



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO. 1416 OF 2023 (S-DIS)

BETWEEN:

THE KARNATAKA LOKAYUKTA
REPRESENTED BY ITS REGISTRAR
M.S. BUILDINGS
DR. B.R. AMBEDKAR ROAD
BENGALURU-560 001

...APPELLANT

(BY SRI. VENKATESH S. ARBATTI, ADVOCATE)

AND:

1. SRI. LOKESH M.V.
SON OF SRI. VENKATESH
AGED ABOUT 46 YEARS
JUNIOR ENGINEER
CITY MUNICIPAL COUNCIL
CHICKKAMANGALURU DISTRICT
CHICKKAMANGALURU
RESIDING AT: C/O VIJAYAKUMAR
BANASHANKARI NILAYA
KUPPENAHALLI
JYOTHINAGARA POST
CHICKKAMANGALURU
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
VIKASA SOUDHA





BENGALURU-560 001

3. THE DIRECTOR OF
MUNICIPAL ADMINISTRATION
IN KARNATAKA
V.V. MAIN TOWERS
BENGALURU-560 001
4. THE DEPUTY COMMISSIONER
CHICKMANGALURU DISTRICT
CHICKMANGALURU-577 101
5. THE COMMISSIONER
CITY MUNICIPAL COUNCIL,
CHICKMANGALURU-577 101

...RESPONDENTS

(BY SRI. C.M. NAGABUSHANA, ADVOCATE FOR R1;
SMT. PRAMODHINI KISHAN, AGA FOR R2 TO R5)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO (a) CALL FOR THE
RECORDS IN WP No.20866/2017 (b) SET ASIDE THE ORDER
DATED 23.08.2022 PASSED BY THE LEARNED SINGLE JUDGE
IN WP No.20866/2017 AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred against the judgment of the learned Single Judge dated 23.08.2022 passed in W.P.No.20866/2017 (S-DIS). The writ petition was filed by respondent No.1 herein praying to quash Annexure-J, the impugned order dated 24.07.2017.

2. Heard the learned counsel appearing for the appellant and the learned counsel appearing for respondent No.1 and also the learned Additional Government Advocate appearing for respondents No.2 to 5.

3. It is specifically contended by the learned counsel appearing for the appellant that the finding of the learned Single Judge in the impugned order that the charges against respondent No.1/petitioner are not proved is factually incorrect and that the learned Single Judge ought to have seen that the Enquiry Officer had specifically



found that there was acceptance of Rs.5,000/- by respondent No.1/petitioner from PW-1 and that the same amounted to misconduct as provided under Rule 3 of the Karnataka Civil Service (Conduct) Rules, 1966 ('1966 Rules' for short).

4. Learned counsel appearing for respondent No.1, on the other hand, contends that the specific charge raised against the respondent, as recorded by the learned Single Judge was as follows;

"CHARGE No.1

2. That, you Sri M.V. Lokesh, the DGO, while working as the Junior Engineer at Town Municipal Council of Tarikere in Chikmagalur District, you had to release bill amount of Rs.83,791/- to the complainant namely Sri B.R. Manjunatha Prasad and his brother towards contract work undertaken by them for construction of compound wall near pump house of T.M.C. Tarikere and when the complainant asked to release the said amount, you asked for bribe of Rs.20,000/- and on 28-08-2008, received the bribe amount of Rs.5,000/- failing to maintain absolute integrity and devotion to duty, the act of



which was un-becoming of a Government Servant and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966."

5. It is submitted that the finding of the Enquiry Officer, as evident from Annexure-E enquiry report, is specifically as follows;

"20. In view of specific finding recorded earlier that demand of bribe by DGO for the alleged preparation of 3rd and final bill of contract work of Sri Prakash is not proved, it has to be held that mere receipt of tainted notes by DGO from PW1 and recovery of said notes from his possession cannot lead to hold that the tainted notes were received as bribe amount. So question arises as to why PW1 had filed complaint against DGO alleging demand of bribe purporting to be for preparing 3rd and final bill of Sri. Prakash and why he got him trapped by producing Rs.5,000/- by lodging complaint. The evidence on record has no clear cut answer, to the above question. However, PW1 has stated that though DGO had not demanded bribe he had lodged complaint as advised by one Maruthi. In the judgment in Spl. Case No. 43/2009 (certified copy of judgment produced by DGO with his statement of defense) at Paras 34 and



37 with reference to the evidence of complainant PW1, it is observed that PW1 has admitted in his evidence that he had lodged complaint at the instance of one Maruthi, a broker of chicken shop and he had taken him to Hassan though Tarikere is in Chikkamagalur district. So, lodging complaint and getting DGO trapped though there was no demand of bribe could be a plot hatched by PW1 at the instance of one Maruthi.

Similarly, discussion of evidence regarding payment of 2nd bill of contract work of Sri Prakash establish that it was paid only two days earlier i.e., on 19/08/2008 and where as alleged demand is on 21/08/2008, when no 3rd bill was not at all in offing. However, on the basis of this evidence it cannot be concluded that DGO had received tainted notes from PW1 as gratification for having prepared 2nd bill, because it is not the case and version of PWI, and during inquiry a third case cannot be made out which is neither propounded nor canvassed through evidence and which is not the component of charge leveled against DGO.

Thus, it can be said that evidence on record establish that DGO, a government servant, working as Junior Engineer in the office of TMC at Tarikere had received Rs. 5,000/- from PW1, though not as a



bribe or gratification, but has failed to offer any acceptable explanation or reason for having received said amount from PW1 on 28/08/2008. DGO being a government servant was not expected to receive money from a private individual in his official capacity as government servant. Such act on the part of DGO, as a government servant, is also a misconduct covered by rule 3 of KCS (Conduct) Rules 1966, however of a lesser degree of misconduct as compared to misconduct of demand of bribe, compelling to pay bribe and receiving bribe."

6. The learned Single Judge, considering the contentions has specifically found that the charges as framed were not proved. What was found to have been proved by the Enquiry Officer was different and distinct from the charge framed. Further, it was found that no procedure as contemplated under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 ('1957 Rules' for short) for differing from the findings of the Enquiry Officer have been followed in the instant case. The learned Single Judge also found that the reply submitted by respondent No.1 to the second show cause



notice has also not been considered while accepting the recommendation of Upalokayukta and proceeded to pass the impugned order of penalty.

7. We notice that the charges as raised against the DGO (Delinquent Government Officer) have not been found to be proved in the enquiry. It is also found that the reply submitted by the DGO to the second show cause notice has also not been considered or adverted to in the order of the disciplinary authority. The learned Single Judge has also found that the DGO had faced trial in the criminal proceedings and has been acquitted. Further, it is also found that the disciplinary authority has proceeded only on the recommendation of the Upalokayukta and has not considered the factual aspects of the matter.

8. Having heard the learned counsel on either side and perused the material on record, we find no material to differ from the findings of the learned Single



Judge. The appeal therefore fails, the same is accordingly,
dismissed.

Pending applications, if any, also stand disposed of .

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

PN
List No.: 1 Sl No.: 22