



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD 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. 4633 OF 2024 (S-KSAT)

C/W

WRIT PETITION No. 18262 OF 2025 (S-KSAT)

IN WP No. 4633/2024

BETWEEN:

1. THE HON'BLE LOKAYUKTA,
KARNATAKA LOKAYUKTA,
M. S. BUILDINGS,
DR. B. R. AMBEDKAR ROAD,
BANGALORE 560001.
2. THE ACCOUNTS SUPERINTENDENT II,
KARNATAKA LOKAYUKTA, TAC,
M. S. BUILDINGS,
BANGALORE 560001.
3. THE ADDITIONAL REGISTRAR OF ENQUIRIES-4,
KARNATAKA LOKAYUKTA,
M. S. BUILDINGS,
BANGALORE 560001.

...PETITIONERS

(BY SRI VENKATESH S. ARBATTI, ADVOCATE)



AND:

1. SRI. SATISH B.,
S/O LATE B. NARASIMHA MURTHY,
AGED ABOUT 59 YEARS,
FIRST DIVISION ASSISTANT AND
HOLDING THE HONORARY FACULTY
POSITION OF LECTURER IN PSCHYOLOGY,
SOCIOLOGY AND IN ENGLISH SUBJECT,
BANGALORE MEDICAL COLLEGE
UNDER PARENTAL DEPARTMENT OF
DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDA RAO CIRCLE,
BANGALORE 560009.
2. THE STATE OF KARNATAKA,
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE 560001.
3. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
FINANCE DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE 560001.
4. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
VIKASA SOUDHA,
BANGALORE 560001.
5. THE UNDER SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE
SERVICES, (CADRE AND RECRUITMENT)
M S BUILDING,
BANGALORE 560001.



6. THE COMMISSIONER
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDA RAO CIRCLE,
BANGALORE 560009.
7. THE DIRECTOR,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDA RAO CIRCLE,
BANGALORE 560009.

...RESPONDENTS

(BY SRI. S.B. HALLI, ADVOCATE FOR R1;
SRI V. SHIVAREDDY, AGA FOR R2 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER DATED 27.03.2019 PASSED BY THE KARNATAKA
ADMINISTRATIVE TRIBUNAL AT BANGALORE IN APPLICATION
No.712/2016, AS PER ANNEXURE-A.

IN WP No. 18262/2025

BETWEEN:

SATHISH B.,
S/O LATE B.NARASIMHA MURTHY,
AGED ABOUT 69 YEARS,
WHILE WORKING AS FIRST DIVISION ASSISTANT,
AND HOLDING THE HONORARY
FACULTY POSITION OF
LECTURER IN PSYCHOLOGY,
SOCIOLOGY AND IN ENGLISH SUBJECT,
BENGALURU MEDICAL COLLEGE
UNDER PARENTAL DEPARTMENT OF
DIRECTORATE OF HEALTH AND FAMILY
WELFARE SERVICE,
ANANDA RAO CIRCLE,
BENGALURU-560009,
NOW R/O No.668/A, 13TH CROSS,



**NC: 2026:KHC:16721-DB
WP No. 4633 of 2024
C/W WP No. 18262 of 2025**

1ST STAGE, 1ST PHASE, CHANDRA LAYOUT,
BENGALURU-560072.

...PETITIONER

(BY SRI S.B. HALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE 560001.
2. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
FINANCE DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE 560001.
3. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
VIKASA SOUDHA,
BANGALORE 560001.
4. THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE
SERVICES, (CADRE AND RECRUITMENT),
M S BUILDING,
BANGALORE 560001.
5. THE COMMISSIONER
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDA RAO CIRCLE,
BANGALORE 560009.
6. THE DIRECTOR,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,



ANANDA RAO CIRCLE,
BANGALORE 560009.

7. THE HON'BLE LOKAYUKTA,
KARNATAKA LOKAYUKTA,
M. S. BUILDINGS,
BANGALORE 560001.
8. THE ACCOUNTS SUPERINTENDENT II,
KARNATAKA LOKAYUKTA, TAC,
M. S. BUILDINGS,
BANGALORE 560001.
9. THE ADDITIONAL REGISTRAR OF ENQUIRIES-4,
KARNATAKA LOKAYUKTA,
M. S. BUILDINGS,
BANGALORE 560001.

...RESPONDENTS

(BY SRI V. SHIVAREDDY, AGA FOR R1 TO R6;
SRI K. PRASANNA SHETTY, ADVOCATE FOR R7 TO R9)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
THIRD PORTION OF ORDER PASSED BY THE HON'BLE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU,
IN APPLICATION No.712/2016 DATED 27.03.2019 PRODUCED
VIDE ANNEXURE-A TO THE WRIT PETITION AND ETC,.

THESE PETITIONS COMING ON FOR ORDERS 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 Venkatesh S. Arbatti, learned counsel for the petitioners; Sri S.B. Halli, learned counsel for respondent No.1 and Sri V. Shivareddy, learned Additional Government Advocate for respondent Nos.2 to 7 in Writ Petition No.4633/2024; Sri S.B. Halli, learned counsel for the petitioner; Sri V. Shivareddy, learned Additional Government Advocate for respondent Nos.1 to 6, and Sri K. Prasanna Shetty, learned counsel for respondent Nos.7 to 9 in Writ Petition No.18262/2025.

2. The W.P No.4633/2024 by Lokayukta and W.P No.18262/2025 by the applicant arise out of the common order dated 27.03.2019 passed in Application No. 712/2016 by the Karnataka State Administrative Tribunal, Bengaluru (for short, "the Tribunal").

2.1 Since common arguments were addressed by learned counsel for both parties, these petitions are disposed of by this common order.



2.2 The parties are referred to as they stand before the Tribunal for convenience.

3. The applicant, while working as a First Division Assistant (FDA) in the Department of Health and Family Welfare Services, was dismissed from service by a penalty order dated 19.09.2015. The applicant was charged under a charge memo dated 23.06.2003 alleging misappropriation of a sum of Rs.3,00,000/-. The Government entrusted the departmental enquiry to the Lokayukta in terms of Rule 14(A) by order dated 12.01.2006. An Enquiry Officer was appointed, and the articles of charge were served on the applicant on 15.02.2006 along with another DGO.

3.1 The Enquiry Officer submitted a report holding that the charges were proved against the applicant and the other DGOs. A second show-cause notice was issued, to which the applicant submitted a reply. The Disciplinary Authority, by order dated 02.02.2012, imposed the penalty of dismissal from service. The said order was the subject matter of Application No. 1104/2012. The other DGO preferred Application No. 1074/2012. The Tribunal, by a common order, set aside the



order of dismissal, reserving liberty to pass fresh orders in accordance with law.

3.2 The impugned order dated 19.09.2015 has been passed in exercise of the liberty granted by the Tribunal. The Tribunal, for the reasons assigned therein, partly allowed the application by substituting the penalty of dismissal from service with that of compulsory retirement. The Tribunal further held that the applicant is not entitled to arrears of pension for the period from 19.09.2015 to 31.10.2017.

3.3 The Lokayukta is aggrieved by the substitution of the penalty of dismissal from service with compulsory retirement. The applicant/DGO is aggrieved by the denial of arrears of pension for the period from 19.09.2015 to 31.10.2017.

4. Sri Venkatesh S. Arbatti, learned counsel appearing for the petitioners-Lokayukta in Writ Petition No. 4633/2024, submits that the Tribunal has committed an error in not properly appreciating the findings recorded by the Enquiry Officer, which are supported by the evidence on record. It is contended that the modification of the penalty, substituting



dismissal from service with compulsory retirement, is without justification and appears to have been made on grounds of sympathy and mercy. It is further submitted that, if the Tribunal was not satisfied with the order of penalty, the proper course would have been to set aside the same and remit the matter for fresh consideration by the Disciplinary Authority.

4.1 It is also submitted that the Tribunal has no jurisdiction to interfere with the quantum of penalty imposed by the Disciplinary Authority, when such penalty is based on evidence. According to the learned counsel, the present case is not one of lack of evidence. It is contended that, while upholding the findings of the Enquiry Officer, the Tribunal, without assigning justifiable reasons, modified the penalty.

5. Sri S.B. Halli, learned counsel appearing for the petitioner in Writ Petition No. 18262/2025, submits that the Tribunal is justified in substituting the penalty of dismissal from service with compulsory retirement, having regard to the peculiar facts of the case. It is contended that the penalty of dismissal from service was disproportionate to the charge, and therefore, the



Tribunal, in exercise of its discretionary jurisdiction, has rightly modified the penalty.

5.1 Learned counsel further submits that the order of the Tribunal disentitling the applicant from arrears of pension for the period from 19.09.2015 to 31.10.2017 is without justification or valid reasons. It is contended that denial of arrears of pension is not one of the prescribed punishments. It is further submitted that, once the order of dismissal is substituted with compulsory retirement, the Tribunal has no jurisdiction to impose any further penalty which has neither been imposed by the Disciplinary Authority nor provided or prescribed under law.

6. Sri V. Shivareddy, learned Additional Government Advocate, appearing for the respondent-authorities in both matters, supports the submissions made by the learned counsel for the Lokayukta.

7. Having considered the submissions made by the learned counsel for the parties, we are not inclined to entertain either of these petitions.



8. The order of the Tribunal is dated 27.03.2019, whereas Writ Petition No. 4633/2024 has been filed on 07.02.2024. No reasons are forthcoming to explain the delay. A delay of five years cannot be considered reasonable to entertain the petition. Moreover, no explanation is provided in the pleadings for such delay. In the absence of any satisfactory explanation, the petition is liable to be rejected on the ground of delay and laches.

8.1 Writ Petition No. 18262/2025 does not stand on any better footing. The only distinguishing feature pointed out is the filing of Review Application No. 6/2024. Learned counsel for the applicant made an unsuccessful attempt to contend that the delay in filing the writ petition is attributable to the pendency of the review application. We find no merit in the said submission. The order of the Tribunal is dated 27.03.2019, whereas the review application was filed before the Tribunal only in the year 2024. The said review application has been rejected on the ground of delay and laches. When the review application itself was not entertained on the ground of delay and laches, it cannot be accepted as a valid explanation to justify the delay in



filing the present writ petition challenging the order dated 27.03.2019.

8.2 Though no period of limitation is prescribed for filing a writ petition, it is a settled position of law that an aggrieved party must approach the Court within a reasonable time. A delay of five years cannot be construed as reasonable.

8.3 The Hon'ble Supreme Court, in the case of **Mrinmoy Maity vs. Chhanda Koley and Others (2024 SCC OnLine SC 551)**, has considered the question of delay in approaching the High Court under Article 226 of the Constitution of India.

Paragraphs 9 to 13 thereof read as follows:

"9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and latches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or latches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and



attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

*11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court. This Court in the case of *Tridip Kumar Dingal v. State of W.B.*, (2009) 1 SCC 768 has held to the following effect:*



HC-KAR

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"56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime (vide *State of M.P. v. Bhailal Bhai*, [AIR 1964 SC 1006 : (1964) 6 SCR 261], *Moon Mills Ltd. v. Industrial Court*, [AIR 1967 SC 1450] and *Bhoop Singh v. Union of India*, [(1992) 3 SCC 136 : (1992) 21 ATC 675 : (1992) 2 SCR 969]). This principle applies even in case of an infringement of fundamental right (vide *Tilokchand Motichand v. H.B. Munshi*, [(1969) 1 SCC 110], *Durga Prasad v. Chief Controller of Imports & Exports*, [(1969) 1 SCC 185] and *Rabindranath Bose v. Union of India*, [(1970) 1 SCC 84]).



58. There is no upper limit and there is no lower limit as to when a person can approach a court. The question is one of discretion and has to be decided on the basis of facts before the court depending on and varying from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose."

12. It is apposite to take note of the dicta laid down by this Court in Karnataka Power Corporation Ltd. v. K. Thangappan, (2006) 4 SCC 322 whereunder it has been held that the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right. It has been further held thereunder:

"6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in Durga Prasad v. Chief Controller of Imports and Exports, [(1969) 1 SCC 185 : AIR 1970 SC 769]. Of course, the discretion has to be exercised judicially and reasonably.

7. What was stated in this regard by Sir Barnes Peacock in Lindsay Petroleum Co. v. Prosser Armstrong Hurd, [[L.R.] 5 P.C. 221 : 22 WR 492] (PC at p. 239)



was approved by this Court in Moon Mills Ltd. v. M.R. Meher, [AIR 1967 SC 1450] and Maharashtra SRTC v. Shri Balwant Regular Motor Service, [(1969) 1 SCR 808 : AIR 1969 SC 329]. Sir Barnes had stated:

"Now, the doctrine of laches in courts of equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as it relates to the remedy."

8. It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation to Article 32 of the Constitution. It is apparent that what has been stated as regards that article would apply, a fortiori, to Article 226. It was observed



in Rabindranath Bose v. Union of India, [(1970) 1 SCC 84 : AIR 1970 SC 470] that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution-makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.

9. *It was stated in State of M.P. v. Nandlal Jaiswal, [(1986) 4 SCC 566 : AIR 1987 SC 251] that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third-party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction."*



13. Reiterating the aspect of delay and laches would disentitle the discretionary relief being granted, this Court in the case of Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu, (2014) 4 SCC 108 has held:

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

8.4 In the light of the principles laid down by the Hon'ble Supreme Court, the above writ petitions suffer from delay and laches and are liable to be dismissed on that ground alone.



9. We are not inclined to entertain these writ petitions for an additional reason also. The very same impugned order was challenged by the State in ***W.P No.52324/2019***, wherein this Court, by order dated ***25.02.2022***, dismissed the writ petition. The petitioners in the present writ petitions had participated in the said proceedings and, therefore, had complete knowledge of the order of the Tribunal.

10. The petitioner in Writ Petition No. 4633/2024 had appeared in Writ Petition No. 52324/2019. It is submitted that the order dated 25.02.2022 passed in Writ Petition No. 52324/2019 has been accepted by the State. Though the present petition is filed nearly two years after the dismissal of the writ petition preferred by the State, there is no reference to the said dismissal.

11. The writ petition preferred by the Lokayukta appears to be filed without due application of mind and in a casual manner. When the writ petition preferred by the State against the very same impugned order of the Tribunal has not been entertained by this Court, the Lokayukta cannot remain hesitant to take an independent decision regarding the



acceptability or otherwise of the orders passed by the Tribunal. The Lokayukta cannot expect the approval of this Court for every order passed by the Tribunal, as in the case of other authorities.

12. Though we find justifiable grounds to impose heavy costs, we refrain from doing so, in the hope and expectation that due application of mind would be exercised before filing writ petitions before this Court, particularly in avoidable matters.

13. With the above observations, both writ petitions stand dismissed.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE