



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

**DATED THIS THE 17<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE ASHOK S.KINAGI**

**WRIT PETITION NO. 18301 OF 2025 (S-RES)**

**BETWEEN:**

THE KARNATAKA LOKAYUKTA  
REPRESENTED BY ITS REGISTRAR,  
KARNATAKA LOKAYUKTA,  
M.S. BUILDING,  
DR.B R AMBEDKAR ROAD,  
BENGALUU-560001

...PETITIONER

(BY SRI. K PRASANNA SHETTY., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
TO GOVERNMENT,  
RURAL DEVELOPMENT AND PANCHAYATH RAJ  
DEPARTMENT,  
M S BUILDING,  
BENGALURU-01

Digitally  
signed by  
SUNITHA K S  
Location:  
HIGH COURT  
OF  
KARNATAKA



2. SRI. BASAVRAJ SANKANALA,  
PANCHAYATH DEVELOPMENT OFFICER,  
CHALAGERA GRAM PANCHAYATH,  
KUSHTAGI TALUK,  
KOPPAL DISTRICT-583277

...RESPONDENTS

(BY SMT. B. SUKANYA BALIGA, AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION IN THE NATURE OF A WRIT THEREBY QUASHING THE ORDER BEARING NO GRA-A-PA/28/GRA-PAN-KA/2021, BANGALORE DATED 01.12.2022 PASSED BY THE 1-RESPONDENT WHICH IS PRODUCED AS ANNEXURE-A.

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

**CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI**



**ORAL ORDER**

1. The petitioner filed this writ petition seeking following reliefs:

"(I) issue a writ of certiorari or any other writ, order or direction in the nature of a writ thereby quashing the order bearing No.GRA-A-PA / 28 / GRA-PAN-KA / 2021, Bangalore dated 01.12.2022 passed by respondent No.1 which is produced as Annexure-A."

2. Brief facts, leading rise to the filing of this writ petition are as follows:
3. One Gavisiddappa resident of Chalagera of Kushtagi Taluk, Koppal District filed a complaint against respondent No.2 herein, alleging that the Delinquent Government Official had violated the guidelines of the *Mahatma Gandhi National Rural Employment Guarantee Scheme* ("MNREGA") in the matters of wages paid to the laborers, and maintenance of NMRs, by mentioning the names of dead persons,



Anganawadi workers in Muster Roll, desilting work in Kalalabandi Tank was carried out by using tractors, measurement book is not produced to indicate the extent of work and some of the workers under MANREGA have given amount to the Karnataka Prantha Raitha Sangha for membership, etc. Therefore, a complaint under Karnataka Lokayukta Act, 1984 (for short, '**the Act**') was registered. After detailed investigation, a report was submitted under Section 12(3) of the Act to the Government to entrust the matter to the petitioner Institution to conduct a departmental inquiry against respondent No.2 herein. The Government vide Order dated 04.01.2017 entrusted the departmental enquiry against respondent No.2 to the petitioner Institution. The Additional Registrar Enquiries-10 was nominated to conduct the departmental enquiry against respondent No.2. Accordingly, the enquiry officer i.e., the Additional Registrar Enquiries issued an



articles of charges against respondent No.2, vide charge sheet dated 10.04.2017. The enquiry officer submitted a report holding that the charges of misconduct alleged against respondent No.2 were proved. The Upalokayukta had sent a recommendation dated 01.02.2021 to impose penalty of withholding two annual increments with cumulative effect against respondent No.2 based on the findings of the enquiry officer.

4. The Government, after receipt of the recommendation from the petitioner, instead of withholding two annual increments with cumulative effect as recommended by the petitioner Institution, passed an order dated 01.12.2022 for imposing a penalty of withholding only one annual increment without cumulative effect against respondent No.2 and thereby passed the impugned order.
5. The petitioner, aggrieved by the impugned order dated 01.12.2022 filed this writ petition.



6. Heard the learned counsel for the petitioner and the learned Additional Government Advocate for respondent No.1.
7. Learned counsel for the petitioner submits that the Government should have accepted the recommendation of the petitioner Institution. On the contrary, although the petitioner has recommended for withholding two annual increments of the petitioner with cumulative effect, the Government passed the impugned order dated 01.12.2022 imposing a penalty of withholding only one annual increment without cumulative effect against respondent No.2. He submits that the impugned order passed by the Government is against the records.
8. He also submits that though the order was passed on 01.12.2022, however, after receiving the opinion from the legal cell, the file was sent to the earlier panel counsel and later, service of the earlier counsel



was not continued and in 2024, the file was entrusted to the present panel counsel. As such, the delay has been caused and hence, he prays to condone the delay in filing the writ petition.

9. *Per contra*, learned Additional Government Advocates, supports the impugned order.
10. Perused the records, and considered the submissions of the learned counsel for the parties.
11. The petitioner institution has conducted an inquiry against respondent No.2 and submitted a report stating that the charges levelled against respondent No.2 were proved, and recommended for withholding two annual increments of the petitioner with cumulative effect. Respondent No.1, considering the enquiry report, and the recommendation made by the petitioner institution, has passed the impugned order on 01.12.2022, wherein respondent No.1 has imposed a penalty of withholding one annual increment without cumulative effect. The said order



was passed on 01.12.2022 and the present writ petition was filed on 06.06.2025.

12. From the perusal of the memorandum of writ petition, it is clear that the petitioner has not shown any reasons for filing the writ petition at a belated stage. There is an inordinate delay of 31 months in filing the writ petition. Hence, the writ petition is liable to be dismissed on the ground of delay and laches.

13. The delay defeats equity. The Hon'ble Supreme Court in the case of ***Mrinmoy Maity vs. Chhanda Koley and Others***<sup>1</sup>, has held that an applicant who approaches the Court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. The High Court may refuse to invoke its

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<sup>1</sup> in Civil Appeal No.5027 of 2024 (@ Special Leave Petition (Civil) No.30152 of 2018), disposed of on 18.04.2024



extraordinary powers, if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action. The High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It cannot be gainsaid that in all cases of delay, the delay is not to be condoned and the petition is to be dismissed, inasmuch as depending on the facts of each case, if the Court thinks fit, on its discretion, condone the delay in filing the writ petition. Though there is no fixed period of limitation prescribed, but the High Court will have to necessarily take into consideration the delay and laches of the applicant in approaching a writ Court.

14. Admittedly, the petitioner, except stating in paragraph No.5 of the writ petition, that the



impugned order was passed in 2022 and after receiving the opinion from the legal cell, the file was entrusted to the earlier panel counsel to file a writ petition in 2023. However, due to non-availability of some documents, same was not filed immediately by the earlier panel counsel, and later on, the services of the panel counsel was not continued and in 2024, the file was entrusted to the present panel counsel; hence, the delay has been caused in filing the writ petition.

15. On consideration of entire documents on record and the submissions made by the learned counsel, this Court is of the view that the cause shown in the writ petition does not amount to sufficient cause for condoning the delay in filing the present writ petition, after 31 months from the date of passing of the impugned order.



16. Further, in ***Shivamma, dead by legal representatives vs. Karnataka Housing Board<sup>2</sup>***, the Hon'ble Apex Court has categorically observed as follows:

"261. x x x Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with *bona fides* and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing

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<sup>2</sup> Civil Appeal No. 11794 of 2025 (arising out of SLP (C) No. 10704 of 2019)  
Reported as 2025 INSC 1104



litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the *lis* to



attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the *lis* for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."

*(emphasis supplied)*

17. Considering the exposition of law laid down by the Hon'ble Apex Court in the cases referred *supra*, the writ petition is liable to be dismissed on the ground of delay and laches alone.



18. In the result, I proceed to pass the following order:

**ORDER**

- (i) The writ petition is ***dismissed*** .
- (ii) In view of the dismissal of the writ petition, pending interlocutory applications do not survive for consideration and are accordingly disposed of.

**Sd/-  
(ASHOK S.KINAGI)  
JUDGE**

RK  
CT:KHV  
List No.: 1 Sl No.: 14