



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. 46892 OF 2019 (S-KSAT)

BETWEEN:

1. KARNATAKA LOKAYUKTA,
M.S. BUILDINGS,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU-560 001,
BY ITS REGISTRAR.

...PETITIONER

(BY SRI. K. PRASANNA SHETTY, ADVOCATE)

AND:

1. H. KOTRESH. K. A. S.,
S/O. B. HALAPPA,
AGED ABOUT 39 YEARS,
WORKING AS ADMINISTRATIVE OFFICER,
KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LIMITED,
PALACE ROAD, BENGALURU-560 001.
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING, BENGALURU-560 001.

...RESPONDENTS

(BY SRI SATISH K., ADVOCATE FOR R1;
SRI K.R. RAJENDRA, AGA FOR R2)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT BANGALURU IN APPLICATION No.5789/2017 DATED 04.01.2018 AS PER ANNEXURE-A.

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 K. V. ARAVIND

ORAL ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri K.Prasanna Shetty, learned counsel for the petitioner and Sri Satish K., learned counsel for respondent No.1 and Sri.K.R. Rajendra, learned AGA for respondent No.2.

2. The Registrar-Lokayukta is before this Court, impugning the order dated 04.01.2018 passed in Application No.5789/2017 by the Karnataka State Administrative Tribunal (hereinafter referred to as "the Tribunal").

3. A complaint was lodged by one H.Madhu before the Lokayukta Police alleging that, while the respondent was working as Tahsildar, Hoskote Taluk, during the year 2015, he demanded a bribe from the complainant through one Nagaraju,



a peon in the Taluk Office, to do an official act in respect of conversion of 6 acres and 34 guntas of agricultural land in Survey No.31/9 for residential purposes.

3.1 The Lokayukta Police registered FIR for the offences punishable under Section 7 read with Section 13(2) of the Prevention of Corruption Act, 1988. Pursuant thereto, the Lokayukta Police laid a trap and recovered money from the pocket of a private individual by name Muniyappa. However, no money was recovered from respondent No. 1.

3.2 Based on the report submitted by the Lokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984 (for short "the Act"), an enquiry was entrusted under Rule 14A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, "KCS (CCA) Rules, 1957"). The order of entrustment was the subject matter of challenge before the Tribunal. The Tribunal, on the ground that no money was recovered from respondent No. 1, set aside the order of entrustment dated 28.07.2017.



4. Sri K. Prasanna Shetty, learned counsel appearing for the petitioner submits that the report was based on the FIR and the material gathered during the preliminary enquiry. It is contended that, upon entrustment, articles of charge would be framed, an enquiry officer would be appointed, and thereafter evidence would be recorded to establish the charges. However, the Tribunal, by interfering at the stage of order of entrustment, has prematurely set aside the said order.

4.1 It is further submitted that recording findings at the stage of entrustment is wholly erroneous. The report submitted under Section 12(3) of the Karnataka Lokayukta Act, 1984 (for short, "the 1984 Act") cannot be treated as conclusive proof of the allegations against respondent No.1 even prior to the framing of articles of charge.

5. *Per contra*, Sri K.R. Rajendra, learned Additional Government Advocate appearing for respondent No.2, supports the submissions advanced on behalf of the petitioner.

6. Sri K. Satish, learned counsel appearing for respondent No.1, vehemently opposes the same and submits that the



criminal proceedings initiated against respondent No. 1 have been quashed in Criminal Petition No.5793/2023, on the ground that there was no material to establish the alleged offence.

6.1 It is further submitted that the complaint also involved one Srinivasa Shetty, and the enquiry conducted against the said Srinivasa Shetty culminated in his exoneration. In that view of the matter, it is contended that permitting an enquiry against respondent No.1 would be a futile exercise and would result in undue harassment. It is also contended that, since the allegations against Srinivasa Shetty and respondent No.1 arise out of the same complaint, respondent No.1 cannot be treated differently.

6.2 It is therefore submitted that the Tribunal, having found that even a *prima facie* case was not made out against respondent No.1, was justified in setting aside the order of entrustment.



7. We have considered the submissions made by learned counsel for the petitioner and learned counsel for the respondent 1 and 2.

8. A complaint was lodged against the respondent before the Lokayukta Police, which was followed by a trap and registration of FIR. Though no money was recovered from respondent No.1, it was found in the pocket of a private individual, namely Muniyappa, who is alleged to be an agent of respondent No.1. Based on the preliminary enquiry conducted, a report under Section 12(3) of the 1984 Act was submitted recommending entrustment of a departmental enquiry. Accordingly, under Rule 14-A of the KCS (CCA) Rules, 1957, the enquiry was entrusted.

8.1 The Tribunal, upon examining the report under Section 12(3) of the 1984 Act, held that no case was made out to proceed against respondent No.1 for the alleged acceptance of illegal gratification. The Tribunal further observed that the opinion of the Lokayukta was based on inferences and conjectures, and that recovery of money from Muniyappa, a



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private individual, had no nexus with respondent No.1 so as to support the allegation of illegal gratification.

8.2 We notice that the Tribunal has examined the findings in the report under Section 12(3) of the 1984 Act as though the same were conclusive. The report under Section 12(3) is based on a preliminary enquiry, without recording of evidence. The stage of recording evidence would arise only after issuance of articles of charge, upon which findings are to be recorded with respect to the charges. Therefore, examination of the correctness or otherwise of the enquiry, or even the necessity of holding such enquiry, is premature at the stage of consideration of a report under Section 12(3) of the 1984 Act.

8.3 In the present case, the Tribunal has treated the report under Section 12(3) as conclusive, as though findings were required to be recorded on the basis of proved evidence, which approach, in our considered view, is unsustainable. The understanding of the Tribunal with regard to the scope of a report under Section 12(3) of the 1984 Act, travels beyond its statutory ambit. A report under Section 12(3) is only based on



a preliminary enquiry, and the findings therein are not required to be founded on proved evidence.

8.4 Any finding recorded by the Tribunal on such a report, even prior to the framing of articles of charge and recording of evidence, can only be regarded as unsubstantiated and allegation which are yet to be proved. Such an approach is not only impermissible but also premature.

8.5 Accordingly, the Tribunal has committed an error in entertaining the application, and the interference made at the stage of consideration of the report under Section 12(3) of the 1984 Act is liable to be held as erroneous.

9. Learned counsel for respondent No.1 has placed reliance on the order of this court dated 06.10.2023 passed in Criminal Petition No.5793/2023 to contend that the criminal proceedings initiated against respondent No.1 have been quashed. However, a perusal of the said order indicates that this Court proceeded on the premise that the order of entrustment had already been set aside by the Tribunal and that the same had



attained finality. Such a finding appears to have been recorded without noticing the pendency of the present writ petition.

9.1 Further, the learned Single Judge, while deciding Criminal Petition No.5793/2023, observed that when the guilt is not established on the touchstone of preponderance of probabilities, it cannot be expected to be proved beyond reasonable doubt. This Court also adverted to the alleged exoneration. This Court while deciding criminal petition appears to have proceeded as if respondent No.1 had already been exonerated in the departmental proceedings. In our considered view, the said order does not apply to the facts of the present case and does not advance the case of respondent No.1. Had the pendency of the present writ petition been brought to the notice of the learned Single Judge, the findings and reasoning would have been different.

9.2 In that view of the matter, mere quashing of criminal proceedings cannot *ipso facto* result in the quashing of departmental proceedings. It is a settled position of law that the standard of proof in departmental proceedings is based on the principle of preponderance of probabilities, whereas in



criminal proceedings, the charge must be proved beyond reasonable doubt. The degree and standard of proof required in both proceedings are distinct and operate in different fields. Therefore, the closure or quashing of criminal proceedings, on the ground that the offence is not proved beyond reasonable doubt, does not automatically render departmental proceedings unsustainable, which are governed by a different standard of proof.

10. Further reliance has been placed on the Government Order dated 27.01.2025 in the case of Sri Srinivasa Shetty, whose name also figured in the complaint along with respondent No.1, wherein he has been exonerated of the charges. It is contended that, in view of such exoneration of the co-DGO, continuation of enquiry proceedings against respondent No. 1 would be a futile exercise.

10.1 The said submission cannot be accepted. The role of each DGO is required to be examined independently. Even if the allegations arise out of a common complaint, determination of culpability necessarily depends on the evidence recorded and the specific role attributed to each individual. Mere exoneration



of one DGO involved in the same transaction cannot, by itself, lead to the exoneration of another DGO. Moreover, such exoneration of Srinivasa Shetty is stated to have been arrived at after a full-fledged enquiry, wherein the charges were held to be not proved. Such a finding cannot be automatically extended to respondent No.1 unless articles of charge are framed and an enquiry is conducted in accordance with law by examining the relevant witnesses.

11. In the light of the above, the following:

ORDER

- (i) Writ petition is allowed.
- (ii) The order dated 04.01.2018 passed in Application No.5789/2017 passed by the Karnataka State Administrative Tribunal is hereby set aside.
- (iii) The order of entrustment dated 28.07.2017 (Annexure-A9) is hereby restored.
- (iv) The petitioners are permitted to proceed further post the order of entrustment dated 28.07.2017.
- (v) Considering that the proceedings are pending and that the alleged offence is of 2015, it is expected



that the enquiry proceedings shall be completed within six months from the date of uploading of this order and respondent shall co-operate for early disposal of enquiry.

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

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

VBS
List No.: 2 SI No.: 3