



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 26132 OF 2023 (S-RES)

BETWEEN:

MR S NAGENDRA MURTHY
AGED ABOUT 59 YEARS
S/O LATE M SHIVANANJAPPA
WORKING AS ASST. EXECUTIVE ENGINEER
HEAD QUARTERS, KRIDL
BANGALORE-560001.

...PETITIONER

(BY SRI. S R DODDAWAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ, BANGALORE-560009
REP. BY ITS PRL. SECRETARY.

2. THE MANAGING DIRECTOR
KARNATAKA RURAL INFRASTRUCTURE
AND DEVELOPMENT LTD
ANAND RAO CIRCLE
BANGALORE-560001.

3. THE REGISTRAR
KARNATAKA LOKAYUKTHA
M S BUILDING
BANGALORE-560001

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1:
SRI T NATARAJU, ADVOCATE FOR R2:
SRI. VENKATESH S ARABATTI, ADVOCATE FOR R3)

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH BY ISSUANCE OF WRIT IN THE NATURE OF A CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER, THE IMPUGNED GOVERNMENT ORDER DATED 10/01/2022 BEARING NO. KRIDL/COMPLATE/UPALOK/BD-689/2017/DRE-5/2011-22(EV), VIDE ANNEXURE-D, PASSED BY THE R2 IN SO FAR AS THE PETITIONER IS CONCERNED AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Article 226 of the Constitution of India, seeking the following reliefs:

"1) Quash by issuance of Writ in the nature of a Certiorari or any other appropriate Writ or order, the impugned Government Order dated 10/01/2022 bearing No. KRIDL/Complate/Upalok/BD-689/2017/DRE-5/2011-22(EV), vide Annexure-D, passed by the 2nd Respondent in so far as petitioner is concerned.

2) Quash by issuance of Writ in the nature of certiorari, or any other appropriate Writ, the impugned Articles of Charge bearing No. UPLOK-2/DE-25/2022/ARE-9, passed by the 3rd Respondent, dated 04/03/2022 vide Annexure-E in so far as petitioner is concerned.



3) Consequently also quash the Order dated 09/02/2022 bearing NO. KRIDL/Complate/Upalok/BD-689/2017/DRE-5/2021-22(EV) passed by the 2nd Respondent vide Annexure-F in so far as petitioner is concerned.

4) Direct by issuance of Writ in the nature of Mandamus or any other appropriate Writ, the 2nd Respondent to refund an amount of Rs.3,44,936/- (Three Lakhs Fourty Four Thousand Nine Hundred and Thirty Six Only) along with interest at the rate of 24% per annum, from the date of payment which has been paid by the Petitioner to the 2nd Respondent Department, on the basis of undue influence exerted on the Petitioner, vide Annexure-J in so far as petitioner is concerned.

5) Direct by issuance of Writ in the nature of mandamus the terminal benefits of the Petitioner pending with the 2nd Respondent in lieu of the pending enquiry vide the issuance of Articles of Charges.”

2. The petitioner was working as an Assistant Executive Engineer (Tech.) at Ramanagara Sub-Division, Ramanagara District in the second respondent - Department. While he was in service, a departmental



enquiry was initiated against him. Thereafter, he retired from service on 31.05.2022 as an Executive Engineer. Aggrieved by the initiation of the said departmental enquiry, the petitioner has approached this Court.

3. Learned counsel appearing for the petitioner submits that, prior to the initiation of the departmental enquiry, the second respondent had already recovered a sum of Rs.3,44,936/- from the petitioner on account of the loss caused to them. Therefore, the petitioner does not press prayer Nos.3 and 4, which relate to the refund of the said amount.

4. He further contends that even in the departmental enquiry, recovery of the loss caused to respondent No. 2 can be made only if the petitioner is held guilty and the charges are proved. Since the amount has already been recovered and the petitioner is not seeking a refund of the same, the departmental enquiry initiated by the second respondent may be closed.



5. Learned counsel appearing for respondent Nos. 1 and 2 submits that if the petitioner is not pressing prayer Nos. 3 and 4, then, without affecting the departmental enquiry initiated against the other employees, prayer Nos. 1 and 2, which seeks quashing of the departmental enquiry only in respect of the petitioner, may be allowed.

6. In view of the above, the following order:

- (i) The writ petition is allowed.
- (ii) The prayer Nos. 1 and 2 for quashing Annexure-D dated 10.01.2022 passed by the second respondent and Annexure-E dated 04.03.2022 passed by the third respondent are granted, thereby quashing Annexures D and E, in so far as petitioner is concerned.
- (iii) It is made clear that the petitioner is not entitled for refund of the amount recovered by the respondent No.2.
- (iv) It is also made clear that quashing of the departmental enquiry in respect of the



petitioner will not come in the way of
respondent Nos. 1 and 2 to proceed with the
enquiry in respect of other employees.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 44