



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 12429 OF 2024 (S-KSAT)

BETWEEN:

1. THE REGISTRAR,
KARNATAKA LOKAYUKTA,
OFFICE OF KARNATAKA LOKAYUKTA,
M. S. BUILDING,
BENGALURU 560001.

...PETITIONER

(BY SRI K. PRASANNA SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
TRANSPORT DEPARTMENT,
M.S. BUILDING,
BENGALURU 560001.
2. THE COMMISSIONER,
DEPARTMENT OF TRANSPORT,
TTMC COMPLEX, 1ST FLOOR,
A BLOCK, SHANTHINAGAR,
BANGALORE 560027.
3. MR. R. SUREDRA KUMAR,
AGED ABOUT 46 YEARS,
S/O N. RAMANNA,





WORKING AS MOTOR VEHICLES INSPECTOR,
O/O THE REGIONAL TRANSPORT OFFICER,
JAYANAGAR, BANGALORE.
R/A H. No.209, 7TH CROSS,
IDEAL HOMES LAYOUT,
RAJARAJESHWARI NAGAR,
BANGALORE 560098.

4. MR. RAGHU RAMA K. V.,
AGED ABOUT 55 YEARS,
S/O LATE K. VENKTAPPA,
WORKING AS INSPECTOR OF
MOTOR VEHICLES,
O/O THE REGIONAL TRANSPORT OFFICER,
GNANABHARATHI, BANGALORE.
R/A HOUSE No.533,
3RD MAIN, 7TH CROSS ROAD,
UPAKAAR ROAD, V. N. POST,
BANGALORE .

...RESPONDENTS

(BY SRI B. RAVINDRANATH, AGA FOR R1 & R2;
SRI P. MANVANTH, ADVOCATE FOR
SRI J.N. NAVEEN, ADVOCATE FOR R3 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 02/11/2023 PASSED BY THE
HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN
APPLICATION Nos.3898 AND 3899/2022 (ANNEXURE-A).

THIS PETITION, COMING ON FOR ORDERS THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND



ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner-Registrar, Karnataka Lokayukta, is before this Court impugning the order dated 02.11.2023 in Application Nos.3898 and 3899/2022 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short, 'the Tribunal') whereby respondent Nos.3 and 4 challenge to order of penalty dated 27.07.2022 (Annexure-A11) withholding two annual increments with cumulative effect is quashed.

2. Heard learned counsel Sri. K. Prasanna Shetty, for the petitioner, learned Additional Government Advocate Sri. B. Ravindranath, for respondent Nos.1 and 2 and learned counsel Sri. P. Manvanth, for respondent Nos.3 and 4.

3. Brief facts of the case are that, a suo motu proceedings was initiated by the petitioner and a report under Section 12(3) of the Karnataka Lokayukta Act, 1984 (for short, '1984 Act') dated 09.04.2014 was forwarded to respondent No.1-State Government. State Government on examination of Section 12(3) report, under Government Order dated



06.05.2014 (Annexure-A3) entrusted the enquiry against respondent Nos.3 and 4 under Rule 14A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, 'KCS(CCA) Rules, 1957') to the Upalokayukta. The petitioner issued articles of charge dated 24.06.2014 (Annexure-A5) against respondent Nos.3 and 4 and after conducting a detailed enquiry, submitted report dated 11.11.2021 (Anneuxre-A7) holding that the disciplinary authority has proved the charges against respondent Nos.3 and 4. The said enquiry report was forwarded to the State Government along with recommendation of the Upalokayukta dated 19.11.2021 (Anneuxre-A8). Thereafter, respondent No.1-State Government issued second show cause notice along with enquiry report to respondent Nos.3 and 4 and respondent Nos.3 and 4 submitted the reply to the second show cause notice dated 09.02.2022 (Anneuxres-A9 and A10). The State Government on consideration of the material on record under impugned order dated 27.07.2022 imposed punishment of withholding two annual increments with cumulative effect on respondent Nos.3 and 4, which was the subject matter of Application Nos.3898 and 3899/2022 before the Tribunal.



4. The Tribunal under impugned order quashed the order of penalty dated 27.07.2022 holding that there is non-compliance of Section 9(3) of 1984 Act and also holding that the requirement of Rule 11(18) of KCS(CCA) Rules, 1957 has not been complied. Aggrieved by the said order, the petitioner-Lokayukta, is before this Court in this writ petition.

5. Learned counsel Sri. K. Prasanna Shetty, for the petitioner would submit that the Tribunal has committed grave error in quashing the order of penalty against respondent Nos.3 and 4 without appreciating the material on record. Further, learned counsel would submit that the observation note which is placed on record at Annexure-A1 dated 28.01.2014 provides necessary information or particulars to the respondents No.3 and 4, and it also indicates the Upalokayukta's opinion, which would suffice requirement of Section 9(3) of 1984 Act. Learned counsel would further submit that there is sufficient material to prove the charge and on the proved misconduct, the punishment imposed is proper and correct. Learned counsel would submit that the enquiry was conducted by following the procedure prescribed under Rule 11 of KCS(CCA)



Rules, 1957. Further he would submit that the violation of Rule 11(18) of KCS(CCA) Rules, 1957 has not prejudice the case of the respondents and as such, it is not a ground to quash the order of penalty. Thus, he would pray for allowing the writ petition.

6. Per contra, learned counsel Sri. P. Manvanth for respondent Nos.3 and 4 would support the order passed by the Tribunal and further submits that the observation note is contrary to Section 9(3) of 1984 Act. He submits that when it is a suo motu action without there being any complaint, Section 9 mandates communication of opinion recorded by the Lokayukta or Upalokayukta. He invites Court's attention to observation note at Annexure-A1 and submits that the opinion recorded by the Upalokaukta is not forwarded in terms of Section 9. Therefore, he submits that the Tribunal is justified in setting aside the order of penalty. Thus, he would pray for dismissal of the writ petition.

7. Learned AGA submits that the State has not challenged the impugned order passed by the Tribunal.



8. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the following points would arise for consideration.

1. *Whether the petitioner forwarded the opinion in terms of Section 9 of 1984 Act?*
2. *Whether the impugned order passed by the Tribunal requires interference?*

9. Both the points are answered in the negative for the following reasons:

10. Respondent Nos.3 and 4 were before the Tribunal questioning the order of penalty dated 27.07.2022 by which penalty of withholding two annual increments with cumulative effect was imposed on them. The Tribunal quashed the order of penalty on the ground of violation of Section 9(3) of 1984 Act and also on the ground of violation of Rule 11(18) of KCS(CCA) Rules, 1957.

11. Section 9(3) of 1984 Act reads as follows:

"9(3) Where the Lokayukta or an Upalokayukta proposes, after making such preliminary inquiry as he deemed fit, to conduct any investigation under this Act, he,-



(a) shall forward a copy of the complaint [and in the case of an investigation initiated suo moto by him, the opinion recorded by him to initiate the investigation under sub-section (1) or (2), as the case may be, of Section 7] to the public servant and the competent authority concerned;

(b) shall afford to such public servant an opportunity to offer his comments on such complaint [or opinion recorded under sub-section (1) and (2) of Section 7 as the case may be];

(c) may make such order as to the safe custody of documents relevant to the investigation, as he deems fit."

12. Whenever Lokayukta or Upalokayukta proposes after preliminary enquiry to conduct any investigation under 1984 Act, in case of suo motu proceedings, shall forward the opinion recorded by Lokayukta or Upalokayukta to initiate the investigation under subsections (1) or (2) as the case may be of Section 7 to the public servant and the competent authority concerned. In the instant case, it is an admitted fact that there was no complaint and the proceedings were initiated on the report of the ADGP of Lokayukta. In other words, it is a suo motu initiation of action by the petitioner or Upalokayukta. When suo motu action is taken, Section 9(3) of 1984 Act



requires forwarding of opinion recorded by the Upalokayukta to the concerned public servant and the competent authority.

13. A perusal of observation note dated 28.01.2014 (Annexure-A1), it would not disclose or indicate the opinion of the Upalokayukta and it would not indicate enclosing of such opinion to the observation note. The opinion of the Upaloakyukta is not extracted in the observation note. When the opinion of the Upalokayukta is not enclosed or extracted in the observation note, it would be violative or contrary to Section 9(3) of 1984 Act. When an Act requires action in a particular manner, such action shall be taken in the manner in which the provision suggests and not in any other manner. Section 9(3) is mandatory, and any violation would result in violation of principles of natural justice. The forwarding of opinion recorded by Upalokayukta is to provide an opportunity to the said government servant and unless such opinion is forwarded to the government servant or public servant, he would not be in a position to understand why the action is being initiated against him.



14. When we have come to the conclusion that the action of initiating action against respondent Nos.3 and 4 is violative or contrary to Section 9 of 1984 Act, we need not go into other ground urged by the petitioner. The Tribunal is justified in concluding that action of the petitioners is contrary to Section 9(3) of the 1984 Act.

15. For the reasons recorded above, there is no merit in the writ petition and accordingly, writ petition stands rejected.

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

**Sd/-
(K. V. ARAVIND)
JUDGE**