



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 9<sup>TH</sup> DAY OF JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**WRIT APPEAL NO. 717 OF 2025 (S-DIS)**

**BETWEEN:**

S. SURESH KUMAR,  
AGED ABOUT 65 YEARS,  
SON OF LATE SRI. SIDDAIAH,  
R/AT NO.13, 3<sup>RD</sup> CROSS,  
MARUTHINAGAR,  
CHANDRA LAYOUT,

PRESENTLY RESIDING AT  
NO.15/5, 1<sup>ST</sup> CROSS,  
MARUTHINAGAR,  
CHANDRA LAYOUT,  
BENGALURU - 560 072.

...APPELLANT

(BY SRI. KRISHNA MURTHY R., ADVOCATE)

**AND:**

1. BOARD OF DIRECTORS OF KARNATAKA  
FOOD AND CIVIL SUPPLIES  
CORPORATION LIMITED, NO.16/I,  
MILLERS TANK BED AREA,  
BANGALORE - 560 052.  
REPRESENTED BY ITS CHAIRMAN.
2. KARNATAKA FOOD AND CIVIL  
SUPPLIES CORPORATION LIMITED,





NO.16/I, MILLERS TANK BED AREA,  
BANGALORE - 560 052.  
REPRESENTED BY ITS  
MANAGING DIRECTOR.

...RESPONDENTS  
(BY SRI. G.B. NANDISH GOWDA, ADVOCATE FOR R2  
R1 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED:27.02.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP No.12732/2015 (S-DIS) AND CONSEQUENTLY, SET ASIDE THE PUNISHMENT ORDER BEARING No. KFCS/LD/19/2012-13/2013-14/5533 DATED 13.01.2014 WHEREBY THE 2<sup>ND</sup> RESPONDENT DISMISSED THE APPELLANT WITH RETROSPECTIVE EFFECT FROM 17.08.2004 AND ALSO SET ASIDE THE ENDORSEMENT BEARING No. KFCS/LD/19/2012-13/2014-15/2855 DATED 01.09.2014 PASSED BY THE 1<sup>ST</sup> RESPONDENT WHEREBY THE 1<sup>ST</sup> RESPONDENT DISMISSED THE APPEAL FILED BY THE APPELLANT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF



**ORAL JUDGMENT**

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

The present intra Court appeal has been filed impugning the judgment and order dated 27.02.2025 passed in W.P.No.12732/2015, impugning the order of punishment inflicted upon him, that is, dismissal from service, which order came to be affirmed in the appeal by the Appellate Authority, i.e., Board of Directors, Karnataka Food and Civil Supplies Corporation Limited<sup>1</sup>.

2. The petitioner/appellant was working as a Junior Assistant in the respondent-Corporation. The petitioner/appellant faced disciplinary proceedings in respect of the following Articles of Charge:

"Charge No.1: You have issued commodities vide Bill Nos.2755 to 2772. In these bills, you have not mentioned the dates properly. You have not entered the ration card numbers in these bills properly. You have not obtained the signatures of the cardholders on the bills and you have not entered the bill numbers in the Daily Sales Book.

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<sup>1</sup> 'Corporation' for short



By preparing the bills in such vague manner, you have misused the commodities for your self again.

Charge No.2: The quantities of the commodities shown in the bills have been entered in the Daily Sales book. The quantities entered in the Daily Sales Book and the quantities shown in the bills differ from each other and in this way, you have misused the commodities for your self gain.

Charge No.3: You have entered the sales in the Daily Sales Book without raising the bills and in this way you have misused the commodities for your self gain.

Charge No.4: By showing only BPL rice in the bills and by showing rice, wheat, sugar and ragi in the Daily Sales Book, you have misused the commodities for your self gain.

Charge No.5: The ration cards pertaining to Mid Day Meals to school children which are required to be in the custody of the school children are kept in the retail point and in this way, you have committed misconduct."

3. The following charges stood proved in the enquiry.

"(a) having failed to record date & ration card numbers properly on bills No.2755 to 2772, having not obtained the signature of ration card holders on the said bills and having failed to record the above bill numbers in the DSA concerned;



(b) having failed to maintain proper account of commodities in respect of sales on 28.12.2002 by showing difference between quantity recorded in DSA and the billed quantity;

(c) having charged off 3489 Kgs. Rice, 889 Kgs. of wheat, 372 Kgs. of sugar and 588 Kgs. of Ragi in the DSA for 29 and 30th December 2002 and 9th, 10th, 13th, 20th, 22nd, 23rd, 25th and 27th January 2003 without actually preparing the bills.

(d) having charged off 102 Kgs. of sugar in DSA & stock book record of 10th, 22nd and 24th January 2003 without billing the same in the relevant bills; and

(e) having kept, in the retail point, MDM cards of students in violation of set procedure are proved."

4. The other charges regarding misappropriation etc., were not proved. The charges which stood proved are not serious in nature inasmuch as there is no allegation of misappropriation or misconduct of serious nature. The charges which stood proved may amount to dereliction of duty to some extent, as the appellant failed to maintain records etc., but not of serious nature.



5. While the charges are proved, the inflicting punishment of dismissal from service is highly and shockingly disproportionate to the proved misconduct. We are of the considered view that for the charges proved, imposition of the penalty of dismissal from service ought not to have been inflicted.

6. On the last date of hearing, we passed the following order:

*"Learned counsel for the Respondent-Corporation submits that he will make submissions, whether if charges stand proved against the appellant would attract a major penalty or not?"*

*List this appeal on 09.06.2026."*

7. The learned counsel for the respondent does not dispute that the charges which stood proved are not serious enough to inflict the major penalty of dismissal from service, as those charges do not involve moral turpitude or financial misconduct, such as



misappropriation. It may amount to the dereliction of duty.

8. The learned Single Judge without considering this aspect has confirmed the order of dismissal from service and disposed the writ petition with only modification that the order of dismissal will be prospective and not the retrospective as inflicted by the Disciplinary Authority and affirmed by the Appellate Authority.

9. We therefore, set aside the order passed by the learned Single Judge as well as the Disciplinary Authority and Appellate Authority and remand the matter back to the Disciplinary Authority, that is, the Managing Director, to inflict any minor punishment on the petitioner/appellant in place of the major punishment of dismissal from service on the appellant.

10. Let a fresh decision on the quantum of punishment, by considering the case on merit, be taken by the Managing Director, within a period of one month from



today. The Managing Director should afford an opportunity of hearing to the petitioner/appellant before inflicting another appropriate punishment as directed above. The Managing Director should also take into consideration the fact that the petitioner/appellant had already been attained the age of superannuation way back in 2020.

11. With the aforesaid direction, the present writ appeal stands ***allowed***.

In view of disposal of the appeal, pending interlocutory application/s if any, does/do not survive for consideration and the same is/are disposed of.

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

**Sd/-  
(T.M.NADAF)  
JUDGE**

RR  
List No.: 1 Sl No.: 10  
ct-vn