



CNR: KAHC010561472019

NC: 2026:KHC:49993-DB
WP No. 1479 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 15TH DAY OF SEPTEMBER, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA
WRIT PETITION NO. 1479 OF 2020 (S-KSAT)

BETWEEN:

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

...PETITIONER

(BY SRI. S C DESHMUKH, AGA)

AND:

1. GIRIYAPPA S/O PAKKIRAPPA
AGED ABOUT 60 YEARS,
OCC: VILLAGE ACCOUNTANT
SOMASANDRA CIRCLE,
PRESENTLY ANLVALA CIRCLE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT
R/AT HOGALAKERE,
KAREHALLI POST, MATHODU HOBLI,
HOSADURGA TALUK,
CHITRADURGA DISTRICT-577 501.
2. THE KARNATAKA LOKAYUKTA
REP. BY ITS REGISTRAR,
M.S.BUILDING,
BENGALURU-560 001.

...RESPONDENTS

(R2 – V/O DATED 24.01.2020 DIRECTED TO TAKE NOTICE
R1 – SERVED-ABSENT)

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka



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THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 10.12.2018 IN APPLICATION NO.1304/2017 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Heard Sri.S.C.Deshmukh, learned Additional Government Advocate for petitioner-State and perused the entire writ petition papers. Though respondent No.1 is served, he is unrepresented.

2. The respondent was issued with articles of charge on 19.12.2014 alleging misconduct of demand and acceptance of illegal gratification of Rs.500/- from the complainant one Sri.T.Thimmaraju. The enquiry was entrusted to Lokayukta and the Enquiry Officer of the second respondent-Lokayukta submitted his report holding



that the Disciplinary Authority has proved the charge against the respondent. During the course of enquiry, one witness i.e., complainant has been examined and documents at Ex.P1 to Ex.P12 were marked on behalf of the Disciplinary Authority. The Upa-Lokayukta along with enquiry report recommended the punishment of removal from service in exercise of power under Rule 8(viii) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, 'CCA Rules'). Thereafter, the Disciplinary Authority issued second show cause notice dated 21.03.2016 enclosing the Enquiry Report as well as recommendation of the Upa-Lokayukta. On submission of the reply by the respondent, the Disciplinary Authority on consideration of the material on record, imposed the punishment of removal from service in exercise of its power under Rule 8 (viii) of the CCA Rules under impugned order dated 24.12.2016. The said order of dismissal was the subject matter before the Tribunal in



Application No.1304/2017. The Tribunal under impugned order passed the following:

- "(i) The Application is allowed in part.*
- (ii) The penalty order of dismissal dated 24.12.2016 (Annexure-A10) stands quashed and the applicant is compulsorily retired from service with effect from 24.12.2016 and a special direction is given to withhold the pension of the applicant at 20% per month for a period of five years from 24.12.2016 and his pension and pensionary benefits also needs be settled."*

Questioning the above order passed by the Tribunal, the State – Disciplinary Authority is before this Court in this writ petition.

3. Learned Additional Government Advocate Sri.S.C.Deshmukh would submit that when the charges are proved against the respondent and when the punishment is imposed in terms of the recommendation made by the Lokayukta, the Tribunal could not have interfered with the order of penalty. Further, learned



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Additional Government Advocate would submit that the charge against the respondent was demand and acceptance of illegal gratification which has been proved in the enquiry and as such, the punishment of removal from service is appropriate. Thus, learned Additional Government Advocate would pray for allowing the writ petition.

4. Having considered the submissions of the learned Additional Government Advocate as well as the material on record, we are not inclined to interfere with the order passed by the Tribunal modifying the punishment of removal from service to that of compulsory retirement from service, with further direction to withhold 20% of the pension for a period of five years.

5. No doubt, the charge of demand and acceptance of illegal gratification against the respondent is proved. However, we have to take note of the fact that on the same incident and alleging similar charge, criminal



prosecution was registered and charge sheet was filed in Spl.C.C.No.8/2013, where the respondent is said to have been acquitted of the charges.

6. Rule 8 of the CCA Rules prescribes nature of penalties. Rule 8(vii) and (viii) of the CCA Rules prescribes punishment of removal from service which shall not be a disqualification for future employment and dismissal from service which shall ordinarily be a disqualification for future employment. Proviso to the said Rule and Explanation-I reads thus:

"8. Nature of Penalties. – One or more of the following penalties for good and sufficient reasons and as hereinafter provided, may be imposed on Government Servants, namely. –

- (i)*
- (ii)*
- (iii)*
- (iv)*
- (v)*
- (vi)*
- (vii)*
- (viii)*



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Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty other than those specified in clauses (vi) to (vii) shall be imposed for an established charge of corruption.

Explanation 1. – *For purposes of this proviso the expression "corruption" shall have the meaning assigned to the expression "Criminal misconduct by a public servant" in section 13 of the Prevention of Corruption Act, 1988."*

7. The proviso provides for imposition of punishment specified under Sub-Clauses (vi) to (viii) for established charge of corruption. In the State of Karnataka, for the proved misconduct of charge of corruption, proviso to Rule 8 of the CCA Rules provides for imposition of removal, dismissal and also compulsory retirement. Apart from imposing punishment of dismissal or removal with disqualification of future employment, the Disciplinary Authority in the facts and circumstances also could impose penalty of compulsory retirement.



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8. Taking note of the above proviso and the reasoning assigned by the Tribunal to modify the penalty to compulsory retirement, we are not inclined to interfere with the impugned order passed by the Tribunal. Accordingly, writ petition stands ***rejected***.

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

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

NC
CT:bms
List No.: 1 Sl No.: 27