IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.6979/2019(S-DIS)

BETWEEN

SRI.PANDURANGA,
S/O LATE K.T. THIMMAIAH,
AGE 43 YEARS, BILL COLLECTOR,
GRAMA PANCHAYATH, KOPPA,
PERIYAPATNA TALUK, MYSURU DISTRICT.

... PETITIONER

(BY, SRI.GOVINDARAJ K., ADVOCATE
(VIDEO CONFERENCING))

AND

1. THE STATE OF KARNATAKA,
REP BY ITS SECRETARY TO GOVERNMENT,
RURAL DEVELOPMENT AND PANCHAYATH
RAJ DEPARTMENT,
M.S.BUILDING, BENGALURU – 560 001.

2. ZILLA PANCHAYATH, MYSURU,
ZILLA PANCHAYATH BUILDING,
CHAMARAJPURAM DISTRICT
MYSURU – 570 005
BY ITS CHIEF EXECUTIVE OFFICER

3. EXECUTIVE OFFICER,
TALUK PANCHAYATH OFFICE,

PERIYAPATNA,
MYSURU DISTRICT – 571 107.

4. PANCHAYATH DEVELOPMENT OFFICER,
GRAMA PANCHAYATH,
KOPPA, KOPPA TALUK – 577 126
MYSURU DISTRICT.

... RESPONDENTS

(BY SRI.R.SRINIVASAGOWDA, AGA FOR R-1 (PHYSICAL HEARING) SRI.B.J.SOMAYAJI, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER OF THE R-4 DATED 10.09.2014 AS PER ANNEXURE-A; AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner in this writ petition has called in question the order dated 10.09.2014 by which the petitioner was dismissed from service on account of trap by the Lokayuktha which resulted in a criminal case being registered against petitioner. The petitioner filed an appeal against the order of dismissal before Appellate Authority under Section 113(4) of Karnataka

Panchayath Raj Act, 1993. The Appellate Authority declined to consider the matter on ground that during the pendency of criminal case and issued an endorsement that the case of the petitioner would be considered only after acquittal in the criminal case.

2. The petitioner was acquitted in the criminal case by the order of Competent Criminal Court in Special case No.88/2013 by its order dated 20.03.2018. Owing to the acquittal of petitioner in the criminal case the Panchayath passed two resolutions dated 30.06.2018 and 11.09.2018 resolving to reinstate the petitioner into service. Pursuant to which, the petitioner is now reinstated and is working as on date.

3. The allegation of the petitioner is that despite being reinstated regular salary is not paid to

the petitioner which the learned counsel appearing for the respondents would seriously dispute.

4. Heard, Sri. Govindaraj K., learned counsel for petitioner and learned counsel Sri.R.Srinivasagowda, AGA for respondent No.1 and Sri.B.J.Somayaji, learned counsel for respondent No.4.

5. In the obtaining facts, I deem it appropriate to direct the petitioner to submit a representation for all benefits that he is entitled to on account of his acquittal and reinstatement in the services of the Panchayath. Respondent No.4-Gram Panchayath is directed to consider the representation of the petitioner in accordance with law and pass appropriate orders as expeditiously as possible. The petitioner is directed to submit his representation within four weeks from the date of receipt of copy of

this order. The respondents shall consider the same within 12 weeks thereafter.

Accordingly, the writ petition is ***disposed of***.

Sd/-
JUDGE

RKA/GPG