

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF JULY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ**

**AND**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**WRIT PETITION NO.24199 OF 2021**

**BETWEEN:**

SRI BALAGANGADHARA K  
S/O B KEMPEGOWDA  
AGED ABOUT 41 YEARS,  
WORKING AS  
ASSISTANT DIRECTOR OF TOWN,  
AND COUNTRY PLANNING, CHIKKAMAGALURU  
RESIDING AT C/O SATYANARAYANA  
'KATTEMANE' YAJI COMPOUND,  
BELT ROAD, CHIKKAMAGALURU.

...PETITIONER

(BY SRI. VENKATESH PRASAD R., ADV.)

**AND:**

THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT  
VIKASA SOUDHA,  
BENGALURU-560001.

...RESPONDENT

(BY SRI. SMT. MALA BHUTE, AGA.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 26.06.2021 IN APPLICATION NO.639/2021 (ANNEXURE-A) AND ORDER DATED 22.08.2021 IN R.A.NO.49/2021 (ANNEXURE-B) PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AND TO ALLOW THE APPLICATION NO.639/2021 FILED BY THE PETITIONER AS PRAYED FOR IN THE SAID APPLICATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 10.07.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ  
and  
HON'BLE MR. JUSTICE G BASAVARAJA

**CAV ORDER**

(PER: HON'BLE MR. JUSTICE G BASAVARAJA)

In this petition, the petitioner is assailing the order dated 26<sup>th</sup> June, 2021 passed by the Karnataka State Administrative Tribunal (for short "KSAT") in Application No.639 of 2021 whereby, the application filed by the petitioner came to be dismissed.

2. Facts of the case in brief are:

The petitioner was appointed as Assistant Director of Town and Country Planning on 27<sup>th</sup> January, 2011 and was serving in the said capacity. On 03<sup>rd</sup> May, 2016, a Show Cause Notice along with the Articles of Charge under Rule 11 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, came to be issued alleging dereliction of duty in relation to the processing of a land conversion proposal. The said charge memorandum is

produced as Annexure-A1. The petitioner submitted his detailed explanation on 10<sup>th</sup> May, 2016, denying the allegations and seeking dropping of the disciplinary proceedings. The said reply is produced as Annexure-A2. Thereafter, by order dated 30<sup>th</sup> June, 2017, the Government appointed the Additional Deputy Commissioner, Chikkamagaluru as the Enquiry Officer and the Commissioner, Urban Development Authority, Chikkamagaluru, as the Presenting Officer to conduct a Departmental Enquiry against the petitioner. The said order is produced as Annexure-A3. Upon conclusion of the enquiry, the Enquiry Officer submitted his report on 05<sup>th</sup> February, 2018, holding the charges proved. According to the petitioner, the enquiry report is perfunctory, suffers from non-application of mind and is contrary to the provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. The enquiry report is produced as Annexure-A4.

3. Based on the enquiry report, the Disciplinary Authority issued a Second Show Cause Notice dated 21<sup>st</sup>

August, 2018, calling upon the petitioner to submit his explanation against the proposed punishment. The said notice is produced as Annexure-A5. The petitioner submitted a detailed reply on 24<sup>th</sup> September, 2018, disputing the findings recorded by the Enquiry Officer and reiterating that the charges were not established by any legally admissible evidence. The said reply is produced as Annexure-A6.

4. However, by order dated 05<sup>th</sup> December, 2020, the Government of Karnataka imposed the penalty of withholding one annual increment with cumulative effect. The said order is produced as Annexure-A7.

5. Aggrieved by the order of punishment dated 05<sup>th</sup> December, 2020, the petitioner preferred Application No.639/2021 before the Karnataka State Administrative Tribunal on 31<sup>st</sup> January, 2021. The Original Application is produced as Annexure-C. The Tribunal, by order dated 22<sup>nd</sup> June, 2021, dismissed the Original Application. The certified copy of the said order is produced as Annexure-A. Being dissatisfied with the said order, the petitioner preferred Review Application No.49/2021 on 08.09.2021.

The Review Application also came to be dismissed by order dated 22.09.2021, the certified copy whereof is produced as Annexure-B.

6. Aggrieved by the order of punishment dated 05<sup>th</sup> December, 2020 passed by the Disciplinary Authority, as affirmed by the Karnataka State Administrative Tribunal in Application No.639/2021 by order dated 22<sup>nd</sup> June, 2021 and in Review Application No.49/2021 by order dated 22.09.2021, the petitioner has presented the present writ petition under Articles 226 and 227 of the Constitution of India seeking to quash the impugned orders.

7. This Court has carefully considered the submissions advanced by the learned counsel for the petitioner and the learned Additional Government Advocate for the respondents. The pleadings, original records of the departmental enquiry, the enquiry report, the order of the Disciplinary Authority and the impugned orders passed by the Karnataka State Administrative Tribunal have been meticulously perused.

8. The principal contention of the petitioner is that the findings recorded by the Enquiry Officer are

unsupported by any legal evidence and that the defence set up by the petitioner has not been considered either by the Enquiry Officer or by the Disciplinary Authority. Upon an examination of the records, this Court finds considerable merit in the said contention.

9. A careful reading of the enquiry report leaves no manner of doubt that the Enquiry Officer has merely reproduced the pleadings, extracted the oral testimony of PW1, referred to the documents produced by the parties and thereafter, in a cryptic manner, concluded that the charges stand proved. What is conspicuously absent is the statutory exercise mandated under Rule 11(23) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, viz. an independent assessment of the evidence on each article of charge and recording of findings supported by reasons. Mere reproduction of evidence can never be equated with appreciation of evidence.

10. The Enquiry Officer has merely reproduced the evidence adduced during the enquiry without undertaking any independent analysis thereof. No reasons have been

assigned as to how the charges stood established. The finding that the petitioner had indulged in "unnecessary correspondence" is clearly beyond the scope of the articles of charge. It is well settled that an Enquiry Officer cannot travel beyond the charges framed against the delinquent officer. A finding founded upon a ground not forming part of the charge memo, is liable to be set aside.

11. The evidence of PW1 assumes considerable significance. During cross-examination, PW1 has categorically admitted that the Department of Town and Country Planning had no authority either to grant or refuse conversion proposals and that such authority vested exclusively with the Revenue Department. This admission substantially weakens the very foundation of the departmental charge.

12. The petitioner has placed strong reliance upon Exhibits D7 to D11. A careful examination of these documents reveals that the Director of Town and Country Planning accepted the very procedure adopted by the petitioner, directed the Joint Director to process the proposal in accordance with law and, pursuant thereto, the

layout was approved by the competent authority. These contemporaneous official records unequivocally demonstrate that the petitioner acted strictly in accordance with the departmental procedure and under the supervision of the competent authorities. Once the higher departmental authorities themselves have approved the procedure adopted by the petitioner, the allegation of dereliction of duty loses its very foundation.

13. It is further evident from the records that the Deputy Commissioner independently granted conversion under the relevant provisions of the Revenue laws. There is, therefore, no material to establish that the petitioner exceeded his authority or that any financial loss was caused to the Government. On the contrary, the defence documents probabalise the petitioner's consistent stand that his role was confined to furnishing technical information in accordance with official directions.

14. This Court finds that the petitioner had produced thirteen defence documents and submitted a detailed reply to the second show cause notice. However, neither the Enquiry Officer nor the Disciplinary Authority

has adverted to or considered the defence evidence. In particular, Exhibits D7 to D11, clearly establish that the procedure adopted by the petitioner stood accepted by the competent departmental authorities, thereby substantially dislodging the charge of dereliction of duty. The findings recorded by the Enquiry Officer are, therefore, unsupported by the evidence on record and cannot be sustained.

15. The Karnataka State Administrative Tribunal, while exercising jurisdiction under the Administrative Tribunals Act, was required to examine whether the disciplinary proceedings suffered from perversity, violation of the mandatory provisions of law or absence of evidence. Instead, the Tribunal proceeded on the erroneous premise that the sufficiency of evidence was beyond judicial scrutiny, overlooking the well-settled distinction between lack of evidence and adequacy of evidence. Consequently, the Tribunal failed to exercise the jurisdiction vested in it and mechanically affirmed the order of punishment despite the manifest infirmities in the disciplinary proceedings. The Latin maxim *Sublato fundamento cadit opus*—if the

foundation is removed, the structure falls, aptly applies to the facts of the present case. The punishment order is entirely founded upon an enquiry report which stands vitiated by patent violation of Rule 11(23) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, non-consideration of material defence evidence, recording of findings beyond the Articles of Charge and complete absence of reasons. Once the foundation is found to be legally unsustainable, every consequential order resting thereon must necessarily collapse.

16. The Constitution Bench of Hon'ble Supreme Court in the case of B.C. CHATURVEDI v. UNION OF INDIA reported in (1995)6 SCC 749, and the subsequent decisions in S.R. TEWARI v. UNION OF INDIA reported in (2013) 6 SCC 602; in STATE OF KARNATAKA v. N. GANGARAJ reported in (2020)3 SCC 423, and in ALLAHABAD BANK AND OTHERS v. KRISHNA NARAYAN TEWARI reported in (2017)2 SCC 308, have consistently held that, although the High Court does not sit as an appellate authority over departmental enquiries, judicial

review is permissible where the enquiry is conducted in violation of statutory provisions or the principles of natural justice, where the findings are based on no evidence, where material evidence has been ignored, where irrelevant considerations have influenced the decision-making process, or where the conclusions are so perverse that no reasonable person acting judicially could have arrived at them.

17. The Hon'ble Supreme Court in ALLAHABAD BANK AND OTHERS (supra), has held that where the findings recorded in disciplinary proceedings are unsupported by evidence, or are such as no reasonable person could have arrived at, or where there is non-application of mind or failure to record reasons, the writ court would be justified, if not duty-bound, to exercise its power of judicial review. The facts of the present case squarely attract the said principle. Equally, in KRANTI ASSOCIATES (P) LTD. v. MASOOD AHMED KHAN reported in (2010)9 SCC 496, the Hon'ble Supreme Court emphasised that recording of reasons is an indispensable facet of fairness in judicial, quasi-judicial and

administrative decision-making and observed that "reasons are the heartbeat of every conclusion; without the same, it becomes lifeless." The enquiry report and the order of the Disciplinary Authority in the present case are conspicuously devoid of any discussion of the defence evidence or reasons for rejecting the petitioner's explanation, rendering the impugned orders legally unsustainable. In the result, the petition is liable to succeed and accordingly, we pass the following :

**ORDER**

- (i) The writ petition is allowed.
- (ii) The order dated 22<sup>nd</sup> June, 2021 passed by the Karnataka State Administrative Tribunal in Application No.639/2021, is hereby set aside.
- (iii) The order dated 22<sup>nd</sup> September, 2021 passed in Review Application No.49/2021 is also set aside.
- (iv) The order dated 05<sup>th</sup> December, 2020 passed by the respondent imposing the penalty of withholding one annual

increment with cumulative effect, is quashed.

- (v) The respondent-State is directed to restore all consequential service benefits, including restoration of increment, re-fixation of pay and all attendant monetary and service benefits, within a period of twelve (12) weeks from the date of receipt of a certified copy of this order.
- (vi) No order as to costs.

**Sd/-  
(MOHAMMAD NAWAZ)  
JUDGE**

**Sd/-  
(G BASAVARAJA)  
JUDGE**

Inn