



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

**DATED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**WRIT PETITION No. 21129 OF 2024 (S-KSAT)**

**BETWEEN:**

1. THE REGISTRAR,  
KARNATAKA LOKAYUKTA,  
M. S. BUILDING,  
DR. B. R. AMBEDKAR ROAD,  
BENGALURU - 560001.
2. THE ADDITIONAL REGISTRAR,  
ENQUIRIES - 15,  
KARNATAKA LOKAYUKTA,  
M. S. BUILDING,  
BENGALURU - 560001,  
REP. BY ITS REGISTRAR.

...PETITIONERS

(BY SRI VENKATESH S. ARBATTI, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
RURAL DEVELOPMENT AND  
PANCHAYATH RAJ DEPARTMENT,  
M.S. BUILDING,  
VIDHANA SOUDHA,  
BENGALURU-560 001.





2. SRI HONNESH T. M.,  
S/O SRI T .C. MAHADEVIAH,  
AGED ABOUT 44 YEARS,  
OCC: PANCHAYATH DEVELOPMENT OFFICER,  
RURAL DEVELOPMENT AND  
PANCHAYATH RAJ DEPARTMENT,  
GRAM PANCHAYATH, MIDIGESHI,  
MADHUGIRI TALUK,  
TUMAKURU DISTRICT - 572112.  
R/AT C/O NARASEGOWDA,  
HANUMANTHAPURA,  
HANUMANTHAPURA POST,  
MIDIGESHI HOBLI,  
MADHUGIRI TALUK,  
TUMAKURU DISTRICT - 572112.

...RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTILCES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET  
ASIDE THE ORDER DATED 19/02/2024 PASSED BY THE  
LEARNED KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN  
A.No.12432023 (ANNEXURE-B).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING  
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.Venkatesh S. Arbatti, learned counsel for the petitioners and Sri. Vikas Rojipura, learned Additional Government Advocate for respondent No.1.

2. The Registrar, Karnataka Lokayukta, has preferred this writ petition assailing the order dated 19.02.2024 passed in Application No.1243/2023 by the Karnataka State Administrative Tribunal, Bengaluru (for short, "the Tribunal").

3. The brief facts are that respondent No.2 was appointed as a Panchayat Development Officer and was initially posted to Rangapura Grama Panchayat and thereafter transferred to Grama Panchayat, Midigeshi. The State Government had implemented the Ashraya Scheme through the Grama Panchayats to provide financial assistance to poor and houseless persons selected in a Grama Sabha meeting of the concerned Grama Panchayat.

3.1 A complaint came to be lodged against respondent No.2 on 29.11.2016 alleging that he had illegally denied grant of a



house to a beneficiary who was houseless, poor, and belonging to a depressed class. The complaint was investigated by the petitioner, and a report under Section 12(3) of the Karnataka Lokayukta Act, 1984 was submitted.

3.2 Respondent No.1, upon consideration of the said report, entrusted the enquiry to the Upa-Lokayukta under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, "CCA Rules"). Articles of charge were framed and the enquiry was conducted. The Enquiry Officer submitted a report holding that the charges stood proved against respondent No.2. Based on the recommendation of the Lokayukta, a penalty of withholding four annual increments with cumulative effect was imposed on respondent No.2.

3.3 The said order of penalty was challenged in Application No.6915/2020 before the Tribunal. By order dated 18.02.2021, the Tribunal set aside the enquiry report as well as the order of penalty and remitted the matter to the Enquiry Officer for a fresh enquiry in accordance with Rule 11(11) of the CCA Rules, after affording an opportunity to the DGO to participate in the enquiry proceedings.



3.4 Pursuant to the said order, the Enquiry Officer, without recording the evidence of witnesses afresh, directed the DGO to cross-examine PW.1 on 22.07.2021, and such cross-examination was conducted. Thereafter, on 25.08.2021, fresh articles of charge were issued, culminating in submission of an enquiry report dated 06.09.2021 recommending action against respondent No.2.

3.5 Acting upon the said recommendation, respondent No.1 imposed a penalty of withholding two annual increments for a period of two years with cumulative effect by order dated 05.03.2022. The said order of penalty was challenged in Application No.1243/2023.

3.6 The Tribunal, by the impugned order dated 19.02.2024, set aside the order of penalty dated 05.03.2022 on the ground that initiation of a fresh enquiry by issuing new articles of charge, during the subsistence of the earlier articles of charge and consequent enquiry report, was not sustainable in law.

3.7 Aggrieved by the said order, the Lokayukta has preferred the present writ petition before this Court.



4. Sri Venkatesh S. Arbatti, learned counsel appearing for the petitioners, submits that the fresh enquiry was conducted in compliance with the directions issued by the Tribunal in its order dated 18.02.2021. He contends that even assuming there were certain irregularities in the conduct of the enquiry, the same have not caused any prejudice to respondent No.2 and do not vitiate the enquiry report.

4.1 It is further submitted that the enquiry report has been submitted on the basis of cogent and established evidence on record. Learned counsel would contend that the order of penalty has been passed after due consideration of the findings recorded by the Enquiry Officer, which are duly supported by the evidence available on record.

4.2 It is also submitted that, the Tribunal has committed a manifest error in interfering with the order of penalty on purely technical grounds. On these submissions, learned counsel prays that the writ petition be allowed.

5. Sri Vikas Rojipura, learned Additional Government Advocate appearing for respondent No.1, supports the



submissions advanced by the learned counsel for the petitioners.

6. Having considered the submissions of the learned counsel for the petitioners and the learned Additional Government Advocate appearing for respondent No.1, we are of the view that the contentions urged in support of the petitioners are misplaced and appear to be the result of non-application of mind on the part of the authorities in deciding to institute the present writ petition.

7. A brief sequence of events requires to be stated. The articles of charge were initially framed on 16.10.2017. An enquiry report was thereafter submitted on 27.06.2019, and the petitioners recommended action on 29.06.2019. A second show-cause notice was issued on 04.09.2019, to which respondent No.2 submitted a reply on 18.11.2019 and a further reply on 29.11.2019. An order of penalty came to be passed on 20.03.2020.

7.1 The Tribunal, by order dated 18.02.2021 in Application No.6915/2020, interfered with the said order of penalty, set



aside both the enquiry report and the order of penalty, and directed a fresh enquiry. In view of the said order, what survived was only the articles of charge dated 16.10.2017; all subsequent proceedings stood quashed.

7.2 However, it is noticed that the Enquiry Officer on 22.07.2021, as per Annexure-A16, directed the DGO to cross-examine PW.1 without recording the examination-in-chief of PW.1 afresh. Apart from this irregularity, it is further seen that the Enquiry Officer framed fresh articles of charge on 25.08.2021. It is indeed surprising that the articles of charge were framed after recording of evidence.

7.3 Based on the newly framed articles of charge, an enquiry report was submitted on 06.09.2021 holding that the disciplinary authority had proved the charges against the DGO. A second show-cause notice was issued on 22.10.2021, to which a reply was submitted on 29.12.2021. Thereafter, the disciplinary authority, by order dated 05.03.2022, imposed the penalty.



7.4 When the said order of penalty was challenged before the Tribunal, the Tribunal, upon appreciating the sequence of events and the serious irregularities committed in the conduct of the enquiry—which had caused prejudice to the DGO—interfered and set aside the order of penalty dated 05.03.2022. The Tribunal has specifically recorded that when a fresh enquiry was directed and the earlier articles of charge continued to subsist, the Enquiry Officer was not justified in framing fresh articles of charge and submitting a report based thereon.

7.5 It is also to be noticed that the enquiry report is founded upon the newly framed articles of charge, whereas the evidence relied upon was that which had been recorded prior to the reframing of the charges, and that too without fresh examination of PW.1. These are not mere procedural irregularities; they go to the root of the matter and affect the legality of the enquiry itself.

7.6 If the Tribunal has found that the enquiry was not conducted in accordance with law, the resultant order of penalty cannot be sustained. We find no infirmity in the interference made by the Tribunal. The Tribunal, having



recorded glaring errors affecting the legality of the enquiry, was justified in setting aside the order of penalty.

8. Another contention urged by the learned counsel for the petitioners is that, even assuming there were irregularities in the conduct of the enquiry, the Tribunal ought to have remanded the matter for fresh consideration. The said submission is noted only to be rejected.

8.1 We find no justification in the said contention. The matter had already been remanded once for fresh enquiry. In the second round of enquiry, when such glaring and fundamental errors have been committed, directing a further remand would not only fail to serve the ends of justice but would also result in unnecessary harassment to the DGO. We are not inclined to countenance such a course.

8.2 We are constrained to observe that the enquiry was conducted by an officer expected to be well-versed in legal procedure and possessed of the requisite legal acumen. When the direction of the Tribunal was only to conduct a fresh enquiry on the charges already framed, we are unable to



comprehend on what basis fresh articles of charge were framed or the existing charges were altered, that too after recording of evidence.

8.3 We also notice a fundamental infirmity inasmuch as the DGO was directed to cross-examine a witness without the examination-in-chief of the said witness being recorded afresh. In the absence of substantive evidence, it is inconceivable as to on what foundation such cross-examination could have been undertaken.

8.4 The attempt to portray these lapses as mere minor procedural irregularities which should not result in quashing of the penalty, and to contend that the matter ought to be remanded once again, though superficially attractive, cannot be accepted. The defects go to the root of the enquiry and strike at its very validity.

9. For the foregoing reasons, without expressing anything further on the manner in which the enquiry has been conducted by an institution such as the petitioner, we find no merit in this writ petition.



10. Accordingly, the writ petition stands ***dismissed***.

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

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

VBS  
List No.: 1 SI No.: 37