HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

PRESENT

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

AND

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

WRIT PETITION NO. 11268 OF 2023 (S-KSAT)

BETWEEN:

THE KARNATAKA LOKAYUKTA
M S BUILDING,
DR. B R AMBEDKAR VEEDHI,
BENGALURU-560001,
REP. BY ITS REGISTRAR.

...PETITIONER

(BY SRI. MALLIKARJUN REDDY K. S., ADV.)

AND:

1. SHRI.P.C. BASAVARAJU
S/O SRI SIDDAPPA,
AGED ABOUT 55 YEARS,
VILLAGE ACCOUNTANT,
SHANTESHWARA CIRCLE,
NUGGENAHALLI HOBLI,
CHENNARAYANAPATTANA TALUK,
HASSAN DISTRICT-573131.

R/AT KAGGERE VILLAGE,
ATTIHALLI POST,
NEGGENAHALLI TALUK,
CHENNARAYANAPATTANA TALUK,
HASSAN DISTRICT-573131.

2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M S BUILDING,

Digitally signed by NANJUNDACHARI
Location: HIGH COURT OF KARNATAKA

DR. B R AMBEDKAR VEEDHI,
BENGALURU-560001.

…RESPONDENTS

(BY SRI. K.R. RAJENDRA, AGA FOR R2)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION IN THE NATURE OF A WRIT THEREBY QUASHING THE ORDER DATED 05-07-2018 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION NO.1012/2017, AS PER ANNEXURE-A; AWARD THE COST OF THIS WRIT PETITION, AND ETC.

THIS PETITION, COMING ON FOR FINAL HEARING, 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 learned counsel, Sri K.S. Mallikarjun Reddy, for the petitioner, and learned Additional Government Advocate, Sri K.R. Rajendra, for respondent No. 2.

2. This writ petition is filed by the Registrar, Karnataka Lokayukta, impugning the order dated 05.07.2018 passed in Application No. 1012/2017 by the Karnataka State Administrative Tribunal at Bengaluru (for short, "the Tribunal").

3. Sri K.S. Mallikarjun Reddy, learned counsel appearing for the petitioner, while reiterating the grounds urged in the writ petition, submits that the order of the Tribunal is unsustainable.

4. Learned Additional Government Advocate Sri K.R. Rajendra, appearing for respondent No. 2, supports the submissions made by the learned counsel for the petitioner.

5. Before examining the grounds urged in the petition and the submissions made by the learned counsel for the petitioner, it is pertinent to note that the impugned order is dated 05.07.2018, whereas the present writ petition has been filed on 30.05.2023, after a lapse of nearly five years. In the averments made in the petition seeking to explain the delay, it is stated that the matter was entrusted to a Special Counsel in the year 2018, but no petition was filed thereafter. It is further stated that the matter was subsequently entrusted to another Standing Counsel, and thereafter the present writ petition came to be filed.

6. We find the explanation offered to be wholly unacceptable. The responsibility of the petitioner does not end

with merely entrusting the case papers to the counsel. It is incumbent upon the petitioner to diligently follow up the cases instituted before this Court. For not following up the filing of cases, it cannot blame the counsels. The reasons assigned for the delay can, by no stretch of imagination, be construed as a valid explanation; they are merely in the nature of excuses. Such excuses for not filing the petition within a reasonable time cannot constitute sufficient cause to condone the delay.

7. No doubt period of limitation is not prescribed for filing a writ petition. However, an aggrieved person is required to avail the remedy available in law within a reasonable time. A prolonged delay of five years, by no stretch of imagination, can be said to be reasonable so as to entertain the present petition. Therefore, the petition is liable to be rejected on the ground of delay and laches.

8. Moreover, the order imposing the penalty of dismissal from service for proved charges of corruption was challenged before the Tribunal. The Tribunal, upon considering the proviso to Rule 8 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, modified the penalty of dismissal to

that of compulsory retirement. The proviso to Rule 8 of the said Rules, in cases of proved charges of corruption, prescribes compulsory retirement as one of the permissible punishments. Therefore, the modification of the penalty by the Tribunal is in consonance with the proviso to Rule 8 of the CCA Rules. For this additional reason as well, we find no infirmity in the impugned order.

In light of above observations, the writ petition stands ***dismissed***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE

NC
CT:bms
List No.: 1 Sl No.: 5