

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 19851 OF 2024 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
SECRETARY IN THE
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU-560 001
2. THE DIRECTOR GENERAL &
INSPECTOR GENERAL OF POLICE
GOVERNMENT OF KARNATAKA,
HOME DEPARTMENT,
NRUPATHUNGA ROAD,
BENGALURU-560 001
3. THE ACCOUNTANT GENERAL,
(A AND E) KARNATAKA
No-5329/5369,
PARK HOUSE ROAD,
BENGLAURU-560 001.

...PETITIONERS

(BY SRI. V. SHIVAREDDY, AGA)

AND:

SHRI. K.M PONNAPPA
AGED ABOUT 47 YEARS,
S/O SHRI LATE K.P MADAPPA,
SECTION SUPERINTENDENT,

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

O/O SUPERINTENDENT OF POLICE,
MADIKERI, KODAGU DISTRICT.

...RESPONDENT

(BY SRI. K.M. PONNAPPA, PARTY-IN-PERSON)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER / DIRECTION TO SET ASIDE THE IMPUGNED ORDER DATED 02.11.2023 PASSED BY THE KSAT AT BENGALURU IN A.No-3178/2022 VIDE ANNEXURE-A AND ETC.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 19.06.2026 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 JUDGMENT

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

The State has preferred this writ petition assailing the order dated 02.11.2023 passed by the Karnataka State Administrative Tribunal (for brevity, "the Tribunal") in Application No.3178/2022, whereby the Tribunal allowed the application filed by the respondent and set aside the order dated 10.08.2011 passed by the petitioner No.2 and directed the petitioners to pay all consequential benefits including financial benefits to the respondent, to which he is legally entitled.

2. The facts giving rise to the present petition are that the respondent, while serving in the District Police Office, Kodagu District, allegedly reported for duty under the influence of alcohol and is stated to have misbehaved with and abused certain women staff members. In this regard, a complaint dated 15.02.2007 was submitted by the women staff to the Superintendent of Police, Kodagu. Pursuant thereto, the Superintendent of Police, Kodagu, placed the respondent under suspension by order dated 24.02.2007, which was subsequently ratified by the Director General and Inspector General of Police (for brevity, "DG & IG").

3. Thereafter, on the basis of the report submitted by the Deputy Superintendent of Police, the DG & IG appointed the Deputy Superintendent of Police, Southern Range, Mysuru, as the Enquiry Officer to conduct a departmental enquiry against the respondent. The Enquiry Officer, upon initiation of the disciplinary proceedings, framed articles of charge against the respondent and another delinquent official under Rules 11 and 13 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for brevity, "CCA Rules") and issued charge memorandum dated 19.10.2007, Insofar as the

respondent is concerned, the charge framed against him is extracted hereunder:

"ಶ್ರೀ ಕೆ.ಎಂ. ಪೊನ್ನಪ್ಪ ಶಾಖಾಧೀಕ್ಷಕರು ಆದ ನೀವು ಶ್ರೀ ಎಂ.ಎನ್. ದಿಲೀಪ್ ರವರು ಪಾನಮತ್ತರಾಗಿ ಕಛೇರಿಯಲ್ಲಿ ಗಲಾಟೆ ಮಾಡುತ್ತಿದ್ದ ಸಮಯದಲ್ಲಿ ನೀವು ಸಹ ಪಾನಮತ್ತರಾಗಿ ಘಟನೆಯ ಸ್ಥಳಕ್ಕೆ ಬಂದು ಘಟನೆಯನ್ನು ಶಾಂತಗೊಳಿಸುವ ಬದಲಾಗಿ, ಅಲ್ಲಿದ್ದ ಮಹಿಳಾ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಅವ್ಯಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದಿರುವುದಲ್ಲದೆ ಅದೇ ಸ್ಥಳದಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಶ್ರೀಮತಿ ಕೆ.ಎಂ. ಶಾರದ ರವರು ನಿಮ್ಮನ್ನು ಸಮಾಧಾನಗೊಳಿಸಲು ಯತ್ನಿಸಿದಾಗ ನೀವು ಅವರನ್ನು ಅವ್ಯಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದುವುದಲ್ಲದೆ ಸದರಿಯವರ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಲು ಯತ್ನಿಸಿರುತ್ತೀರಿ ಎಂದು ಆರೋಪ."

4. Subsequently, on the basis of the report dated 16.05.2008 submitted by the Inspector General of Police, Southern Range, Mysuru, petitioner No.2, by order dated 09.06.2008, cancelled the earlier enquiry proceedings on the ground that there was a technical defect in the appointment of the Enquiry Officer. Thereafter, the DG & IG initiated fresh disciplinary proceedings and once again issued a charge memorandum dated 25.06.2008 under Rules 11 and 13 of the CCA Rules, against the respondent and another delinquent official. Insofar as the respondent is concerned, the article of charge framed against him reads as under:

"2. ಶ್ರೀ ಕೆ.ಎಂ. ಪೊನ್ನಪ್ಪ ಶಾಖಾಧೀಕ್ಷಕರು: ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರವರ ಕಛೇರಿ, ಕೆ.ಜಿ.ಎಫ್. ಆದ ನೀವು ಈ ಹಿಂದೆ ಡಿ.ಪಿ.ಓ. ಕೊಡಗು ಜಿಲ್ಲೆಯಲ್ಲಿ ದಿ: 14-

10-1998 ರಿಂದ 03-04-2008ರ ವರೆಗೆ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ್ದು, ದಿ: 15-02-2007 ರಂದು ಅಪರಾಧ 3.30 ರಿಂದ 4 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ನಡೆದ ಘಟನೆಯ ಸ್ಥಳಕ್ಕೆ ಪಾನಮತ್ತರಾಗಿ ಬಂದು, ಘಟನೆಯನ್ನು ಶಾಂತಗೊಳಿಸುವ ಬದಲಾಗಿ, ಅಲ್ಲಿದ್ದ ಮಹಿಳಾ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಅವ್ಯಾಚ್ಛ ಶಬ್ದಗಳಿಂದ ಬೈದಿರುವುದಲ್ಲದೆ, ಸದರಿಯವರ ಮೇಲೆ ಹಲ್ಲೆ ನಡೆಸಲು ಪ್ರಯತ್ನಿಸಿರುತ್ತೀರಿ. ಅಲ್ಲದೆ ನೀವು ಇತರ ಸಿಬ್ಬಂದಿಗಳನ್ನು ಕೀಳಾಗಿ ಕಾಣುತ್ತಿದ್ದು, ಅವರುಗಳಿಗೆ ಹಿಂಸೆ ನೀಡುತ್ತೀರೆಂದು ಕಛೇರಿಯ ಮಹಿಳಾ ಸಿಬ್ಬಂದಿಗಳೆಲ್ಲರೂ ಸೇರಿ, ದೂರು ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಜವಾಬ್ದಾರಿಯುತ ಅಧಿಕಾರಿಯಾದ ನೀವು ಇಲಾಖೆಯ ಘನತೆ ಗೌರವದ ಬಗ್ಗೆ ಅರಿವಿದ್ದರೂ ಸಹ, ಅಧಿಕಾರ ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು, ಮಹಿಳಾ ಸಿಬ್ಬಂದಿಗಳೊಂದಿಗೆ ಅತ್ಯಂತ ಕೀಳು ಮಟ್ಟದಲ್ಲಿ ವರ್ತಿಸಿ, ಕರ್ತವ್ಯದಲ್ಲಿ ಅತೀವ ಅಶಿಸ್ತು, ಬೇಜವಾಬ್ದಾರಿತನ, ಮತ್ತು ದುರ್ನಡತೆಯನ್ನು ಪ್ರದರ್ಶಿಸುವುದರ ಮೂಲಕ ಇಲಾಖೆಯ ಘನತೆ-ಗೌರವಕ್ಕೆ ಚ್ಯುತಿ ತಂದಿರುತ್ತೀರಿ."

5. In response to the aforesaid charge memorandum, the respondent submitted his explanation. The disciplinary authority, upon considering the same and finding it unsatisfactory, resolved to hold a joint departmental enquiry against the respondent and one Dileep. Accordingly, the Deputy Superintendent of Police, Hunsur Sub-Division, Mysuru District, was appointed as the Enquiry Officer to enquire into the charges levelled against them.

6. Thereafter, the Enquiry Officer conducted a detailed departmental enquiry, during the course of which 35 witnesses were examined and 14 documents were marked and relied

upon. Upon appreciation of the oral and documentary evidence placed on record, the Enquiry Officer submitted his report holding that the charges levelled against the respondent stood proved.

7. Based on the findings recorded in the enquiry report, a second show-cause notice dated 17.09.2010 was issued to the respondent. The respondent submitted his reply thereto on 02.11.2010. After considering the enquiry report and the explanation offered by the respondent, the Disciplinary Authority proceeded to impose the following punishment:

"1) ಶ್ರೀ.ಕೆ.ಎಂ. ಪೊನ್ನಪ್ಪ, ಬೋಧಕರು, ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಮಡಿಕೇರಿ ಈ ಹಿಂದೆ ಶಾಖಾಧೀಕ್ಷಕರು, ಡಿಪಿಓ, ಕೊಡಗು ಜಿಲ್ಲೆ ರವರ ವೇತನ ಶ್ರೇಣಿ ರೂ.10,000-18,150 ಆಗಿದ್ದು ಪ್ರಸ್ತುತ ರೂ.13,000/- ಗಳ ವೇತನವನ್ನು ಪಡೆಯುತ್ತಿದ್ದು ಇವರ ವೇತನವನ್ನು ಶಾಖಾಧೀಕ್ಷಕರ ಶಾಖಾಧೀಕ್ಷಕರ ಹುದ್ದೆಯ ವೇತನ ಶ್ರೇಣಿಯಲ್ಲಿನ ಕನಿಷ್ಠ ವೇತನಕ್ಕೆ ಅಂದರೆ ರೂ.10,000/- ಗಳಿಗೆ ಮೂರು ವರ್ಷಗಳ ಕಾಲ ಸಂಚಿತ ಪರಿಣಾಮ ಬೀರುವಂತೆ ಇಳಿಸಲಾಗಿದೆ.(with cumulative effect)

3) ಈ ಶಿಕ್ಷಾದೇಶದ ಅವಧಿಯಲ್ಲಿ ಶ್ರೀ.ಕೆ.ಎಂ. ಪೊನ್ನಪ್ಪ, ಶಾಖಾಧೀಕ್ಷಕರು, ಹಾಲಿ ಭೋದಕರು ಮತ್ತು ಶ್ರೀ ಎಂ.ಎನ್. ದಿಲೀಪ್, ಡ್ವಿ.ದ.ಸ ರವರುಗಳು ಯಾವುದೇ ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ತಿಗಳಿಗೆ ಮತ್ತು ಮುಂಬಡ್ತಿಗಳಿಗೆ ಅರ್ಹರಿರುವುದಿಲ್ಲ.

4) ಶ್ರೀ.ಕೆ.ಎಂ. ಪೊನ್ನಪ್ಪ, ಶಾಖಾಧೀಕ್ಷಕರು, ಹಾಲಿ ಭೋದಕರು ಅಮಾನತ್ತಿನಲ್ಲಿದ್ದ ಅವಧಿ ದಿನಾಂಕ:25-02-2007 ರಿಂದ 07-09-2007

ಮತ್ತು ಶ್ರೀ.ಎಂ.ಎನ್.ದಿಲೀಪ್, ದ್ವಿ.ದ.ಸ. ರವರು ಅಮಾನತ್ತಿನಲ್ಲಿದ್ದ ಅವಧಿ
ದಿನಾಂಕ: 25-02-2007 ರಿಂದ 11-09-2007 ಅವಧಿಯನ್ನು
ಅಮಾನತ್ತೆಂದೇ ಪರಿಗಣಿಸಲಾಗಿದೆ.

5) ಈ ಶಿಕ್ಷಾದೇಶವನ್ನು ಆ.ಸ.ನೌ. ರವರುಗಳು ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕದಿಂದಲೇ
ಜಾರಿಗೆ ಬರುತ್ತದೆ.

6) ಈ ಶಿಕ್ಷಾದೇಶವು ಪೂರ್ಣಗೊಂಡ ನಂತರ ಆ.ಸ.ನೌ, ರವರುಗಳ
ವೇತನವನ್ನು ಈ ಶಿಕ್ಷಾದೇಶದ ಹಿಂದೆ ಪಡೆಯುತ್ತಿದ್ದ ವೇತನಗಳಿಗೆ
ನಿಗದಿಪಡಿಸುವುದು."

8. Being aggrieved by the aforesaid order of punishment, the respondent preferred Application No.3178/2022 before the Tribunal. The Tribunal on assessment of oral and documentary evidence placed before it, allowed the application vide order dated 02.11.2023 and passed the following :

"11. Accordingly, application is allowed. Impugned order bearing No. Appelu(4)/58/2006-07 dated 10.08.2011 O.B No. 13/2011-2012 (Annexure-A22) passed by the 2nd respondent and G.O No. OE PoSili-2019 dated 30.03.2022 (Annexure-A25) passed by the 1st respondent in so far as the applicant is concerned, are hereby set aside.

Respondents-Government are hereby directed to pay all consequential including financial benefits to the applicant to which he is legally entitled to.

Time for compliance is 4 months from the date of receipt of a copy of this Order."

9. Aggrieved by the aforesaid order passed by the Tribunal, the State has preferred the present writ petition.

10. Heard Sri V. Shivareddy., learned Additional Government Advocate for the petitioners-State and Sri. K.M. Ponnappa, Party-in-person/respondent.

11. Learned Additional Government Advocate, while advancing several contentions, submitted that the Tribunal committed a grave error in setting aside the order of penalty passed by the Disciplinary Authority without properly appreciating the evidence available on record. It is further contended that, in order to establish the charges levelled against the respondent and another delinquent official, as many as 35 witnesses were examined and 14 documents were produced and marked before the Enquiry Officer. According to him, the witnesses consistently supported the case of the department and deposed in consonance with the charges framed against the respondent.

12. Particular emphasis was placed on the testimony of PW.1, the victim, who, according to the learned Additional

Government Advocate, categorically deposed that on 15.02.2007, at about 4.00 p.m., the respondent, in an intoxicated condition, entered her chamber, abused one Nanjunde Gowda in filthy language and, along with one Dileep, manhandled him. It was further stated by PW.1 that the respondent also abused her and outraged her modesty. It is further submitted that, the testimony of PW.1, stood corroborated by the evidence of the other witnesses who were present in the office and had witnessed the incident. However, the Tribunal failed to take into consideration the said evidence in its proper perspective.

13. He further contended that the Tribunal proceeded to set aside the order of penalty principally on the ground that the respondent had no opportunity to participate in the enquiry proceedings. According to him, the said finding is legally unsustainable inasmuch as adequate and sufficient opportunity had been afforded to the respondent to participate in the enquiry proceedings. Despite such opportunity, the respondent deliberately remained absent, and therefore, the Enquiry Officer was justified in proceeding with and concluding the enquiry in accordance with law. On these grounds, it is urged that the impugned order passed by the Tribunal is liable to be

set aside and the order of punishment imposed by the Disciplinary Authority deserves to be restored.

14. *Per contra*, party-in-person/respondent contended that the order passed by the Tribunal does not suffer from any illegality or perversity warranting interference by this Court. It is submitted that the Tribunal has rightly appreciated the material on record and has correctly concluded that the respondent was not afforded sufficient opportunity to participate in the enquiry proceedings. In such circumstances, the enquiry report as well as the consequential order of penalty are vitiated and cannot be sustained in law.

15. It is further contended that Rule 11(18) of the CCA Rules casts a mandatory obligation on the Enquiry Officer to question the delinquent officer on the circumstances appearing against him in the evidence, for the purpose of enabling him to offer his explanation with respect to the incriminating material. According to respondent, in the absence of compliance with the said mandatory requirement, the Enquiry Officer ought not to have proceeded to conclude the enquiry and submit the report to the Disciplinary Authority. As such, there is a clear violation of the principles of natural justice, vitiating the entire

disciplinary proceedings. On these grounds, it is urged that the Tribunal was justified in setting aside the order of penalty, and accordingly, seeks dismissal of the present writ petition.

16. Having heard the learned counsel for the parties at considerable length and upon perusal of the records, the following point arises for our consideration:

Whether the Tribunal was justified in allowing the application filed by the respondent and setting aside the order of penalty bearing No. Appelu(4)/58/2006-2007 dated 10.08.2011 passed by petitioner No.2, as well as Government Order No. OE 33 PoSili-2019 dated 30.03.2022 passed by petitioner No.1?

17. We have given our anxious consideration to the rival submissions made by learned AGA for the petitioners and respondent-party-in-person and have meticulously perused the entire material available on record, including the enquiry report, the order of the Disciplinary Authority, and the impugned order passed by the Tribunal.

18. A perusal of the records reveals that, in order to substantiate the charges levelled against the respondent in the departmental enquiry, as many as 35 witnesses were examined

by the Enquiry Officer. Upon a careful appreciation of their testimonies, it is evident that all the witnesses have consistently and unequivocally deposed that on 15.02.2007, between 3.30 p.m. and 4.00 p.m., during office hours, the respondent, along with one Dileep, while under the influence of alcohol, picked up a quarrel with Sri Nanjunde Gowda, FDA and case worker in the Dispatch Section, and further abused the female staff members in a manner amounting to an outrage of their modesty. Consequently, the aggrieved female staff members lodged a complaint in this regard. Acting upon the said complaint, the Superintendent of Police, Kodagu, placed the respondent under suspension. Though the order of suspension was subsequently ratified, the matter ultimately culminated in the initiation of disciplinary proceedings and the imposition of penalty upon the respondent.

19. The testimony of PW.1 – Smt. Sharada stands corroborated by the evidence of the remaining witnesses, namely PWs.2 to 35. It is an admitted fact that none of these witnesses were subjected to cross-examination by the respondent, as he chose not to participate in the disciplinary proceedings despite being afforded sufficient opportunity. Consequently, the testimony of all the prosecution witnesses

remained uncontroverted and unchallenged. In such circumstances, the evidence adduced by the management attained finality and was rightly taken into consideration by the Enquiry Officer.

20. A careful perusal of the notice dated 05.07.2010 issued by the Enquiry Officer reveals that the same was duly served upon the respondent on 07.07.2010. Pursuant thereto, the respondent submitted his reply to the said notice, wherein he stated as under:

"On the day of my first statement with regard to this enquiry, I had appeared and submitted my written statement. Apart from this, I have raised my objection in each and every notice which served as acknowledgement. This Departmental Enquiry is being conducted for the 3rd time on the same charge and therefore, this departmental enquiry is being conducted in clear violation of the provision of rules and the guidelines issued in at para-53 of page 305 of 'A Guide to Departmental inquiries against Government Servants in Karnataka' published by the Karnataka Law Journal Publications. In this connection, I have submitted a review appeal petition before HE the Governor of Karnataka, in terms of the CCA Rules and therefore, I humbly request you to kindly stop the proceedings of this Departmental Enquiry until pronouncement of order by H.E. the Governor of Karnataka."

21. The aforesaid explanation bears the signature of the respondent in token of having submitted the same. In the aforesaid circumstances, it is manifest that, despite due service of notice, the respondent voluntarily abstained from participating in the disciplinary proceedings on the ground that he had preferred a review petition before His Excellency, the Governor of Karnataka. Therefore, the plea now sought to be urged by the respondent that he was deprived of an opportunity to defend himself before the Enquiry Officer and that the principles of natural justice stood violated, is wholly devoid of merit and cannot be countenanced. Having consciously chosen to remain absent from the enquiry proceedings, the respondent cannot be permitted to take advantage of his own omission and contend that he was denied a reasonable opportunity of hearing.

22. The Tribunal has set aside the order of penalty principally on the ground that the mandate of Rule 11(18) of the CCA Rules had not been complied with and that no opportunity had been afforded to the respondent to explain the incriminating material brought on record against him. We are unable to persuade ourselves to concur with the said reasoning

of the Tribunal. As discussed hereinabove, the records unmistakably disclose that the respondent had been duly served with notice and had been afforded sufficient opportunity to participate in the disciplinary proceedings. However, he consciously and wilfully chose to abstain from the enquiry. In such circumstances, the Enquiry Officer was left with no other alternative but to close the enquiry and submit his report to the Disciplinary Authority. We find no infirmity whatsoever in the course adopted by the Enquiry Officer.

23. Further, as rightly contended by the learned Additional Government Advocate, Rule 11(16) of the CCA Rules contemplates that upon closure of the case of the Disciplinary Authority, the delinquent official is required to state his defence, either orally or in writing, as he may prefer. In the instant case, despite due service of notice, the respondent neither appeared before the Enquiry Officer nor chose to place his defence on record. Having failed to avail himself of the opportunity so afforded, the respondent cannot be permitted to invoke the benefit contemplated under Rule 11(18) of the CCA Rules. A person who, by his own volition, abstains from participating in the enquiry proceedings cannot subsequently

turn around and complain of non-compliance with the procedural safeguards envisaged under the CCA Rules.

24. Admittedly, the charges levelled against the respondent are grave and serious in nature. The respondent, being a Government servant attached to the Police Department, was under a bounden duty to maintain absolute discipline, integrity and decorum in the discharge of his official duties. The material on record unmistakably reveals that during office hours, while under the influence of alcohol, the respondent entered the office premises, abused and misbehaved with the female staff members and indulged in acts unbecoming of a Government servant. Such conduct, particularly on the part of a member of a disciplined force, deserves to be viewed with utmost seriousness.

25. As discussed hereinabove, the uncontroverted and unchallenged testimony of PWs.1 to 35 clearly establishes the charges levelled against the respondent. Having regard to the gravity and seriousness of the misconduct proved against him, the Disciplinary Authority was fully justified in imposing the penalty referred to supra. In our considered view, the Tribunal has committed a manifest error in setting aside the order of

penalty passed by the Disciplinary Authority. Consequently, the impugned order passed by the Tribunal warrants interference by this Court. Accordingly, the point for consideration is answered in the negative. Consequently, we proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. Order dated 02.11.2023 passed by the Tribunal in Application No. 3178/2022 is set-aside.
- iii. Consequently the penalty order dated 10.08.2011 passed by the Disciplinary Authority/petitioner No.2 is restored.

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

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

PKS/K