HC-KAR

NC: 2026:KHC:55372
WP No. 31170 of 2026

CNR: KAHC010679352026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 31170 OF 2026 (S-RES)

BETWEEN:

1. SRI.B.S.PRASAD
   S/O LATE. B.D. SIDDAPPA,
   AGED ABOUT 65 YEARS,
   RETIRED CHIEF ENGINEER,
   BRUHAT BENGALURU MAHANAGARA PALIKE,
   BANGALURU,
   R/AT NO.37, 12TH CROSS,
   IDEAL HOME TOWNSHIP,
   RAJA RAJESHWARI,
   BENGALURU-560 098

... PETITIONER

(BY SRI. ANIL KUMAR B O., ADVOCATE)

AND:

Digitally signed by VIDYA G R
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REP. BY ITS ADDITIONAL CHIEF SECRETARY,
   URBAN DEVELOPMENT DEPARTMENT,
   M.S. BUILDING,
   BENGALURU-560 001.

2. THE CHIEF COMMISSIONER,
   GREATER BENGALURU AUTHORITY
   N.R.SQUARE, CORPORATION CIRCLE,
   BENGALURU - 560 002

... RESPONDENTS

(BY SMT. RASHMI RAO, HCGP FOR R1;
SRI B.L. SANJEEV, ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO (I) TO ISSUE AN ORDER OF DIRECTION OR A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ARTICLES OF CHARGE BEARING NO. NA.AA.E 405 MNU 2024 DATED 08.07.2025 (ANNEXURE-A) ISSUED BY THE FIRST RESPONDENT, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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

The present writ petition is filed by the petitioner, a retired Chief Engineer of the Greater Bengaluru Authority [GBA] who attained superannuation at the age of 60 years on 30.04.2020, challenging the Articles of Charges at Annexure-'A' dated 08.07.2025.

2. It is contended that the respondent - GBA has adopted the Karnataka Civil Service Rules [KCSR] applicable to the Government Servants and in terms of Rule 214(2)(b)(ii), the Articles of Charges framed more than four years after the incident would be impermissible.

3. Learned counsel appearing for the respondent-GBA would submit that the enquiry was initiated pursuant to the report of Justice H.N.Nagamohan Das Committee and accordingly, there was delay.

4. Admittedly, the Articles of Charges are framed on 08.07.2025, copies of which are enclosed at Annexure-'A'. The Articles of Charges refer to certain works relating to improvement of drains and culverts in Lottegollahalli and Venkatachari and Venkatachari layout in Ward No.100, Short recovery of royalty, depot collection and procedural lapses relating to the year 2007-2008, engaging of private labourers for desilting relating to flood relief during the monsoon of 2008, depot collection in Ward No.5 relating to the year 2007-2008 and such other works relating to the year 2007-2008.

5. The petitioner has made out his reply to the show cause notice and specifically adverted to the delay in

initiating proceedings and has referred to Rule 214(2)(b) of KCSR. Rule 214(2)(b) reads as follows:

> ***"214 2[(1)(a) Withholding or withdrawing pension for misconduct or negligence.-***
>
> *(2)(a) xxx*
>
> *(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment.-*
>
> *(i) shall not be instituted save with the sanction of the Government.*
>
> *(ii) shall not be in respect of any event which took place more than four years before such institution, and*
>
> *(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service."*

6. It is clear in terms of Rule 214(2)(b)(ii) of KCSR that enquiry shall not be instituted in respect of any event

which took place more than four years before such institution.

7. The date of institution of an enquiry is the date of issuance of Articles of Charges. If 08.07.2025 is taken to be the date of institution of enquiry, the acts complained of relate to the year 2007-2008. If that were to be so, the enquiry is hit by the bar under Rule 214(2)(b)(ii) and there is no question of any condonation when the Rule does not provide for condonation of delay and the Rules do not provide for delayed institution of enquiry.

8. Admittedly, the petitioner has attained superannuation on 30.04.2020. The Articles of Charges are framed on 08.07.2025 and relate to the incidents of the year 2007-2008. Accordingly, the impugned action is impermissible in terms of Rule 214(2)(b)(ii) of KCSR.

9. Accordingly, the Articles of Charges at Annexure-'A' dated 08.07.2025 are set aside and as also the enquiry proceedings.

Accordingly, the petition is ***disposed of.***

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

VGR