



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF JUNE, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE MR. JUSTICE RAJESH RAI K
WRIT PETITION NO. 8739 OF 2022 (S-KSAT)

BETWEEN:

SRI RAVIKUMAR
S/O LATE VENKATAPATHI,
AGED ABOUT 50 YEARS,
R/AT D.K.HALLI VILLAGE AND POST,
BANGARPETE TALUK, KOLAR DISTRICT 563114.

...PETITIONER

(BY SRI. SUBRAMANYA BHAT M., ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA, BANGALORE-560001.
2. THE ADDITIONAL DIRECTOR GENERAL
OF POLICE
DIRECTORATE OF CIVIL RIGHT
ENFORCEMENT TECHNICAL BOARD
BUILDING PALACE ROAD,
BENGALURU-560001.
3. THE SUPERINTENDENT OF POLICE
K.G.F. POLICE, CHAMPION REEFS,
KOLAR DISTRICT 563122.
4. THE INSPECTOR GENERAL OF POLICE
CENTRAL RANGE, NO.5, MILLARS ROAD,
BANGALORE-560052.

...RESPONDENTS

(BY SRI. V SHIVAREDDY, AGA FOR R1-R4)





THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ORDER OR DIRECTION OR ANY OTHER APPROPRIATE WRIT SETTING ASIDE THE ORDER BEARING NO.SIBBANDI (2)/DE/04/2017/OB NO. 47/2019, DATED 20/02/2019 PASSED BY THE 3RD RESPONDENT ANNEXURE-A12 AND THE ORDER BEARING NO.APPEAL/12/SHIKSHE/KEMWA/2019, OB NO.168/2019, DATED 26/07/2019 PASSED BY THE 4TH RESPONDENT ANNEXURE-A15 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 S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

In this writ petition, the petitioner has assailed the order dated 30.11.2021 passed in Application No.1107/2020 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereby the Tribunal has dismissed the application filed by the petitioner.



2. The brief facts necessary for the disposal of this petition are that the petitioner was working as a Police Head Constable bearing CHC No.33, attached to the Andersonpet Police Station, KGF. The Anti-Corruption Bureau (for short, "ACB"), on 24.09.2016, conducted a trap and registered a case in Crime No.3/2016 against him for the offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 (for short, "the Act").

3. In view of the initiation of criminal proceedings pursuant to the trap, respondent No.2 – the Additional Director General of Police, in exercise of the powers conferred under the relevant service rules, placed the petitioner under suspension by order dated 29.09.2016. Thereafter, respondent No.3, upon consideration of the material on record, ordered initiation of disciplinary proceedings against the petitioner on 01.07.2017. Pursuant thereto, a charge memo/charge sheet came to be issued to the petitioner on 19.07.2017.



4. The charges levelled against the petitioner read as under:

“ದೋಷಾರೋಪಣೆ:

ಶ್ರೀ ರವಿಕುಮಾರ್ ಸಿಹೆಚ್‌ಸಿ ಕೆಜಿಎಫ್ ಘಟಕ (ಹಾಲಿ ಅಮಾನತ್ತು) ಆದ ನಿವು ದಿ:28.04.2016 ರಿಂದ ನಿಯೋಜನೆ ಮೇರೆಗೆ ನಾಗರೀಕ ಹಕ್ಕು ಜಾಲ ನಿರ್ದೇಶನಾಲಯ, ಕೋಲಾರ ಘಟಕದಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ್ದ, ದಿನಾಂಕ:24.09.2016 ರಂದು ಬೆಳಿಗ್ಗೆ ನಾಹಜಾನಿ, ಕೋಲಾರ ಘಟಕಕ್ಕೆ ಹಾಜರಾದ್ದು, ಅಂದು ಮಧ್ಯಾಹ್ನ 2-00 ಗಂಟೆಯಲ್ಲಿ ಉಣದ ನಿಖತ್ತ ಕಛೇರಿಯಿಂದ ಹೊರಗಡೆ ಹೋರುವುದಾಗಿ ಮತ್ತು ದಿನಾಂಕ:07.05.2016 ರಂದು ಶ್ರೀ ಮಾಣಿಕ್ಯ ವಾಸನ್ ಮಾಜಿ ಸೈನಿಕರು, ಕೆಜಿಎಫ್ ಇವರು ತನಗೆ ಮಾಜಿ ಸೈನಿಕರ ಕೊಟದಡಿ ಮುಕಬಾಲಿ ತಾಲ್ಲೂಕು ಚಿತ್ತೇರಿ ಗ್ರಾಮದಲ್ಲಿ ಸರ್ವೆ ಸಂ:52 ರಲ್ಲಿ 3 ಎಕರೆ ಜಮೀನು ಮಂಜೂರಾದ್ದು ಆ ಜಮೀನಿನ ಬಗ್ಗೆ ಮುಕಬಾಲಿ ತಾಲ್ಲೂಕು ಬಂಡಹಳ್ಳಿ ಗ್ರಾಮದ ವಾಸಿಗಕಾದ ನರಸಿಂಹರೆಡ್ಡಿ, ನಾರಾಯಣರೆಡ್ಡಿ ಜನ್ ಲೇಟ್ ಅಣ್ಣಯ್ಯರೆಡ್ಡಿ ಮತ್ತು ಗೋವಿಂದರೆಡ್ಡಿ ಎಂಬವರು ತೊಂದರೆ ನಿಡುತ್ತಿರುವುದಾಗಿ ಹಾಗೂ ಇವರಿಂದ ಪ್ರಾಣ ಬೆದಲಿಕೆ ಇರುವುದಾಗಿ ಈ ಬಗ್ಗೆ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿ ನಾಗರೀಕ ಹಕ್ಕು ಜಾಲ ನಿರ್ದೇಶನಾಲಯ ಕೋಲಾರ ಘಟಕಕ್ಕೆ ಸಲ್ಲಿಸಿಕೊಂಡಿರುವ ಅರ್ಜಿಯ ವಿಚಾರಣೆಯನ್ನು ನಿವು ನಡೆಸುತ್ತಿದ್ದು, ಈ ಅರ್ಜಿಯನ್ನು ಮುಕ್ತಾಯ ಮಾಡಿಕೊಡಲು ಎದರುದಾರರಾದ ಶ್ರೀ.ಎ.ನರಸಿಂಹರೆಡ್ಡಿ ಜನ್ ಲೇಟ್ ಅಣ್ಣಯ್ಯರೆಡ್ಡಿ, ಕಿಲುಕೋಟೆ, ಕೋಲಾರ ಇವರ ಬಳಿ 10,000 ರೂಪಾಯಿಗಳಿಗೆ ಬೀಡಿಕೊಟ್ಟು ಕೊನೆಗೆ 5000 ರೂ.ಗಳ ಲಂಚಕ್ಕೆ ಒಪ್ಪಿ 5,000 ರೂಪಾಯಿ ಲಂಚದ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಾಗ ಎಸಿಬಿ ಪೊಲೀಸ್ ಠಾಣೆ ರವರ ಬಲೆಗೆ ಜಿದ್ದಿದ್ದು, ಎಸಿಬಿ ಪೊಲೀಸ್ ಠಾಣೆ ಮೊ.ಸಂ:3/2016, ಕಲಂ:



7,13(1) ಡಿ ರ:ಷೂ 13(2), ಆಕ್ಟ್ 1988 ರ ಪ್ರಕರಣದಲ್ಲಿ ನೀವು. ಆರೋಪಿಯಾಗಿದ್ದು
ನಿಮ್ಮನ್ನು ನಾಹಜಾನಿ ಯಿಂದ ಅಮಾನತ್ತಿನಲ್ಲಿ ಇಡಲಾಗಿದೆ.”

5. After examining the witnesses before the Enquiry Officer, the proceedings culminated in the imposition of the penalty of dismissal from service upon the petitioner by the Disciplinary Authority. The said order was challenged by the petitioner before the Tribunal.

6. The Tribunal, after assessing the evidence and other documents placed before it, dismissed the application filed by the petitioner, as stated supra, and confirmed the order of dismissal passed by the Disciplinary Authority. Aggrieved by the same, the present *lis* is before this Court.

7. Heard learned counsel Sri.Subramanya Bhat.M., for petitioner and learned Additional Government Advocate Sri.V.Shivareddy for respondent Nos.1 to 4.

8. Apart from urging several contentions, the learned counsel for the petitioner primarily contended that



the order of the Tribunal cannot be sustained for the reason that, before the Enquiry Officer, the petitioner was not afforded sufficient opportunity to put forth his case by placing relevant documents, and as such, the penalty imposed is violative of the principles of natural justice.

9. He further contended that the Enquiry Officer proposed the imposition of the maximum penalty of dismissal of the petitioner from service, which is harsh. Additionally, the learned counsel submitted that the Enquiry Officer has failed to follow the mandatory requirements contemplated under Rule 6 of the Karnataka State Police (Disciplinary Proceedings) Rules, 1965 (for short, "the Rules").

10. Notwithstanding the above contentions, he alternatively contended that, since the petitioner did not participate in the proceedings before the Enquiry Officer, if an opportunity is granted to him to defend his case before the Enquiry Officer, he is ready and willing to examine the



material witnesses to disprove the charges levelled against him. In that regard, he has filed a memo dated 09.06.2026 stating that the petitioner is ready to bear the costs and expenses of the proceedings before the Enquiry Officer, in the event this Court remands the matter to the Enquiry Officer by setting aside the orders passed by the Enquiry Officer and the Tribunal. He has also undertaken not to claim any back wages for the said period even if he succeeds in the *lis*. Accordingly, the learned counsel prays that the writ petition be allowed.

11. *Per contra*, the learned Additional Government Advocate for the respondents, supporting the impugned order, submits that despite sufficient opportunity having been granted to the petitioner by issuing several notices, the petitioner intentionally remained absent before the Enquiry Officer. As such, it cannot be contended that the principles of natural justice were not complied with. He further contended that the Enquiry Officer conducted the enquiry in accordance with the prescribed procedure and



imposed the penalty of removal of the petitioner from service, having regard to the grave nature of the charges. The witnesses have also supported the case during the enquiry proceedings, and thereby, the charges stood proved against the petitioner. In such circumstances, he submits that interference by this Court with the impugned order passed by the Tribunal is unwarranted. Accordingly, he prays that the writ petition be dismissed.

12. We have given our anxious consideration on the submissions made by the learned counsel appearing for the respective parties and so also perused the documents placed before us including the impugned order.

13. Having heard the learned counsel for the parties and having perused the documents, the only point that would arise for our consideration is as to,

Whether the Tribunal is justified in dismissing the application filed by the petitioner by confirming the order of the Disciplinary Authority?



14. As could be gathered from the materials placed on record, the ACB registered a case against the petitioner in Crime No. 3/2016 for the offences punishable under Sections 7, 13(1)(d), and 13(2) of the Act. Pursuant thereto, the petitioner was placed under suspension and a departmental enquiry was ordered against him. In the course of the enquiry proceedings, as many as 17 witnesses were examined and 56 documents were produced and marked on behalf of the Department. The records would further disclose that, despite issuance of several notices by the Enquiry Officer and due service of the same upon the petitioner, he had failed to appear and participate in the proceedings. In the absence of any representation or participation on the part of the petitioner, and there being no justifiable cause shown for such non-appearance, the Enquiry Officer was constrained to conclude the enquiry. Upon completion of the enquiry, a report was submitted to the Disciplinary Authority holding charges proved against the petitioner.



15. The Disciplinary Authority, on consideration of the enquiry report and the material available on record, passed an order imposing the penalty of dismissal from service upon the petitioner.

16. In view of the aforesaid facts and circumstances, we are not persuaded to accept the contention of the learned counsel for the petitioner that sufficient opportunity was not afforded to the petitioner in the enquiry proceedings. The material on record clearly indicates that adequate opportunities were granted, however, the petitioner has failed to avail the same.

17. Insofar as the further contention of the learned counsel for the petitioner that the enquiry was not conducted in accordance with the Rules is concerned, the same cannot be accepted for the simple reason that the proceedings before the Enquiry Officer were conducted on five hearing dates, and despite issuance of several notices, the petitioner has remained absent. In such



circumstances, it cannot be presumed that the enquiry was not conducted in accordance with the prescribed procedure. No procedural irregularity, much less one vitiating the proceedings, is made out from the record.

18. Admittedly the enquiry was conducted in the absence of the petitioner and petitioner has failed to participate in the enquiry proceedings. As regards the contention of the learned counsel for the petitioner that the petitioner is in possession of certain material documents, apart from the judgment passed by the Criminal Court, whereby he was acquitted of the charges levelled against him under the provisions of the Prevention of Corruption Act, and that he intends to place the said documents before the Enquiry Officer for consideration, is concerned, in order to meet the ends of justice, we are of the considered view that the petitioner deserves to be afforded an opportunity before the Enquiry Officer to put forth his defence by placing on record the documents upon which he intends to rely. Moreover, the petitioner has filed



memo to the effect that he would bear the costs and expenses of the enquiry and not to claim any backwages if he succeeds in the enquiry. Hence, no prejudice would be caused to the respondents/State authorities.

19. In such circumstances, without expressing any opinion on the merits of the case as well as the quantum of punishment imposed by the Disciplinary Authority, keeping open all contentions, we deem it appropriate that the matter be reconsidered by the Enquiry Officer, by extending a reasonable opportunity to the petitioner to participate in the enquiry proceedings by placing on record the documents upon which he intends to rely.

20. Accordingly, we answer the point raised above in the negative and proceed to pass the following:

ORDER

- a) Order passed by the Tribunal in Application No.1107/2020 dated 30.11.2021 is set aside. Consequently, the order passed by the Enquiry Officer bearing



No.ಸಿಬ್ಬಂದಿ(2)/ಇಇ/04/2017, ಓ.ಬಿ.ಸಂಖ್ಯೆ:47/2019 dated 20.02.2019 and the order passed by the Disciplinary Authority bearing No.ಅಪೀಲು/12/ಶಿಕ್ಷೆ/ಕೇವ/2019, ಓ.ಬಿ.ಸಂಖ್ಯೆ:168/2019 dated 26.07.2019 are set aside.

- b) The matter is remitted back to the Enquiry Officer with a direction to provide an opportunity to the petitioner to cross-examine the witnesses and to lead defence evidence, if any, by placing documents.
- c) However, it is made clear that the petitioner shall bear all the costs and expenses of the witnesses summoned for cross-examination.
- d) The Enquiry Officer shall conduct enquiry within a time frame i.e., within an outer limit of four months from the date of uploading of this order on the website of the High Court.
- e) The petitioner shall not be entitled for reinstatement. All the benefits would be subject to the outcome of the enquiry.



- f) The petitioner shall not claim any backwages for the enquiry period, if he succeeds in the adjudication.

With the above observations, writ petition stands ***disposed of.***

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

**SD/-
(RAJESH RAI K)
JUDGE**

NC
CT:bms
List No.: 1 Sl No.: 31