an individual, which affects the rights of that individual, the duty to give reasonable opportunity to be

¹ (1978) 1 SCC 248



heard will be implied from the nature of the function to be performed by the authority. It is thereby conclusively held by the Hon'ble Apex Court that, the principles of natural justice are part of Article 14 and procedures prescribed by law must be just and fair. The power of termination of service of the petitioners involves a civil consequence and therefore, the procedure contemplated ought to have been followed. The nature and extent of adhering to the principles of natural justice depend upon the facts and circumstances, but at the same time, it is well settled and well accepted that the principles of law and principles of natural justice can be read into the provision, unless applicability of such principles of natural justice is expressly or impliedly excluded.

10. In view of the above, I am of the considered opinion that the impugned memorandum is not sustainable in the eye of law and the same is without compliance of principles of natural justice. Accordingly, I proceed to pass the following:



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ORDER

- i. The writ petition is ***allowed***;
- ii. The impugned memorandum dated 04.06.2026 issued by respondent No.1 vide Annexure-H is hereby ***quashed***;
- iii. The respondents are directed to reinstate the petitioners with all consequential benefits;
- iv. Pending IA(s), if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

PA
List No.: 1 Sl No.: 14