



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH 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. 4969 OF 2021 (S-KSAT)

BETWEEN:

THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF
HEALTH AND FAMILY WELFARE,
VIKASA SOUDHA,
BENGALURU-560 001.

...PETITIONER

(BY SRI. B RAVINDRANATH, AGA)

AND:

1. SRI. SHRIKANT M TALAKERI
AGED ABOUT 70 YEARS,
S/O. MARUTHI,
RETIRED ADMINISTRATIVE OFFICER (GROUP-A),
DIRECTOR OF HEALTH AND
FAMILY WELFARE SERVICES,
BENGALURU,
RESIDING AT NO.40-B,
GURUDEV NAGAR (RAJ NAGAR)
HUBBALLI-580 032.
2. SRI. BHEEMANNA GUDENAWAR
AGED ABOUT 65 YEARS,
S/O. AMALAPPA,
RETIRED FIRST DIVISION ASSISTANT,
RESIDING AT NO.H. NO.140-141,
BALAJI NILAYA (SHAKTINAGAR),
SHAHBAD ROAD,

Digitally signed by
NANTUNDACHARI
Location: HIGH
COURT OF
KARNATAKA



NEAR JITTANGI-BHATTI,
GULBARGA-585 101.
SINCE DEAD REP. BY
HIS LEGAL REPRESENTATIVES.

DEAD BY LRS:
R(2) (A). SMT. SALAMMA
W/O LATE BHEEMANNA GUDENAWAR

R(2) (B). SRI GOPI KRISHNA
MAJOR
S/O LATE BHEEMANNA GUDENAWAR

BOTH ARE R/AT PLOT NO.140-61
BALAJI NILAYA, SHAKTI NAGAR
SHAJABAD ROAD
KALBURAGI-585105.

3. DR. MIRZA MUNIR BAIG
AGED ABOUT 75 YEARS,
S/O. MIRZA FAQUIR BAIG,
RETIRED DISTRICT SURGEON,
HOUSE NO. 4-601/71-B/10,
BANGANAWAZ COLANY,
BEHIND BAQUAR FUNCTION HALL,
RING ROAD, M.B. NAGAR,
GULBARGA-585 105.

4. SMT. SANT DRUPATHI BAI
AGED ABOUT 65 YEARS,
W/O. NARAYAN,
RETIRED OFFICE SUPERINTENDENT,
DISTRICT HOSPITAL, GULBARGA,
R/AT NO. H.NO. 4-601/30,
29-B, 2ND CROSS, M.B. NAGAR,
GULBARGA-585 101.

...RESPONDENTS

(BY SRI. MAHESH PATIL, ADV. FOR R1, R2(A & B), R3 AND R4
V/O DATED 13.09.2021 PETITION AGAINST
DECEASED R2 STANDS ABATED)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE
RECORDS; QUASH THE ORDER DATED 20.11.2019 ANNEXUR-A
PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT



BENGULRU IN APPLICATION NO.3915/2016 C/W A.NO.3916/2016, 4057/2016, 4058/2016 AND ETC.

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 S.G.PANDIT)

The petitioner – State, represented by Secretary to Government, Health and Family Welfare Department, is before this Court under Article 226 of the Constitution of India, questioning the correctness and legality of Order dated 20.11.2019 in Applications No. 3915/2016 c/w 3916/2016, 4057/2016 and 4058/2016, whereunder, the respondents' Applications are allowed, quashing the order of penalty of reduction of pension and to recover certain amounts.

2. Heard learned AGA Sri. B Ravindranath appearing for the petitioner and Sri. Mahesh Patil appearing for respondents through Video Conferencing. Perused the entire writ petition papers.



3. Learned AGA submits that the Tribunal committed an error in quashing the order of penalty on the ground that the charges insofar as respondents are concerned are barred by Rule 214 of the Karnataka Civil Services Rules, 1958 (for short "KCSRs") and further he submits that the Tribunal also committed an error in quashing the Order of penalty on the ground that the respondents have not furnished opinion of the Karnataka Public Service Commission and also on the ground that there is no finding of grave misconduct to withhold/to reduce pension.

4. Learned AGA would contend that the charges relates to the period between 2001 to 2003. As such it cannot be said that the same is barred by Rule 214 of the KCSRs. He submits that Respondents No. 1 to 4 retired on 31.08.2006, 31.07.2013, 31.12.2002 and on 31.01.2014 respectively, subsequent to the incident for which the departmental enquiry is instituted. It is submitted that, when the incident on which the departmental enquiry is



instituted relates to the period 2001 to 2003, it cannot be said that the same is contrary to Rule 214 of the KCSRs in respect of all the respondents. It is submitted that, if the last date of incidence is taken as last day of Financial Year 2002-2003 i.e., 31.03.2003, then the charge against the respondents cannot be said to be barred by Rule 214 of the KCSRs. Further, learned AGA would submit that since the charge is grave in nature and since the charge is proved, the finding of the Tribunal is opposed to material on record. Thus, he would pray for allowing the writ petition.

5. Per contra, learned counsel Sri. Mahesh Patil appearing for the respondents though Video Conferencing would submit that insofar as one respondent is concerned, the Articles of Charge is hit by Rule 214(2)(b) of KCSRs, whereas, he further submits that in respect of other respondents, the charge itself is vague and that there is no finding of grave misconduct against those respondents



to impose punishment of withholding of pension. Thus, he prays for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and having perused the entire writ petition papers, the only point that arises for our consideration is as follows:

"Whether the impugned order passed by the Tribunal requires interference?"

7. The answer to the above point would be in the **negative** for the following reasons:

Admittedly, the respondents No. 1 to 4 retired on attaining the age of superannuation on 31.08.2006, 31.07.2013, 31.12.2002 and on 31.01.2014, respectively. A perusal of the Charge Memo/Articles of Charge dated 20.02.2006 (Anneuxre-A6) would indicate that the allegations against the respondents are in respect of the purchases made by them during the years 2001-2002 and 2002-2003. A perusal of the Articles of Charge would indicate that the respondents had made purchases on



21.12.2001, 27.12.2001, 08.01.2002 and 09.01.2002 and if that is true, for the dates on which the incident had taken place, the issuance of Articles of Charge on 20.02.2006 against Respondent No. 3 is contrary to Rule 214(2)(b) of KCSRs. In respect of a retired Government servant, no enquiry is permissible in respect of an incident which had taken place four years prior to the institution of the enquiry. In the above circumstances, finding against Respondent No. 3 by the Tribunal is proper and correct. Whereas, the Tribunal erred in holding that Rule 214(2)(b) of KCSRs is attracted in the case of the other 3 respondents as well.

8. However, insofar as other respondents are concerned, they were in service as on the date of issuance of charge memo. On perusal of the charge memo, we are of the considered opinion that the charge leveled against those respondents is vague and is not clear. The charge memo would indicate that no specific imputations are alleged against each of the respondents individually. The



charge memo is also not specific as to the particulars or details as to the purchases made by individual respondents and why such purchase was excess as alleged in the charge. It is settled law that the charge ought be clear and it should be understandable to the person against whom such charge is alleged. In the absence of clear and specific charge, one would not be in a position to defend himself in the enquiry.

9. In the above circumstances, we do not find any merit in the writ petition and accordingly, stands ***rejected.***

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

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