

Reserved on : 18.03.2026

Pronounced on : 05.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 32644 OF 2024 (S-KSAT)

BETWEEN:

1. MR. PADMA PRASAD,
AGED ABOUT 67 YEARS,
S/O. LATE S.R. PARSHWANATHIAH,
RETIRED REGIONAL TRANSPORT OFFICE,
GUNDLUPETE ROAD, CHAMRAJANAGARA,
R/AT No.457, TRIBUVAN,
4TH MAIN, 1ST CROSS,
MARUTHI TEMPLE ROAD,
KUVEMPU NAGAR,
MYSORE,

...PETITIONER

(BY SRI. H.S. GAURAV, ADVOCATE FOR
SRI. RANGANATHA REDDY R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT,
DEPARTMENT OF TRANSPORT,
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE KARNATAKA LOKAYUKTHA,
REPRESENTED BY ITS REGISTRAR,
M.S. BUILDING,
BANGALORE,
PIN CODE - 560 001.

...RESPONDENTS

(BY SRI. V. SHIVAREDDY, AGA FOR R1;
SRI K. PRASANNA SHETTY, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 14/08/2024 IN APPLICATION No.4557/2023 ON THE FILE OF THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BANGALORE VIDE ANNEXURE-A AND TO ALLOW APPLICATION No.4557/2023 ON THE FILE OF THE HON'BLE KSAT AT BANGALORE.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri H.S. Gaurav, learned counsel appearing for Sri R. Ranganatha Reddy, learned counsel for the petitioner, Sri V. Shivareddy, learned Additional Government Advocate appearing for respondent No.1 and Sri K. Prasanna Shetty, learned counsel appearing for respondent No.2.

2. The unsuccessful applicant in Application No.4557 of 2023, has preferred this writ petition assailing the order dated 14.08.2024 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short "the Tribunal").

3. The brief facts of the case are that the petitioner, while working as Regional Transport Officer, Mysuru East, and also holding additional charge of the post of Regional Transport Officer, Mysuru West, was subjected to a complaint lodged by one Sri M. Anandakumar alleging demand of illegal gratification of Rs.5,000/- for renewal of the licence of Aishwarya Driving School. Based on the said complaint, Crime No.6/2015 came to be registered for the offences punishable under Sections 7, 8 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

3.1 Articles of charge dated 10.05.2017 were issued against the petitioner. A detailed inquiry was conducted. Upon conclusion of the inquiry, the Inquiry Officer submitted a report holding that the charges levelled against the petitioner stood proved.

3.2 Based on the inquiry report, the Upalokayukta recommended to the Government imposition of the penalty of

withholding 50% of the pension. Pursuant thereto, the disciplinary authority issued a second show-cause notice dated 08.03.2023. After considering the reply submitted by the petitioner on 19.06.2023, the disciplinary authority, by order dated 31.07.2023, imposed the penalty of permanent withholding of 50% of the pension.

3.3 The said order was called in question before the Tribunal. However, the Tribunal, under the impugned order, rejected the application.

4. Sri H.S. Gaurav, learned counsel appearing for Sri R. Ranganatha Reddy, learned counsel for the petitioner, submits that the petitioner had passed orders for renewal of the licence on 04.07.2015, whereas the trap was conducted on 24.07.2015 based on a complaint lodged nearly 20 days after renewal of the licence. It is contended that the complaint was ill-motivated and lodged with an intention to falsely implicate the petitioner.

4.1 It is further submitted that, as on the date of the complaint and the trap, no work relating to the complainant was pending consideration before the petitioner. According to the learned counsel, once the renewal had already been

granted on 04.07.2015, the question of demand of bribe after a lapse of 20 days would not arise.

4.2 Learned counsel also contends that the inquiry was not conducted in a fair and proper manner and that the defence evidence adduced by the petitioner has not been appreciated in its proper perspective by the Inquiry Officer. It is further submitted that the order imposing penalty was passed without due consideration of the detailed reply submitted by the petitioner and that the disciplinary authority was influenced by the recommendation made by the Lokayukta.

5. Sri V. Shivareddy, learned Additional Government Advocate appearing for respondent No.1, submits that the petitioner has already been convicted in the criminal case arising out of the very same incident. It is further submitted that the tainted currency was recovered from the possession of the petitioner and that the evidence of the complainant, examined as PW-1, and the panch witness, examined as PW-3, clearly establishes the charge levelled against the petitioner.

5.1 Learned counsel further submits that, though the petitioner has preferred an appeal against the order of conviction, only the sentence has been suspended and the

conviction continues to operate. It is therefore contended that, when the charge of corruption has been proved beyond reasonable doubt in the criminal proceedings, the findings recorded in the departmental inquiry, which are based on the principle of preponderance of probabilities, do not warrant interference. According to the learned counsel, the finding of the Inquiry Officer holding the charges proved is fully justified and calls for no interference by this Court.

6. Sri K. Prasanna Shetty, learned counsel appearing for respondent No.2, submits that the inquiry report is based on cogent and proved evidence available on record. It is contended that the petitioner had extensively cross-examined the witnesses during the course of the inquiry; however, no worthwhile material was elicited to discredit the prosecution case or disprove the charges levelled against him.

6.1 Learned counsel further submits that the penalty imposed is commensurate with the nature and gravity of the misconduct established against the petitioner. It is also submitted that the petitioner has been convicted in the criminal case for the offences punishable under the Prevention of Corruption Act and that suspension of sentence granted in the appeal proceedings

does not enure to the benefit of the petitioner insofar as the departmental proceedings are concerned. Accordingly, learned counsel submits that the writ petition being devoid of merit is liable to be dismissed.

7. Having considered the submissions made by the learned counsel for the petitioner, the learned Additional Government Advocate appearing for respondent No.1, and the learned counsel appearing for respondent No.2, it is evident that the petitioner was working as Regional Transport Officer, Mysuru, when allegations were made against him regarding demand of illegal gratification of Rs.5,000/- for renewal of licence in favour of Aishwarya Driving School. Based on the complaint, Crime No.6/2015 came to be registered and, after a full-fledged trial, the petitioner was convicted for the said offences in Special Case No.41/2016 by judgment dated 21.08.2019.

7.1 The petitioner retired from service on attaining the age of superannuation on 30.06.2016. In the departmental inquiry, four witnesses were examined and 24 documents were marked. The petitioner examined himself as DW1 and marked Exs.D1 and D2. PW1 is the complainant, PWs.2 and 3 are the panch witnesses, and PW4 is the Investigating Officer. Upon

appreciation of the oral and documentary evidence placed on record, the Inquiry Officer held that the charges levelled against the petitioner stood proved.

8. The defense raised by the petitioner is twofold. Firstly, it is contended that the petitioner had already forwarded the file to the concerned officer on 04.07.2015 and the renewal process had been completed on the said date itself. The complaint, however, came to be lodged on 24.07.2015 and the trap was also conducted on the very same day. Therefore, according to the petitioner, as on the date of the complaint, no work pertaining to the complainant was pending before him. Secondly, it is contended that the tainted currency notes were forcibly thrust into the pocket of the petitioner and, therefore, mere recovery of the same from his possession cannot be construed as acceptance of illegal gratification.

8.1 It is no doubt true that the factum of renewal having been granted on 04.07.2015 has been admitted in the cross-examination of PW1, the complainant. However, the contention urged on behalf of the respondents is that the said renewal had not been communicated to or made known to the complainant as on the date of the complaint. PW3, the panch witness, has

clearly spoken to the acceptance of the tainted money by the petitioner. Though the said witness was extensively cross-examined, nothing worthwhile has been elicited to discredit his testimony.

8.2 The petitioner has further contended that the tainted money was forcibly thrust into his pocket. However, the said defense has neither been substantiated through defense evidence nor established in the cross-examination of the witnesses examined on behalf of the disciplinary authority. On the contrary, the suggestions put to the witnesses during cross-examination fortify the case of acceptance of the bribe amount by the petitioner.

9. Another contention urged is that, as on the date of the complaint, no work of the complainant was pending before the petitioner. In this regard, it is not in dispute that the complainant had submitted an application for renewal of licence and that the petitioner was the competent authority to consider the same. In departmental proceedings, the evidence is required to be assessed on the touchstone of preponderance of probabilities. In the present case, possession and recovery of the tainted money from the petitioner stand proved. Whether

any work was actually pending as on the date of the complaint would not be of much relevance in the context of departmental proceedings.

9.1 The further contention urged on behalf of the petitioner is that the detailed reply submitted to the second show-cause notice was not considered by the disciplinary authority. However, a perusal of the order imposing penalty indicates that the same has been passed after considering the reply dated 19.06.2023 submitted by the petitioner. The reply primarily refers to various judicial pronouncements relied upon by the petitioner. Merely because the order does not advert to each and every contention in detail, it cannot be held that the reply was not considered at all.

9.2 Moreover, the Tribunal, upon an extensive consideration of the submissions advanced by the petitioner, the evidence adduced before the Inquiry Officer, the findings recorded in the inquiry report and the order imposing penalty, has come to the conclusion that the charges stood proved on the basis of the evidence available on record and that the penalty imposed is reasonable and proportionate.

9.3 This Court, while exercising jurisdiction under Articles 226 and 227 of the Constitution of India, would not sit in appeal over the findings recorded by the Inquiry Officer and the disciplinary authority. The scope of judicial review in such matters is limited. Interference would be warranted only in cases where the inquiry is conducted in an unfair manner, where the findings recorded are based on no evidence, or where there is violation of the principles of natural justice.

9.4 In the present case, the records disclose that adequate and sufficient opportunity was granted to the petitioner to cross-examine the witnesses examined on behalf of the disciplinary authority and also to adduce defence evidence. Therefore, we find no merit in the contention urged on behalf of the petitioner that the inquiry was not conducted in a fair manner. For the very same reasons, we also find no violation of the principles of natural justice.

9.5 The inquiry report is founded upon the evidence of four witnesses examined on behalf of the disciplinary authority and the evidence of DW1, namely the petitioner himself. The findings are also based on consideration of 24 documents marked on behalf of the disciplinary authority and Exs.D1 and

D2 marked on behalf of the petitioner. Therefore, it cannot be said that the findings recorded by the Inquiry Officer are based on no evidence.

9.6 Having regard to the limited scope of judicial review available in disciplinary matters, this Court cannot undertake a re-appreciation of the entire oral and documentary evidence on record. It is also relevant to note that the criminal proceedings initiated against the petitioner under the provisions of the Prevention of Corruption Act on the very same allegations have culminated in conviction, upon the charges being proved beyond reasonable doubt. In contrast, the standard of proof required in departmental proceedings is only that of preponderance of probabilities.

10. In the circumstances, we find no infirmity either in the findings recorded by the Inquiry Officer, the order imposing penalty passed by the disciplinary authority, or the order passed by the Tribunal affirming the same. We are also of the considered view that the penalty imposed is proportionate to the gravity of the misconduct proved against the petitioner.

11. It is submitted that the petitioner has preferred an appeal against the judgment of conviction in Special Case No.41/ 2016

dated 21.08.2019 and that the sentence imposed therein has been suspended pending disposal of the appeal. Since the degree and standard of proof required in criminal proceedings and departmental proceedings are distinct, we deem it appropriate to observe that any findings recorded in the present order shall not influence the adjudication of the criminal appeal arising out of the judgment of conviction in Special Case No.41/2016.

12. With the above observations, the writ petition stands ***dismissed.***

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

**Sd/-
(K. V. ARAVIND)
JUDGE**

MV*