IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MARCH, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 10991 OF 2021 (S-KSAT)

BETWEEN:

1. KARNATAKA LOKAYUKTA,
   M. S. BUILDINGS,
   DR. B. R. AMBEDKAR VEEDHI,
   BANGALORE-560 001,
   BY ITS REGISTRAR.

…PETITIONER

(BY SRI K. PRASANNA SHETTY, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. P. K. MOHAMMED ALI,
   AGED ABOUT 54 YEARS,
   S/O ABDULLAH KOYA,
   JUNIOR ENGINEER,
   RESIDING AT 4TH BLOCK,
   RADHAKRISHNA EXTENSION,
   NEAR BSNL QUARTERS,
   KUSHALANAGAR,
   MADIKERI-571 234.

2. THE PRNICIPAL SECRETARY,
   GOVT. OF KARNATAKA,
   RURAL DEVELOPMENT AND
   PANCHAYATH RAJ DEPARTMENT,
   M. S. BUILDING, BANGALORE-560001.

3. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPT. OF PUBLIC WORKS
PORTS AND INLAND WATER
TRANSPORT DEPARTMENT,
VIKASA SOUDHA,
BANGALORE-560 001.

4. THE CHIEF ENGINEER,
COMMUNICATION AND BUILDINGS,
K. R. CIRCLE, BANGALORE-560001.

…RESPONDENTS

(BY SRI M.G. GHORPADE SHEREGAR, ADVOCATE FOR R1;
SRI V. SHIVAREDDY, AGA FOR R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE HON'BLE KAT IN APPLICATION No.3281/2017 DATED 21.02.2018 VIDE ANNEXURE-B.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri K. Prasanna Shetty, learned counsel for the petitioner, Sri M.G. Ghorpade Sheregar, learned counsel for respondent No.1 and Sri V. Shivareddy, learned Additional Government Advocate for respondent Nos.2 to 4.

2. The petitioner, Lokayuktha, represented by its Registrar, is before this Court questioning the order dated 21.02.2018 passed in Application No.3281/2017 by the Karnataka State Administrative Tribunal, Bengaluru (for short, "the Tribunal").

3. Respondent No.1 herein, while working as a Junior Engineer at Kushalnagar, a complaint was lodged by one Sri B.N. Nagarajappa against him before the Lokayuktha, alleging substandard work under the PMGSY project. Pursuant thereto, the State entrusted the enquiry to the petitioner. Articles of charge were issued on 30.05.2014 to respondent No.1 and others. The Enquiry Officer concluded that the charges stood proved and recommended to the State, being the disciplinary authority, to impose an appropriate penalty.

3.1 Thereafter, a second show-cause notice was issued to respondent No.1, and an order of penalty came to be passed, withholding three annual increments with cumulative effect and directing recovery of a sum of Rs.57,136/-. The order of penalty is dated 30.01.2017. In the common order of penalty, respondent No.1 is arrayed as DGO-1.

3.2 The other Delinquent Government Officers [DGO] preferred Application Nos.1367 c/w 2493 and 2496 of 2017 before the Tribunal. The Tribunal, by order dated 02.02.2018, had set aside the order of penalty. Following the said order, the Tribunal in the impugned order also set aside the order of penalty.

4. Sri K. Prasanna Shetty, learned counsel appearing for the petitioner, submits that the facts and evidence in the present case stand on a different footing. It is further submitted that the Tribunal has committed an error in following its earlier order, which is not applicable to the present case in all aspects.

5. Sri V. Shivareddy, learned Additional Government Advocate appearing for respondent Nos.2 to 4, supports the submissions made by the learned counsel for the petitioner.

6. We have considered the submissions made on either side and perused the writ petition papers.

7. The order of penalty dated 30.01.2017 was passed against six DGOs. In respect of three DGOs, the said order of penalty was set aside by the Tribunal, by order dated

02.02.2018 in Application Nos.1367 c/w 2493 and 2496 of 2017. The said orders were challenged before this Court; however, the writ petitions came to be dismissed for want of prosecution. It is submitted that the applications filed for restoration of the writ petitions were also dismissed, and the matter has thus attained finality.

7.1 In the present case, the Tribunal has followed its earlier order, which has attained finality. Though the learned counsel for the petitioner seeks to contend that the facts of the present case stand on a different footing, we do not find any such distinguishing feature warranting consideration of the present writ petition.

7.2 Moreover, the order of the Tribunal is dated 21.02.2018, whereas the present writ petition has been filed on 24.01.2020. The writ petition number appears to have been assigned only in the year 2021, possibly on account of non-removal of office objections. The delay in filing the writ petition has not been explained.

8. In view of the dismissal of the writ petitions relating to the other DGOs arising out of the common order of penalty, and also having regard to the unexplained delay, we do not find any merit in entertaining this writ petition. Accordingly, the writ petition stands ***dismissed***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE

MV
List No.: 1 Sl No.: 15