



CNR: KAHC010419802026

NC: 2026:KHC:47615
WP No. 19135 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 19135 OF 2026 (S-RES)

BETWEEN:

SRI. SUNIL PATTENNAVAR
S/O. SUBASH,
AGED ABOUT 31 YEARS,
RESIDING AT NO. 56/A,
1ST MAIN, 2ND CROSS,
GOVINDARAJANAGAR,
BANGALORE-560 040.

...PETITIONER

(BY SRI. SRINIVAS V., ADVOCATE (VC))

AND:

1. THE MANAGING DIRECTOR
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED (BESCOM),
CORPORATE OFFICE,
K.R. CIRCLE,
BANGALORE-560 001.
2. THE SUPERINTENDENT ENGINEER (ELE)
O AND M CIRCLE OFFICE,
BESCOM,
HADADI ROAD,
DAVANAGERE-577 002.

Digitally signed
by VARSHA N
RASAI KAR
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:47615
WP No. 19135 of 2026

CNR: KAHC010419802026

3. THE EXECUTIVE ENGINEER (ELE)
HIRIYUR SUB-DIVISION,
BESCOM, HIRIYUR,
KARNATAKA-577 598.

...RESPONDENTS

(BY SRI. A CHANDRACHUD, ADVOCATE)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OF LIKE NATURE TO QUASH THE IMPUGNED ORDER DTD 25/03/2026, ISSUED BY RESPONDENT NO. 2 VIDE 76DATED ANNEXURE-G TO THE WRIT PN; II) ISSUE A WRIT OF CERTIORARI TO QUASH THE ORIGINAL DISMISSAL ORDER DATED 03/04/2025, PASSED BY RESPONDENT NO. 3 VIDE ANNEXURE-E TO THE WRIT PETITION; III) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO REINSTATE THE PETITIONER INTO SERVICE AND ALL OTHER CONSEQUENTIAL BENEFITS. FROM THE DATE OF HIS DISMISSAL TILL THE DATE OF HIS REINSTATEMENT AND IV) GRANT ANY OTHER REMEDY THAT THIS HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CNR: KAHC010419802026

NC: 2026:KHC:47615
WP No. 19135 of 2026

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

ORAL ORDER

The petitioner filed this writ petition seeking for the following reliefs:

- i. Issue a writ of certiorari any other writ of like nature to quash the impugned order bearing No. ದಾ/ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಲೆಲ/ಸಲೆಲ/ಹಿಆಸ/ಕಿಆಸ/2025-26/23371-76 dated 25.03.2026, issued by respondent No.2 vide Annexure-G to the writ petition;*
- ii. Issue a writ of certiorari to quash the original dismissal order bearing No. ಕಾನಿಇಂ(ವಿ)/ಲೆಲ/ಸಲೆ/ಹಿಆ(ಸಿ)/59-62 dated 03.04.2025, passed by respondent No.3 vide Annexure-E to the writ petition;*
- iii. Issue a writ of mandamus directing the respondents to reinstate the petitioner into service and all other consequential benefits from the date of his dismissal till the date of his reinstatement; and*
- iv. Grant any other remedy that this Hon'ble Court deems fit in the facts and circumstances of the case.*



CNR: KAHC010419802026

2. Heard the arguments of the learned counsel for the petitioner and also learned counsel for the respondents.

3. Learned counsel for the petitioner submits that, at the instance of the respondents, the Division Bench appointed Sri. H.M.Nanjundaswamy, retired District and Sessions Judge, Bangalore as an Enquiry Officer. The petitioner appeared before the Enquiry Officer. The Enquiry Officer submitted a report holding that the charges against the petitioner had not been proved and that the allegation that the marks card produced by him was fake was not established. Hence, the Disciplinary Authority has failed to "prove" the charges made against the petitioner-Assistant Linemen. The show-cause notice is in the nature of a final order. He also submits that, there is no reference about the Enquiry Officer's report in the show-cause notice and no detailed reasons have been assigned to disagree with the report of the Enquiry Officer. The respondents, before issuing a show-cause notice and



impugned order, have not applied their mind. He also submits that, if the Disciplinary Authority disagrees with the findings of the Enquiry Officer, they must assign detailed reasons. They have not assigned any reasons. Hence, on these grounds, he prays to allow the writ petition.

4. *Per contra*, learned Counsel for respondent Nos.1 to 3 submits that, the Disciplinary Authority disagreed with the findings recorded by the Enquiry Officer and as per Regulation 11(A)(2) of the Karnataka Electricity Board Employees' (Classification, Disciplinary Control and Appeal) Regulations, 1987 ('CDCA Regulations' for short), the Disciplinary Authority having disagreed with the findings of the Enquiry Officer, has recorded its sufficient reasons for disagreement with the findings of the Enquiry Officer, and subsequently issued a show-cause notice to the petitioner. The petitioner did not deny the entire contents of the show-cause notice. The Disciplinary Authority, being dissatisfied with the replies submitted by



CNR: KAHC010419802026

the petitioner, has passed the impugned orders. The impugned orders passed by the Disciplinary Authority are in accordance with the Regulations. Hence, on these grounds, he prays to dismiss the writ petition.

5. Perused the records and considered the submissions of the learned Senior Counsel for the parties.

6. There is no dispute that the respondent has invited applications for the posts of Assistant Linemen. The petitioner has applied for the said post and subsequently, after due procedure, the petitioner was appointed as Assistant Linemen. The petitioner has submitted his original marks cards. Bangalore Electricity Supply Company Limited ('BESCOM' for short) has sent for verification of those marks cards. The BESCOM came to know that certain conditions had obtained by producing the fake appointments, marks cards. Immediately after coming to know that the petitioner has produced the fake marks cards, the respondents passed an order of dismissal



from service. The petitioner and similarly placed employees, aggrieved by the order of dismissal passed by the Disciplinary Authority, preferred several writ petitions. The said writ petitions came to be allowed and the orders of dismissal were set aside. The BESCO, aggrieved by the orders passed in the said writ petitions, preferred writ appeals in WA No.261/2020 and connected matters. The Division Bench of this Court disposed of the said appeals filed by the BESCO and appointed one Sri. H.M.Nanjundaswamy, the retired District Judge, as an Enquiry Officer to conduct an enquiry regarding the marks cards submitted by the petitioner and thereafter, the said Enquiry Officer submits a report to the BESCO. Subsequent to the appointment of the Enquiry Officer by the Division Bench, the petitioner appeared before the Enquiry Officer and the Enquiry Officer recorded the evidence of each petitioner and perused the records and submitted report as per Annexure-C. After the receipt of enquiry report, the Disciplinary Authority has disagreed



CNR: KAHC010419802026

NC: 2026:KHC:47615
WP No. 19135 of 2026

with the findings recorded by the Enquiry Officer and issued show-cause notice i.e., Annexure-D calling upon the petitioner to reply to the disagreement with the findings of the Enquiry Officer. The petitioner replied to the show-cause notice vide Annexure-E. Perused the show-cause notice. From the perusal of the show-cause notice, it is clear that there is no reference about the findings of the Enquiry Officer.

7. The Disciplinary Authority, without referring to the findings recorded by the Enquiry Officer, has issued show-cause notice and further, the show-cause notice is in the form of final orders. Before the receipt of replies from the petitioner, the respondent-Disciplinary Authority was already predetermined to terminate the petitioner from service. Further, from the perusal of the impugned notice and order, there is no reference about the enquiry report submitted by the Enquiry Officer.



CNR: KAHC010419802026

8. To consider the case on hand, it is necessary to examine Regulation 11A of the CDCA Regulations, which reads as follows:

"[11] [A] Action on the inquiry Report:

[1] The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by. it in writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of Regin.-11 as far as may be

[2] The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any article of charge record its reasons for such disagreement and record its own findings on such charge if the evidence on record is sufficient for the purpose.

[3] If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that one or more of the penalties specified in Regulation-9 should be imposed on the Board employee, it shall, notwithstanding anything contained in Regulation-12, make an order imposing such penalty."

9. From a perusal of the aforesaid Regulation, it is clear that where the Disciplinary Authority disagrees with



CNR: KAHC010419802026

NC: 2026:KHC:47615
WP No. 19135 of 2026

the findings of the Enquiry Officer on any article of charge, it is required to record the reasons for such disagreement and also record its own findings on such charge, if the evidence on record is sufficient for the purpose.

10. In the instant case, admittedly, the Disciplinary Authority disagreed with the findings of the Enquiry Officer. However, no reasons have been assigned by the Disciplinary Authority, either in the impugned order or in the show-cause notice, indicating the basis on which it disagreed with the findings recorded by the Enquiry Officer. The requirement under Regulation 11A(2) of the CDCA Regulations is mandatory, inasmuch as the Disciplinary Authority, upon disagreeing with the findings of the Enquiry Officer, is required to record its reasons for such disagreement and its own findings on such charge, if the evidence on record is sufficient for the purpose.



CNR: KAHC010419802026

11. In the instant case, the Disciplinary Authority has not recorded any reasons for its disagreement with the findings of the Enquiry Officer. Consequently, the impugned order is not in accordance with Regulation 11A(2) of the CDCA Regulations and is liable to be set aside.

12. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***;
- ii. The impugned orders vide Annexures-E and G are hereby quashed;
- iii. The respondent-Disciplinary Authority is directed to hold further enquiry and thereafter, pass the appropriate orders in accordance with law;
- iv. ***Smt. Premavathi Managoli***, retired District Judge, is appointed as an Enquiry Officer to conduct enquiry regarding the marks cards submitted by the petitioner and submit a report



**NC: 2026:KHC:47615
WP No. 19135 of 2026**

CNR: KAHC010419802026

to the Disciplinary Authority within 6 months from the date of receipt of a copy of this order;

- v. The respondents are directed to reinstate the petitioner into service with all consequential benefits within 8 weeks from the date of receipt a copy of this order;
- vi. All the contentions of the parties are kept open;
- vii. In view of the disposal of the petition, pending IAs do not survive for consideration and accordingly, stand disposed of.

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

SSB