IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF DECEMBER, 2020

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

WRIT PETITION NO.7778 OF 2020(S-RES)

BETWEEN

SRI H SRINIVASA REDDY
AGED ABOUT 84 YEARS
S/O LATE S V HANUMA REDDY
RETIRED ADDITIONAL ENGINEER IN CHIEF,
BWS AND SB
NO.21, 13TH CROSS,
VENKATAPURA, ADJECENT TEACHERS COLONY
KORMANGALA
BANGALORE-560034.

...PETITIONER

(BY SRI MUKKANNAPPA S B, ADVOCATE)

AND

THE CHAIRMAN AND DISCIPLINARY AUTHORITY
BANGALORE WATER SUPPLY AND SEWERAGE BOARD
1ST FLOOR, CAUVERY BHAVAN
K G ROAD
BANGALORE-560009.

…RESPONDENT

(BY SRI B L SANJEEV, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ARTICLES OF CHARGE-CUM-SHOW CAUSE NOTICE DTD.7.1.2020 ISSUED BY THE RESPONDENT AT ANNEXURE-G TO THE W.P. UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND ETC.

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

ORDER

R. DEVDAS J., (ORAL):

Learned Counsel for the petitioner submits that the Show Cause notice and Article of Charges issued by the respondent-Board, with respect to other employees of the Board, who had attained the age of superannuation was called in question in W.P.No.3263/2020 and other matters. It is submitted that a co-ordinate Bench of this Court in the case of ***Smt. A. V. Chandraprabha Vs. Bangalore Water Supply and Sewerage Board***, in W.P.No.3263/2020, by order dated 14th September, 2020, taking note of the Rule 214 (2) (b) of KCSR and the decision of the Hon'ble Apex Court in the case of ***Union of India and another Vs. Kunnishetty Satyanarayana***, reported in (2006) 12 SCC 28, has come to a conclusion that departmental enquiry could not be initiated in respect of any event which took place more than 4 years from such institution. Consequently, the Show Cause notice

and Article of Charges were set aside. Learned Counsel for the petitioner submits that the matter stands covered on all fours by the decision of a co-ordinate Bench of this Court.

2. Learned Counsel for the respondent-Board does not dispute that the initiation of departmental enquiry by issuance of the impugned Show Cause notice and Article of Charges is in respect of an event which took place more than 4 years before such institution.

3. Consequently, the impugned Article of Charge-cum-Show Cause notice, dated 07.01.2020, at Annexure-G, is hereby quashed and set aside. Further, the consequent impugned order dated 01.04.2020, at Annexure-J, is also quashed and set aside. The writ petition is accordingly allowed.

SD/-
JUDGE

JT/-