



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO.28514 OF 2019 (S-KSAT)

C/W

WRIT PETITION NO.5524 OF 2018 (S-KAT)

IN WP No.28514/2019

BETWEEN:

THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS (SERVICES)
VIDHANA SOUDHA
BENGALURU – 560 001

...PETITIONER

(BY SRI. V.SHIVA REDDY, AGA)

AND:

1. SRI. M. R. HIEMATH,
S/O SRI. RACHAYYA SWAMY
AGED ABOUT 59 YEARS
EXECUTIVE DIRECTOR OF KREIS
SHESHADRI PURAM, BENGALURU
2. THE ADDITIONAL REGISTRAR,
ENQUIRIES-4, KARNATAKA LOKAYUKTHA,
DR. AMBEDKAR VEEDHI,
M. S. BUILDING,
BANGALORE – 560 001

Digitally
Signed by
REKHA R
Location :
High Court
of
Karnataka



NC: 2025:KHC:41925-DB
WP No. 28514 of 2019
C/W WP No. 5524 of 2018

3. THE KARNATAKA LOKAYUKTA,
REP. BY ITS REGISTRAR
DR. AMBEDKAR VEEDHI
M. S. BUILDING,
BENGALURU – 560 001

...RESPONDENTS

(BY SRI. NAIK VENKATRAMAN NAGAPPA.,
ADVOCATE FOR R1;
SRI. VENKATESH S ARABATTI, ADVOCATE FOR
R2 & R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA PRAYING TO a)
ISSUE WRIT OF CERTIORARI OR ANY OTHER
APPROPRIATE WRIT OR ORDER TO QUASH THE
ORDER DATED 08.11.2017 IN A.NO.4407/2016
(ANNEXURE-A) PASSED BY THE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL, BENGALURU-
ANNEXURE; c) CONSEQUENTLY DISMISS
A.NO.4407/2016 FILED BY THE RESPONDENT NO.1
HEREIN BEFORE THE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL, BENGALURU.

IN WP NO.5524/2018

BETWEEN:

1. THE REGISTRAR
KARNATAKA LOKAYUKTHA,
M. S. BUILDINGS,
DR. B. R. AMBEDKAR ROAD,
BANGALORE - 560 001
2. THE ADDITIONAL REGISTRAR
ENQUIRIES-4
KARNATAKA LOKAYUKTA,
DR. AMBEDKAR VEEDHI,



NC: 2025:KHC:41925-DB
WP No. 28514 of 2019
C/W WP No. 5524 of 2018

M. S. BUILDING,
BANGALORE - 560 001

...PETITIONERS

(BY SRI. VENKATESH S ARABATTI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARMENT OF PERSONNEL &
ADMINISTRATIVE REFORMS (SERVICES-2)
VIDHANA SOUDHA,
BANGALORE - 560 001
2. SRI. M. R. HIREMATH
S/O SRI. RACHAYYA SWAMY
EXECUTIVE DIRECTOR OF KREIS
SHESHADRIPURAM,
BANGALORE - 560 020

...RESPONDENTS

(BY SRI. V. SHIVA REDDY, AGA FOR R1;
SRI. MAHESHA B, ADVOCATE FOR C/R2)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION IN THE NATURE OF A WRIT THEREBY QUASHING THE ORDER DATED 08.11.2017 PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT BANGALORE IN APPLICATION NO.4407/2016, AS PER ANNEXURE-A; b) AWARD THE COST OF THIS WRIT PETITION; AND c) PASS ANY OTHER ORDER DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These two writ petitions being
W.P.No.28514/2019 and W.P.No.5524/2018 are filed
under Articles 226 and 227 of the Constitution of
India by the State of Karnataka – the Principal
Secretary to Government, Department of Personnel
and Administrative Reforms (Services) and the
Registrar – Karnataka Lokayukta and another
respectively, calling in question the order dated
08.11.2017 in Application No.4407/2016, passed by
the Karnataka State Administrative Tribunal,
Bengaluru ('Tribunal', for short), allowing the
application filed by the applicant/private respondent



in both the petitions, quashing the entrustment order dated 23.11.2013 so also the Articles of charge.

2. The parties are referred to as per their rankings before the Tribunal.

3. The brief factual matrix leading to filing of the present petitions are as under:-

The applicant was working as Deputy Commissioner, Bangalore Development Authority ('BDA', for short) during the year 2012. On a complaint by one Sri.Nagaraj, S/o Sri.Govinda, that the applicant through one Sri.Ramesh demanded an illegal gratification of Rs.20,00,000/- for official work in the BDA project. The amount subsequently was reduced to Rs.16,00,000/- and a sum of Rs.5,00,000/- was paid as advance. In that respect, a Crime No.83/2012, came to be registered with the Lokayukta Police, Bengaluru Urban District for the offences punishable under Sections 7 and 8 of the Prevention of Corruption Act, 1988. A trap was laid and Sri.Ramesh, the alleged agent of the applicant



was caught red handed while receiving an amount of Rs.5,00,000/-. The Lokayukta police subsequently filed charge sheet against the applicant and Sri.Ramesh for the offences punishable under Sections 7, 8, 10, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

4. A report came to be forwarded by the petitioner – Lokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984 (for short, ‘Act of 1984’) recommending the initiation of departmental enquiry and entrusting the matter to the petitioner – Lokayukta. The Government acting under Section 12(4) of Act of 1984, entrusted the enquiry under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeals) Rules, 1957, (‘CCA Rules, 1957’, for short), by order dated 23.11.2013. In consonance to the order of entrustment, an enquiry officer was appointed and Articles of charge came to be issued.



5. The applicant approached this Court seeking quashing of the proceedings in Special CC.No.101/2013 in CrI.P.No.3202/2013 and succeeded in the same resulting in quashing of the proceedings, the applicant was before the Tribunal calling in question the order of Entrustment and Articles of charge issued. Before the Tribunal, the applicant has taken a specific contention that since the entire proceedings which is the basis for initiation of departmental enquiry having been obliterated, the departmental enquiry will not survive for any consideration, since the entire case investigated by the Lokayukta police has been quashed.

6. The second point which has been urged by the applicant before the Tribunal was that neither the complaint nor the observation note has been served on the applicant in terms of Section 9(3) of the Act of 1984. In these circumstances, the entire initiation of the departmental enquiry proceedings is vitiated on



both the two grounds. Both the petitioners appeared before the Tribunal on acceptance of notice and filed detailed reply statement contending almost in the same line that there are materials against the applicant to proceed with departmental enquiry and the order of Entrustment is an outcome of application of mind on report under Section 12(3) of the Act of 1984.

7. The Tribunal having heard all the parties before it, framed two points for consideration:-

1. Whether the Government has applied its mind before entrusting the matter to the petitioner under Rule 14-A of the CCA Rules, 1957?
2. Whether subsequent to quashing of criminal case by Hon'ble High Court against the applicant herein has got any significance on the pending departmental enquiry?

8. The Tribunal while answering point No.1 was of the opinion that the observation note as per



Section 9(3) of the Act of 1984 which was required to be served on the applicant, was indeed not served at the address of the applicant and was returned with a shara 'unserved', as the applicant has been transferred from the previous post to some other place. A copy of returned cover was produced before the Tribunal. On perusal of the same, the Tribunal came to the conclusion that there is no service of observation note, which falls short to the mandatory provision under Section 9(3) of the Act of 1984. Accordingly, the Tribunal was of the opinion that non-compliance of mandatory provision under Section 9 of the Act, 1984, vitiates the entire departmental enquiry.

9. In these circumstances, considering various judgments relied on by the learned counsel appearing for the applicant before the Tribunal, the Tribunal answered point No.1 in the 'Negative', against the petitioners herein and in favour of the applicant and



further answered the issue No.2 in favour of the applicant holding that in view of disposal of criminal petition resulting in quashing of the entire proceedings, the departmental enquiry does not survive for consideration. On these two points, the application came to be allowed quashing the orders impugned as well as Articles of charge issued against the applicant. It is this order passed by the Tribunal that is called in question before this Court in these two writ petitions.

10. Heard Sri.V.Shiva Reddy, learned Additional Government Advocate for the petitioner in W.P.No.28514/2019 and Sri.Naik Venkataraman Nagappa, learned counsel appearing for respondent No.1 and Sri.Venkatesh S. Arabatti, learned counsel appearing for respondent Nos.2 and 3. In W.P.No.5524/2018, heard Sri.Venkatesh S. Arabatti learned counsel appearing for petitioners, Sri.V.Shiva Reddy, learned Additional Government Advocate for



respondent No.1 – State and Sri.Mahesh B., learned counsel appearing for caveator/respondent No.2.

11. Both the counsels appearing for the petitioners submitted that observation note was sent through RPAD and this amounts to service and compliance of Section 9 of the Act of 1984. To the query on the fact that the cover sent was returned without service, both the counsels fairly submitted that the cover sent was returned 'unserved' and there is nothing on record which suggests that there is service of observation note.

12. Having considered the submissions made at Bar and perusal of entire records, we are of the considered opinion that the Tribunal in all fours, rightly found that there is non-compliance of mandatory provisions contained under Section 9 of the Act of 1984, which has vitiated the entire proceedings before the department, further in view of quashing of the entire proceedings in the criminal



case, there remains nothing further to investigate in the departmental enquiry and has rightly allowed the application, quashing the order of Entrustment and Articles of charge.

13. We find no infirmities in the order passed by the Tribunal. Under these circumstances, both the writ petitions fail and are accordingly, ***dismissed***.

Sd/-
(B M SHYAM PRASAD)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE