HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 18055 OF 2025 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY,
IRRIGATION DEPARTMENT (WRDO),
VIKASA SOUDHA,
DR. AMBEDKAR BEEDHI,
BENGALURU - 560 001.

2. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEVELOPMENT,
VIKASA SOUDHA,
DR. AMBEDKAR BEEDHI,
BENGALURU - 560 001.

Digitally Signed by REKHA R
Location : High Court of Karnataka

3. THE CHIEF ENGINEER,
MINOR IRRIGATION (NORTH),
JALANAGAR,
VIJAYAPURA - 586 109.

4. THE ASSISTANT EXECUTIVE ENGINEER,
UPPER TUNGA PROJECT SUB DIVISION NO.6,
KRISHNA BHAGYA JALANIGAMA LIMITED,
HONNALI,
DAVANAGERE DISTRICT - 577 217.

...PETITIONERS

(BY SRI.VIKAS ROJIPURA, AGA)

AND:

SRI. H. PRASHANTH,
S/O LATE SRI. M. HIRANNAIAH,
AGED ABOUT 48 YEARS,
WORKING AS ASSISTANT ENGINEER,
OFFICE OF THE ASSISTANT
EXECUTIVE ENGINEER,
UPPER TUNGA PROJECT SUB DIVISION NO.6,
KRISHNA BHAGYA JALANIGAM LIMITED,
HONNALI, DAVANAGERE DISTRICT,
R/AT, C/O. SRI. CHANDRA NAIK,
2ND CROSS, NEAR KANAKA ENGLISH MEDIUM
SCHOOL, DURGIGUDI NORTH,
HONNALI,
DAVANAGERE DISTRICT - 577 217.

...RESPONDENT

(BY SRI. R. NAVEEN KUMAR &
SRI. RAJASHEKAR, ADVOCATE)

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.1565/2023 BY ORDER DATED 02.01.2024 VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The State and its instrumentalities are in petition under Article 226 and 227 of Constitution of India, calling in question the order dated 02.01.2024 in Application No.1565/2023 passed by the Karnataka State Administrative Tribunal at Bengaluru ['*Tribunal*' for short]. The Tribunal by the impugned order set aside the order dated 11.04.2023 vide *Annexure-A23* and remanded the matter to the disciplinary authority to hold the disciplinary enquiry afresh, in terms of Rule 13 of Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957 (for short 'CCA Rules'), after passing necessary orders by issuing show cause notice with Articles of Charge in terms of Rule 11 of CCA Rules, in a time bound manner.

2. Heard Sri.Vikas Rojipura, learned Additional Government Advocate for State and

Sri.R.Naveen Kumar, learned counsel appearing for respondent and perused the writ petition papers.

3. The applicant approached the Tribunal, calling in question the order of punishment dated 11.04.2023 vide *Annexure-A23*, and for other direction in Application No.1565/2023, contending that the individual notice coupled with Articles of Charge issued earlier dated 28.02.2017 converted into a joint enquiry by the Government order dated 05.06.2017, which is impermissible in law.

4. The Tribunal considering the rival submissions of the parties held that the enquiry though commenced individually but in the midst it is converted into a joint enquiry, which is impermissible under Rule 13 of CCA Rules, 1957. On the said premise, the Tribunal allowed the application to that extent setting aside the order of punishment imposed, but considering the amount involved in the *lis*, remitted the matter to the disciplinary authority,

to pass orders under Rule 13 and thereafter issue Articles of Charge in terms of the appropriate provisions under CCA Rules, 1957. It is this order passed by the Tribunal which is called in question by the Government and its instrumentalities.

5. Sri.Vikas Rojipura with all vehemence submits that the enquiry cannot be termed as a joint enquiry since individual Articles of Charge have been issued and the enquiry report produced along with the application is individual enquiry report. In these circumstances, the Tribunal has committed serious error in holding that the enquiry is a joint enquiry under Rule 13 of CCA Rules, 1957 and as such, the order requires interference.

6. Sri.R.Naveen Kumar, learned counsel for the petitioner in W.P.No.13256/2024 placed on record the order passed by the Co-ordinate Bench of this Court at Dharwad Bench in W.P.No.107000/2024 and other connected matters

disposed of on 03.11.2025, to contend that on the same set of facts in respect of other delinquent Government officials, the Co-ordinate Bench has given a finding that the enquiry which commenced as an individual enquiry and subsequently converted into joint enquiry under Rule 13 of CCA Rules, 1957 is impermissible in law. The Co-ordinate Bench of this Court has held that though the individual Articles of charge, all dated 28.02.2017 were issued to the delinquent Government officials, but vide Government order dated 05.06.2017 (Annexure-A8), an enquiry officer was appointed to hold a joint enquiry.

7. The Co-ordinate Bench has observed that mere referring to Rule 13 of CCA Rules in the preamble of the Government Order would not be sufficient. The Government shall indicate the criteria enumerated under Rule 13 of the CCA Rules. In these circumstances, held that the Government Order

dated 05.06.2017 cannot be considered as an order passed under Rule 13 of the CCA Rules. Further, the Co-ordinate Bench has observed that 'the contention of the State in the said petitions that the respondents-delinquent Government officials have not raised any objection and they have participated in the proceedings is unsustainable. It is settled position of law that if initiation or procedure followed itself is contrary to Rules, the same cannot be held against the respondents. If the initiation of enquiry itself is bad, it vitiates the entire proceedings'.

8. Having come to the said conclusion the Co-ordinate Bench of this Court has disposed of the writ petitions, affirming the view taken by the Tribunal for setting aside the impugned order and remanding the matter, however with certain observations regarding suspension period, but set-aside the further direction of the Tribunal to regulate

period of suspension and to pay consequential benefit.

9. For easy reference, the Order passed by the Co-ordinate Bench of this Court in the aforementioned writ petition, in paragraph Nos.9 to 12 are extracted as under:

> *"9. A reading of the above Rule makes it abundantly clear that when two or more government servants are involved in a case, the government or any other authority competent to impose penalty may make an order directing that the disciplinary action against all of them may be taken in a common proceeding. In other words, the government shall have to pass an order directing disciplinary action against all government servants in a common proceeding, which would mean that initiation of enquiry itself shall be joint. It is settled position of law that enquiry is said to be initiated on issuance of Articles of Charge or the Charge Memo. Therefore, even before issuance of the charge memo, the Disciplinary Authority is required to pass an order under Rule 13 initiating joint inquiry. The order directing disciplinary action in a common proceeding shall specify the Disciplinary Authority in respect of all the government servants involved in the case and the procedure to be followed in such common proceedings as indicated in sub - Rule 2 of Rule 13 of the CCA Rules.*
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> *10. In the instant case, admittedly, individual Articles of Charge, all dated 28.02.2017 were issued to respondent No.1 in the above writ petitions. Thereafter, Annexure-A8 Government*

Order dated 05.07.2017 is issued appointing an Inquiry Officer to conduct an inquiry against all the government servants involved.

11. In the preamble of the Government Order at Annexure-A8, Rule 13 of the CCA Rules is referred. Mere referring of Rule 13 would not be sufficient. The Government Order shall indicate the criteria enumerated under Rule 13 of the CCA Rules. The Government Order dated 05.06.2017 cannot be considered as an order passed under Rule 13 of CCA Rules. The contention that the respondents have not raised any objection and they have participated in the proceedings is unsustainable. It is settled position of law that if initiation or procedure followed itself is contrary to the Rules, the same cannot be held against the respondents. If the initiation of inquiry itself is bad, it vitiates the entire proceedings.

12. Insofar as the direction issued by the Tribunal in Application Nos.10323, 10324 and 10326 of 2023 directing to treat the period of suspension as period on duty and to pay consequential benefits is concerned, it requires to be set aside. When the Tribunal has granted liberty to the Disciplinary Authority to proceed with the inquiry, on compliance of Rule 13 of the CCA Rules, treating of suspension period as period on duty and payment of all consequential benefits would depend on the outcome of the inquiry to be conducted by the Disciplinary Authority. Accordingly, the direction of the Tribunal to regulate period of suspension and to pay consequential benefit is set aside."

10. In view of the order passed by the Co-ordinate Bench of this Court, nothing survives for

further consideration in this petition. Accordingly, we proceed to pass the following:

ORDER

The petition filed by the State Government is ***dismissed*** as *sans* merit.

In view of disposal of Writ Petition, pending I.A's if any stand disposed of.

Sd/-
(B M SHYAM PRASAD)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 2.4
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