



CNR: KAHC010758042025

NC: 2026:KHC:45545-DB
WP No. 35332 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 35332 OF 2025 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY
ITS UNDER SECRETARY
DEPARTMENT OF REVENUE (SERVICES)
M.S.BUILDING
BANGALORE-560 001.
2. THE DIVISIONAL COMMISSIONER
MYSURU DIVISION
MYSURU.
3. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU.

...PETITIONERS

(BY SRI K.R. RAJENDRA, AGA)

AND:

1. SRI N. ESWARACHARI
S/O LATE SRI N. NEELAKANTACHAR
AGED ABOUT 59 YEARS
FDA (NOW UNDER ORDER OF DISMISSAL)
TALUK OFFICE, K.R.NAGAR
MYSORE DISTRICT
R/O GORANALLL, PERIYAPTNA TALUK

Digitally signed
by G. SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



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MYSORE DISTRICT
SINCE DECEASED REPRESENTED BY HIS
LR. SMT. PUTTA GOWRAMMA
W/O LATE ISHWARACHAR
AGED ABOUT 71 YEARS.

2. THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH
MYSORE.

...RESPONDENTS

(BY SRI SARITHA A.L., ADVOCATE FOR R1;
SRI PAWAN KUMAR M.N., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH
THE IMPUGNED ORDER PASSED BY THE HON'BLE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL,
BENGALURU IN APPLICATION NO.3817/2003 BY ORDER
DATED 15.03.2023 VIDE ANNEXURE-A 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 R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE R DEVDAS)

The State of Karnataka along with the Divisional
Commissioner, Mysuru Division and the Deputy
Commissioner, Mysuru District have filed this writ petition



challenging an order passed by the Karnataka State Administrative Tribunal, Bengaluru in Application No.3817/2003 dated 15.03.2023. On the previous occasion, when the matter had come up before this Court, this Court noticed the fact that the writ petition was filed two and half years after the order was passed by the Tribunal. Therefore, when we noticed the fact that the writ petition was filed without explaining the delay, learned AGA sought for a short accommodation. Accordingly, today the learned AGA has filed a memo along with an affidavit of the Litigation Conducting Officer, the Office Assistant from the Office of the Deputy Commissioner, Mysuru District explaining the delay.

2. We have gone through the affidavit, we find that the Deputy Commissioner had requested the Secretary of Revenue Department in his communication dated 06.05.2023 to issue appropriate orders to file a writ petition before this Court, challenging the order dated



15.03.2023. However, the Government Order was passed only on 28.05.2025 appointing the Office Assistant of the Office of the Deputy Commissioner as Litigation Conducting Officer and was authorized to file a writ petition. Other than the said information, there is no other reason acceptable for the delay on the part of the State and its authorities to file the writ petition.

3. We also see from the impugned order passed by the Tribunal that the Tribunal has considered all relevant facts, including the fact that the application was filed before the Tribunal in the year 2003 questioning the Order dated 02.02.2002 whereby, the applicant before the Tribunal was dismissed from service. The Tribunal noticed the fact that the applicant had raised an objection that when the enquiry was commenced, no information or documents were made available to the applicant to enable the applicant to give a proper reply, lead evidence and to cross-examine the official witnesses. In fact, the applicant



had made a communication to the Deputy Commissioner, Mysuru District to give an opportunity to the applicant to enable the applicant to furnish the vouchers and other documents in support of his contention that he had not misused the funds of the Grama Panchayath. Nevertheless, the appellants herein proceeded to accept the report of the Enquiry Officer and proceeded to pass an order of dismissal against the applicant. The Tribunal having considered all these aspects of the matter, also noticed that the original applicant had died and his widow was brought on record and she continued the proceedings. The widow was already aged about 72 years and accordingly, the Tribunal proceeded to partly allow the application while modifying the penalty of dismissal into compulsory retirement.

4. Having regard to the facts narrated herein above, we are of the considered opinion that if the State and its authorities were prudent, it would have not taken two and



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half years to file the writ petition. The explanation offered seeking condonation of delay is also not sufficient to entertain the writ petition. Accordingly, we proceed to ***dismiss*** the writ petition only on the ground of delay and latches.

**Sd/-
(R DEVDAS)
JUDGE**

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

MH/-
List No.: 1 Sl No.: 31