

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO. 667 OF 2024 (S-RES)

BETWEEN:

- 1 . KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED (KPTCL)
CORPORATE OFFICE
CAUVERY BHAVAN, K.G. ROAD
BENGALURU-560 009
REPTD. BY MANAGING DIRECTOR
- 2 . THE DIRECTOR (ADMN & HRD)
KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED (KPTCL)
CORPORATE OFFICE
CAUVERY BHAVAN, K.G. ROAD
BENGALURU-560 009

...APPELLANTS

(BY SRI. ASWATHAPPA D., ADVOCATE)

AND:

- 1 . THE REGISTRAR
KARNATAKA LOKAYUKTHA
M.S. BUILDING

BENGALURU-560 001
2 . SRI. S. SIDDALINGAIAH
S/O LATE SATHYAPPA
AGED ABOUT 57 YEARS
R/AT No.293, EWS
7TH B MAIN
YELAHANKA TOWN
BENGALURU-560 064

...RESPONDENTS

(BY SRI. VENKATESH S. ARABATTI, SPL. PP FOR R1;
SRI. SATHISH K., ADVOCATE FOR
SRI. LOKESH M., ADVOCATE FOR C/R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO (1) SET-ASIDE THE
JUDGMENT AND ORDER DATED 13.03.2024 PASSED IN WP
No.4225/2021 (S-RES) IN ALLOWING THE WRIT PETITION.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 15.09.2025 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN**
J., PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE RAJESH RAI K

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This writ appeal is filed by the Karnataka Power Transmission Corporation Limited (KPTCL) and its Director (Administration and HR) against the judgment dated 13.03.2024 passed by the learned Single Judge in Writ Petition No.4225 of 2021 (S-RES).

2. Heard Shri. D. Aswathappa, learned counsel appearing for the appellants, Shri. Venkatesh S. Arabatti, learned State Public Prosecutor appearing for respondent No.1 and Shri. Sathish K, learned counsel appearing for respondent No.2.

3. The writ petition had been filed by the second respondent herein challenging annexure-M, Order dated 03.02.2021, seeking grant of consequential benefits to him. The contention was that the writ petitioner had faced a criminal prosecution on the basis of a trap laid in the office of the petitioner that led to filing of a charge-sheet in C.C.No.5/2012 for the offences punishable under Sections 7,

13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988. After a full-fledged trial, the writ petitioner was acquitted of the charges. Thereafter, respondent No.3 made a recommendation for initiation of disciplinary proceedings and the second respondent agreed and entrusted the third respondent to hold an enquiry. An enquiry was conducted and the disciplinary authority directed the imposition of penalty of compulsory retirement as well as withholding of 25% of pension permanently.

4. The learned Single Judge found that the disciplinary proceedings and the enquiry were on the very same set of allegations. The evidence and the materials on record in both the criminal case and the enquiry proceedings were one and the same. The learned Single Judge considered the facts of the matter and held that the penalty imposed in the disciplinary proceedings was premised on the evidence and the testimony presented during the criminal proceedings and that reliance of evidence by respondents raises concern regarding *double jeopardy* and demonstrates procedural irregularities. On these grounds, the impugned

order dated 03.02.2021 was quashed and the respondents were directed to grant the petitioner all consequential benefits.

5. The learned counsel appearing for the appellants submits that the standard of proof required in a criminal trial and in disciplinary proceedings are completely different and distinct and even in case the evidence and the witnesses are the same, the disciplinary authority is free to take a different view of the matter since the misconduct needs to be proved in the disciplinary proceedings only on a preponderance of probabilities. It is contended that in the instant case, the factual aspects of the matter have been properly considered by the enquiry authority and the disciplinary authority. The learned Single Judge had found no procedural impropriety in conduct of an enquiry. It is submitted that in such circumstances, it was not open to the learned Single Judge to exercise the jurisdiction under Article 226 of the Constitution of India to quash the punishment on the ground that the employee had been acquitted in the criminal case. It is submitted that in the disciplinary proceedings, the

charges raised against the petitioner stood proved and therefore the interference in judicial review was totally unwarranted.

6. The learned counsel appearing for the appellants has placed the following decisions of the Apex Court:-

- ***State of Karnataka and Another v. Umesh*, reported in (2022) 6 SCC 563; and**
- ***State of Rajasthan and Others v. Heem Singh*, reported in (2021) 12 SCC 569.**

7. The learned counsel appearing for respondent No.2 would, on the other hand, contend that the acquittal in the criminal case was an honorable acquittal. It is further contended that in view of the clear findings of the Criminal Court that the writ petitioner was not even present in office on the date of trap and in view of the clear explanation submitted by him as to how he was compromised in the trap. The orders passed in the disciplinary proceedings were totally based on 'no evidence'. It is submitted that the learned Single Judge had found that the enquiry authority had refused to consider the defense offered by the

delinquent employee and that as such the entire proceedings were vitiated in law.

8. The learned counsel appearing for respondent No.2 has placed the following decisions of the Apex Court:-

- ***Principal Secretary to Government Department of Revenue v. Somashekar*, reported in 2025 SCC OnLine Kar 4560;**
- ***Ram Lal v. State of Rajasthan and Others*, reported in (2024) 1 SCC 175; and**
- ***Maharana Pratap Singh v. State of Bihar and Others*, reported in 2025 SCC OnLine SC 890.**

9. We have considered the contentions advanced. On perusal of the evidence on record, the Criminal Court had come to the conclusion that the evidence on record does not prove the demand and acceptance of bribe by the accused voluntarily to do an official favour. The relevant paragraph No.27 of the orders on Charge under Section 239 of Cr.P.C., in Spl. C.C.No.102/2012, is extracted hereunder:-

"27. Keeping in mind the principles enunciated in the aforesaid decisions of the Hon'ble Supreme Court, I have carefully perused the evidence on record once again which does not prove the demand and acceptance of

bribe by the accused voluntarily to do official favour. Ex.P.27 is the explanation of the accused. It is obligatory on the part of the Court to consider the explanation of the accused who gave at the time of alleged trap. On reading of Ex.P.27 reveals that on 1.1.2009 he was on leave. On the same day at about 12.00 noon Assistant Executive Engineer called upon him over phone to come to the office. He came to the office on the instructions of his officer Assistant Executive Engineer who opened the almirah and he has not received any amount from the complainant. The said fact has been corroborated the evidence of PW.1 Vijayakumar shadow witness. Ex.P.26 is the copy of attendance register dated 1.1.2009 not found the signature of the accused to come to the office on that day. PW.5 has not recovered the documents to prove that the accused was working on 1.1.2009 in BESCO office. Ex.P.26 has supported the explanation of the accused at Ex.P.27. Contrary to Ex.P.26, the prosecution has not placed any material before the Court. Viewed from any angle, the evidence on record does not prove the acceptance of bribe by the accused voluntarily to do official favour to PW.3 complainant. Thus, the prosecution has failed to bring home the guilt of the accused by placing cogent, consistent and corroborative evidence before the Court. Accordingly, I answer the point Nos. 1 and 2 in the negative."

10. It is on these findings, the Criminal Court had found that the offence as against the writ petitioner was not proved. Thereafter, in the enquiry also, three of the five

witnesses who gave evidence in the criminal case were examined. The charges were also identical. A reading of paragraph No.28 of the enquiry report would show the fact that the delinquent was on leave on 01.01.2009 and that he had been required to come to the office by his superior are borne out by the evidence in the enquiry also. Annexure 'H' is the enquiry report dated 16.11.2018, which has led to imposition of the penalty of compulsory retirement with 25% reduction in pension. The statement of allegations specifically recorded that the tainted cash was kept inside a file and thereafter he picked up the tainted notes and proceeded on a motorcycle and returned at around 2:10 p.m. When he returned, the Investigating Officer prepared the solution of sodium carbonate water in two containers and the delinquent official immersed the fingers of his hands in the said container and the liquid turned light pink in colour. The writ petitioner had specifically offered an explanation that he never touched the tainted notes and that the complainant had offered New Year Wishes to the writ petitioner and had shaken his hand. It was his specific

case that the chemical on the tainted notes would have been transferred to his hand by reason of the complainant shaking hands with him after touching the tainted notes. However, this explanation of the petitioner was not considered by the enquiry officer.

11. Paragraph No.28 of the enquiry report reads as follows:-

"28. Evidence of PW1 that at about 1.30 P.M on the day of trap the delinquent official arrived at the office and thereafter on being asked about the file the delinquent official expressed about cash has remained unchallenged and therefore that portion of evidence of PW1 needs acceptance. It is brought out during cross examination of PW1 that on 01/01/2009 at 2.00 P.M when he along with the shadow witness (PW2) went to the office of delinquent official where the delinquent official was not found and thereafter when he contacted the delinquent official over phone the delinquent official responded that he would arrive at the office after little time. Though there is slender variation of time as spoken to by the complainant the said variation is quite marginal which will not discredit the testimony of PW1. The above portion of answer elicited during cross examination of PW1 establishes that since PW1 contacted the delinquent official, the delinquent official responded that he would arrive at the office which unerringly would lead to draw conclusion that in the background of the prior meeting of PW1 and delinquent

official touching illegal gratification the delinquent official thought of meeting PW1 in the office with intention of acceptance of cash which was demanded earlier. At this juncture the evidence of DW1 Yogesh.K who was working as Assistant Executive Engineer, Devanahalli Sub-Division, BESCOM at the relevant point of time needs to be appreciated. During evidence DW1 has stated that at the relevant point of time the delinquent official was discharging duties as Meter Reader whose duty is to record reading of meter who is not authorised for supply of electricity to the residential house. Be that as it may, evidence of DW1 would assume importance touching the arrival of delinquent official at the office of delinquent official. It is the evidence of DW1 that at the relevant point of time one Sheshachala was Junior Engineer who was not available on 01/01/2009 and therefore he contacted the delinquent official over phone and enquired about Sheshachala and came to know through the delinquent official that movements of Sheshachala are not known and therefore DW1 asked the delinquent official to consign the statistics file around 12.00 noon and in response he was informed by delinquent official that delinquent official is on leave on 01/01/2009. It is in the evidence of DW1 that leave application of delinquent official was not placed before him. Nowhere it is found in the evidence of DW1 that on his instructions the delinquent official reached the office. When such being the position, evidence of PW1 that in response to his cell phone call the delinquent official arrived at the office needs acceptance. If really, the delinquent official was on leave on 01/01/2009 he would not have arrived at the office. Only on the ground that presence of the delinquent official is not noted in the

relevant page of the attendance register his presence in the office can never be doubted."

12. The learned Single Judge considered the nature of the acquittal in the criminal case as also the specific findings in the disciplinary enquiry and came to the conclusion that the specific defense offered by the writ petitioner had not been considered in the enquiry at all. Though extensive cross- examination had been carried out, the discrepancies in the evidence had not been considered in the enquiry report. The finding that the evidence of PW.1 as to the demand for bribe has remained unchallenged also does not appear to be factually correct.

13. Further, from a reading of the enquiry report, it is clear that the contentions of the delinquent officer have been completely ignored by the enquiry officer and no credence whatsoever has been given to the evidence produced by him. In response to the show-cause notice issued by the disciplinary authority also, the petitioner has specifically stated that his explanations had not been considered in the enquiry at all. The detailed objections with

regard to the enquiry report have been placed before the disciplinary authority. However, the disciplinary authority relied completely on the enquiry report and found that since the allegations to prove the punishment of compulsory retirement from service and withholding of 25% of pension, is required.

14. On considering the findings in the enquiry and the facts and circumstances of the case that the learned Single Judge had come to the conclusion that the instant case is not one where the penalty could have been imposed on the petitioner in disciplinary proceedings after his honorable acquittal on the very same facts and circumstances in the criminal case.

15. We agree with the proposition that the findings in a disciplinary enquiry cannot be lightly interfered with in judicial review. However, in a case where the delinquent officer stands acquitted in a full-fledged trial and the disciplinary proceedings are on identical charges with the same witnesses who have also made substantially the same depositions, we are of the opinion that the learned Single

Judge was justified in having interfered with the order of penalty. The writ appeal therefore fails, the same is accordingly ***dismissed.***

All pending interlocutory applications shall stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

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

cp*