HC-KAR

NC: 2026:KHC:59787-DB
WP No. 16004 of 2021

CNR: KAHC010316402021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 16004 OF 2021 (S-KSAT)

BETWEEN:

1. THE KARNATAKA LOKAYUKTHA
   REP BY ITS REGISTRAR
   KARNATAKA LOKAYUKTA
   M S BUILDINGS
   BENGALURU - 560 001.

2. THE ADDITIONAL REGISTRAR OF ENQUIRIES
   ARE -7 KARNATAKA LOKAYUKTHA
   M S BUILDING, DR AMBEDKAR VEDHI
   BENGALURU - 560 001.

...PETITIONERS

(BY SRI. K PRASANNA SHETTY, ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   REP BY SECRETARY
   URBAN DEVELOPMENT DEPARTMENT
   VIKASA SOUDHA
   DR AMBEDKAR VEEDHI
   BENGALURU - 560 001

2. THE STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
PUBLIC WORKS PARTS AND
INLAND WATER SOURCE DEPARTMENT
BENGALURU - 560 001.

3. B. L. JAYALINGAPPA,
S/O B M LINGAIAH
AGED ABOUT 56 YEARS
ASSISTANT EXECUTIVE ENGINEER ON DEPUTATION
BBMP OFFICE OF SHETTY
HALLI SUB - DIVISION
BBMP BANGALORE
R/AT 5TH CROSS ADARSH NAGAR
TUMKUR DISTRICT- 572 102.

…RESPONDENTS

(BY SRI. S.C. DESHMUKH, AGA FOR R1 AND R2;

SMT. MANJULA A.V., ADVOCATE FOR R3)

THIS WP 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 28.11.2019 PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT BANGALORE IN APPLICATION NO. 8802/2018, AS PER ANNEXURE - A AND ETC.

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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner-Karnataka Lokayukta represented by its Registrar, is before this Court aggrieved by order dated 28.11.2019 in Application No.8802/2018 passed by the Karnataka State Administrative Tribunal, Bangalore, whereunder third respondent's application is allowed, quashing entrustment of inquiry order dated 16.01.2018 (Annexure-A4) and consequent articles of charge dated 26.05.2018 (Annexure-A5).

2. Heard learned counsel Sri.K.Prasanna Shetty for the petitioner/Karnataka Lokayukta, learned AGA Sri.S.C.Deshmukh for respondent Nos.1 and 2 as well as learned counsel Smt.Manjula.A.V for Respondent No.3.

3. At the outset, it is brought to our notice that this Court, by its order dated 18.07.2025 in WP No.22559/2023, dismissed the writ petition filed by the Karnataka Lokayukta insofar as Co-DGO is concerned.

4. Common articles of charge dated 26.05.2018 was issued against five persons. The Tribunal allowed the application on the ground that in terms of Section 8 of the Karnataka Lokayukta Act, 1984 the complainant has an alternative remedy and quashed the entrustment order as well as articles of charge. The question as to whether the facts of the case would attract Section 8 of Act, 1984, is kept open to be decided in an appropriate proceedings.

5. However, it is noticed that the impugned order was passed by the Tribunal on 28.11.2019, whereas the present petition was filed before this Court on 26.08.2021 after nearly two years delay from the date of passing the order by the Tribunal.

6. Be that as it may, as on the date of filing the application by the respondent before the Tribunal, he was aged 56 years and he has attained superannuation in the year 2023. This Court, in the case of Co-DGO, taking note of the fact of delay in approaching this Court by petitioner

Lokayukta and also taking note of the fact that the respondent has already retired from service, dismissed the petition.

7. In the instant case also the respondent has already attained superannuation. We are not inclined to interfere with the order passed by the Tribunal. Accordingly, the writ petition stands ***rejected***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 15