

Reserved on : 09.01.2026

Pronounced on : 26.02.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

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

AND

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

WRIT PETITION No. 5023 OF 2024 (S-KSAT)

BETWEEN:

1. MS. MANGALAGOURI V BHAT,
AGED ABOUT 51 YEARS,
D/O VENKATARAMANA V. BHAT,
WORKING AS ASSISTANT DIRECTOR (OOD),
DEPARTMENT OF TOURISM,
INDIAN RED CROSS SOCIETY BUILDING,
I FLOOR, ROOM No.F-232,
ASHOKA ROAD, TUMKUR-572101,
R/AT C/O SHIVAKUMAR,
WARD No.2, SLN LAYOUT,
ANTHARASANAHALI, ARAKERE POST,
TUMKUR-572106.

...PETITIONER

(BY SRI VIJAYA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY
TO THE GOVERNMENT,
TOURISM DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560001.



2. THE DIRECTOR,
DIRECTORATE OF TOURISM,
No.49, 2ND FLOOR,
KHANIJA BHAVANA,
RACE COURSE ROAD,
BENGALURU-560001.

...RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 02/01/2024 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION No.3755/2022 (ANNEXURE-A).

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND, J.**, DELIVERED THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri Vijaya Kumar, learned counsel for the petitioner and Sri Vikas Rojipura, learned Additional Government Advocate for respondent Nos.1 and 2.

2. The unsuccessful applicant in Application No.3755/2022 has preferred this writ petition questioning the

correctness of the order dated 02.01.2024 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal').

3. The petitioner, while working as superintendent in the Department of Tourism was promoted as Assistant Director and thereafter, she was placed under suspension on 06.06.2013, followed by charge memo dated 27.09.2013. The petitioner submitted explanation to the charge memo. On 05.02.2014, the petitioner's suspension was revoked. The enquiry officer was appointed on 31.01.2015. Total 35 charges were framed out of which, enquiry report was submitted holding 20 charges proved. Second show-cause notice was issued on 06.12.2018 seeking explanation on the finding of the enquiry officer. Considering the reply submitted on 21.12.2018, the disciplinary authority by order dated 29.01.2019 imposed penalty of reduction of time scale in the cadre of Assistant Director to the lowest scale of pay in the cadre of Tourism Officer permanently. The penalty order was subject matter of challenge in Application No.792/2019 before the Tribunal. The Tribunal set aside the order of penalty and directed reconsideration. The review petition filed against the said order came to be allowed and application was restored.

3.1 The Tribunal after restoration by order dated 23.04.2019, set aside the order of penalty and remitted to the disciplinary authority for fresh consideration. The disciplinary authority by order dated 12.06.2019 imposed same penalty as was imposed earlier by reducing the time scale. This order dated 12.06.2019 was subject matter of Application No.3530/2019 before the Tribunal. The Tribunal set aside the order of penalty with liberty to consider the reply filed by the petitioner. The disciplinary authority on 22.09.2021 imposed penalty of Censure and withholding of two annual increments without cumulative effect. The Application No.3755/2022 challenging the order of penalty came to be dismissed by the Tribunal against which the present petition.

4. Sri Vijaya Kumar, learned counsel appearing for the petitioner submits that the findings in the enquiry report are without any basis. It is submitted that the penalty imposed on the enquiry report was set aside twice for reconsideration. It is submitted that the disciplinary authority without considering the contentions raised and the findings in the enquiry report is without any evidence, while considering the imposition of penalty for third time, imposed penalty of censure and

withholding of two annual increments without cumulative effect. Learned counsel submits that the factum of modification of penalty orders at the instance of the Tribunal would justify that the enquiry report is not based on the proved evidence.

4.1 Learned counsel further submits that the penalty imposed is though minor, the same has impacted the promotional avenues of the petitioner. It is submitted that due to the order of penalty, the petitioner is denied promotion when the petitioner's juniors are promoted. It is submitted that the Tribunal without considering the various contentions urged, merely on the number of charges proved, proceeded to confirm the penalty order. With the above submissions learned counsel submits to allow the writ petition and to set aside the order of penalty.

5. Sri Vikas Rojipura, learned Additional Government Advocate appearing for respondent Nos.1 and 2 submits that the enquiry report establishes 20 charges proved out of 35 charges against the petitioner. It is submitted that considering the gravity and seriousness of the charges, major penalty of reduction of time scale to the lowest scale of pay was ordered. It is submitted that on repeated challenge and the orders of the

Tribunal, the imposition of penalty has been reconsidered by the disciplinary authority. The imposition of penalty of censure and withholding of two annual increments without cumulative effect is minor penalty. It is submitted that having regard to the seriousness and gravity of the charges proved against the petitioner total numbering 20, the penalty imposed is very lenient. It is submitted that the Tribunal considering various other aspects in its discretion held that the penalty imposed is reasonable and refused to interfere. With the above submissions, learned AGA submits to dismiss the petition.

6. We have considered the submissions of learned counsel for the parties and perused the records.

7. The petitioner was placed under suspension pending enquiry on 06.06.2013 and charge memo was issued on 27.09.2013. Total 35 charges were framed against the petitioner. Pending enquiry the suspension of the petitioner was revoked and enquiry officer was appointed. The enquiry authority submitted enquiry report holding 20 charges proved out of 35 charges against the petitioner. After issuance of second show-cause notice, major penalty of reduction of time scale in the cadre of Assistant Director to the lowest scale of

pay in the cadre of Tourist Officer permanently was imposed. The said order was subject matter of Application No.792/2019 before the Tribunal, wherein the penalty was set aside directing the disciplinary authority to modify the order. The said order was recalled in the previous application filed by the petitioner and the OA was restored. On restoration and reconsideration of the application, the Tribunal set aside the order of penalty and directed disciplinary authority to reconsider after considering the reply. On reconsideration, the disciplinary authority has imposed minimum penalty of censure and withholding of two annual increments without cumulative effect. While considering the correctness of the order of penalty dated 22.09.2021, the Tribunal has meticulously re-examined the findings recorded by the enquiry officer insofar as the proved charges.

7.1 On consideration of the finding and the evidence finding basis of the conclusion of the charges against the petitioner, held that the punishment imposed is proportionate and by taking lenient view. The Tribunal further held that the charges proved against the petitioner are serious and grievous in nature. Insofar as the contention regarding delay in conclusion of enquiry proceedings, the Tribunal while

considering the delay has held that, the serious and grievous nature of the charges cannot be overlooked and the aspect of delay is to be considered on attending circumstances. In support of such finding, the Tribunal has referred to various decisions of the Hon'ble Supreme Court. The Tribunal further held that the disciplinary authority in exercise of its discretion has imposed the minimum penalty and the same cannot be said to be excessive to the grievousness and the gravity of the charges held to be proved.

8. Learned counsel for the petitioner vehemently contented before this Court that the case of the petitioner has not been properly appreciated by the Tribunal.

9. On detailed scrutiny of the order passed by the Tribunal, we notice that the Tribunal has looked into the finding of the enquiry officer on each of its proved charges. On consideration of the gravity of the charges and the extent of evidence supporting the proved charge, the Tribunal held that the charges proved are serious and grievous in nature. However, the Tribunal declined to interfere with the order of the penalty though it was minor in nature.

10. We have seen the charges proved and the supporting evidence. We find no infirmities in the finding recorded by the Tribunal. When the penalty imposed is compared to the seriousness and gravity of the charges, we are of the view that disciplinary authority has exercised its maximum discretion to levy the minor penalty of censure and withholding of two annual increments that too without cumulative effect.

10.1 Further while judicial review, the Court cannot sit in appeal against the findings of the enquiry officer and the decision of the disciplinary authority. Interference can be made by this Court only when the process of enquiry is found to be not in accordance with law and cannot sit in appeal against the finding of the enquiry. The finding of enquiry and the imposition of penalty is fairly justifiable and no infirmities touching upon any error or illegality in the process of the adjudication is pointed out. In the absence of such fundamental error demonstrated from the enquiry report, order of disciplinary authority as well the order of the Tribunal, this Court need not to interfere.

11. In the light of the above, we find no error or infirmities in the impugned order passed by the Tribunal. The writ petition is merit-less and accordingly, ***dismissed***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

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