



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 111857 OF 2017 (S-RES)

BETWEEN:

SHRI. CHANDRASHEKHAR
S/O. M. PARAMANNA,
AGE. 57 YEARS,
OCC. EXECUTIVE ENGINEER (ELCL.,)
O AND M DIVISION HESCOM,
CHIKODI, DIST. BELAGAVI.

...PETITIONER

(BY SRI. A.S.PATIL, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR AND
THE APPELLATE AUTHORITY,
KARNATAKA POWER TRANSMISSION
COMPANY LTD., (KPTCL),
CAUVERY BHAVAN, BENGALURU.
2. THE DIRECTOR (ADMN. AND HR) AND
THE DISCIPLINARY AUTHORITY,
KPTCL, CAUVERY BHAVAN, BENGALURU.
3. GENERAL MANAGER (ADMN. AND HRD)
HESCOM, NAVANAGAR,





HUBBALLI, DIST. DHARWAD.

4. THE SUPERINTENDENT ENGINEER (ELCL.)
O AND M CIRCLE,
HESCOM BELAGAVI.
5. THE EXECUTIVE ENGINEER (ELCL.)
HESCOM BAILHONGAL,
DIST. BELAGAVI.

...RESPONDENTS

(BY SRI. B.S.KAMATE, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 08.12.2016 PASSED BY THE RESPONDENT NO.1 IN NO.KA VI PRA NI NI/B82/23513/2015-16 AS PER ANNEXURE-H CONFIRMING THE IMPUGNED ORDER DATED 29.04.2015 PASSED BY THE RESPONDENT NO.2 IN NO.KA VI PRA NI NI/B53/24920/2011-12 AS PER ANNEXURE-F; AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28/01/2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MRS JUSTICE K.S. HEMALEKHA



CAV O R D E R

The petitioner has called in question the order dated 29.04.2015 passed by the disciplinary authority (Annexure-F) and the appellate order dated 08.12.2016 passed by the appellate authority (Annexure-H), whereby the petitioner has been imposed with the penalty of withholding of two annual increments with cumulative effect, recovery of ₹3,02,691/- at ₹10,000/- per month, treating the suspension period as leave without pay.

Brief facts:

2. The petitioner, while working as Assistant Executive Engineer between 04.10.2005 and 19.02.2007 was associated with execution of 8 kilometers 11 K.V. link line work from Chulaki sub-station to Hulikatti. Proceedings were initiated under Regulation 11 of the Karnataka Electricity Board Employees (Classification, Disciplinary Control and Appeals) Regulation, 1987 ('Regulations 1987' for short) alleging:



- i. Failure to supervise work.
- ii. Diversion of materials.
- iii. Causing financial loss to ₹3,02,691/-.

3. The enquiry officer, by a report dated 06.07.2013 (Annexure-C), recorded that:

- i. Negligence was proved only in respect of 5668 meters of rabbit conductor valued at approximately ₹1,47,368/-.
- ii. Alleged diversion of other materials was not fully established.
- iii. No categorical finding of total financial loss of ₹3,02,691/- was recorded.

4. However, the disciplinary authority by order dated 29.04.2015 (Annexure-F) imposed recovery of ₹3,02,691/- along with other penalties. The appellate authority confirmed the same by order dated 08.12.2016 (Annexure-H).



5. Learned counsel for the petitioner submits that under Regulation 11A (2) of the Regulations 1987, the disciplinary authority is indeed vested with the power to disagree with the findings recorded by the enquiry officer. However, such power is not unfettered. It is contended that when disciplinary authority disagrees with the findings of the enquiry officer, it is mandatory to:

- a. Record specific reasons for such disagreement.
- b. Base its independent findings strictly on the evidence available on record and the charges framed.
- c. Adhere to principles of natural justice.

6. In the present case, though the enquiry officer recorded limited findings regarding supervisory lapse, the disciplinary authority has travelled beyond the enquiry findings without recording cogent reasons or demonstrating as to how the evidence on record justifies a contrary



conclusion. Learned counsel further submits that though respondent-board contends that withholding of increments with or without cumulative effect constitutes a minor penalty under Rule 9, such a contention is legally unsustainable.

7. Reliance is placed on the decision of the Apex Court in the case of ***Kulwant Singh Gill Vs. State of Punjab***¹ (*Kulwant Singh Gill*), wherein, it has been held that:

- ii. Withholding of increment simpliciter may fall within the minor penalty.
- iii. However, withholding of increments with cumulative effect has a consequence of permanently reducing the employee's pay scale progression.
- iv. The Court observed that when increments are withheld with cumulative effect, the "clock is put back", in the time scale, and the employee

¹ AIR Online 1990 SC 177



suffers a permanent adverse impact on future earnings.

- v. It is therefore contended that such penalty cannot be treated as a mere minor punishment in substance.

8. Learned counsel also places reliance upon the decision of the Madhya Pradesh High Court in **Krishna Kumar Tamrakar Vs. Food Corporation of India and Another²** (Krishna Kumar), wherein, the Court, following **Kulwant Singh Gill's** decision held that withholding of increment with cumulative effect cannot be lightly treated as a minor penalty. Further relies on the decision of the Co-ordinate Bench of this Court in **Rajendra son of Chinu Achari Vs. The Managing Director and The Appellate Authority and Others³** (Rajendra), wherein, while interpreting Regulation 11A of the Regulations, 1987, it has been held that when the disciplinary authority disagrees with the findings of the enquiry officer, it must assign

² WP.No.2531/2001 D.D 04.01.2023

³ WP.No.100925/2017 D.D 28.10.2021



reasons. Absence of such reasoning, renders the order unsustainable. It is further submitted that the impugned order suffers from:

- i. Absence of recorded reasons for disagreement.
- ii. Enhancement of liability beyond recovery enquiry findings.
- iii. Imposition of punishment which, though styled as minor penalty, in substance entails major civil consequences.

9. *Per contra*, learned counsel for the respondent-board submits that under Regulation 9 of Regulations 1987, withholding of increments with or without cumulative effect is classified as a minor penalty. The scope of judicial review in disciplinary matters is limited and the Court does not act as an appellate authority to appreciate evidence and relies upon the decision of the Apex Court in the case of ***State of Karnataka and Another VS. Umesh***⁴ (*Umesh*), wherein

⁴ 2022 SCC Online SC 345



the limited scope of interference in disciplinary proceedings has been reiterated.

10. Further reliance is placed on ***State of Rajasthan and Others Vs. Bhupendra Singh***⁵ (*Bhupendra Singh*), to contend that the High Court, in exercise of jurisdiction should not interfere unless the decision is perverse, illegal or violative of natural justice. It is contended that the writ petition deserves to be dismissed.

11. This Court has carefully considered the rival submissions and perused the material on record. The point that arises for consideration is:

"Whether the disciplinary authority could impose liability contrary to the findings of the enquiry officer without recording independent reason and without affording opportunity to the petitioner?"

⁵ C.A.Nos.8546-8549/2024



12. Regulation 11A (2) of the Regulations, 1987 empowers the disciplinary authority to disagree with the findings of the enquiry officer. However, such a power is not absolute or mechanical. The settled proposition of law is that where disciplinary authority disagrees with the findings of the enquiry officer and proposes to record a finding adverse to the delinquent employee, it must record specific reasons for such disagreement, base its conclusions strictly on evidence on record, afford an opportunity to the delinquent employee to respond to the proposed disagreement.

13. In the present case, the enquiry officer held that negligence was proved only to a limited extent. There is no categorical finding fixing the entire liability of ₹3,02,691/- on the petitioner. However, the disciplinary authority quantified the entire alleged loss, fastened full financial liability on the petitioner and imposed withholding of two increments with cumulative effect and ordered recovery of ₹3,02,691/-.



14. On careful reading of the disciplinary authority order, it is evidenced that no specific reasoning explaining how the entire liability is attributable solely to the petitioner is made out. Thus, though Regulation 11 is a clause to permit disagreement, the mandatory procedural safeguards have not been complied with.

15. The respondent-board though contends that withholding of increments with cumulative effect is a minor punishment under Regulation 9. However, the Apex Court in the case of **Kulwant Singh Gill** has held that withholding of increments with cumulative effect has permanent adverse impact on pay progression. It effectively pushes the employee down in the time scale and permanently affects future earnings. In other words, it held that the "clock is put back" to a lower stage in time scale of pay and cannot be treated as trivial or insignificant consequence. When two increments are withheld with cumulative effect, the employee's time scale progression is permanently altered to the remainder of the service. Thus, even if it was classified



as minor under the regulation, the substantive effect of such penalty is serious and cannot be imposed lightly and without strict adherence to the procedural safeguards.

16. This Court is also aware that in exercise of judicial review, does not sit as an appellate authority over disciplinary finding as held by the Apex Court in the case of **Umesh** and **Bhupendra Singh** and the Court's interference is limited to examining:

- i. Violation of natural justice.
- ii. Perversity of findings.
- iii. Non-compliance with statutory rules.
- iv. Disproportionate punishment.

17. In the present case, the interference is not a re-appreciation of evidence but:

- i. On the failure to record reasons while disagreeing with the inquiry officer.
- ii. Imposition of enhanced liability without procedural compliance.



- iii. Absence of quantified findings attributable to the petitioner.

This squarely falls within the purview of judicial review.

18. The appellate authority was expected to independently examine, but the impugned order if perused, it merely affirms the disciplinary authority's decision without addressing the procedural infirmity. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

- i. The writ petition is hereby ***allowed***.
- ii. The order dated 29.04.2025 (Annexure-F) passed by the disciplinary authority is hereby ***quashed***.
- iii. The appellate order dated 08.12.2016 (Annexure-H) confirming the order of the disciplinary authority is also hereby ***set aside***.



- iv. The respondents are directed to refund the amount recovered from the petitioner pursuant to the impugned order within a period of twelve (12) weeks from the date of receipt of the certified copy of this order.
- v. The petitioner shall be entitled to all consequential service benefits flowing from this order.

Sd/-
JUSTICE K.S.HEMALEKHA

AT
CT:VH
List No.: 1 Sl No.: 2