

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF SEPTEMBER, 2026**

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 31539 OF 2024 (S-KSAT)

BETWEEN:

SRI. H.GOPAL SINGH,
S/O. LATE L. HANUMAN SINGH
AGED ABOUT 67 YEARS
RETIRED AS DEPUTY CONSERVATOR OF FORESTS
RESIDING AT NO. 26. 19TH 'C' CROSS
N.S.PALYA, B.T.M. LAYOUT, 2ND STAGE
BENGALURU - 560 076 .

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF FOREST
ECOLOGY AND ENVIRONMENT
M.S.BUILDING
BENGALURU - 560 001.
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYATH RAJ
M.S. BUILDING
BENGALURU -560 001.
3. THE REGISTRAR
KARNATAKA LOKAYUKTHA

Digitally signed by
G SHREEFRAKSHA
Location: HIGH
COURT OF
KARNATAKA

M.S. BUILDING
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.V.SHIVA REDDY, AGA FOR R1 & R2;
SRI. K. PRASANNA SHETTY ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS RELATING TO THE IMPUGNED ORDER PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU DATED 01/07/2023 MADE IN A.NO.5947/2021 VIDE ANNEXURE-A PERUSE AND QUASH THE SAID ORDER AS ERRONEOUS AND CONTRARY TO LAW, AND ALLOW THE APPLICATION NO.5947/2021 AS PRAYER SOUGHT THEREIN AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.08.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

The present petition is filed seeking to quash order dated 01.07.2023 on the file of the Karnataka State Administrative Tribunal, Bengaluru ('the Tribunal' for short) passed in Applications No.5947/2021.

2. The petitioner herein is the applicant and the respondent herein is the respondent before the Tribunal.

3. The brief facts of the case are that:-

The petitioner was initially appointed as a Range Forest Officer in the Forest Department on 03.11.1979. Thereafter, he was promoted as Assistant Conservator of Forests on 16.05.1995. Subsequently, by order dated 24.01.2013, he was promoted to the post of Deputy Conservator of Forests (Non-IFS) with effect from 17.01.2008. The petitioner retired from service on attaining the age of superannuation on 30.09.2014.

4. While the petitioner was serving on deputation as Executive Officer, Taluk Panchayat, Nanjangudu, a criminal case came to be registered on 11.03.2005 alleging misappropriation of beneficiaries' funds under the Sampoorna Grameena Rozgar Yojana (SGRY) Scheme and abuse of official position. Pursuant thereto, the Lokayukta Police filed a charge-sheet in Special Case No.72/2006 before the Principal Sessions Judge and Special Judge, Mysuru. Upon conclusion of trial, wherein the prosecution examined PW-1 to PW-18 and marked Exhibits P-1 to

P-44(b), and the defence examined DW-1 to DW-3 and marked Exhibits D-1 to D-8, the Trial Court, by judgment dated 26.10.2011, acquitted the petitioner and the other accused.

5. In respect of the very same incident, a report under Section 12(3) of the Karnataka Lokayukta Act, 1984 came to be submitted recommending initiation of departmental proceedings against the petitioner and another officer. Pursuant thereto, articles of charge dated 05.01.2013 were issued alleging, inter alia, misappropriation of funds while implementing works under the SGRY Scheme during the period 2004-05. A departmental enquiry was thereafter conducted, wherein four witnesses, namely, Sri N. Subbarao, Sri R. Puttalingaiah, Sri Kenchegowda and Sri B.B. Lakshmegowda were examined on behalf of the disciplinary authority.

6. The Enquiry Officer submitted his report dated 16.01.2019 holding Charge Nos.1 and 3 proved and Charge No.2 not proved. Based on the said report, a

recommendation was made for imposition of penalty of recovery of Rs.31,013/- and withholding of 10% of pension for a period of ten years. A second show-cause notice dated 12.02.2019 was issued to the petitioner, to which he submitted his reply on 18.04.2019. Thereafter, by order dated 10.10.2019, the Government imposed the penalty of withholding 10% of pension for a period of ten years and recovery of Rs.31,013/- by invoking Rule 214 of the Karnataka Civil Services Rules.

7. Aggrieved by the aforesaid order, the petitioner filed Application No.5947/2021 before the Karnataka State Administrative Tribunal. The respondents filed their reply statement on 27.04.2022 and the Lokayukta Institution filed its statement of objections on 11.08.2022. The petitioner thereafter filed a rejoinder on 20.03.2023. Upon consideration of the rival contentions, the Tribunal, by order dated 01.07.2023, dismissed the application. Calling in question the legality and correctness of the said order passed by the Tribunal the present writ petition is preferred by the petitioner.

8. Learned Counsel appearing for the petitioner would contend that the petitioner had been acquitted in Special Case No.72/2006 by judgment dated 26.10.2011 after a full-fledged trial and that the State Government did not prefer any appeal against the said judgment. According to the petitioner, initiation and continuation of departmental proceedings on the very same allegations after such acquittal is impermissible in law.

9. It is further contended that the allegations pertain to the period 2004-05, whereas the charge memo came to be issued only on 05.01.2013 and the enquiry culminated in submission of the report on 16.01.2019. Therefore, there is inordinate and unexplained delay both in initiation and conclusion of the disciplinary proceedings, which vitiates the entire enquiry.

10. It is also contended that the findings recorded by the Enquiry Officer are unsupported by evidence, that the evidence of PW-1 to PW-3 does not establish any misconduct on the part of the petitioner and that the findings constitute a case of no evidence. It is lastly

contended that though the petitioner submitted a detailed reply dated 18.04.2019 to the second show-cause notice, the same was not considered in its proper perspective and the disciplinary authority mechanically proceeded to impose the penalty.

11. *Per contra*, learned Additional Government Advocate appearing for the respondents would support the order passed by the Tribunal as well as the penalty imposed upon the petitioner. It is contended that the petitioner, while functioning as Executive Officer, Taluk Panchayat, Nanjangudu, was involved in misappropriation of Government funds sanctioned under the SGRY Scheme during the year 2004-05. Pursuant to the report submitted under Section 12(3) of the Karnataka Lokayukta Act, 1984, the matter was entrusted for enquiry and a regular departmental enquiry was conducted in accordance with law. It is submitted that the findings recorded by the Enquiry Officer are based on oral and documentary evidence available on record and that adequate opportunity was afforded to the petitioner throughout the proceedings.

12. It is further contended that criminal proceedings and departmental proceedings operate in distinct fields and are governed by different standards of proof and, therefore, the acquittal of the petitioner in the criminal case would not preclude continuation of disciplinary proceedings. It is submitted that the reply submitted by the petitioner to the second show-cause notice was duly considered before passing the final order and that the punishment imposed is proportionate to the misconduct held proved in the enquiry. Accordingly, it is contended that the Tribunal was justified in dismissing the application and that the writ petition is liable to be dismissed.

13. Heard learned counsel for the petitioner as well as learned AGA for the respondents.

14. Having considered the rival submissions and examined the material on record, the question that arises for consideration is whether the findings recorded in the departmental inquiry, as affirmed by the Tribunal, suffer from perversity, patent illegality, violation of the principles

of natural justice or are otherwise unsupported by evidence warranting interference in exercise of the jurisdiction under Articles 226 and 227 of the Constitution of India.

15. At the outset the scope of judicial review in a matter arising out of a departmental inquiry is well settled. This Court cannot sit as an Appellate Authority over the findings of the Inquiry Officer. The sufficiency or adequacy of the evidence cannot ordinarily be re-appreciated as if the Court were conducting a fresh inquiry. Interference is warranted only where the finding is based on no evidence, is perverse, is such that no reasonable person could have arrived at it on the material available, or where the inquiry is vitiated by procedural illegality or violation of the principles of natural justice. The question, therefore, is not whether another view of the evidence is possible, but whether the conclusion reached by the Inquiry Officer and accepted by the Competent Authority/Tribunal is a conclusion reasonably capable of being drawn from the material on record.

16. In the present case, the charge against the petitioner related to alleged irregular utilisation of funds sanctioned under the SGRY Scheme in respect of three works. The Inquiry Officer, upon consideration of the oral and documentary evidence, recorded a finding in favour of the petitioner insofar as the work relating to Sri Venkatesh s/o Rangaiah was concerned, on the ground that the identity of the beneficiary and the building inspected by PW4 were not satisfactorily established. Thus, the Inquiry Officer did not proceed on the basis of the allegation simpliciter, but examined the evidence relating to each individual work separately.

17. Insofar as the work relating to Sri Mahadeva s/o Javaraiah is concerned, the material noticed by the Inquiry Officer assumes significance. Ex.P11 records the work sanctioned under the SGRY Scheme. Though the original work at Sl.No.23 was stated to be for digging of a borewell, Ex.P52, the resolution of the Taluk Panchayat dated 31.05.2004, records the change of the work to construction of a petty shop. Thus, the Inquiry Officer specifically found

that the petitioner could not be held responsible merely for the change in the nature of the work. The finding against the petitioner was based on what transpired thereafter, namely, whether the sanctioned work was in fact executed.

18. In examining the said aspect, the Inquiry Officer has adverted to the evidence of PW4, the contemporaneous mahazar at Ex.P1, the photographs at Ex.P4, the statement of Sri Mahadeva at Ex.P73, the technical report at Ex.P13 and the documents relating to release of funds at Exs.P36 to P44. Upon appreciation of the said material, the Inquiry Officer found that the structure existing at the site was a pre-existing construction and that there was no satisfactory material to establish execution of the sanctioned work under the SGRY Scheme. Ex.P59, which records that construction in the property of Sri Mahadeva had commenced much prior to the scheme period, was also taken into consideration. The Inquiry Officer further noticed that notwithstanding the above circumstances, an amount of Rs.17,796/- had been claimed and passed, DGO No.2

having certified the work and DGO No.1 having approved the bill.

19. More importantly, the Inquiry Officer did not rest the finding merely upon the absence of a new construction at the site. The documentary record pertaining to the alleged execution of the work was also examined. Ex.P36 records the release of Rs.17,796/-; Ex.P37 is the contract certificate certifying satisfactory execution of the work; and the connected documents relate to the alleged expenditure towards materials and wages. The Inquiry Officer noticed that there was no corresponding material establishing actual execution of the sanctioned work or actual disbursement of the wages claimed. The petitioner, despite having the opportunity in the departmental proceedings, did not produce material sufficient to displace this evidence.

20. Insofar as the work relating to Sri Chikkananaja Nayak s/o Nanjanayak is concerned, the Inquiry Officer has relied upon Ex.P6 spot mahazar, the photographs, Ex.P13 technical report, Ex.P66 relating to electricity connection,

Ex.P67 communication issued by the Gram Panchayat and Exs.P24 to P31 pertaining to the alleged expenditure. The said material was considered along with the evidence of PW1, PW2 and PW4. On such consideration, the Inquiry Officer found that the structure inspected at the spot was an old construction and that electricity connection had been obtained as early as 03.09.1997. The Inquiry Officer also noticed the absence of satisfactory material demonstrating that a fresh cycle shop had in fact been constructed under the SGRY Scheme during the year 2004-05.

21. The petitioner seeks to rely upon the acquittal recorded in the criminal proceedings arising out of the same transaction. That circumstance, by itself, cannot result in automatic obliteration of the findings in the departmental inquiry. The two proceedings operate in different footings and the standard governing proof is also different. The Criminal Court was required to examine the prosecution case on the standard of proof beyond reasonable doubt, whereas the departmental authority was required to determine whether the charge stood established on the

basis of preponderance of probabilities. Therefore, the mere fact that the Criminal Court extended the benefit of doubt to the petitioner cannot, by itself, render the departmental finding perverse, particularly when the finding in the departmental inquiry is founded upon material independently available in that proceeding.

22. At the same time, the distinction between the two proceedings cannot be used to sustain a departmental finding in the absence of evidence. The Court has therefore examined whether the findings against the petitioner have a reasonable evidentiary basis. On such examination, the finding concerning Sri Mahadeva is supported by the spot inspection, documentary record relating to the sanctioned work and release of funds, the material concerning the pre-existing construction and the absence of satisfactory evidence establishing execution of the sanctioned work. Likewise, the finding concerning Sri Chikkananaja Nayak is supported by the contemporaneous records indicating the existence of the construction prior to the relevant scheme

period and the documents relating to the alleged expenditure.

23. On the contrary, insofar as the allegation concerning Sri Venkatesh s/o Rangaiah is concerned, the Inquiry Officer found that the identity of the beneficiary and the structure inspected during the spot verification had not been satisfactorily established. In the absence of clear and cogent material connecting the inspected property with the work sanctioned under the scheme, the charge was held not proved. This aspect assumes significance as it demonstrates that the Inquiry Officer evaluated each allegation independently and did not proceed on a preconceived assumption of guilt.

24. It is observed that if the Inquiry Officer had proceeded merely on the basis of the prosecution allegation or had disregarded material inconsistencies, there would have been justification for interference. However, the record demonstrates that the Inquiry Officer scrutinised the evidence relating to each transaction and rejected one of

the allegations where the identity of the beneficiary and the inspected property was not satisfactorily established. The findings on the other two transactions, therefore, cannot be characterised as conclusions reached without consideration of the material on record.

25. The fact that certain witnesses were not available for examination, including the beneficiaries who had died, does not by itself vitiate the inquiry. The findings ultimately recorded were not founded exclusively upon their statements, but upon the oral evidence of the witnesses examined in the inquiry and the contemporaneous documentary material produced and marked therein. The Inquiry Officer was entitled to assess the evidentiary value of the material placed before him in accordance with the standard applicable to the departmental proceedings.

26. The petitioner has also not demonstrated any procedural prejudice occasioned to him in the conduct of the inquiry. The record indicates that the disciplinary authority led evidence, documents were marked, the

petitioner was afforded an opportunity to participate in the proceedings and submit his defence, and his written submissions were considered. No material is placed before this Court to establish that the conclusion was arrived at by taking into consideration material behind the petitioner's back or by denying him a reasonable opportunity of defence.

27. In the considered view of this Court, the findings recorded in the departmental inquiry, insofar as they relate to the works concerning Sri Mahadeva s/o Javaraiah and Sri Chikkananaja Nayak s/o Nanjanayak, are founded upon relevant material available on record and cannot be characterised as perverse, arbitrary or unsupported by evidence. The Tribunal, in affirming the said findings, has not committed any jurisdictional error or error of law warranting interference under Articles 226 and 227 of the Constitution of India.

28. On an overall consideration of the material placed on record, this Court is of the considered view that the findings recorded against the petitioner are neither

based on conjectures nor unsupported by evidence. The Inquiry Officer has undertaken an independent evaluation of each of the three allegations and has, in fact, exonerated the petitioner in respect of one of the charges where the evidence was found wanting. The findings in respect of the remaining two charges are founded upon oral and documentary evidence which was accepted by the disciplinary authority and thereafter affirmed by the Tribunal. In exercise of judicial review, this Court is concerned with the decision-making process and not with re-appreciation of the evidence as an appellate forum. As the petitioner has failed to demonstrate any perversity in the findings, violation of principles of natural justice, jurisdictional error or manifest illegality in the orders impugned, no ground is made out for interference.

29. In view of the foregoing discussion, the writ petition being devoid of merit is liable to be dismissed. Accordingly, this Court proceed to pass the following:

ORDER

- (i) The writ petition is ***dismissed.***
- (ii) The order dated 01.07.2023 passed by the Karnataka State Administrative Tribunal, Bengaluru in Application No.5947/2021 is affirmed.
- (iii) Consequently, the order dated 10.10.2019 passed by the State Government imposing the penalty of withholding 10% of pension for a period of ten years and recovery of Rs.31,013/- from the petitioner is upheld.

No order as to costs.

Pending interlocutory applications, if any, stand disposed of.

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

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**