



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 22<sup>ND</sup> 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. 105059 OF 2024 (S-KAT)**

**BETWEEN:**

KARNATAKA UPA-LOKAYUKTA-1,  
REPRESENTED BY ITS REGISTRAR,  
M.S BUILDING,  
AMBEDKAR VEEDHI,  
BENGALURU – 01.

... PETITIONER

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

**AND:**

1. SRI. DAMODHAR RAMA BELLIMANE  
S/O. RAMA BELIMANE,  
AGE: 58 YEARS,  
PRESENTLY WORKING AS  
DEPUTY TAHASILDAR,  
HALEKAL, TALUK: SIRSI  
DT: UTTAR KANNADA,  
R/O: SAPTAGIRI, 4<sup>TH</sup> MAIN,  
GANDHI NAGAR, NILEKANI,  
TQ: SIRSI, DIST: UK.
2. THE STATE OF KARNATAKA,  
REPT BY ITS SECRETARY,





DEPARTMENT URBAN  
DEVELOPMENT,  
M.S. BUILDING, AMBEDKAR  
VEEDHI, BENGALURU – 01.

3. THE STATE OF KARNATAKA  
REPT. BY ITS SECRETARY ,  
REVENUE DEPARTMENT,  
M.S. BUILDING,  
AMBEDKAR VEEDHI,  
BENGALURU – 01.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R2 & R3)

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 25-01-2023 MADE IN APPLICATION NO.10013/2021 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI. TO QUASH THE IMPUGNED ORDER DATED 25-01-2023 MADE IN APPLICATION NO.10013/2021 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BELAGAVI VIDE ANNEXURE - C BY ISSUE OF WRIT OF CERTIORARI OR ANY OTHER SUITABLE WRIT OR ORDER OR DIRECTIONS AND ETC.,

THIS WRIT PETITION, COMING ON FOR FINAL 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 first respondent has succeeded in his challenge to the second respondent's order dated 28.05.2020 in his application in No.10013/2021 with the Karnataka State Administrative Tribunal at Belagavi [for short, '*the Tribunal*']. The second respondent has served on the first respondent the penalty order dated 28.05.2020 of withholding four [4] annual increments with cumulative effect as contemplated under Rule 8(3) of the Karnataka Civil Services [Classification, Control and Appeal] Rules, 1957 [for short, '*the 1957 Rules*'].

2. The first respondent, on 31.12.2015, while working as Shirastedar with the Tahsildar Office at Siddapur, is given the additional charge of Chief Officer, Siddapur TMC. The petitioner has held the additional charge for the period between 01.01.2016 and 31.07.2017. On 21.01.2016, a complaint is lodged with the Karnataka Lokayukta alleging that the first



respondent has failed to take action against a fertilizer dealer who had stocked fertilizers in its godown resulting in health hazards to the residents in the vicinity. The Karnataka Lokayukta has filed a Report under Section 12(3) of the Karnataka Lokayukta Act, 1984 resulting in the first respondent's Lending Authority [*the Department of Revenue*] entrusting the departmental inquiry to the Office of the Karnataka Lokayukta.

3. The first respondent is served with Article of Charge on 05.04.2017 imputing that he has failed to take action against the distributor though the trade license had expired in the month of November 2015. The inquiry is completed and a report is filed holding that the charges against the first respondent are proved, and in fact the inquiry is also against the co-official who had retired from service by the date of the Inquiry Report. The second respondent [*the Borrowing authority*], after having caused the second Show Cause Notice to the first respondent, has passed the impugned order opining



that the first respondent has not given any justifiable reason not to accept the report.

4. The Tribunal, relying upon a Division Bench judgment of the Madras High Court in ***K. Kanagasabhapathy vs. City Supply Officer, Civil Supplies Department and others***<sup>1</sup> has intervened with the second respondent's decision, opining that the second respondent, *as the Borrowing Authority*, could not have decided on the penalty. The Tribunal has also referred to the provisions of Rule 16 of the 1957 Rules.

5. Sri Srinivas B. Naik, the learned counsel for the petitioner [*the Karnataka Lokayukta*], and Sri Sharad Magadum, the learned Additional Government Advocate, who accepts notice for the second and third respondents, are heard on whether this Court must interfere with the Tribunal's finding that the second respondent could not have acted on a report without following the procedure contemplated under Rule 16 of

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<sup>1</sup> [1978] 1 MLJ 184



the 1957 Rules. This Court must observe that neither Sri Srinivas B. Naik nor Sri Sharad Magadum can, from the records now available, demonstrate to this Court that the second respondent took the decision to serve the first respondent with a penalty order after consultation with the third respondent [*the Lending Authority*].

6. The merits of the petitioner's grievance with the Tribunal's order must be examined in the light of this fact and Rule 16 of the 1957 Rules. This Rule reads as under.

**“16. Provision regarding borrowed officers.-**

(1) *Where an order of suspension is made or a disciplinary proceedings is taken against a Government servant whose services have been borrowed from the Central Government or any State Government or a local or other authority, the authority lending his services (hereafter in this rule referred to as the “the Lending Authority”) shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.*



*(2) In the light of the findings in the disciplinary proceedings taken against the Government servant.-*

*(i) If the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iv-a) of rule 8 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 11A after consultation with the Lending Authority, pass such orders on the case as it deems necessary;*

*Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority the service of the Government servant shall be replaced at the disposal of the Lending Authority;*

*(ii) If the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (v) to (viii) of rule 8 should be imposed on him it shall replace his services at the disposal of the Lending Authority and transmit it to the proceedings of the inquiry for such action as it deems necessary.*



7. The first respondent was a Borrowed Officer with the second respondent, and the second respondent has served a penalty order that is envisaged under Rule 8(iii) of the 1957 Rules. The provision applicable would be Rule 16(2) of the 1957 Rules. These provisions stipulates that if the Disciplinary Authority is of the opinion that any of the penalties contemplated under Rule 8(i) to (iv-a) should be imposed, it may pass such orders as it deems necessary but the caveat is that such decision must be subject to the provisions of Rule 11-A(3), and crucially, after consulting the Lending Authority, the third respondent in the present case.

8. As observed earlier, there is nothing on record to indicate that the second respondent has taken decision after consulting the third respondent, and in fact, the impugned order does not refer to any consultation. Therefore, there is no reason for this Court to interfere with the Tribunal's order. The writ petition must be rejected.



9. At this stage, Sri Srinivas B. Naik submits that this Court may dispose of the writ petition while observing that, notwithstanding this outcome, it would be open to the second respondent, the Borrowing Authority to consult the third respondent [the Lending Authority] and issue fresh notice for imposition of a penalty. These submissions are considered in the light of the following facts.

**[a]** The allegation relates to failure to take action against a person who had stocked fertilizer notwithstanding the fact that the trade license had expired about 7-8 months prior to the complaint.

**[b]** The enquiry and the present proceedings have persisted over a period of eight years. The first respondent, who was aged 54 years as of the date of the second respondent's impugned order, would be on the verge



of his retirement. The decision is only  
to withhold the increments.

When these circumstances are considered, this Court is  
of the considered view that any continuation would only  
amount to protraction and continuing the litigation  
further. Hence, this request is not accepted. The writ  
petition is ***rejected***.

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

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

RSH & VNP/ CT: ASC  
List No.: 3 Sl No.: 3