



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT PETITION NO. 104862 OF 2024 (S-KAT)

BETWEEN:

THE KARNATAKA LOKAYUKTA,
REPRESENTED BY ITS REGISTRAR,
M.S. BUILDING,
DR. B .R. AMBEDKAR VEEDHI,
BENGALURU – 560 001.

... APPELLANT

(BY SRI. SRINIVAS B. NAIK , SPL. PP.)

AND:

1. H. BORAIAH S/O. H. OBAlYA,
AGED ABOUT 39 YEARS,
PANCHAYATH DEVELOPMENT
OFFICER, LAXMIPUR GRAMA
PANCHAYATH, TQ: HARAPANHALLI,
DIST: VIJAYANAGAR,
VIJAYANAGAR – 583 125,
R/O, C/O: GOUTAM NAIK,
LAXMIPUR VILLAGE,
TQ: HARAPPAHALLI,
DIST: VIJAYANAGAR – 583 125.
2. THE STATE OF KARNATAKA,
REP BY ITS SECRETARY,

Digitally signed
by RAKESH S
HARIHAR
Location: High
Court of
Karnataka,
Dharwad Bench



DEPARTMENT OF RURAL
DEVELOPMENT AND
PANCHAYAT RAJ, VIKASA SOUDHA,
BENGALURU – 560 001.

...RESPONDENTS

(BY SMT. SHEBA A. KHANAPUR, ADV. FOR
SRI. SUNIL S. DESAI, ADV. FOR R1;
SRI. ASHOK S. DESAI, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO CALL FOR RECORDS IN RESPECT OF THE
IMPUGNED ORDER DATED 22-02-2024 MADE IN
APPLICATION NO.11434/2022 ON THE FILE OF THE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL. TO
QUASH THE IMPUGNED ORDER DATED 22-02-2024
MADE IN APPLICATION NO.11434/2022 PASSED BY THE
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL,
BELAGAVI BY ISSUE OF WRIT OF CERTIORARI OR ANY
OTHER SUITABLE WRIT OR ORDER OR DIRECTIONS.
GRANT SUCH OTHER RELIEFS AS THIS HON'BLE
COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF
THE PRESENT CASE INCLUDING AN ORDER OF COSTS
MAY KINDLY BE PASSED IN THE INTEREST OF JUSTICE
AND EQUITY.

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

The petitioner is aggrieved by not just the outcome but also with the observations in the impugned Order dated 22.02.2024 in Application No.11434/2022 on the file of the Karnataka State Administrative Tribunal at Belagavi [for short, '*the Tribunal*']. The first respondent had filed this application calling in question the order of Entrustment dated 11.10.2022 under Rule 14A of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957 [for short, '*the CCA Rules*'] and the Articles of Charge dated 10.11.2022 served by the Office of petitioner on first respondent.

2. The Tribunal has interfered with these two orders insofar as the first respondent observing that the entrustment under Rule 14A of the CCA Rules is without application of mind and that the Articles of Charge are not particular to the first respondent. Sri Srinivas B. Naik, the learned counsel, for the petitioner, Smt. Sheeba A. Khanapur, the learned Counsel who appears for Sri. Sunil S. Desai for the first respondent, and Sri Ashok



Kattimani, learned Additional Government Advocate for the second respondent are heard for final disposal of the petition.

3. The first respondent, who was appointed as a Panchayat Development Officer, and when he was working as such in Hirekumbalagunti Grama Panchayath between 01.01.2013 and 21.02.2014, a complaint was filed with the Office of the Lokayukta on 20.04.2015 [*Annexure A1*] asserting that there was misappropriation in the utilization of the 13th Financial Allotment for the year 2013-14 and 2014-15. There was a preliminary inquiry as contemplated under the Karnataka Lokayukta Act, 1984 and a report is filed with the State Government on 06.05.2022 [*Annexure-A5*]. This report is categorical that the first respondent was working as the Panchayat Development Officer in this Gram Panchayat only between 01.01.2013 and 21.02.2014 and that during this period, a sum of Rs.2,30,689/- was earmarked for purchase of street lights during the year 2013-14 and that a sum of Rs.1,30,844/- was spent for purchase of CFL street lights without calling for tender but on quotation,



notwithstanding the provisions of the Karnataka Transparency in Public Procurements Act, 1999 and that records were not maintained properly for this purchase.

4. The entrustment for conducting an enquiry against the first respondent is because of this Report. The Report is not specific just to the first respondent, but it also refers to all the Presidents of the Gram Panchayat and the Panchayat Development Officers who were working between 01.03.2013 and 31.03.2016. The first respondent's case is that the State Government has entrusted the inquiry under Rule 14A of the CCA Rules referring to this very report, but Articles of Charge is served on the first respondent and the others without delineating specific charge and with an omnibus allegation against each of these persons referring to certain Audit Objections and the subsequent report.

5. This Court, given the nature the allegations against the first respondent, is not persuaded to opine that the Tribunal has fallen in error. However, this Court has not discussed in detail the merits of the Tribunal's opinion lest there be any prejudice in the proceedings



pending against the others who are served with similar Articles of Charge. The writ petition stands disposed of with the observation that the Tribunal's reasoning in the impugned order shall not impede the continuation or the conclusion in the pending departmental proceedings against the others.

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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE