



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO.1362 OF 2023 (S-RES)

BETWEEN:

THE REGISTRAR
KARNATAKA LOKAYUKTA
M.S. BUILDINGS
DR. B.R. AMBEDKAR ROAD
BENGALURU-560 001.

...APPELLANT

(BY SRI VENKATESH S. ARBATTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
SECRETARY TO GOVERNMENT
HOUSING DEVELOPMENT DEPARTMENT
VIKASA SOUDHA
BENGALURU-560 001.
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS
SECRETARY
MEDICAL EDUCATION DEPARTMENT
MULTISTORIED BUILDINGS
BENGALURU-560 001.
3. THE DIRECTOR
KIDWAI MEMORIAL INSTITUTE OF ONCOLOGY
DR. M.H. MARIGOWDA ROAD
BENGALURU-560 029.
4. SRI K. MOHAN KUMAR
AGED ABOUT 49 YEARS
S/O. R. KRISHNAPPA
ASSISTANT EXECUTIVE ENGINEER



KIDWAI MEMORIAL INSTITUTE OF ONCOLOGY
BENGALURU-560 029.

...RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA FOR R-1 AND R-2;
SRI ARAVIND V. CHAVAN, ADVOCATE FOR R-3;
SRI NARAYANA SWAMY T., ADVOCATE FOR
SRI RAGHUPATHI M.J., ADVOCATE FOR R-4)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER
DATED 15-12-2021 PASSED BY THE LEARNED SINGLE JUDGE IN
WRIT PETITION NO.10209 OF 2016 (ANNEXURE-A) AND ETC.

THIS WRIT APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred against the judgment dated
15.12.2021 in W.P.No.10209/2016.

2. The learned Single Judge held that the petitioner is
an employee of respondent No.4 - Institute and is governed by
the regulations and by-laws of the Institute. It was further held
that the appointing authority in relation to the writ petitioner is
the Board of Appointment of the Institute.



3. Further, the learned Single Judge held that the terms "Government" and "Government employee" contained in the CCA Rules should be read as "Institute" and "Institute employees" in the instant case. The learned Single Judge further held that orders of entrustment in respect of lent officers could not be passed by the State Government. On these grounds, the Government Order dated 03.07.2015 (Annexure-C), as well as the Articles of Charge dated 04.01.2026, were quashed.

4. The learned counsel appearing for respondent No.3 has placed an affidavit on record today, in continuation of the earlier affidavit filed on 06.04.2026. It is specifically stated therein as follows:

"8. It is submitted that under Office Order No. KMIO/PER/2/2026 dated 01.06.2026, after due consideration of the Lokayukta's investigation report and the entire material on record, the competent authority has resolved that the case of the 4th Respondent be referred to the Karnataka Lokayukta for conducting a departmental enquiry under Rule 14(A) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. The following considerations weighed with the competent authority in arriving at the said decision:

(a) The allegations against the 4th Respondent arise out of the same set of transactions and events in respect of which disciplinary



proceedings and investigations against other delinquent officials are already being conducted by the Karnataka Lokayukta;

(b) Conducting a parallel departmental enquiry at the institutional level would entail the risk of inconsistent appreciation of facts, non-uniform application of disciplinary standards, and conflicting findings on the identical subject matter outcomes contrary to the interests of justice and administrative fairness; and

(c) Referral of the 4th Respondent's case to the Karnataka Lokayukta would ensure a comprehensive, consistent, and uniform examination of the entire matter by a single competent authority, thereby serving the larger interests of justice.

9. It is submitted that in pursuance of Office Order No. KMIO/PER/2/2026 dated 01.06.2026, the competent authority of KMIO has directed that the case of the 4th Respondent, Shri K. Mohan Kumar, Assistant Executive Engineer, KMIO, Bengaluru, be referred to the "Karnataka Lokayukta under Rule 14(A) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 for the purpose of conducting a departmental enquiry and ascertaining the veracity of the allegations of irregularities alleged to have been committed by him while he was serving in the Town Municipal Council, Dasarahalli (now BBMP).

10. It is submitted that in view of the aforesaid Office Order No. KMIO/PER/2/2026 dated 01.06.2026, the statement in the earlier Affidavit dated 06.04.2026 to the effect that KMIO would itself conduct the disciplinary proceedings against the 4th Respondent stands superseded. KMIO shall act in strict accordance with Office Order No. KMIO/PER/2/2026 dated 01.06.2026 and shall extend all necessary cooperation for the conduct of the departmental enquiry through the Karnataka Lokayukta as directed by the competent authority."



5. The supporting documents are also placed on record. It is submitted by the learned counsel appearing in the matter that, in the light of the decision taken by respondent No.3 - Institute to entrust the matter to the Lokayukta for further action, no further orders are required in this Writ Appeal.

6. Accordingly, the appeal is ***disposed of***. However, it is made clear that we have not considered any questions of law arising on their merits.

Pending interlocutory applications, if any, stand disposed of as they do not survive for consideration.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**