

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. 20818 OF 2023 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560 001.

...PETITIONER

(BY SRI K. R. RAJENNDRA, AGA)

AND:

1. MR. THIMMAIAH,
S/O. LATE MUTHAIAH,
AGED ABOUT 63 YEARS,
REVENUE INSPECTOR (RETIRED),
TALUK OFFICE, MANDYA,
R/O VINAYAKA BADAVANE,
NEAR WALI TANK, KARASVADI ROAD,
MANDYA TALUK,
MANDYA DISTRICT-571 401.
2. THE KARNATAKA LOKAYUKTA
BY ITS REGISTRAR,
KARNATAKA LOKAYUKTA,

M.S. BUILDING,
BENGALURU-560 001.

3. THE ADDITIONAL REGISTRAR OF
ENQUIRIES-10
KARNATAKA LOKAYUKTA,
M.S. BUILDING,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI IRFAN I ALLANAKAR, ADVOCATE FOR C/R1;
SRI VENKATESH S ARABATTI, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 25/05/2022 PASSED BY THE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN
APPLICATION No.2637/2019 AT ANNEXURE-A.

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.R. Rajendra, learned Additional Government
Advocate for the petitioner-State, Sri Irfan I. Allanakar, learned
counsel appearing for respondent No.1, Sri Venkatesh
S. Arabatti, learned counsel appearing for respondent Nos.2
and 3.

2. The State of Karnataka, represented by its Secretary, Revenue Department, has preferred this writ petition assailing the order dated 25.05.2022 passed in Application No.2637/2019 by the Karnataka State Administrative Tribunal, Bengaluru (for short "the Tribunal").

3. The brief facts are that respondent No.1, while working as Revenue Inspector at Koppa-II Circle, Mandya District, was subjected to a complaint lodged by one Sri S.T. Rajegowda alleging demand of a bribe of Rs.2,000/- for effecting change of Khata in the name of the complainant in respect of land bearing Survey No.44/09 of Shambunahalli Village. Pursuant thereto, a criminal case in Special Case No.73/2008 came to be registered against respondent No.1.

3.1 On *suo motu* investigation by the Lokayukta, an observation note was issued and recommendation was made to the competent authority for initiation of disciplinary proceedings. A report under Section 12(3) of the Karnataka Lokayukta Act, 1984 was submitted recommending initiation of departmental enquiry and entrustment of the enquiry to the Lokayukta. Accordingly, an order of entrustment was made under Rule 14-A of the Karnataka Civil Services (Classification,

Control and Appeal) Rules, 1957 (for short "the 1957 Rules"), and an Inquiry Officer was appointed. Articles of charge were issued and, after recording evidence, the charges were held proved. Thereafter, the enquiry report was submitted recommending imposition of the penalty of compulsory retirement and withholding of 25% of pension permanently.

3.2 A second show-cause notice dated 10.11.2017 was issued and, after considering the reply submitted by respondent No.1, the Government, by order dated 15.03.2019, imposed the penalty of compulsory retirement and permanent withholding of 25% of pension.

3.3 In the meanwhile, respondent No.1 came to be acquitted in the criminal case. The order of penalty was challenged in the aforesaid application before the Tribunal. The Tribunal, under the impugned order, set aside the penalty and directed payment of all consequential monetary benefits, as respondent No.1 had by then retired from service.

4. Sri K.R. Rajendra, learned Additional Government Advocate appearing for the petitioner-State, submits that the Tribunal, while setting aside the order of penalty, exceeded the permissible limits of judicial review in disciplinary matters. It is

contended that the Tribunal placed undue reliance on the evidence of hostile witnesses while ignoring the scientific evidence, including the FSL report, which established the presence and acceptance of the tainted currency notes.

4.1 It is further submitted that the Tribunal examined the matter by applying the standard of proof required in criminal proceedings while considering the correctness of the penalty imposed in departmental proceedings, though the standard applicable to disciplinary proceedings is that of preponderance of probabilities. It is contended that this is not a case of “no evidence” and that there is no violation of procedure in the conduct of the enquiry.

4.2 It is also submitted that the Tribunal cannot sit in appeal over the order of penalty and interfere with the disciplinary proceedings.

5. Sri Irfan I. Allanakar, learned counsel appearing for respondent No.1, submits that the entire case of the disciplinary authority is based on the evidence of the complainant-PW1 and the shadow witness-PW2. It is submitted that both PW1 and PW2 have not supported the case of the disciplinary authority and have denied the allegation of demand

of bribe by respondent No.1. It is contended that mere possession of tainted currency notes is not sufficient to hold the charges proved.

5.1 It is further submitted that, on the very same set of evidence and on identical charges, respondent No.1 has been acquitted on merits in the criminal proceedings. It is contended that the Tribunal, having noticed that there was no sufficient evidence to hold the charges proved and impose penalty, has rightly interfered with the order of penalty and set aside the same.

6. Sri Venkatesh S. Arabatti, learned counsel appearing for respondent Nos.2 and 3, while supporting the submissions made on behalf of the petitioners-State, submits that mere acquittal in criminal proceedings would not exonerate respondent No.1 in departmental proceedings. It is submitted that the standard of proof required in both proceedings is different. It is further submitted that the Tribunal reassessed the evidence as though it were sitting in appeal against the enquiry report, which is beyond the permissible scope of judicial review.

7. We have considered the submissions made by the learned counsel for the petitioners and the learned counsel appearing for the respondents.

8. It is evident from the record that, while respondent No.1 was working as Revenue Inspector, a complaint came to be filed alleging demand of a bribe of Rs.2,000/- for effecting change of Khata. Pursuant thereto, a criminal case in Special Case No.73/2008 came to be registered against respondent No.1. Thereafter, *suo motu* investigation was conducted by the Lokayukta and recommendation was made for initiation of departmental enquiry and entrustment of the enquiry to the Lokayukta.

8.1 Accordingly, by Government Order dated 08.03.2011, an order under Rule 14-A of the 1957 Rules, was passed entrusting the enquiry to the Lokayukta. Thereafter, an Inquiry Officer was appointed and articles of charge came to be framed. After recording the evidence, the charges were held proved against respondent No.1. The Upa-lokayukta recommended imposition of the penalty of compulsory retirement and permanent withholding of 25% of pension. Thereafter, upon consideration of the reply submitted to the

second show-cause notice, the Government imposed the penalty of compulsory retirement on respondent No.1 and ordered permanent withholding of 25% of pension.

8.2 The Tribunal re-appreciated the evidence recorded before the Inquiry Officer as though the charges were required to be proved beyond all reasonable doubt. In our considered view, the order of the Tribunal is unsustainable. The Tribunal referred to the evidence of PW1 and PW2, namely, the complainant and the shadow witness, both of whom had not supported the case of the disciplinary authority. However, the evidence of the Investigating Officer and the FSL report clearly establish the demand and acceptance of bribe, as recorded by the Inquiry Officer.

8.3 As noticed by the Inquiry Officer, PW1 has not denied the scientific evidence demonstrating that the wash of the hands of the delinquent officer turned pink in colour. PW2-shadow witness and PW3-panch witness have also not denied that the hand wash of the delinquent officer turned pink in colour. Further, the presence of PW1 and PW2 at the spot is evident from Ex.P5-photographs. PW3 has admitted seizure of the tainted amount from the possession of the delinquent officer

and tallying of the same with the complaint averments. PW3 has further admitted his signature on the trap mahazar marked as Ex.P4.

8.4 The aforesaid aspects clearly indicate that the possibility of PW2 and PW3 having turned hostile cannot be ruled out. In the light of the admitted facts spoken to by PW2 and PW3 and the other evidence, including the FSL report corroborating the charges, the findings recorded in the enquiry cannot be said to be without evidence. Applying the principle of preponderance of probabilities, the conclusions reached in the enquiry report are based on legally acceptable evidence.

8.5 The disciplinary authority has also considered the enquiry report, the reply submitted by respondent No.1 and the gravity of the misconduct before imposing the penalty. The penalty imposed is proportionate to the gravity of the charges proved.

9. It is well settled that the scope of judicial review against findings recorded in disciplinary proceedings is very limited. The Court or Tribunal cannot sit in appeal over the findings of the Inquiry Officer or the order passed by the disciplinary authority. Interference in judicial review is permissible only

when the findings are without evidence or where there is violation of principles of natural justice.

9.1 In the present case, neither of the aforesaid contingencies arises. The findings recorded by the Inquiry Officer are based on proved evidence and the order passed by the disciplinary authority is founded on due consideration of the evidence on record and the findings of the Inquiry Officer.

9.2 The Tribunal, while exercising powers of judicial review, appears to have applied the standard of proof required in criminal proceedings, namely proof beyond reasonable doubt, while interfering with the order of penalty. In disciplinary proceedings, the charge is required to be established only on the touchstone of preponderance of probabilities and not beyond reasonable doubt.

10. In the light of the above observations, we are of the considered view that the interference made by the Tribunal is excessive and unsustainable. Accordingly, the writ petition deserves to be allowed.

11. Hence, the following:

ORDER

- (i) The writ petition is ***allowed***.
- (ii) The order dated 25.05.2022 passed by the Karnataka State Administrative Tribunal, Bengaluru, in Application No.2637/2019 is hereby ***set aside***.
- (iii) The order of penalty passed by the Government in Order No.RD 06 BDP 2011 Bengaluru dated 15.03.2019 is hereby ***restored***.

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

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

MV*