



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 3392 OF 2021 (S-RES)

BETWEEN:

SRI S K KOLHAR
S/O LATE SRI. K.H. KOLHAR
AGED ABOUT 63 YEARS
SUPERINTENDING ENGINEER (RETD)
FLAT #S3, SWAGRAHA APARTMENTS
2ND 7TH CROSS, SARVABHOWMA NAGAR
CHIKKALSANDRA, BENGALURU-560061

...PETITIONER

(BY SRI. SHREEDHAR G BIDRE, ADVOCATE FOR
SRI. RAGHAVENDRA G GAYATRI., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED
4TH FLOOR, GRAMEENABHIVRUDHI BHAVAN
ANANDA RAO CIRCLE, BENGALURU-560009.

2. THE CHIEF ADMINISTRATIVE OFFICER
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED, 4TH FLOOR
GRAMEENABHIVRUDDHI BHAVAN
ANANDA RAO CIRCLE, BENGALURU-560009.

...RESPONDENTS

(BY SRI. GURURAJ JOSHI., ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
A WRIT OR ORDER OR DIRECTION IN THE NATURE OF
CERTIORARI QUASHING THE ARTICLES OF CHARGES DATED:





22.12.2018, NO: ಕೆಆರ್‌ಐಡಿಎಲ್/ಆಡಳಿತ/ಸಿಆರ್-ಶಿವಮೊಗ್ಗ/2018-19(ಇವಿ)/847
VIDE ANNEXURE-A ISSUED BY THE 1ST RESPONDENT AND
ENDORESEMENT DATED: 28.02.2019 BEARING
ನಂ.ಕೆಆರ್‌ಐಡಿಎಲ್/ಇಎಸ್‌ಟಿ/ಸಿಆರ್-803/2018-19/978 (VIDE ANNEXURE-B)
ISSUED BY R-2 AS ILLEGAL AND ARBITRARY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. The petitioner has called in question the initiation of the department inquiry and Articles of Charge dated 22.12.2018 issued by respondent No.1 at Annexure-A and endorsement dated 28.02.2019 issued by respondent No.2 at Annexure-B.
2. Petitioner was appointed as a Task Force Commander in the KRIDL (earlier called as Karnataka Land Army Corporation Ltd.) and he retired as Superintending Engineer on 30.07.2016. After his retirement, a departmental enquiry was initiated and Articles of Charges were issued vide Annexure-A. Being aggrieved by the



Articles of Charge issued by respondent No.1 at Annexure-A dated 22.12.2018 and endorsement dated 28.02.2019 issued by respondent No.2, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner has submitted that the respondent-Corporation has framed Karnataka Land Army Corporation (Cadre and Recruitment) Rules, 1996 (for short 'C & R Rules'). Under the said Rules, there is no provision for initiation of departmental enquiry against a retired employee. Therefore, the issuance of Articles of Charge is without authority of law. In support of his contention, he has also relied on judgment of Apex Court in the case of **Bhagirathi Jena v. Board of Directors, O.S.F.C. and others** reported in **(1999) 3 SCC 666**. Hence, he sought for allowing the writ petition.

4. Per contra, the learned counsel appearing for the respondent-Corporation has submitted that the



Corporation has amended the C & R Rules on 25.06.2021, incorporating the provision for initiating the departmental enquiry against the retired employee. Hence, he sought for dismissal of the writ petition.

5. Heard the learned counsel for the parties. Perused the writ papers.

6. It is not in dispute that petitioner retired as Superintending Engineer from respondent-Corporation on 30.07.2016. By exercising the power under Rule 91 and 92 of the Rules 1996, the Corporation has initiated the departmental inquiry against the petitioner and issued Articles of Charges dated 22.12.2018 vide Annexure-A.

7. Admittedly, the Articles of Charges has been issued after petitioner retired from the service. It is very clear from the Rules 1996, there is no provision for initiation of the departmental enquiry against a retired employee. Rule 91 and 92 of the Rules is extracted below:



CHAPTER-VIII
CONDUCT RULES

Rule 91 GENERAL:

(a) Every employee of the Corporation shall at all times:

- i) maintain absolute integrity.*
- ii) maintain devotion to duty; and*
- iii) do nothing which is unbecoming of an employee of the Corporation.*

(b) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all the employees under his control and authority.

Rule 92 MISCONDUCT:

Misconduct shall include:

(a) Insubordination or disobedience whether alone or in combination with another or other to any lawful and reasonable order of the superior.

(b) Striking work either singly or in combination with other employees in contravention of any existing law;



- (c) Taking part in or subscribing in aid of or assisting any political movements;*
- (d) engaging in any unauthorised trade or business;*
- (e) slowing down work either singly or in combination with other or others;*
- (f) inciting others to slow down work;*
- (g) Stopping or refusing to do legitimate work while on duty;*
- (h) habitual absenteeism without leave;*
- (i) Habitual late attendance;*
- (j) Loitering while on duty or absence without permission from the place of work;*
- (k) damage to any property of the Corporation;*
- (l) breach of any standing Orders or Rules;*
- (m) habitual negligence or neglect of work;*
- (n) disclosing to any unauthorised person or persons any information in regard to the working of process of the Corporation which comes into the possession of the employees during the course of their work;*



(o) holding meetings inside the Corporation's premises without previously obtaining the sanction of the Managing Director or any prescribed authority;

(p) drunkenness, riotous or disorderly behaviour or any act subversive of discipline or efficiency;

(q) distribution or exhibit within the premises of the Corporation or any news paper or bills of posters or pamphlets without the previous sanction of Managing Director or any prescribed authority;

(r) collection of any money within the Corporation's premises for purposes not sanctioned by the Corporation;

(s) taking or giving bribes or any illegal gratification whatsoever;

(t) theft, fraud or dishonesty;

(u) conduct on the part of the employees, which endangers the life or safety of the other employees in the premises of the Corporation;

(v) insolvency or habitual indebtedness.

An employee found guilty of misconduct is liable for disciplinary action.

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8. A plain reading of Rule 91 and 92 makes it clear that they enumerate general conduct requirements and instances of misconduct applicable to the employees of the Corporation. However, there is no provision in the Rules authorizing initiation or continuation of disciplinary proceedings after an employee's retirement.

9. The Apex Court in case of **Bhagirathi Jena** (supra) held that in the absence of a provision for initiating the departmental inquiry, initiating the same will be considered to be without jurisdiction. The relevant paragraph 6 and 7 is extracted below:

6. It will be noticed from the abovesaid regulations that no specific provision was made for deducting any amount from the provident fund consequent to any misconduct determined in the departmental enquiry nor was any provision made for continuance of departmental enquiry after superannuation.

7. In view of the absence of such provision in the abovesaid regulations, it must be held that



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the Corporation had no legal authority to make any reduction in the retiral benefits of the appellant. There is also no provision for conducting a disciplinary enquiry after retirement of the appellant and nor any provision stating that in case misconduct is established, a deduction could be made from retiral benefits. Once the appellant had retired from service on 30.6.1995. there was no authority vested in the Corporation for continuing the departmental enquiry even for the purpose of imposing any reduction in the retiral benefits payable to the appellant. In the absence of such authority, it must be held that the enquiry had lapsed and the appellant was entitled to full retiral benefits on retirement."

10. This Court, while granting interim relief on 17.02.2021, had also prima facie observed that the respondent-Corporation's regulations did not permit initiation of disciplinary proceedings against a retired employee and that the action appeared to be contrary to the law laid down by the Apex Court in **Bhagirathi**



Jena (supra). The interim order dated 17.02.2021 reads thus:

"The petitioner challenges the institution of disciplinary proceedings by issuance of a charge sheet dated 11.12.2018 / 19.01.2019, for an incident that had occurred between October 2014 and December 2014, after the retirement of the petitioner, which came about on 30.07.2016.

Prima facie, the proceedings that is now sought to be instituted by the respondents is contrary to law inasmuch as the regulations of the respondents – Karnataka Rural Infrastructure Development Limited does not permit to institute disciplinary proceedings against the retired employee, in the light of therebeing no provision to hold an enquiry against the retired employee. Therefore, the action of the respondents will fall foul in terms of the law laid down by the Apex Court in the case of BHAGIRATHI JENA VS. BOARD OF DIRECTORS, O.S.F.C. AND OTHERS reported in 1999(3) SCC 666, whereby the Apex Court has held that there is no provision to hold an enquiry against an employee who has already retired from service. Therefore, there shall be an stay of operation, implementation and all further proceedings of the impugned Articles of Charges dated 22.12.2018, till



the next date of hearing.

Learned counsel for the petitioner is directed to serve requisite sets of writ papers on Sri Gururaj Joshi, learned panel counsel appearing for the respondents.

List the matter on 26.02.2021.

11. The amendment to the C & R Rules of the Corporation enabling initiation of proceedings against retired employees was introduced on 25.06.2021, i.e., subsequent to issuance of Articles of Charge dated 22.12.2018. The said amendment operates prospectively and cannot validate an action which was without authority of law on the date it was initiated i.e., prior to the date of the said amendment.

12. In view of the above, the impugned Articles of Charges and endorsement are liable to be quashed. Accordingly, the following order is passed:

ORDER

- a) Writ petition is allowed.



- b) The impugned orders i.e., Articles of Charge dated 22.12.2018 issued by respondent No.1 at Annexure-A and endorsement dated 28.02.2019 issued by respondent No.2 at Annexure-B are hereby quashed.
- c) So far as prayer (b) of the writ petition is concerned, the respondent is directed to consider the representation of the petitioner dated 24.07.2018 at Annexure-R keeping in view the order of this Court passed in W.P.No.14160/2017 disposed of on 14.06.2018 within eight weeks from date of receipt of certified copy of this order.

All pending applications are disposed of.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

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List No.: 1 Sl No.: 24