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.55270/2018 (S – RES)

C/W

WRIT PETITION No.40339/2018 (S – DE)

IN WRIT PETITION No.55270/2018 (S – RES)

BETWEEN

SRI VEERAIAH K.M.
S/O ESHWARAIAH K.M.,
AGE: 58 YEARS,
ASSISTANT EXECUTIVE ENGINEER,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED,
JAGALUR SUB-DIVISION,
DAVANGERE – 577 004
R/AT: GANAVI NILAYA,
2035/155, 12TH CROSS,
ANJANEYA LAYOUT
DAVANGERE DISTRICT.

... PETITIONER

(BY SRI VIJAYA KUMAR, ADVOCATE (VIDEO CONFERENCING))

AND

1. STATE OF KARNATAKA
REPRESENTED BY ITS

PRINCIPAL SECRETARY
RURAL DEVELOPMENT &
PANCHAYATRAJ DEPARTMENT,
VIKAS SOUDHA,
BENGALURU – 560 001.

2. THE DIRECTOR
KARNATAKA INFRASTRUCTURE
DEVELOPMENT LIMITED,
GRAMEENA ABHIVRUDDHI BHAVAN,
4TH & 5TH FLOOR, ANAND RAO CIRCLE,
BENGALURU – 560 009.

3. KARNATAKA LOKAYUKTA
REP. BY ITS REGISTRAR,
M.S.BUILDING,
DR.B.R.AMBEDKAR VEEDHI,
BENGALURU – 560 001.

4. THE ADDITIONAL REGISTRAR
OF ENQUIRIES – 10,
KARNATAKA LOKAYUKTA
M S BUILDING,
DR B R AMBEDKAR VEEDHI,
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI R.SRINIVASAGOWDA, AGA FOR R1 (PHYSICAL HEARING);
SRI GURURAJ JOSHI, ADVOCATE FOR R2 (VIDEO CONFERENCING);
SRI K.N.PUTTEGOWDA, ADVOCATE FOR R3 AND R4 (VIDEO CONFERENCING))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS RELATING TO ISSUE OF THE IMPUGNED ORDER DATED 22.05.2018 ISSUED BY THE R-1 VIDE ANNEXURE-F AND THE ARTICLES OF CHARGES DATED 13.08.2018 ISSUED BY THE R-4, VIDE ANNEXURE-G AND AFTER PERUSAL SET ASIDE THE SAME.

IN WRIT PETITION No.40339/2018 (S – RES)

BETWEEN

SHRI B.CHANDRASHEKAR
S/O SRI NAGAPPA,
AGED ABOUT 58 YEARS,
WORKING AS EXECUTIVE ENGINEER,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED, DIVISION-1,
DAVANAGERE,
R/AT MARVEL APARTMENTS,
FLAT NO.30169, 5TH CROSS,
MCC "B" BLOCK,
DAVANAGERE.

... PETITIONER

(BY SRI VIJAYAKUMAR, ADVOCATE (VIDEO CONFERENCING))

AND

1. STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY,
   RURAL DEVELOPMENT &
   PANCHAYAT RAJ DEPARTMENT,
   VIKASA SOUDHA,
   BENGALURU – 560 001.

2. THE DIRECTOR
   KARNATAKA INFRASTRUCTURE
   DEVELOPMENT LTD.,
   GRAMEENA ABHIVRUDDI BHAVAN,
   4TH AND 5TH FLOOR,
   ANAND RAO CIRCLE,
   BENGALURU – 560 009.

3. THE KARNATAKA LOKAYUKTA
REPRESENTED BY ITS REGISTRAR,
M.S.BUILDING,
DR.B.R.AMBEDKAR VEEDHI,
BENGALURU – 560 001.

4. THE ADDITIONAL REGISTRAR OF ENQUIRIES
KARNATAKA LOKAYUKTA,
DR.B R AMBEDKAR VEEDHI,
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI R.SRINIVASAGOWDA, AGA FOR R1 AND R2 (PHYSICAL HEARING);
SRI H.DEVENDRAPPA, ADVOCATE FOR R2 (VIDEO CONFERENCING);
SRI V.S.ARBATTI, ADVOCATE FOR R3 AND R4 (PHYSICAL HEARING))

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS RELATING TO ISSUE OF THE IMPUGNED ORDER DATED 08.01.2018 ISSUED BY THE R-1, VIDE ANNEXURE-G AND THE IMPUGNED ARTICLES OF CHARGES DATED 07.06.2018 VIDE ANNEXURE-H ISSUED BY R-4 AND AFTER PERUSAL SET ASIDE THE SAME.

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

ORDER

These petitions raise a challenge to the action of the first respondent-Government entrusting departmental enquiry against

the petitioners to the hands of the Lokayukta and consequent action of the fourth respondent in issuing charge sheet on the strength of the aforesaid entrustments.

2. This Court, in identical case in W.P.No.8374/2019 wherein the entrustment though was made by the second respondent-Corporation, by its order dated 11.12.2020, has held that in the absence of specific power under the Cadre and Recruitment Rules of the Corporation akin to Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, the entrustment by the Corporation was without jurisdiction.

3. The reasons indicated are applicable on all fours to the issue in these writ petitions as well, notwithstanding the entrustments in these cases being made by the Government. Therefore, the following:

ORDER

(i) Writ Petitions are allowed.

(ii) The impugned orders are quashed on the same reasoning and on the same terms as is ordered in W.P.No.8374/2019 disposed on 11.12.2020.

Sd/-
JUDGE

bkp
CT:MJ