HC-KAR

NC: 2026:KHC:60107
WP No. 28540 of 2023

CNR: KAHC010676802023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 28540 OF 2023 (S-RES)

BETWEEN:

1. CHETHAN KUMAR N.
   S/O NARAYANASWAMY,
   AGED ABOUT 42 YEARS,
   SENIOR HEALTH INSPECTOR,
   CMC, KOLLEGAL,
   R/AT DOOR NO.7/98,
   BASTHIPURA MAIN ROAD,
   RAMASWAMY LAYOUT,
   KOLLEGAL,
   CHAMARAJANAGR DISTRICT,
   PIN 571440.

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Location: HIGH COURT OF KARNATAKA

2. JAYALAKSHMI B.
   W/O H. N. SURESH,
   AGED ABOUT 56 YEARS,
   SECOND DIVISION ASSISTANT,
   TMC, YALANDUR,
   R/AT DOOR NO.78/741,
   14TH CROSS, MARUTHI NILAYA,
   NEAR NAIDU FARM, KOLLEGAL,
   CHAMARAJANGAR DISTRICT,
   PIN 571440.

3. N MADESH,
   S/O LATE NARAYANA,

AGED ABOUT 56 YEARS,
SECOND DIVISION ASSISTANT,
TMC, HANURU
RA/T DOOR NO.129/3,
S R ROAD, GUNDLUPETE,
CHAMARAJANAGAR DISTRICT,
PIN 571111.

4. MANIYA M.
S/O LATE MADAIAH,
AGED ABOUT 57 YEARS,
BILL COLLECTOR,
CMC, KOLLEGAL,
R/A HANURU, AMBEDKAR NAGAR,
HANURU TALUK,
CHAMARAJANAGAR DISTRICT,
PIN 571439.

5. NANJUNDA SHETTY
S/O LATE RANGA SHETTY,
AGED ABOUT 51 YEARS,
BILL COLLECTOR,
CMC, CHAMARAJANAGAR,
R/AT BALEPETE, YELANDUR,
CHAMARAJANAGAR DISTRICT,
PIN 571441.

…PETITIONERS

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENMT,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,

DR AMBEDKAR VEEDHI,
BENGALURU 560001.

2. DIRECTOR OF MUNICIPAL ADMINISTRATION,
GOVERNMENT OF KARNATAKA,
9TH FLOOR, V. V. TOWERS,
BENGALURU 560001.

3. THE DEPUTY COMMISSIONER,
CHAMARAJANAGAR DISTRICT,
CHAMARAJANAGAR 571313.

4. PROJECT DIRECTOR
CHAMARAJANAGAR DISTRICT,
D. C. COMPOUND,
CHAMARAJANAGAR - 571313.

5. HANURU TOWN MUNCIPAL COUNCIL,
HANURU TOWN,
CHAMARAJANAGAR DISTRICT-571313.

6. Y GIRIRAJ,
FATHER NAME NOT KNOWN,
AGED ABOUT 52 YEARS,
WORKING AS A MANAGER,
DISTRICT URBAN DEVELOPMENT CELL,
D. C. OFFICE BUILDING,
DOUBLE ROAD,
CHAMARAJANAGAR DISTRICT,
PIN - 571313.

7. K SURESH
FATHER NAME NOT KNOWN,
AGED ABOUT 58 YEARS,

WORKING AS A REVENUE OFFICER,
MYSURU CITY CORPORATION,
NEW SAYYAJI RAO ROAD,
MYSURU,
PIN 570024.

8. NANJUNDASWAMY
FATHER NAME NOT KNOWN,
AGED ABOUT 40 YEARS,
WORKING AS COMMISSIONER,
NANJANGUD CITY MUNCIPAL COMMISSION,
NEAR NEHRU CIRCLE, NANJANGUD,
MYSURU DISTRICT,
PIN 571301.

…RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 AND R3;
SMT. RUPA B.P., ADVOCATE FOR C/R2;
R6, R7, R8 ARE SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER AGAINST THE PETITIONERS HEREIN PASSED BY THE R2 DATED 04.12.2023 FROM SL.NO.2, 4 TO 7 IN ORDER BEARING ITS NO.280352/DMA/ENQ2/MYS/28/2020-20 PRODUCED AS ANNEXURE-A ORDER FOR DEMOTION IN RANK/STATUS OF THE PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Issuance of notice as regards respondents No.4 and 5 is waived, in light of the memo filed by the petitioner stating that the said respondents are only pro-forma parties.

2. The present petition has been filed by the employees of respondent No.5 - Town Municipal Council, Hanuru Town, challenging the order at Annexure-A, whereby the Director of Municipal Administration which is a disciplinary authority by the impugned order had imposed the punishment after accepting the enquiry report as against the petitioners herein who are found at Sl.No.2 to 7 of the reduction to a lower stage in the time scale of pay.

3. It is to be noticed that the petitioners would contend that insofar as the employee who was the Chief Officer of the Town Municipal Council, who was imposed the punishment of compulsory retirement in a joint

enquiry, the order at Annexure-A insofar as the said employee had been challenged in W.P.No.9429/2024 and the punishment imposed as against the said Chief Officer was set aside by the order dated 19.12.2024 passed in W.P.No.9429/2024 with further direction to the respondents to reinstate the petitioner into service with arrears, continuity of service and all consequential benefits.

4. It is accordingly submitted that in light of one of the delinquent employee of a joint enquiry having had the benefit of the enquiry report being set aside as well as penalty imposed being set aside on the basis of evidence available on record, the said benefit on principle of parity is required to be extended to the other co-delinquents.

5. Learned Additional Government Advocate would submit that the said assertion of the petitioners is a matter of record and in fact as per the order in W.P.No.9429/2024, the penalty imposed as against the

Chief Officer has been set aside and accordingly, it is submitted that the Court may pass appropriate orders.

6. Perused the order passed in W.P.No.9429/2024. It is not in dispute that the enquiry was a common enquiry. Insofar as the evidence available pertaining to Sri. Murthy, the Chief Officer, the Co-ordinate Bench has examined in detail the evidence on record and has set aside the order of penalty. The relevant observations made by the Co-ordinate Bench on the merits of the matter are found at para-34, which reads as follows:

> *"34.* ***Conclusions:***
>
> *1.* ***Violation of procedure:*** *The penalty of compulsory retirement imposed on the petitioner contravenes Rule 8(vi) of the Karnataka Civil Service (Classification, Control, and Appeal) Rules, 1957. This rule stipulates that such penalties are to be reserved for cases involving proven charges of corruption or misconduct supported by substantial evidence.*
>
> *2.* ***Absence of Corruption Charges:*** *The charges against the petitioner relate solely to the issuance*

of e-katha certificates without adequate verification of record conversion orders and layout plans. No allegations or evidence were presented that could constitute corruption or "criminal misconduct" as defined under Section 13 of the Prevention of Corruption Act, 1988.

3. ***Lack of Substantiated Evidence:*** *The disciplinary enquiry failed to present credible or verifiable evidence demonstrating that the petitioner's actions caused any financial loss to the State or involved unapproved layouts. The assertion of revenue loss remains unsupported by documentary proof.*

4. ***Inadequate Justification for Recovery:*** *The directive to recover Rs. 4,43,170/- with 8% interest from the petitioner is baseless, as neither the rationale for this calculation nor supporting records have been provided.*

5. ***Petitioner's Compliance with Legal Procedures:*** *The petitioner provided detailed explanations and supporting documents, including prior conversion orders and technical approvals, which demonstrated that the issuance of e-kathas adhered to legal and procedural norms. The*

Disciplinary Authority failed to rebut these explanations or present counter-evidence.

6. ***Non-Reliance on Critical Report:*** *Although a financial loss report prepared by the Deputy Commissioner (DC) was referenced by the respondents, it was not introduced or relied upon during the enquiry proceedings, undermining the credibility and admissibility of the findings. Compounding the procedural deficiency is the fact that the report has not been produced before this Court, thereby rendering it impossible for judicial scrutiny or evaluation of its contents and authenticity.*

7. ***Retaliatory Proceedings:*** *The initiation of departmental proceedings appears to be retaliatory, following the petitioner's challenge to a transfer order and the initiation of contempt proceedings against senior officials. This points to potential malafide intent and abuse of administrative power.*

8. ***Failure to Follow Procedural Fairness:*** *The disciplinary process lacked procedural fairness, as evidenced by speculative findings unsupported by verifiable evidence and the absence of a clear basis for penalty imposition.*

*9. **Legal Unsustainability of the Penalty:** The impugned penalty of compulsory retirement, coupled with the financial recovery directive, is legally unsustainable due to the lack of substantive evidence and procedural deficiencies.*

*10. **Failure of Disciplinary Authority to Rebut Evidence:** Despite the petitioner's provision of robust counter-evidence, the Disciplinary Authority failed to effectively challenge or rebut these claims. The lack of any meaningful effort to address or discredit the petitioner's documentary submissions reflects a procedural oversight that significantly weakens the credibility of the authority's stance.*

*11. **Inquiry Officer's Omission to Address Crucial Explanations:** The Inquiry Officer inexplicably neglected to address the petitioner's key explanations and evidence during the proceedings. This omission amounts to a failure to conduct a fair and impartial assessment of the facts and constitutes a procedural defect undermining the findings of the inquiry. The Disciplinary Authority disregarded the petitioner's explanation, failing to provide reasoned findings or cogent justifications for rejecting the petitioner's evidence. Such disregard contravenes*

principles of procedural fairness and due process, which mandate that decision-making authorities meaningfully engage with the submissions and evidence of the accused.

12. Necessity to Set Aside Penalty: In view of the aforementioned points, the order of compulsory retirement is disproportionate and lacks legal justification. The imposition of penalties without due process and substantiation undermines the principles of justice and fairness, warranting the setting aside of the impugned order.

13. The Appellate Authority (Respondent No. 1) failed to adequately consider or address the detailed explanations and evidence submitted by the petitioner in response to the charges. Instead, the authority mechanically affirmed the order of compulsory retirement without providing any independent analysis or reasoned justification for rejecting the petitioner's submissions. This perfunctory approach violates principles of natural justice and due process, rendering the appellate decision legally unsustainable."

7. Taking note of the stand of the respondents and also the fact of the joint enquiry, the order at Annexure-A

insofar as the petitioners, requires to be set aside by taking note of the observations made in W.P.No.9429/2024.

8. Accordingly, the writ petition is allowed. The impugned order at Annexure-A insofar as it concerns petitioners herein is set aside. Accordingly, the penalty imposed against the petitioners of reduction to lower stage in time scale of pay is set aside.

9. Respondents are directed to re-instate the petitioners forthwith into service, with arrears, continuity of service and all consequential benefits. The compliance of the order is to be completed within a period of four (4) weeks from the date of receipt of certified copy of the order.

Accordingly, the petition is ***allowed***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR