



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 16TH DAY OF APRIL 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT PETITION NO.100521 OF 2026 (S-KAT)

BETWEEN:

SHRI. ANAND KUMAR KENCHAGARATTI
S/O. KUMAR KENCHAGARATTI,
AGED ABOUT 45 YEARS,
VILLAGE ADMINISTRATIVE OFFICER,
BHOO MI KENDRA, O/O THE TAHASILDAR
ATHANI TALUK, BELAGAVI DISTRICT-591304.

...PETITIONER

(BY SRI. T.NARAYANASWAMY, ADVOCATE FOR
SRI. ARAVIND UPADHYE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY IS
PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING, BANGALORE-560001.
2. THE DEPUTY COMMISSIONER
BELAGAVI DISTRICT,
BELAGAVI-590001,
BANGALORE-560001.

VISHAL
NINGAPPA
PATTIHAL


Digitally signed by
VISHAL NINGAPPA
PATTIHAL
Location: HIGH
COURT OF
KARNATAKA
DHARWAD BENCH



3. THE KARNATAKA LOKAYUKTA
REPRESENTED BY ITS REGISTRAR
M.S BUILDING, BANGALORE-560001.

...RESPONDENTS

(BY SRI. SHARAD V.MAGADUM, AGA FOR R1 AND R2;
SRI. SANTOSH B.MALAGOUDAR, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI, OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE OF A WRIT, QUASHING THE ORDER DATED 11.08.2025 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI BENCH, IN APPLICATION NO.10354/2025 (ANNEXURE-A), AS THE SAME IS ILLEGAL, ARBITRARY AND CONTRARY TO THE LAW, AND GRANT THE RELIEF AS SOUGHT FOR IN THE APPLICATION. NO.10354/2025 BEFORE THE HON'BLE TRIBUNAL; DIRECT THE 1ST RESPONDENT TO REINSTATE THE PETITIONER INTO SERVICE FORTHWITH AND GRANT ALL CONSEQUENTIAL BENEFITS TO WHICH THE PETITIONER IS LEGALLY ENTITLED TO; AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL ORDER

(PER: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

This writ petition is filed praying to quash the order dated 11.08.2025 passed by the Karnataka State Administrative Tribunal, Belagavi (herein after referred to as 'Tribunal' for brevity) in application No.10354/2025 and to reinstate the petitioner into service forthwith and grant all consequential benefits.

2. The facts leading to filing of the application before the Tribunal are as under:

a. The petitioner -applicant was Village Administrative Officer at Bhoomi Section of Athani Taluk Office, Balagavi District. On 02.07.2013, a complaint was lodged against the applicant in Belagavi Lokayukta Police Station by one Sri Mallappa alleging that the applicant has demanded for illegal gratification amount of Rs.5,000/- for the purpose of sending file in order to prepare sketch



map, pot hissas etc., of the land bearing Survey No. 211/2B measuring 01 acre 19 guntas 8 annas in Savagaon village of Athani Taluk. On the basis of the said complaint, FIR was registered against the applicant on 02.07.2013 in Crime No.6 of 2013 at Balagavi Lokayukta Police Station. The trap was laid. After investigation, charge sheet has been submitted and case has been registered against the petitioner in Special Criminal Case No.23/2014 on the file of IV Additional District and Sessions Court and Special Judge, Balagavi. In the said special case, evidence has been recorded. The Special Court after appreciating the evidence on record has acquitted the petitioner –applicant by judgment dated 25.06.2016.

b. The fact of trap of the petitioner was intimated to the Lokayukta Office, which has issued the observation note to the petitioner on 09.12.2014 as per Annexure -A3 calling for his reply as to why recommendation should not be made to the



competent authority for initiation of disciplinary proceedings against him. After receipt of the said notice, the petitioner has submitted his reply on 01.01.2015 to the Lokayukta Office, contending that already in respect of the same allegation criminal case is instituted and is pending in Special Case No.23/2014 and requested not to make any recommendation for departmental enquiry till the disposal of the criminal case. Uplokayukta has submitted the report on 02.02.2015 to the respondent No.1-Government under Section 12(3) of the Karnataka Lokayukta Act thereby recommending to entrust the departmental inquiry to it against the petitioner. On receipt of the said report, respondent No.1 has passed order dated 10.03.2015 thereby entrusting the departmental enquiry to the Upalokayukta against the petitioner under Rule 14A of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957. Thereafter, the Additional Registrar of Enquiries (ARE)-10 was appointed as



Enquiry Officer who issued the articles of charge on 11.08.2016 to the petitioner. In furtherance of enquiry, the petitioner has appeared before the Enquiry Officer on 22.10.2016 on which date his first oral statement was recorded. On 05.12.2016, the petitioner submitted his written statement specifically denying charge.

c. During the course of enquiry, four witnesses were examined on the side of disciplinary authority and two witnesses were examined on the side of defence. After completion of evidence of all the witnesses, the Enquiry Officer has recorded the second oral statement of the petitioner on 29.12.2022. Subsequently, on 10.07.2023, the petitioner has submitted his written brief by raising multiple factual and legal contentions, praying the Enquiry Officer to hold that charge is not proved against him. The Enquiry Officer submitted his report on 08.10.2024 holding that charge is proved against



the petitioner. The petitioner has brought to the notice of the Enquiry Officer of the fact that on the similar charge in Special Criminal Case No. 23/2024, he has already been acquitted by the judgment dated 25.06.2016 and requested for exoneration from the charge.

d. On the receipt of the said report, the Upalokayukta has forwarded the recommendation on 15.10.2024 to respondent No.1 -Government thereby recommending to impose major penalty of compulsory retirement against the petitioner. Thereafter, respondent No.1 has issued the second show cause notice dated 25.11.2024 and one more final show cause notice dated 16.01.2025 to the petitioner by enclosing copies of the enquiry report and asked him to submit his reply. The petitioner has submitted his detailed reply to respondent No.1 on 19.02.2025 by raising multiple factual and legal contentions and brought to the notice of the



Disciplinary Authority as to how the finding of the Enquiry Officer is perverse in nature and unsupported by the evidences available on record. The petitioner has requested the Government to reject the enquiry report and exonerate him from the charge. Respondent No.1 has accepted the said report and recommendation of the Upalokayukta and proceeded to impose the major penalty of compulsory retirement from service against petitioner on 21.02.2025 (Annexure-A23). Being aggrieved by the said impugned order –Annexure –A23, the petitioner has approached the Tribunal in Application No.10354/2025. The Tribunal after hearing the arguments on both sides has dismissed the application of the petitioner by the order dated 11.08.2025. The petitioner has prayed quashing of the said order dated 11.08.2025 passed by the Tribunal in Application No.10354/2025 –Annexure-A.



3. Heard Sri T. Narayanswamy, learned counsel for the petitioner, Sri Santosh Malagodar, learned counsel for respondent No.3 and Sri Sharad Magadam, learned AGA for respondent Nos.1 and 2.

4. Learned counsel for the petitioner contended the following:

- a) The complainant -P.W.1 has not supported the case of the Disciplinary Authority and he has been treated as hostile
- b) The petitioner has been acquitted in the criminal case and the enquiry authority has failed to place reliance on the same.
- c) The enquiry authority has not appreciated the evidence of P.W.2 - shadow panch properly



d) The reply to the second show cause notice submitted by the petitioner has not been considered by the Disciplinary Authority while passing impugned order of compulsory retirement dated 21.02.2025 (annexure -A23)

5. Learned AGA and Sri Santosh Malagoudar, learned counsel for respondent No.3 have supported the reasons assigned by the Tribunal and order of dismissal of the application of the petitioner.

6. Having heard learned counsels, we have perused the impugned order of the Tribunal and other materials placed on record.

7. It is a trite law that the scope of judicial review of Enquiry Officer's report is very limited and the Tribunal is not sitting as an



appellate body. Re-appreciating of the entire materials produced before the Enquiry Officer is not permissible. The petitioner has to make out a case that it is case of no evidence and the finding recorded by the enquiry officer is perverse in nature.

8. Out of 04 witnesses examined by the Disciplinary Authority, P.W.1 is the complainant. P.W.1 has turned hostile and he has been cross examined by the Presenting Officer. P.W.2 is the shadow witness. He has given evidence regarding complainant meeting DGO, asking about his work and at that time, the DGO intimating complainant that the work is already done and demanding money and complainant taking out Rs.5,000/- from his pocket bribe amount and giving it to the DGO. After the DGO receiving the said money, and counting it by his hands and keeping it in the



back side of his pant pocket. Even though P.W.2 has stated that he stood outside the chamber of DGO, cannot wash out his entire evidence as the hand wash of the petitioner in a sodium carbonate solution turned into pink colour. P.W.3 is another panch. He has also given evidence stating that after receiving signal given by the complainant, the trap team entered into the DGO's chamber and hand wash of DGO in sodium carbonate solution turning into pink colour and recovery of Rs.5,000/- from the pant pocket of DGO and inner portion of the pant pocket washed in sodium carbonate solution turned into pink colour. P.W.4 is Investigating Officer, who has given evidence with regard to the investigation done by him, drawing entrustment mahazar, trap mahazar etc,. He has also deposed regarding DGO giving his explanation as per Ex.P8. In Ex.P8 - explanation, the DGO has taken a specific



defence that bribe amount has been thrust into his back side pant pocket. If the said defence is taken into consideration, then what is the reason as to why the hand wash of the DGO in sodium carbonate solution turned into pink colour. The petitioner, in order to prove his defence taken in his defence statement – Ex.P8 has not entered the witness box. The defence taken up by the petitioner has not been proved/established.

9. The Enquiry Officer recorded the answers of the DGO to the questionnaire as required under Rule 11(18) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. The defence witnesses examined by the petitioner i.e., D.W.1 and D.W.2 have stated that they do not know anything about the allegation of demand and acceptance of bribe by the DGO and their evidence is only



regarding movement of the file of the complainant.

10. The Enquiry Officer has made a reference to oral evidence of P.W.1 to P.W.4, D.W.1 and D.W.2 and the documents produced by both the sides. The Enquiry Officer has made a detailed discussion, appreciation of both oral and documentary evidence and recorded the finding that the charge against the petitioner has been proved.

11. The Tribunal cannot substitute its own finding in the place of finding recorded by the Enquiry Officer unless and until it is established by the petitioner that the very initiation of the enquiry proceedings against him is with *mala fide* intention and the finding of the Enquiry Officer is perverse in nature.



12. In the Departmental Enquiry, the charge need not be proved beyond a reasonable doubt just like that is required in the criminal proceedings. In the Departmental Enquiry, the standard of proof is preponderance of probability.

13. The petitioner and his defence - assistant have participated in the enquiry proceedings and the defence -assistant has cross examined P.W.1 to P.W.4 and the petitioner has also led the evidence of D.W.1 and D.W.2. The Enquiry Officer has heard the arguments on both these sides and recorded his finding. These materials go to show that the petitioner has been given opportunity in the enquiry proceedings by the Enquiry Officer and followed the principles of natural justice.



14. It is trite law that acquittal in the criminal case is not a ground to exonerate him from the charge. The criminal proceedings and Departmental Enquiry proceedings are different and distinct and operating in different fields, with a different object as held by the Hon'ble Apex Court in several decisions. The acquittal of the DGO in the criminal case is not a ground to exonerate him of the charge in the Departmental Enquiry automatically. The evidence in the Departmental Enquiry has to be looked into and appreciated. On that point, the Tribunal has placed reliances on the decisions of the Hon'ble Apex Court in the case of ***Ajit Kumar Nag Vs General Manager, Indian Oil Corporation Ltd., Haldia and others¹, Noida Enterprises Association Vs Noida and others² and Shashi Bhushan Prasad Vs***

¹ In (2005) 7 SCC 764

² In (2007) 10 SCC 385



***Inspector General of Central Industrial
Security Force and others³.***

15. Considering the above aspects, the Tribunal has rightly held that the petitioner failed to establish that it is a case of no evidence and also that the finding recorded by the Enquiry Officer is perverse in nature. The findings recorded by the Enquiry Officer is in accordance with the material produced before him by way of oral and documentary evidence. There are no justifiable grounds to interfere into the findings of the Enquiry Officer.

16. The petitioner has submitted his explanation dated 09.01.2025 to the second show cause notice. On perusal of the said reply, the petitioner has taken the similar contentions raised before the Enquiry Officer. Looking to the

³ In (2019) 7 SCC 797



nature, gravity and seriousness of the charge of demand and acceptance of bribe amount, the penalty imposed on the petitioner is reasonable, proper and proportionate. Considering the above aspects, there are no grounds made out to quash the reasoned order of the Tribunal.

In the result, the petition is ***rejected.***

**Sd/-
(B.M.SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
CT:VH
List No.: 1 Sl No.: 9