



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 15353 OF 2025 (S-RES)

BETWEEN:

SRI. SHIVANANDA,
S/O. SADASHIVAPPA,
AGED ABOUT 65 YEARS,
RETIRED AS ASSISTANT EXECUTIVE
ENGINEER (AEE),
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED (KRIDL),
BENGALURU RURAL SUB-DIVISION,
BENGALURU - 560 009.
R/A. NO 378, 3RD CROSS,
3RD MAIN, R.R. LAYOUT,
NAGADEVANAHALLI,
BENGALURU - 560 056.

...PETITIONER

(BY SRI. BASAVARAJA PATEL G K., ADVOCATE)

AND:

THE MANAGING DIRECTOR AND
DISCIPLINARY AUTHORITY,
THE KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED (KRIDL),
GRAMEENABHIVRUDDI BHAVAN,
4TH & 5TH FLOORS, ANANDA RAO CIRCLE,
BENGALURU - 560 009.

...RESPONDENT

(BY SRI. SIDDANOORU VISHWANATHA.,ADVOCATE)





THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I. QUASH THE IMPUGNED ORDER OF ARTICLES OF CHARGES IN BEARING NO-KRIDL/AADALITA/CR-BE.GRA/2024-25(EV-349)/111 DATED 06.05.2024 VIDE ANNEXURE - E, OFFICIAL MEMORANDUM BEARING NO-KRIDL/AADALITA/CR-BE.GRA/2025-26(EV-349)/181 DATED 15.04.2025 VIDE ANNEXURE - K, AND OFFICIAL MEMORANDUM BEARING NO-KRIDL/AADALITA/CR-BE.GRA/2025-26(EV-349)/237 DATED 08.05.2025 VIDE ANNEXURE - M, PASSED BY THE RESPONDENT THE SAME IS ARBITRARY, ILLEGAL AND WITHOUT AUTHORITY OF LAW AND CONTRARY TO THE ARTICLES 14, 16(1) AND 21 OF THE CONSTITUTION OF INDIA AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs.

"i. Issue a writ in the nature of certiorari, to quash the impugned order of Articles of Charges in bearing No:KRIDL/Aadalita/CR-Be.Gra/2024-25(EV-349)/111 dated 06.05.2024 Vide Annexure-E, Official Memorandum bearing No.:KRIDL/Aadalita/CR-Be.Gra/2025-26(EV-



349)/181 dated 15.04.2025 vide Annexure-K, and Official Memorandum bearing No:KRIDL/Aadalita/CR-Be.Gra/2025-26(EV-349)/237 dated 08.05.2025 vide Annexure-M, passed by the Respondent the same is arbitrary, illegal and without authority of law and contrary to the Articles 14, 16(1) and 21 of the Constitution of India;

ii. Issue a consequential direction to the respondent to release the pensionary benefits i.e. Gratuity, 300 days of Earned Leave Encashment and other benefits to the petitioner without further loss of time including admissible interest of 8% from 31.03.2020 till realizations;

iii. Grant such other and further reliefs as this Hon'ble Court deems fit to grant under the circumstances of cases, in the interest of justice."

2. Heard Sri. Basavaraja Patel. G.K., learned counsel for the petitioner and Sri. Siddanooru Vishwanatha, learned counsel for respondent.

3. Learned counsel for the petitioner would reiterate the various contentions urged in the petition and invite my attention to the material on record in order to point out that the petitioner was attained the age of superannuation on 31.03.2020 and the



subsequent articles of charge issued by the respondent on 06.05.2024 beyond the prescribed period of 4 years in relation to an alleged misconduct said to have been committed prior to the age of superannuation, was beyond the prescribed period of 4 years as contemplated under Rule 214 (2)(b)(ii) of the KCSR and as such, the impugned proceedings deserved to be quashed.

4. In support of his submission, he places reliance upon the Division Bench Judgment of this Court in the case of '***the State of Karnataka and others Vs. C.S.Chikamath S/o Siddramayya and another***¹.

5. *Per contra*, learned counsel for the respondent would reiterate the various contentions urged in the statement of objections and submit that there is no merit to the petition and the same is liable to be dismissed.

6. A perusal of the material on record would indicate that it is an undisputed fact that the petitioner attained the age of superannuation and retired from service on 31.03.2020. In this context, it is pertinent to note that though the period during which

¹ WP.No.102712/2024 dated 14.06.2024



the petitioner is said to have committed misconduct is not forthcoming in the articles of charge, the said period would obviously be prior to 31.03.2020, when the petitioner attained the age of superannuation.

7. The question as to whether the respondents would be entitled to initiate disciplinary proceedings against a delinquent employee, after the prescribed period of four years, as contemplated under Rule 214 (2)(b)(ii), came up for consideration before this Court in WP No.102712/2024 held as under:

"ORDER

The State authorities are before this Court under Article 226 of the Constitution of India questioning the correctness and legality of order dated 17.10.2023 passed by the Karnataka State Administrative Tribunal, Belagavi (for short 'Tribunal') in Application No.10263/2020 rejecting challenge to order of punishment of withholding of 5% of pension for a period of ten years.

2. Heard Sri G.K. Hiregoudar, learned Government Advocate for State authorities and Sri Shivasai M. Patil, learned counsel for respondent and perused writ petition papers.



3. *Learned Government Advocate would submit that the respondent, a former Executive Officer, Taluk Panchayat, Haliyal and Deputy Director of Finance & Statistics, retired from service on attaining the age of superannuation on 31.07.2015. Subsequent to his retirement, on 06.11.2015, article of charges was issued. After a detailed enquiry, the Enquiry Officer submitted report holding that charges are not proved. The Disciplinary Authority-Government issued second show cause notice dated 22.09.2017 enclosing report of the enquiry, disagreeing with the findings of the Enquiry Officer. The respondent submitted his reply dated 10.11.2017. Thereafter, the disciplinary authority, the State Government passed impugned order dated 25.03.2019 withholding 5% of pension of the respondent for a period of ten years. Challenging the same, the respondent approached the Tribunal in Application No. 10263/2020 and the Tribunal under impugned order quashed order of punishment. Challenging the same, the State authorities are before this Court.*

4. *Learned Government Advocate would contend that the Tribunal erroneously only on the ground that no reasons are assigned in the second show cause notice proceeded to set aside the order of punishment. He would submit that if the Tribunal was of the opinion that no reasons are assigned in the second show cause notice, ought to have remanded*



the matter to the disciplinary authority to assign reasons and proceeded further thereafter. He would submit that the Tribunal committed grave error in setting aside the order of punishment instead of remanding the matter to the disciplinary authority.

5. Learned Government Advocate would also point out that though the respondent had urged ground that the charge memo is barred by limitation in terms of Rule 214 (2)(b) of KCSRs, the Tribunal has held in favour of the petitioner Government authorities. Thus he prays for allowing the writ petition and to remand the matter to the disciplinary authority providing an opportunity to the disciplinary authority to assign reasons for disagreement with the findings of the Enquiry Officer and to pass order thereafter.

*6. Per contra, Sri Shivasai M. Patil, learned counsel for respondent would support the order of the Tribunal and further submits that no reasons whatsoever is assigned in the second show cause notice to disagree with the finding of the Enquiry Officer. Learned counsel would submit that the Tribunal rightly placing reliance on the decision of Hon'ble Apex Court in **Punjab National Bank Vs. Kunj Bihari Mishra and Others**' has quashed the order of imposing punishment. Further, learned counsel would submit that Tribunal failed to properly appreciate the contention urged by the respondent*



that the enquiry instituted in terms of charge memo dated 06.11.2015 is hit by Rule 214 (2) (b) of KCSRS.

7. Learned counsel for the respondent would point out that respondent retired from service on 31.07.2015 and article of charges were issued on 06.11.2015 relating to an event of 2010-11 financial year. Thus, he would contend that by the time the charge memo was issued, it was more than four years. Thus he prays for dismissing the writ petition.

8. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for consideration is as to:

Whether the petitioner has made out any ground to interfere with the impugned order of the Tribunal?

9. The answer to the above point would be 'in the negative' for the following reasons.

10. It is an admitted fact that the respondent retired on attaining the age of superannuation on 31.07.2015. It is also an admitted fact that subsequent to his retirement on 06.11.2015 article of charges were issued relating to an event of financial year 2010-11. The financial year of 2010-11 ended on 31.03.2011. By the time the article of charge was



issued on 06.11.2015, the respondent had retired and the disciplinary authority could not have issued charge memo as it was barred by limitation under Rule 214(2)(b) of KCSRs. Rule-214(2)(b) of KCSRS reads as follows:

"214 (2) (b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his reemployment.

(i).....

(ii) shall not be in respect of any event which took place more than four years before such institution

(emphasis supplied)

11. A reading of the above provision makes it abundantly clear that no departmental enquiry, if not instituted while the Government servant was in service, shall not be instituted in respect of any event which took place more than four years before such institution.

12. Further, Rule 214(6)(b) makes it further clear that departmental proceedings shall be deemed to be instituted on the date on which the statement of charge is issued to the Government servant or pensioner.



13. *In the instant case, the respondent, retired from service on 31.07.2015 was issued with charge memo on 06.11.2015 for an incident of 2010-11, which is more than four years from the date of incident and the charge memo is issued in respect of an event which is more than four years prior to the date of Institution. Therefore, on the said ground also the order of punishment dated 25.03.2019 requires to be set aside.*

14. *The Tribunal has rightly quashed the order of punishment dated 25.03.2019 on the ground that the disciplinary authority has failed to assign any reason under second show cause notice dated 22.09.2017 to differ with the findings of the Enquiry Officer. The enquiry Officer has exonerated the respondent of the charges leveled against him.*

15. *Rule 11A of the Karnataka Civil Service (CCA Rules, 1957) empowers the disciplinary authority to disagree with the findings of the disciplinary authority on any article of charge by recording its reason for such disagreement and record its own findings on such charge if the evidence on record is sufficient for such disagreement. It requires the disciplinary authority while disagreeing with the finding of the enquiry authority, to record reasons based on the evidence on record.*

16. *In the instant case, the disciplinary authority while disagreeing with the finding of the Enquiry*



Officer, has not assigned any reason and has also not recorded its findings based on the evidence on record.

17. In the above circumstances, we do not find any merit in the writ petition. Accordingly, the writ petition stands rejected.

In view of disposal of the writ petition, pending applications are also disposed off."

8. As held by this Court in the aforesaid judgment, the period of limitation of four years would have to be reckoned/considered from the date of issuance of articles of charge and if the incident had occurred beyond a period of four years from the date of issuance of the articles of charge, the disciplinary proceedings would be barred by limitation and the same deserve to be quashed.

9. In the instant case, though the articles of charge does not indicate the exact date / period during which the misconduct is said to have been committed by the petitioner, in the light of the undisputed fact that the articles of charge were issued only on 06.05.2024 and the petitioner had attained the age of superannuation on 31.03.2020 itself, the articles of charge issued beyond the prescribed of four years as contemplated under Rule



214 (2)(b)(ii) is clearly barred by limitation and the impugned disciplinary proceedings deserve to be quashed.

10. In the result, I pass the following:

ORDER

- (i) The petition is hereby ***allowed***.
- (ii) The impugned order of Articles of charges at Annexure E dated 06.05.2024, Annexure - K dated 15.04.2025 and Annexure - M dated 08.05.2025 and all further proceedings pursuant thereto are hereby quashed.
- (iii) The respondents are directed to consider the claim of the petitioner and directed to grant all monetary benefits payable in favour of the petitioner in accordance with law as expeditiously as possible at any rate within a period of three months from the date of receipt of copy of this Order.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE