



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO. 182 OF 2020 (S-RES)

C/W

WRIT APPEAL NO. 183 OF 2020 (S-DIS)

WRIT APPEAL NO. 184 OF 2020 (S-DIS)

IN WA No. 182/2020

BETWEEN:

BANGALORE, BANGALORE RURAL AND
RAMANAGARA DISTRICT CENTRAL CO-
OPERATIVE BANK LTD., (NOW CHANGED
AS BENGALURU DISTRICT CENTRAL
CO-OPERATIVE BANK LTD.,) 'LAKSHMI SADANA',
#6, 5TH MAIN ROAD, CHAMARAJAPET,
BENGALURU-560 018
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
GURUSWAMY S/O HONNAPPA,
AGED ABOUT 55 YEARS.

...APPELLANT

(BY SRI. NATARAJ BABA K, ADVOCATE)

AND:

SRI BORAJJIAH K.T.
S/O. SRI TIGALA BORAIAH,
AGED ABOUT 59 YEARS,
R/A NO.#378, 2ND CROSS,
3RD MAIN ROAD,
KAMALANAGARA,
BENGALURU-560 079.





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...RESPONDENT

(BY SRI. G.S. NAVEEN KUMAR, ADVOCATE
SRI. S.B. MUKKANNAPPA, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
13/11/2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.
NO.6667/2015 (S-RES) AND ETC.

IN WA NO. 183/2020

BETWEEN:

BANGALORE, BANGALORE RURAL AND
RAMANAGARA DISTRICT CENTRAL CO-
OPERATIVE BANK LTD.,(NOW CHANGED
AS BENGALURU DISTRICT CENTRAL CO-
OPERATIVE BANK LTD)
'LAKSHMI SADANA', #6, 5TH MAIN ROAD,
CHAMARAJAPET, BENGALURU-560 018
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
GURU SWAMY S/O HONNAPPA,
AGED ABOUT 55 YEARS.

...APPELLANT

(BY SRI. NATARAJ BABA K., ADVOCATE)

AND:

SRI D. RANGARAJU
S/O SRI.DASAPPA,
AGED ABOUT 64 YEARS,
R/A #466, 8TH CROSS,
MAHALAKSHMI LAYOUT,
BENGALURU-560 086.

...RESPONDENT

(BY SRI. G.S. NAVEEN KUMAR, ADVOCATE
SRI. S.B. MUKKANNAPPA, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE



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ORDER DATED 13-11-2019 PASSED BY THE LEARNED
SINGLE JUDGE IN W.P.NO.6668/2015(S-RES).

IN WA NO. 184/2020

BETWEEN:

BANGALORE, BANGALORE RURAL AND
RAMANAGARA DISTRICT CENTRAL CO-
OPERATIVE BANK LTD., (NOW CHANGED
AS BENGALURU DISTRICT CENTRAL CO-
OPERATIVE BANK LTD) 'LAKSHMI SADANA'
#6, 5TH MAIN ROAD, CHAMARAJAPET,
BENGALURU-560 018
NOW REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER
GURUSWAMY

...APPELLANT

(BY SRI. NATARAJ BABA K., ADVOCATE)

AND:

SRI. A.C. LAKSHMIKANTH
S/O.LATE SRI.CHANDRAIAH ACHAR,
AGED ABOUT 66 YEARS,
RESIDING AT #96, 3RD MAIN ROAD,
SARASWATHIPURAM, NANDINI LAYOUT,
BENGALURU-560 086.

...RESPONDENT

(BY SRI. G.S. NAVEEN KUMAR, ADVOCATE FOR
SRI. S.B. MUKKANNAPPA, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 13/11/2019 PASSED BY THE LEARNED
SINGLE JUDGE IN W.P. NO. 6669/2015 (S-RES) AND ETC.

THESE APPEALS, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

IN WA NO.182/2020

Heard learned counsel for the appellant and learned counsel for the respondent.

2. This appeal seeks to challenge the order dated 13.11.2019 passed by the learned Single Judge in W.P.No.6667/2015. By means of the impugned judgment, the learned Single Judge found that the appellant-Bank had not conducted the enquiry as contemplated under Rule 71 of the Staff Service Rules of Employees of the Bengaluru District Co-operative Central Bank Rules, 1987¹ before the dismissal of the respondent-employee from service. It was also found that no case was made out by the appellant-Bank for interference in the concurrent findings of facts recorded by the Deputy Registrar of Co-operative Societies as well as by the Karnataka Administrative Tribunal while setting aside the dismissal order

¹ the Rules, 1987



passed by the appellant-Bank in the facts and circumstances of the present case.

3. The learned counsel for the appellant, though has not been able to dispute the findings recorded by the learned Single Judge, however has stated that there is a talk going on between the parties for a settlement and therefore, the matter be adjourned.

4. We are not inclined to adjourn the matter in view of the fact that the matter revolves on the allegation of wrong dismissal from service of the respondent from the appellant-Bank. The appellant is a Co-operative Bank. Admittedly, the rules that are applicable to the appellant-Bank with regard to service conditions of its employees, particularly disciplinary proceedings, are admitted to be governed by Rule 71 of the Rules, 1987.

5. A charge sheet dated 22.06.1996 was submitted against the respondent with the allegation that he had discounted certain cheques in the branch, violating the Head Office Circular dated 16.05.1986 unauthorizedly and caused heavy loss to the Bank for personal gain. An explanation was



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sought for and the respondent was also afforded opportunity to send a list of documents and witnesses along with his explanation. The name of the enquiry officer was mentioned and he was asked to attend the enquiry on 09.07.1996 along with his documents and witnesses, if any, and defend against the charges.

6. An enquiry report dated 05.09.1998 was submitted by the enquiry officer, in which, the charge, findings and reasons of the enquiry officer are as follows:

*"(3) Charge against Sri K.T. Borajjaiah, Clerk
(Charge Sheet dated 22.06.1996).*

You have discounted the following cheques of Kavery Wines Company by taking commission from the said company violating the Circular of the Head Office No.66285-86 dated 16.05.1986 thereby you have fulfilled your selfish motive. This is corruption.

- (a) Cheque of Rs.25,557.35 on 19.02.96*
- (b) Cheque of Rs.31,500.00 on 19.02.96*

Enquiry findings: This charge is proved.

Reasons: He joined the service as a fresher on 4.7.95 and was discharging the duty as clerk. He was discharging the duties as Incharge Manager in the absence of the Manager.

The person who is an incharge has no authority of discounting the cheque i.e. Unsecured Loan. There is no evidence to show that the



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Manager has authorized him to do so. He is not aware of the circular of the Head Office cannot be believed if suppose he was not aware of the same he could have asked the Bank Officers. He has carried out the transaction in violation of Circular order of the Head Office and Sec.56(2) of Banking Regulation Act. The said act of him is for fulfilling his selfish motive not otherwise. His explanation is not proper. Charge is proved as legal presumption."

7. On 01.01.1997, the respondent was dismissed from service by the order of the Managing Director. By an order dated 31.07.2012, the Deputy Registrar of Co-operative Societies, allowed the petition filed by the petitioner/respondent herein and the order dated 01.01.1997 passed by the appellant-Bank dismissing the respondent from the service of the Bank was set-aside and it was directed that the Bank reinstate the petitioner to its service within one month and extend all consequential financial benefits including the service benefits available to the petitioner.

8. The appellant-Bank then challenged the order of the Deputy Registrar of Co-operative Societies before the Karnataka Administrative Tribunal at Bangalore. By the order dated 13.11.2014, the appeals filed by the appellant-Bank before the Tribunal were dismissed.



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9. The aforesaid two orders passed by the Deputy Registrar of Co-operative Societies and the Karnataka Administrative Tribunal came to be challenged in W.P.No.6667/2015 before the learned Single Judge of this Court. The learned Single Judge of this Court framed the following points for determination:

- "i. Whether the petitioner-Bank has conducted the enquiry as contemplated under Rule 71 of the Staff Service Rules of Employees of the Bengaluru District Co-operative Central Bank Rules, 1987 before dismissal of the employees-respondents from service? and*
- ii. Whether the petitioner-Bank has made out a case to interfere with the concurrent findings of fact recorded by the District Registrar of Co-operative Societies as well as the Karnataka Administrative Tribunal while setting aside the dismissal order passed by the petitioner-Bank in the facts and circumstances of the present case?"*

10. After elaborately discussing the case of each of the parties, it was held that the appellant-Bank had conducted the disciplinary enquiry in blatant violation of its own rules and procedures against the respondent and the punishment imposed was disproportionate and not commensurate with the charges levelled against the respondent.



11. The contention made on behalf of the appellant-Bank that there was no need to hold the enquiry, even though the enquiry officer was appointed only for a formal purpose and in view of the guilt admitted by the employee, the punishment was imposed by the Bank on the employee, was held to be unacceptable. After relying upon a catena of decisions, on facts it was observed that the charge was not proved against the respondent as held by the Deputy Registrar of Co-operative Societies as well as by the Karnataka Administrative Tribunal. Therefore, consideration of the nature of the punishment would not arise in the facts and circumstances of the case. Accordingly, it was held that the appellant-Bank had not conducted the enquiry as contemplated under the provisions of the Rules, 1987. Both the Deputy Registrar of Co-operative Societies as well as the Karnataka Administrative Tribunal held that the enquiry conducted by the appellant-Bank against the employee was in utter violation of the principles of natural justice and the rules of the appellant-Bank itself. It was held that, such finding of fact cannot be interfered by the writ Court in exercise of powers under Articles 226 and 227 of the Constitution of India.



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12. Before us too, no perversity or jurisdictional issue has been demonstrated by the appellant-Bank that would entail interference in the orders passed by the Deputy Registrar of Co-operative Societies as well as the Karnataka Administrative Tribunal. The writ Court was justified in dismissing the writ petitions in view of the facts and circumstances of the case. Therefore, W.A.No.182/2020 stands ***dismissed***. No order as to costs.

13. W.A.No.183/2020 and W.A.No.184/2020 are also ***dismissed*** in terms of the aforesaid order.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE