



CNR: KAHC010230262024

NC: 2026:KHC:44398-DB
WA No. 604 of 2024
C/W WA No. 1346 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 604 OF 2024 (S-RES)

C/W

WRIT APPEAL NO. 1346 OF 2024 (S-RES)

IN WA No. 604/2024:

BETWEEN:

SRI. YATHISH M G
S/O LATE M V GOPAL,
AGED ABOUT 58 YEARS,
WORKING AS SENIOR ENVIRONMENTAL OFFICER
KARNATAKA STATE POLLUTION CONTROL BOARD,
PARISARA BHAVANA,
NO. 49, CHURCH STREET,
BANGALORE 560 001.
RESIDING AT 97, MALOOS PLATINA,
2ND FLOOR, 2ND MAIN, B C C LAYOUT,
CHANDRA LAYOUT, VIJAYANAGAR ,
BANGALORE 560 040.

...APPELLANT

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

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF FOREST, ECOLOGY AND
ENVIRONMENT (ECOLOGY AND ENVIRONMENT)
M.S BUILDING, , 7TH FLOOR,





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DR. B R AMBEDKAR VEEDHI,
BANGALORE 560 001.

2. KARNATAKA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS MEMBER SECRETARY,
PARISARA BHAVANA, NO. 49,
CHURCH STREET, BANGALORE 560 001.
3. KARNATAKA LOKAYUKTA
REPRESENTED BY ITS REGISTRAR,
M.S BUILDING , DR. B.R AMBEDKAR VEEDHI,
BANGALORE 560 001.

...RESPONDENTS

(BY SRI.B. RAVINDRANATH, AGA FOR R1;
SRI.A. MAHESH CHOUDHARY, ADVOCATE FOR R2;
SRI.K.S. MALLIKARJUN REDDY, ADVOCATE FOR R3)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED 20.03..2024 PASSED IN WP No-26117/2023 BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN SO FAR AS UPHOLDING THAT THE POWER OF THE GOVERNMENT TO ENTRUST THE ENQUIRY IN RESPECT OF AN EMPLOYEE OF THE BOARD UNDER RULE-14A OF THE KCS (CCA) RULES 1957 IS CONTRARY TO LAW, AND ALLOW THE SAID WP AS PRAYED FOR IN ENTIRETY DECLARING THAT THE 1ST RESPONDENT HAS NO POWER TO INITIATE DEPARTMENTAL ENQUIRY AGAINST THE APPELLANT IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA NO. 1346/2024:

BETWEEN:

THE KARNATAKA LOKAYUKTA
REPRESENTED BY ITS REGISTRAR,
M.S. BUILDING, DR. B.R. AMBEDAR VEEDHI,
BENGALURU - 560 001.

...APPELLANT

(BY SRI.MALLIKARJUNA REDDY.K.S., ADVOCATE)



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AND:

1. SRI YATHISH M.G.
S/O LATE MV. GOPAL,
AGED ABOUT 59 YEARS,
SENIOR ENVIRONMENTAL OFFICER,
KARNATAKA STATE POLLUTION CONTROL BOARD,
PARISARA BHAVANA, NO. 49,
CHURCH STREET, BENGALURU - 560 001.
R/AT 97, MALOOS PLATINA,
2ND FLOOR, 2ND MAIN, B.C. LAYOUT,
CHANDRA LAYOUT, VIJAYANAGAR,
BENGALURU -560 040.
2. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF FOREST, ECOLOGY
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M.S. BUILDING, 7TH FLOOR,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
3. KARNATAKA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,
PARISARA BHAVANA, NO.49,
CHURCH STREET, BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. SHREEDHAR G. BIDRE, ADVOCATE FOR
SRI. RAGHAVENDRA G. GAYATRI, ADVOCATE FOR R1;
SRI. B.RAVINDRANATH, AGA FOR R2;
SRI. A MAHESH CHOUDHARY, ADVOCATE FOR R3)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE JUDGMENT
DATED 20.03.2024 PASSED BY THE LEARNED SINGLE JUDGE
IN WP No-26117/2023 AND ALLOW THE PRESENT APPEAL IN
THE INTEREST OF JUSTICE.

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



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CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

In W.A.No.604/2024

The present Intra-Court Appeal has been filed by impugning the judgment and order dated 20.03.2024 passed by the Writ Court in Writ Petition No. 26117/2023 filed by the appellant impugning the entrustment of the enquiry under Rule 14-A of the Karnataka Civil Services (Classification Control and Appeal) Rules, 1957 (hereinafter referred to as 'CCA Rules' for short) to the Upa Lokayukta.

2. The appellant/petitioner was working as a Senior Environmental Officer at the relevant time. A complaint dated 31.08.2017 came to be filed by one Sri H. P. Sheshanna alleging that one Company, Jubilant Generics Ltd., was discharging untreated effluent in the water of Kapila River and polluting the air. The allegation



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against the appellant was that he was in complicit in allowing the said company in polluting the environment including the air and water. The complaint was also given to Lokayuktha on 23.09.2017. The Lokayukta issued notice to the appellant/petitioner and after consideration of his reply, proceeded to submit a report to the Government under Section 12(3) of the Karnataka Lokayukta Act, 1984 (hereinafter referred to as 'Lokayukta Act' for short) recommending initiation of disciplinary proceedings against the Panchayat Development Officer and the appellant/petitioner herein. The State Government, vide order dated 07.09.2023 decided to entrust the enquiry under Rule 14-A of the CCA Rules to the Upa Lokayukta. This order dated 07.09.2023 came to be challenged by the petitioner by filing the Writ Petition No. 26117/2023, in which, the impugned judgment and order has been passed. The contention raised by the appellant/petitioner that whether the Government would be empowered to entrust the enquiry under Rule 14-A of



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CCA Rules, inasmuch as, the petitioner/appellant is not a Government servant but he is an employee of the Karnataka State Pollution Control Board (hereinafter referred to as 'KSPCB' for short) which has been considered by the learned single Judge. The contention has been repelled and it has been held that the Government would be entitled to entrust the enquiry.

3. Learned counsel Sri.Shreedhar G. Bidre appearing for the appellant has argued with all his vehemence that the petitioner/appellant is not a Government servant and therefore, the Government would not be empowered to entrust the enquiry to the Lokayukta. He has placed reliance on some of the judgments to say that mere adoption of the CCA Rules would not make the employees of independent Corporation or Board as Government employees.

4. On the other hand, Sri. Mallikarjun Reddy, learned counsel appearing for the Lokayukta has



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submitted that the KSPCB has incorporated the CCA Rules in respect of the conduct of the disciplinary proceedings, procedure to be adopted etc. He has placed reliance on the rules of The Karnataka State Pollution Control Board (Cadre, Recruitment and Conditions of Service) Regulations, 1992, particularly Regulation No. 34, which reads as under:

"34. CLASSIFICATION, CONTROL AND APPEAL:

A1) The provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 as amended from time to time shall be applicable to the employees of the Board in so far as the procedure for holding the enquiries, the procedure for imposition of penalties and the communication of orders are concerned;

Provided that the appoint authority and the authority competent to impose the penalties and the appellate authority shall be as specified in the Schedule -III to these Regulations."

5. The submission made by Mr. Mallikarjun Reddy is that when the Board has adopted the provisions of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 as amended from time to time, which



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would be applicable to the employees of the Board insofar as the procedure for holding the enquiries, the procedure for imposition of penalties and communication of orders are concerned, Rule 14-A, being the part of the CCA Rules, the Government would be empowered to entrust the enquiry. However, after the enquiry is completed, reports have been forwarded to the Board for taking appropriate action as may be recommended by the Karnataka Lokayukta.

6. The contention of the petitioner that the State Government had no jurisdiction to entrust the disciplinary enquiry to the Lokayukta/Upa-Lokayukta cannot be accepted. The question has to be examined with reference to the statutory and regulatory framework governing the service conditions of the petitioner. Where the statute or the Cadre and Recruitment Rules or Service Regulations governing a Board or Corporation expressly adopt Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, or independently confer power upon



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the competent authority to entrust a disciplinary enquiry to the Lokayukta or Upa-Lokayukta, such entrustment cannot be said to be without jurisdiction.

7. In the present case, Regulation 34-A(1) of the Karnataka State Pollution Control Board Cadre, Recruitment and Conditions of Service Regulations makes the provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules applicable to the employees of the Board in matters relating to disciplinary proceedings. Once the CCA Rules have been incorporated into the service conditions of the employees of the Board, the provisions contained therein have to be given their full effect. Rule 14-A, which forms part of the disciplinary mechanism under the CCA Rules, cannot be excluded from its operation unless the governing Regulations expressly provide for such exclusion. Thus, the power to entrust the disciplinary enquiry to the Lokayukta or Upa-Lokayukta is not founded upon any assumed or general administrative power of the State Government, but flows from the



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applicable statutory service regulations read with Rule 14-A of the CCA Rules.

8. The mere fact that the Board is the appointing or disciplinary authority of the petitioner does not, by itself, lead to the conclusion that the enquiry must necessarily be conducted by the Board or by an officer appointed by it. The authority competent to impose the final penalty and the authority entrusted with the conduct of the disciplinary enquiry are conceptually distinct. Rule 14-A itself recognises such distinction by providing for entrustment of the disciplinary enquiry to the Lokayukta or Upa-Lokayukta. Upon such entrustment, the Lokayukta or Upa-Lokayukta conducts the enquiry in accordance with the applicable rules and submits the enquiry report. The ultimate disciplinary jurisdiction, including consideration of the enquiry report and imposition of penalty, continues to remain with the competent disciplinary authority.

9. It is equally necessary to bear in mind that entrustment of the enquiry to the Lokayukta does not



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amount to a transfer of the disciplinary jurisdiction of the Board. The Lokayukta or Upa-Lokayukta does not thereby assume the power to impose any penalty upon the petitioner. The role of the Lokayukta is confined to conducting the enquiry in accordance with the prescribed procedure and submitting its report. The final decision as to whether the charges are established and if so, what penalty is to be imposed, remains with the competent disciplinary authority. Consequently, the impugned entrustment cannot be construed as an abdication or transfer of the disciplinary power vested in the Board.

10. The nature and character of the Karnataka State Pollution Control Board also assumes significance. The Board is not a mere Government company or a commercial Corporation functioning solely on the basis of the decision of its shareholders. It is a statutory authority constituted under the Water (Prevention and Control of Pollution) Act, 1974, and is entrusted with important statutory functions relating to the prevention and control



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of pollution and protection of the environment. Section 18 of the Water Act expressly empowers the State Government to issue directions to the State Board in the performance of its functions under the Act. The relationship between the State Government and the Board is, therefore, one founded upon the statutory scheme itself. The Board cannot be regarded as an authority wholly insulated from the supervisory jurisdiction of the State Government.

11. In that background, where the conduct of an officer of the Board is made the subject matter of a disciplinary proceeding and the service regulations applicable to such officer expressly incorporate the CCA Rules, there is no reason to hold that the State Government is powerless to direct that the enquiry be conducted by an independent statutory authority such as the Lokayukta or Upa-Lokayukta. Such a course, particularly in matters involving allegations of misconduct, corruption or abuse of official position, serves the larger



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public interest by ensuring that the enquiry is conducted independently and without any apprehension of institutional influence.

12. The object of entrusting the enquiry to the Lokayukta is not to usurp the disciplinary jurisdiction of the Board. On the contrary, such entrustment is intended to secure an independent and credible enquiry. The Lokayukta is a statutory institution constituted for the purpose of investigating allegations of corruption, maladministration and misconduct involving public servants. When allegations are made against an officer of a statutory Board, entrustment of the enquiry to such an independent statutory authority cannot, in the absence of any statutory prohibition, be regarded as an impermissible exercise of power.

13. The petitioner cannot, in our view, rely upon the expression "Government servant" occurring in the CCA Rules while ignoring the specific provision contained in Regulation 34-A(1), whereby the said Rules have been



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made applicable to the employees of the Board. Once the competent authority has incorporated the CCA Rules into the service conditions of the employees of KSPCB, the Rules must be read as a whole and given their intended operation. It would be incongruous to hold that the CCA Rules govern the disciplinary proceedings of the employees of the Board, but that Rule 14-A, which forms an integral part of that disciplinary mechanism, is nevertheless unavailable.

14. The argument that only the disciplinary authority can entrust the enquiry proceeds on an unduly restrictive understanding of the scheme of the Rules. The power to impose a penalty and the power to entrust the conduct of an enquiry are not necessarily required to be exercised by the same authority. Where the governing service regulations incorporate Rule 14-A and the statutory scheme recognises the supervisory role of the State Government, a direction by the State Government that the enquiry be conducted by the Lokayukta or Upa-Lokayukta



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cannot be construed as the State Government assuming the functions of the disciplinary authority. The State Government merely sets in motion the procedure contemplated under the applicable Rules.

15. The distinction assumes particular significance in the present case. The source of the power is not sought to be traced merely to the general administrative control of the State Government over the Board. The power flows from the combined reading of Regulation 34-A(1) of the KSPCB Regulations, Rule 14-A of the CCA Rules made applicable thereunder and the statutory relationship between the State Government and the Board under the Water Act. When these provisions are read harmoniously, the entrustment of the disciplinary enquiry to the Lokayukta/Upa-Lokayukta cannot be characterised as an act without jurisdiction.

16. Therefore, the mere fact that the petitioner is an employee of the Karnataka State Pollution Control Board and that the Board is his appointing or disciplinary



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authority would not, in the facts of the present case, invalidate the entrustment of the enquiry to the Lokayukta/Upa-Lokayukta. The impugned order has to be tested in the light of the specific statutory and regulatory framework governing the petitioner, and so tested, the entrustment is found to be within the competence of the State Government.

17. The Division Bench headed by one of us in Writ Appeal No.15/2025 c/w W.A.Nos.19/2025 and 266/2025 DD 17.02.2026 has held as hereunder:

"43. Rule 14A of the KCS (CC&A) Rules is pari materia to Regulation 14(A) of the KEB Regulations. As stated earlier that Rule 14A of KCS (CC&A) Rules has been upheld by this Court in Division Bench judgment in the case of SHIVANAND B. MAGADUM (supra) case and the learned Single Judge ought not to have brushed aside the Division Bench judgment to hold that Regulation 14(A) of the KEB Regulations is ultra vires of Articles 14 and 20(2) of the Constitution of India. The observation of the learned Single Judge that the Lokayukta and Upalokayukta should not play the dual role of prosecutor as well as enquirer, is also the result of incorrect reading of the provisions of the Lokayukta Act. This conclusion of the learned Single Judge is based on the finding that Lokayukta and Upalokayukta will conduct themselves in a manner prejudicial to the public interest. There is no question of Lokayukta and Upalokayukta judging their own cause as observed by the learned Single Judge. Lokayukta and Upalokayukta are the retired Judges of the High Court."



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18. We find substance in the submission of Sri.Mallikarjun Reddy, learned counsel for the respondent that once the Board has adopted the CCA Rules, as amended from time to time, the employees of the Board insofar as the procedure for holding the enquiry is concerned, Rule 14-A is nothing but a procedure prescribed for holding the enquiry by the Karnataka Lokayukta. We, therefore, find no substance in the submission of the learned counsel for the appellant in submitting that the Government does not have the power to entrust the enquiry in respect of the employees of the KSPCB. We, therefore, incline to dismiss this Writ Appeal. However, all contentions are left open to the petitioner to be urged in the enquiry and produce all evidence in his defence.

19. With the aforesaid liberty, we dismiss this Writ Appeal.



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In W.A. No. 1346/2024

The above appeal is filed by the Karnataka Lokayukta, aggrieved by the observation made by the learned Single Judge of this Court in judgment and order dated 20.03.2024 in Writ Petition No.26117/2023 (S-RES) that, by virtue of recommendation made by the Lokayukta to the Government while making a report under Section 12(3) of the Lokayukta Act, an enquiry be entrusted to it, cannot be sustained. Consequently, while upholding the power of the Government to entrust the enquiry in respect of an employee of the Board under Rule 14A, it was further held that Lokayukta does not have the power to make a recommendation that the enquiry should be entrusted to it only. In our considered opinion, in view of W.A.No.604/2024 being dismissed, W.A.No.1346/2024 does not survive for consideration.

Accordingly, we pass the following;



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ORDER

(i) W.A.No.604/2024 is dismissed.

(ii) W.A.No.1346/2024 is also dismissed in the light of the observations made in W.A.No.604/2024.

(iii) The findings of the Writ Court regarding the institutional bias is hereby set aside.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM/BVK
List No.: 1 Sl No.: 20