

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 18589/2026 (S-KSAT)

C/W

WRIT PETITION NO. 37007/2025 (S-KSAT)

IN WP NO. 18589/2026

BETWEEN:

DR. B O HANUMANTHAPPA
S/O LATE HIREHALLI OBAPPA
AGED ABOUT 72 YEARS
RETIRED AS DIRECTOR
BIDAR INSTITUTE OF MEDICAL SCIENCE
PRESENTLY RESIDING AT
SRI RAGHAVENDRA NILAYA
B V K S LAYOUT, 2ND MAIN,
3RD CROSS, CHANDRAVALLI NAGARA
CHITRADURGA - 577501
PH: 9448322889
Email id: drbohanumanthappa@gmail.com

...PETITIONER

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

(BY SRI. M.S. BHAGWAT, SR. COUNSEL A/W
SRI SATISH K., ADV.)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF MEDICAL EDUCATION
REP. BY ITS PRINCIPAL SECRETARY
M S BUILDING
BENGALURU- 560001.
2. BIDAR INSTITUTE OF MEDICAL SCIENCE
AN AUTONOMOUS INSTITUTION OF
GOVERNMENT OF KARNATAKA

REPRESENTED BY ITS
CHIEF ADMINISTRATIVE OFFICER
BIDAR DISTRICT, BIDAR-585401.

3. THE GOVERNING COUNCIL
BIDAR INSTITUTE OF MEDICAL SCIENCE
REP. BY ITS CHAIRMAN
BIDAR DISTRICT, BIDAR-585401.

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG A/W
SRI V SHIVAREDDY, AGA FOR R1
SMT. PRAJWALA SATHYAPRAKASH, ADV. FOR R2 & R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I) CALL FOR RECORDS FROM THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN RESPECT OF THE IMPUGNED ORDER DATED 01/06/2026 PASSED IN APPLICATION NO.3923/2025 (ANNEXURE-A); II) SET ASIDE THE IMPUGNED ORDER DATED 01/06/2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION NO.3923/2025 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE SAID APPLICATION NO.3923/2025 PREFERRED BY THE PETITIONER, AS PRAYED FOR, ANNEXURE-B AND ETC.

IN WP NO. 37007/2025

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY THE DEPARTMENT OF
HEALTH AND FAMILY WELFARE SERVICES
(MEDICAL EDUCATION),
BY ITS PRINCIPAL SECRETARY,
M S BUILDING,
BANGALORE-560 001.
2. THE DIRECTOR,
DEPARTMENT OF MEDICAL EDUCATION,
BMCRI OLD BUILDING,
K.R. ROAD, BANGALORE-560001.

...PETITIONERS

(BY SRI. REUBEN JACOB, AAG A/W
SRI V SHIVAREDDY, AGA)

AND:

1. DR. B O HANUMANTHAPPA
S/O LATE HIREHALLI OBAPPA,
AGED ABOUT 70 YEARS,
RETIRED AS DIRECTOR,
BIDAR INSTITUTE OF MEDICAL SCIENCES,
R/AT SRI RAGHAVENDRA NILAYA,
B.V.K.S. LAYOUT, 2ND MAIN,
3RD CROSS, CHANDRAVALLI NAGARA,
CHITRADURGA-577 501.
2. THE PRINCIPAL ACCOUNTANT GENERAL
(A AND E)
KARNATAKA, P.B. NO.5329,
PARK HOUSE ROAD,
BANGALORE - 560 001.
3. BIDAR INSTITUTE OF MEDICAL SCIENCES,
AN AUTONOMOUS INSTITUTION OF
GOVERNMENT OF KARNATAKA,
REPRESENTED BY ITS
CHIEF ADMINISTRATIVE OFFICER,
BIDAR DISTRICT, BIDAR-585 401.

...RESPONDENTS

(BY SRI. LOKESH M., ADV. FOR R1
SRI HARISHA A.S., AGA FOR R2
SMT. PRAJWALA SATHYAPRAKASH, ADV. FOR R2 & R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO QUASH THE ORDER DATED 11/02/2025 (ANNEXURE-A) PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION NO.3926/2024 AND B) PASS SUCH ANY OTHER ORDER OR DIRECTION.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDER ON **17.07.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

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

CAV ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Both the above writ petitions arise between the same parties and as common facts and common questions of law arise, with the consent of learned counsel appearing for the parties, they are heard together and disposed of by this common order.

2. In W.P.No.18589/2026, the unsuccessful applicant before the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') is before this Court questioning order dated 01.06.2026 in Application No.3923/2025, whereunder mainly petitioner's challenge to the articles of charge dated 29.03.2025 (Annexure-A31) as barred by limitation, is rejected.

3. In W.P.No.37007/2025, the respondent – State Authorities in the Department of Health and Family Welfare Services are before this Court aggrieved by order dated 11.02.2025 in Application No.3926/2024, directing to settle pension and other retiral benefits including DCRG,

Gratuity, leave encashment and any other pensionary benefits along with applicable rate of interest from the date of due till accrual to the petitioner.

4. Brief facts leading to filing of the above writ petitions are that, the petitioner while working as Principal of Bidar Institute of Medical Sciences, Bidar (for short, 'BIMS'), was selected and appointed as Director, BIMS for a period of three years or till he attains the age of 58 years on 01.10.2007. The petitioner is said to have reported to duty on 03.10.2007. The petitioner was once again appointed as Director by Government notification dated 23.05.2011 for a period of three years. In the year 2014, there was a complaint against the petitioner and on preliminary enquiry on 15.02.2014, an order was passed to relieve the petitioner from the post of Director of BIMS. However, the said relieving order was the subject matter of writ petition before this Court. Thereafter, the petitioner was relieved from his duties as Director of the BIMS on 21.06.2014.

5. The petitioner attained the age of superannuation on 31.08.2014. Nearly two years from the date of petitioner's retirement, a departmental enquiry came to be instituted against the petitioner by issuing articles of charge dated 13.06.2016 (Annexure-A24). It is stated that the petitioner submitted his detailed reply on 14.07.2016. The said articles of charge was the subject matter of W.P.No.15428/2017 and W.P.No.15429/2017 as well as W.A.No.19/2019. This Court by order dated 25.06.2024 disposed of W.P.No.15428/2017 and W.P.No.15429/2017 with liberty to the petitioner to avail remedy under the Administrative Tribunals Act, 1985 (for short, 'the Act').

6. Thereafter, the petitioner approached the Tribunal questioning the articles of charge dated 13.06.2016 in Application No.3924/2024. The Tribunal by order dated 12.11.2024 quashed the order initiating the enquiry dated 13.06.2016 as well as articles of charge dated 13.06.2016 and remitted the matter to the Government to comply the requirements of Rule 36 of the

Karnataka Government (Transaction of Business) Rules, 1977 (for short, 'Rules, 1977') by getting approval of the Chief Minister and to issue fresh articles of charge if so advised within four months. It is stated that the four months time granted by the Tribunal expired on 11.03.2025 and thereafter on 29.03.2025 permission was accorded by the competent authority for initiation of enquiry and on the same day, fresh articles of charge was issued to the petitioner. The petitioner is said to have submitted his written statement of defence on 23.05.2025.

7. Subsequently, by order dated 24.06.2025 the first respondent – Government appointed a retired District and Sessions Judge as Enquiry Officer and CAO of the BIMS as the Presenting Officer. When the Enquiry Officer issued notice to appear, the petitioner approached the Tribunal questioning the initiation of enquiry as well as articles of charge dated 29.03.2025 in Application No.3923/2025. It is stated that initially the Tribunal by interim order dated 02.09.2025 stayed the enquiry. However, by impugned order dated 01.06.2026 rejected

the Application of the petitioner challenging the articles of charge holding that the enquiry has been initiated in terms of liberty granted and initial initiation of enquiry in the year 2016 was within four years. Aggrieved by the said order, the petitioner is before this Court in W.P.No.18589/2026.

8. The petitioner had filed one more application in Application No.3926/2024 praying for a writ of mandamus directing the respondents to settle pension and all retirement benefits when at the first instance, articles of charge was quashed by order dated 12.11.2024 in Application No.3924/2024. The Tribunal by order dated 11.02.2025 directed the respondents to settle pension and other retiral benefits along with applicable interest. Aggrieved by the said direction, the respondents are before this Court in W.P.No.37007/2025.

9. Heard learned senior counsel Sri.M.S.Bhagawat along with learned counsel Sri.K.Satish for petitioner and learned Additional Advocate General Sri.Reuben Jacob

along with Sri.V.Shivareddy and Sri.Harisha.A.S., learned Additional Government Advocates for respondents. Perused both the writ petition papers.

10. Learned senior counsel Sri.M.S.Bhagawat as well as learned counsel Sri.K.Satish for the petitioner would submit that the petitioner retired on attaining the age of superannuation on 31.08.2014. Whereas, for the alleged incident between 02.12.2005 to 15.02.2014, a departmental enquiry came to be initiated by issuance of articles of charge dated 13.06.2016, which was the subject matter of Application No.3924/2024. The Tribunal by order dated 12.11.2025 allowed the Application of the petitioner accepting the contention of the petitioner that the initiation of enquiry by issuance of articles of charge is without the approval of competent authority i.e., Chief Minister or Council of Ministers, quashed the articles of charge with an observation that after getting such approval, it is for the respondent authorities to issue fresh articles of charge, if so advised. While disposing of the above Application, the Tribunal granted four months time.

However, it is submitted that the respondent authorities after obtaining approval from the competent authority i.e., Chief Minister, issued fresh articles of charge dated 29.03.2025 (Annexure-A31), after more than four months. Learned senior counsel for the petitioner would contend that the charge memo issued on 29.03.2025 is beyond four years from the date of retirement of the petitioner as well as beyond four years from the date of occurrence of the incident. As such, the articles of charge dated 29.03.2025 is hit by Rule 214(2)(b)(ii) of KCSRs.

11. It is contended that even assuming that first enquiry instituted by issuance of articles of charge dated 13.06.2016 was within the period of limitation, it was initiated by incompetent authority. As such, the second articles of charge dated 29.03.2025 cannot be considered as continuation of first articles of charge. Learned senior counsel would submit that the Tribunal fell into error in coming to the conclusion that the first initiation of enquiry in the year 2016 was within four years of the retirement and the rejection of petitioner's contention that mere

granting liberty does not amount to extension of the statutory period, as farfetched contention, is without appreciating the fact that the earlier charge memo, though was initiated within four years was by an incompetent authority, without the approval of the Chief Minister.

12. Learned senior counsel for the petitioner also contended that the articles of charge dated 29.03.2025 is issued beyond four months time granted by the Tribunal, as such, the same requires interference.

13. Learned senior counsel for the petitioner referring to articles of charge dated 29.03.2025 would submit that articles of charge are vague inasmuch as no details are forthcoming so as to answer and defend the charge. Thus, learned counsels for the petitioner would pray for allowing the writ petition and to set aside the articles of charge and consequently to direct settlement of pension and pensionary benefits.

14. On the other hand, learned Additional Advocate General Sri.Reuben Jacob would submit that the present

articles of charge dated 29.03.2025 (Annexure-A31) is a continuation of first articles of charge dated 13.06.2016. As such, Rule 214(2)(b)(ii) of KCSRs would have no application. Learned Additional Advocate General would submit that as the Tribunal while quashing the earlier articles of charge dated 13.06.2016 remitted the matter back to the Government to get approval of the competent authority, as such, when the first enquiry initiated by issuance of articles of charge dated 13.06.2016 is within the period of limitation, the present articles of charge which is in continuation would not be beyond four years and four years limitation cannot be applied in the peculiar facts of the present case. Furthermore, learned Additional Advocate General would contend that the petitioner from the year 2016 is before this Court or before the Tribunal questioning the articles of charge and as the proceedings are at the instance of petitioner himself, the time spent before this Court as well as Tribunal is to be excluded while computing the four years time, while calculating the four years limitation under Rule 214(2)(b)(ii) of KCSRs.

15. Learned Additional Advocate General would further with regard to contention that the articles of charge issued is beyond four months time granted by the Tribunal submits that the Tribunal passed the order on 12.11.2024 and the subsequent articles of charge issued on 29.03.2025 is within the time of four months from the date of receipt of copy of the order. Learned Additional Advocate General with regard to the contention of vagueness of the charge submits that the said contention cannot be gone into at this stage and it is open for the petitioner to raise the same before the Enquiry Officer.

16. Further, learned Additional Advocate General taking us through the articles of charge would submit that the charges are very serious in nature and since the petitioner has caused huge financial loss, the respondents be permitted to go ahead with the enquiry. Learned Additional Advocate General would submit that the direction issued by the Tribunal dated 12.11.2024 in Application No.3924/2024 directing settlement of pension

and pensionary benefits, which is the subject matter of W.P.No.37007/2025, would depend on the outcome of W.P.No.18589/2026.

17. Having heard the learned senior counsel appearing for the parties and on perusal of the entire writ petition papers, the following points would arise for our consideration:

1. *Whether in the facts and circumstances, articles of charge dated 29.03.2025 (Annexure-A31) is barred by limitation under Rule 214(2)(b)(ii) of KCSRs as contended by the petitioner?*
2. *Whether the impugned order dated 01.06.2026 in Application No.3923/2025 (subject matter of W.P.No.18589/2026) warrants interference?*
3. *Whether the impugned order dated 11.02.2025 in Application No.3926/2024 (subject matter of W.P.No.37007/2025) warrants interference?*

18. Answer to the above points would be in affirmative, affirmative and negative respectively, for the following reasons:

The petitioner was working as Director of BIMS from December, 2005 to June, 2014. Admittedly, the petitioner on attaining the age of superannuation retired from service on 31.08.2014. Subsequent to his retirement, articles of charge dated 13.06.2016 (Annexure-A24) was issued on the alleged misconduct committed by the petitioner for the period between 02.12.2005 to 15.02.2014. The said articles of charge was the subject matter of Application No.3924/2024. The Tribunal by order dated 12.11.2024 allowed the said Application and quashed the impugned order of initiation of enquiry dated 13.06.2016 and articles of charge dated 13.06.2016 holding that Rule 36 of Transaction of Business Rules are not complied with. Rule 36 of Transaction of Business Rules requires or mandates approval of the Chief Minister for initiation of enquiry against a Group-A senior scale officer that too, cases falling under II Schedule to the said Rules. In other words, the articles of charge dated 13.06.2016 issued against the petitioner was by an incompetent authority and was without jurisdiction.

20. The Tribunal passed the following order on 12.11.2024 in Application No.3924/2024:

"7. Hence, the application is allowed and the impugned order bearing No.AaaKuKa.155.MSF.2012 dated 13.06.2016 passed by the 1st respondent and produced vide Annexure-A23 and the impugned charge memo bearing No.AaaKuKa.155.MSF.2012 dated 13.06.2016 passed by the 1st respondent and produced vide Annexure-A24 are hereby set aside.

The matter is remitted back to the 1st respondent to comply the requirements of Rule 36 of Karnataka Government (Transaction of Business) Rules, 1977 by getting approval of the Hon'ble Chief Minister or Council of Ministers. After getting such approval, it is for the respondent authorities to issue the fresh Articles of Charge, if so advised. Time for compliance is four months from the date of receipt of a copy of this order."

The Tribunal on setting aside the initiation of enquiry dated 13.06.2016 as well as articles of charge dated 13.06.2016 remitted the matter back to the first respondent to get approval from the Chief Minister or Council of Ministers. However, the Tribunal has not granted liberty to issue fresh articles of charge *simpliciter*.

It has only observed that it is for the respondent authorities to issue the fresh articles of charge, **if so advised.**

21. In the above circumstances, whether the subsequent articles of charge dated 29.03.2026 could be considered as continuation of earlier articles of charge dated 13.06.2016 and whether as contended by learned Additional Advocate General, the time spent in the Court challenging articles of charge dated 13.06.2016 is to be excluded while computing limitation? The answer would be a definite 'No', since the earlier enquiry under articles of charge dated 13.06.2016 was held to be without the approval of competent authority and the same was also held to be without jurisdiction, by the Tribunal vide Order dated 12.11.2024 in Application No.3924/2024. Admittedly, the State has accepted the said finding, as the Order dated 12.11.2024 in Application No.3924/2024 has not been challenged by the State before this Court or any other Court for that matter and hence, attained finality. When once the articles of charge dated 13.06.2016 is set

aside on the ground of non-approval by the competent authority and the issue having attained finality, the same would not exist in the eyes of law.

22. The Hon'ble Apex Court in the case of **SHREE CHAMUNDI MOPEDS LTD., VS. CHURCH OF SOUTH INDIA TRUST ASSOCIATION CSI CINOD SECRETARIAT, MADRAS** reported in **(1992) 3 SCC 1**, has held that when once the Court quashes a proceedings, the proceedings which is quashed would not exist in the eye of law. Therefore, the subsequent articles of charge dated 29.03.2025 cannot be considered as continuation of earlier enquiry under articles of charge dated 13.06.2016. Further, when the earlier enquiry is by an incompetent authority or without the approval of competent authority, the respondents would not be entitled to exclude the time spent before this Court. If we accept the said contention and permit the State to exclude the time spent in litigation, it would amount to reviving a quashed proceedings, which is impermissible.

23. Rule 214(2)(b)(ii) of KCSRs reads as follows:

"214 (2) (b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment.

(i)

(ii) shall not be in respect of any event which took place more than four years before such institution."

In terms of the above Rule, enquiry could be instituted against a retired Government servant for an event which had taken place within four years from the date of initiation of enquiry i.e., date of articles of charge. The initiation of enquiry under articles of charge dated 29.03.2025 is for the incidents alleged to have taken place between 02.12.2005 to 15.02.2014. Admittedly, the petitioner retired from service on 31.08.2014. Therefore, the articles of charge issued on 29.03.2025 is totally contrary to Rule 214(2)(b)(ii) of KCSRs.

24. Statutory Rules prescribe the limitation. Limitation prescribed under statute or rule cannot be extended by the Court. This Court has no power to extend

the period of limitation on equitable grounds or on the ground that nature and gravity of charge are very serious. Even if the Court grants liberty to initiate fresh proceedings on quashing of the earlier proceedings, the exercise of such liberty shall be in accordance with law. If the law permits fresh proceedings, then it could be initiated.

25. The articles of charge contains ten charges against the petitioner, which read as follows:

"ಡಾ. ಜಿ.ಟಿ. ಹನುಮಂತಪ್ಪ ನಿವೃತ್ತ ನಿರ್ದೇಶಕರು, ಜೀದರ್ ವೈದ್ಯಕೀಯ ಬಿಜ್ಞಾನಗಳ ಸಂಸ್ಥೆ, ಜೀದರ್ ಇವರ ವಿರುದ್ಧ ಮಾಡಲಾದ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ.

ಡಾ. ಜಿ.ಟಿ. ಹನುಮಂತಪ್ಪ, ನಿವೃತ್ತ ನಿರ್ದೇಶಕರು, ಜೀದರ್ ವೈದ್ಯಕೀಯ ಬಿಜ್ಞಾನಗಳ ಸಂಸ್ಥೆ, ಜೀದರ್ ಆದ ನೀವು ದಿನಾಂಕ: 02.12.2005 ರಿಂದ 15.02.2014 ರವರೆಗೆ ಜೀದರ್ ವೈದ್ಯಕೀಯ ಬಿಜ್ಞಾನಗಳ ಸಂಸ್ಥೆಯ ನಿರ್ದೇಶಕರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ ಅವಧಿಯಲ್ಲಿ ಉಪಕರಣ ಮತ್ತು ಪೀಠೋಪಕರಣಗಳ ಖರೀದಿ, ರಾಸಾಯನಿಕ ವಸ್ತುಗಳ ಖರೀದಿ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳ ನೇಮಕಾತಿಗಳಲ್ಲಿ ಅವ್ಯವಹಾರ ಎಸಗಿರುವ ಕರ್ತವ್ಯಲೋಪಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಆರೋಪಗಳನ್ನು ಹೊರಿಸಲಾಗಿದೆ.

ಆರೋಪ-1: ಜೀದರ್ ವೈದ್ಯಕೀಯ ಬಿಜ್ಞಾನಗಳ ಸಂಸ್ಥೆಗೆ ಈ ಕೆಳಕಂಡ ಉಪಕರಣಗಳು ಮತ್ತು ಪೀಠೋಪಕರಣಗಳನ್ನು ಅವಶ್ಯಕತೆ ಇಲ್ಲದಿದ್ದರೂ ಕರ್ನಾಟಕ (ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ

ಪಾರದರ್ಶಕತೆ) ಅಧಿನಿಯಮ, 1999 ಮತ್ತು ನಿಯಮಗಳು, 2000 ರ ಉಪಲಬ್ಧಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಖರೀದಿ ಮಾಡಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-2: ಜೇದರ್ ವೈದ್ಯಕೀಯ ವಿಜ್ಞಾನಗಳ ಸಂಸ್ಥೆಯಲ್ಲಿನ ನೀರು ಶುದ್ಧೀಕರಣ ಸ್ಥಿರಯಂತ್ರದ ನಿರ್ವಹಣೆಯನ್ನು ನಿಯಮಗಳನ್ನು ಪಾಲಿಸದೇ ಆರೋಪಿತ ಅಧಿಕಾರಿಯ ಪತ್ನಿಯ ಸಹೋದರನಿಗೆ ವಹಿಸಿಕೊಟ್ಟಿರುವುದು ಹಾಗೂ ಸದರಿ ಘಟಕದ ಪ್ರಯೋಜನವನ್ನು ರೋಗಿಗಳು ಹಾಗೂ ಸಾರ್ವಜನಿಕರು ಪಡೆದುಕೊಳ್ಳದ ಲೀತಿಯಲ್ಲಿ ಸ್ಥಾಪಿಸಲು ಕಾರಣರಾಗಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-3: ಜೇದರ್ ವೈದ್ಯಕೀಯ ವಿಜ್ಞಾನಗಳ ಸಂಸ್ಥೆಯಲ್ಲಿ ರೋಗಿಗಳ ಚಿಕಿತ್ಸೆಗೆ ಅವಶ್ಯವಿರುವ ಎಲ್ಲಾ ಸೌಲಭ್ಯಗಳು ಇದ್ದಾಗ್ಯೂ ಸಹ ಬೇರೆ ಖಾಸಗಿ ಆಸ್ಪತ್ರೆಗಳಿಗೆ ಹಾಗೂ ಡಯಾಗ್ನೋಸ್ಟಿಕ್‌ಗಳಿಗೆ ಕಳುಹಿಸುವ ಮೂಲಕ ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ವ್ಯವಸ್ಥೆಯ ಸೌಲಭ್ಯವನ್ನು ಬಡವರು ಹಾಗೂ ಮಧ್ಯಮ ವರ್ಗದವರಿಗೆ ನಿರಾಕರಿಸಲು ಕಾರಣರಾಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-4: ಸಂಸ್ಥೆಯಲ್ಲಿ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಖಾಯಂ ಸಿಬ್ಬಂದಿ ಇದ್ದಾಗಲೂ ಸಹ ಸಂಸ್ಥೆಯಲ್ಲಿನ ಮಹತ್ವದ ಆಡಳಿತಾತ್ಮಕ ಹಾಗೂ ಹಣಕಾಸಿನ ವ್ಯವಹಾರಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಗುತ್ತಿಗೆ ನೌಕರರನ್ನು ನಿಯೋಜಿಸಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ

ಆರೋಪ-5: ಸಂಸ್ಥೆಯಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಹಾಜರಾತಿ ಪುಸ್ತಕಗಳನ್ನು ನಿರ್ವಹಣೆ ಮುಖಾಂತರ ಸುಳ್ಳು ವೇತನ ಜಿಲ್ಲಗಳನ್ನು ತಯಾರಿಸಿ, ಸರ್ಕಾರದ ಹಣವನ್ನು ದೋಚುವ ಮೂಲಕ ಭ್ರಷ್ಟಾಚಾರ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ

ಆರೋಪ-6: ಸಂಸ್ಥೆಗೆ ಅವಶ್ಯವಿರುವ ಔಷಧಿಗಳ ಹಾಗೂ ಕೆಬುಕಲ್ಸ್‌ಗಳನ್ನು ಟೆಂಡರ್ ಬದಲಾಗಿ ಕೊಟೇಷನ್ ಮೂಲಕ ಖರೀದಿಸಿರುವುದು ಹಾಗೂ 2011-12ನೇ ಸಾಲಿನ ಮರು ಟೆಂಡರ್‌ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಗುಣಮಟ್ಟ ಮತ್ತು ವಿಶೇಷತೆಗಳ ಬಗ್ಗೆ ತಾಂತ್ರಿಕ ಸಮಿತಿಯ ಅನುಮೋದನೆ ಪಡೆಯದೇ ಖರೀದಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-7: ಸಂಸ್ಥೆಯ ಖಾಯಂ ಹಾಗೂ ಹೊರಗುತ್ತಿಗೆ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ವೇತನ ಪಾವತಿಸುವಲ್ಲಿ ದಾಖಲೆಗಳನ್ನು ತಿದ್ದಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ಸ್ವಂತಕ್ಕೆ ಉಪಯೋಗಿಸಿಕೊಡುವ ಮೂಲಕ ಭ್ರಷ್ಟಾಚಾರ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-7: ಸಂಸ್ಥೆಯ ಖಾಯಂ ಹಾಗೂ ಹೊರಗುತ್ತಿಗೆ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ವೇತನ ಪಾವತಿಸುವಲ್ಲಿ ದಾಖಲೆಗಳನ್ನು ತಿದ್ದಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ಸ್ವಂತಕ್ಕೆ ಉಪಯೋಗಿಸಿಕೊಡುವ ಮೂಲಕ ಭ್ರಷ್ಟಾಚಾರ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-8: ಸಂಸ್ಥೆಗೆ ಅವಶ್ಯವಿರುವ ವೈದ್ಯಕೀಯ ಉಪಕರಣಗಳನ್ನು ಕಳಪೆ ಗುಣಮಟ್ಟದಲ್ಲಿ ಖರೀದಿಸಿದ್ದು ಸದರಿ ಉಪಕರಣಗಳನ್ನು ಬಳಕೆ ಆಗದೇ ದೀರ್ಘಾವಧಿಯವರೆಗೆ ಒಂದೇ ಸ್ಥಳದಲ್ಲಿ ಉಳಿದಿದ್ದು, ಇದರಿಂದ ಸಂಸ್ಥೆಗೆ ಹಾಗೂ ಸರ್ಕಾರಕ್ಕೆ, ಆರ್ಥಿಕ ನಷ್ಟ ಉಂಟು ಮಾಡುವ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-9: ಸಂಸ್ಥೆಯ ಲ್ಯಾಬ್ ಹಾಗೂ Integrated disease surveillance project ನಡಿ ಸಂಸ್ಥೆಯ ಹಾಗೂ ಸರ್ಕಾರದ ರೂ.3,56,278/- ಗಳನ್ನು ಹಾಗೂ ರೂ.8,00,00/- ಗಳ ವೆಚ್ಚದಲ್ಲಿ ಸಂಸ್ಥೆಗೆ ಖರೀದಿಸಿರುವ ಕಳಪೆ ಗುಣಮಟ್ಟದ

Laboratory instruments ಅನ್ನು ಖರೀದಿಸಿ ಸರ್ಕಾರಕ್ಕೆ ಹಾಗೂ ಸಂಸ್ಥೆಗೆ ಆರ್ಥಿಕ ನಷ್ಟ ಉಂಟು ಮಾಡಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ, ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ಆರೋಪ-10: ಡಾ. ಸುಭಾಶ್ ಜಿಮಕೋಡೆ ಇವರಿಗೆ ನೀಡಲಾಗಿರುವ ಮುಂಬಡ್ತಿ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಸರ್ಕಾರದ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ, ಆದ್ದರಿಂದ ಈ ಆರೋಪ.

ನೀವು ಸಂಸ್ಥೆಯ ಒಬ್ಬ ಜವಾಬ್ದಾರಿಯುತ ನಿರ್ದೇಶಕರಾಗಿ, ಸಂಸ್ಥೆಯ ನೀಮಕಾತಿ ಸಮಯದಲ್ಲಿ ನೇಮಕಾತಿ ನಿಯಮಗಳನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸದೇ, ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ತೀವ್ರ ನಿರ್ಲಕ್ಷ್ಯತನ ವಹಿಸಿ, ಸರ್ಕಾರಿ ಸೌಕರನಿಗೆ ತರವಲ್ಲದ ಲೀತಿಯಲ್ಲಿ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 2021 ರ ನಿಯಮ 3(1)(i) (ii) ಮತ್ತು (iii) ಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುತ್ತೀರಿ."

On perusal of the above charge, it is clear that the charge would not contain any details and no prudent person can understand the charge and reply or defend himself. The first charge relates to purchase of apparatus and furniture in violation of Karnataka Transparency Act and Rules. However, it would not give details of the apparatus or furniture purchased or it would not give details during which period it was purchased. Charge No.6 also relates to

purchase and it would also not contain any particulars. Each of the charges are so vague that no prudent person could understand or could reply to such charge. Issuance of such vague charge sheet/memo is deliberate or otherwise is not known.

26. In view of the above findings, we need not examine any other ground urged by the petitioner or respondents.

27. As we have concluded that the articles of charge is hit by limitation prescribed under Rule 214(2)(b)(ii) of KCSRs, the respondents are required to settle pension and pensionary benefits of the petitioner, if there is no other enquiry pending against the petitioner. Therefore, examining the issues raised in W.P.No.37007/2025 would not arise.

28. For the reasons recorded above, W.P.No.18589/2026 deserves to be allowed and consequently, W.P.No.37007/2025 deserves to be dismissed. Hence, the following:

ORDER

- i) W.P.No.18589/2026 is allowed.
- ii) Order dated 01.06.2026 in Application No.3923/2025 is set aside and consequently, articles of charge bearing No.ಅಕುಶ 59 ಎಂಎಸ್‌ಎಫ್ 2025 dated 29.03.2025 and all other further proceedings are quashed.
- iii) W.P.No.37007/2025 stands dismissed.
- iv) The respondents are given three months time to comply with the direction dated 11.02.2025 in Application No.3926/2024 passed by the Tribunal, if no other enquiry is pending against the petitioner.

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

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