



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH 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. 100097 OF 2026 (S-KAT)

BETWEEN:

SHRI. VITHALGOUDA PATIL
S/O. CHANNAGOUDA PATIL,
AGE. 33 YEARS,
OCC. RESERVE POLICE,
R/O. KOTABAGI VILLAGE-581105,
TQ. AND DIST. DHARWAD.

...PETITIONER

(BY SRI. BHUSHAN KULKARNI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HOME,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
VIDHAN SOUDHA,
BENGALURU-560001.
2. THE INSPECTOR GENERAL OF POLICE
NORTHERN REGION,
BELAGAVI-590001.

VISHAL
NINGAPPA
PATTHAL

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



3. THE SUPERINTENDENT OF POLICE
DHARWAD DISTRICT,
DHARWAD-580001.

...RESPONDENTS

(BY SRI. SHARAD V.MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING ISSUE A WRIT IN NATURE OF CERTIORARI TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.11056/2024 DATED 07.11.2025 AS PER ANNEXURE-A IN CONFIRMING THE IMPUGNED ENDORSEMENT BY QUASHING THE IMPUGNED ENDORSEMENT ISSUED BY RESPONDENT NO.3 BEARING NO.SIMBANDI-6/SHIKSHE-10/2016-17, AT VIDE ANNEXURE-A6 TO THE APPLICATION NO.11056/2024; 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)

The petitioner has sought the following relief in the present writ petition:

1. *Issue a Writ in nature of certiorari to set aside the impugned order passed by the Hon'ble Karnataka State Administrative Tribunal, Belagavi Application No:11056/2024 dated: 07.11.2025 as per ANNEXURE-A in confirming the impugned endorsement by quashing the impugned endorsement issued by Respondent No.3 bearing No.ಸಿಬ್ಬಂದಿ-6/ಶಿಕ್ಷೆ-10/2016-17, at vide ANNEXURE-A6 to the Application No.11056/2024.*
2. *Any other relief/s as are just even including the costs of this petition in the interest of justice and equity.*

2. The facts in brief are as under:

The petitioner was appointed as Armed Police Constable in District Armed Reserve, Dharwad vide order dated 03.12.2012. He was posted at High Court of Karnataka, Dharwad Bench, since the date of his



appointment and he has been working there. A complaint was filed against him on 22.08.2016 by one Kumari Sumitra alleging sexual harassment on her on 05.03.2016 in the quarters of his batchmate Shri Ramesh Tigadi. In view of same, criminal case has been registered against him. The petitioner was kept under suspension from 03.08.2016 to 23.01.2017 and Departmental Enquiry was initiated against the petitioner on 10.11.2016 by respondent No.3 under Rule 6(2) of Karnataka State Police Discipline and Proceedings Rules, 1965. The Police Inspector, District Crime and Intelligence Bureau was appointed as enquiry officer. A charge sheet was issued on 21.12.2016 under Rule 6(1) of the Rules 1965. The Rule 6(2) provides for disciplinary authority or any authority empowered by it in this behalf shall frame definite charge on the basis of allegation on which the enquiry is proposed to be held. The petitioner submitted detailed explanation



dated 23.12.2016, denying all charges levelled against him.

3. The petitioner filed his defence statement on 13.03.2017. The enquiry report was submitted on 18.03.2017 to the respondent No.3. The show cause notice along with enquiry report was issued on 09.08.2017. The petitioner was dismissed from service vide order dated 18.11.2017. The petitioner aggrieved by the imposition of this penalty preferred an appeal which was rejected by order dated 14.05.2018 by the appellate authority i.e., respondent No.2.

4. Meanwhile, the petitioner was acquitted from the Criminal Case No.145/2016 on 25.04.2019 after full-pledged trial by District and Sessions Judge, Dharwad, on the ground that the charges were not proved. The petitioner filed review petition on 06.06.2018 to respondent No.1. The review authority confirms the order of disciplinary authority and appellate authority on 28.12.2011. Aggrieved by



the orders dated 28.12.2021, 14.05.2018 and 18.11.2017, the petitioner approached the Tribunal in Application No.10528 of 2022. The Tribunal after hearing both parties allowed the application vide its order dated 28.06.2023 and quashed the impugned order dated 28.12.2011 passed by the respondent No.1, order dated 14.05.2018 passed by respondent No.2 and order dated 18.11.2017 passed by respondent No.3 and directed the respondents to reinstate the petitioner into service as per Rules and pass orders for consequential benefits within 03 months from the date of receipt of copy of the order. Accordingly, the petitioner submitted representation dated 03.07.2023 along with copy of the order dated 28.06.2023 passed by the Tribunal, requesting them to reinstate him into service with all consequential benefits in terms of the said order.

5. Respondent No.3 vide its order dated 27.11.2023 reinstated the applicant into service and denied granting consequential benefits to which the



petitioner herein is entitled as per the order of the Tribunal dated 28.06.2023 (Annexure A2). The petitioner has joined duty and discharging his duties. As respondents have not provided consequential benefits, the petitioner submitted representation dated 19.06.2024 (Annexure A5) requesting the respondents to provide all consequential benefits in terms of the order dated 28.06.2023 of the Tribunal. On receipt of the representation dated 19.06.2024, respondent No.3 issued the endorsement dated 16.07.2024 rejecting the claim of the petitioner. Aggrieved by the impugned endorsement dated 16.07.2024, the petitioner has preferred Application No.11056 of 2024 before the Tribunal on the following grounds:

- (a) *The impugned endorsement issued by the 3rd respondent is illegal, capricious and arbitrary. Thus, liable to be quashed;*
- (b) *Since this Tribunal by allowing A.No.10528/2022 directed the*



respondents to reinstate the applicant with all consequential benefits, however, the respondents by the impugned endorsement rejected the claim of the applicant on untenable grounds;

- (c) The 3rd respondent had passed by the impugned order mechanically without a speaking order. Thus, the impugned order deserves to be quashed;*
- (d) The 1st respondent being the statutory authority, misinterpreted the order of this Tribunal. Hence, the impugned order is liable to be quashed.*
- (e) Even though the applicant submitted representation dated 19.06.2024, the respondents have failed to properly appreciate the contentions urged by the applicant. Thus, requires interference of this Tribunal and the respondents are not justified in passing the said impugned order without appreciating the material witnesses who unequivocally deposed that there is no involvement of the applicant in the alleged incident.*



6. The Tribunal, after hearing the arguments and placing reliance on the decision of the Hon'ble Apex Court in the case of ***Sukdarshan Singh Vs State of Punjab and others***¹ and decision of the Delhi High Court in the case of ***Ex-CT.(CRPF) Prem Kumar Singh V. Union of India and Others***² and holding that as the petitioner has committed misconduct and charges are proved, he cannot seek indulgence for seeking quashment of Annexure -A6 and direction for granting consequential benefits and dismissed the application. Aggrieved by the said order of the Tribunal, the petitioner has filed the present writ petition.

7. Heard learned counsel for the petitioner and learned AGA for respondents.

8. Learned counsel for the petitioner would contend that as order of dismissal of the petitioner has been set aside by the Tribunal in Application No.10528 of 2022 and as he has been reinstated, he

¹ In 2022 SCC OnLine Sc 255

² In 2019 SCC OnLine Del 7563



is entitled for consequential benefits as per Rule 99A(3) of Karnataka Civil Service Rules. The said aspect has also been pleaded by the petitioner in his representation dated 19.06.2024 (Annexure -A5) in para No.2(iii)(iv). The Tribunal, without considering the said aspect has applied the decision of the Hon'ble Apex Court in the case of **Sukadarshan Singh** (Supra). The facts of the said case are different than the facts involved in the present case. In the said case, the High Court has sustained the conviction of the petitioner therein, but reduced the sentence to the period already undergone, taking sympathetic view, the termination has been set aside and suspension period was considered as *dies non*. The Tribunal is also not justified in relying on another decision in the case of **Ex-CT.(CRPF) Prem Kumar Singh** (Supra) in which the Delhi High Court placing reliance on the decision of **Sukdarshan Singh** (Supra) and referring Section 10 and 11 of the Central Reserve Police Force Act, 1949 has held no



work, no pay. The allegation in the said case is that he was alleged of theft of a bike and being absent without leave. The facts involved in the present case are different. The Tribunal ought to have considered Rule 99A(3) of the Karnataka Civil Service Rules and ought to have implemented the order of the Tribunal passed in Application No.10528 of 2022.

9. Sri. Sharad V Magadum, learned AGA representing respondents would contend that the petitioner had not challenged the order dated 27.11.2023 under which the petitioner was reinstated into service, the period of suspension for 177 days has been treated as leave and period from 18.11.2017 to 18.11.2023 has been treated as *dies non* for which the salary and other allowances have not been paid as per Rule 8(14A) of Karnataka Civil Service Rules. In the absence of challenge to the said order dated 27.11.2023 to the said effect, challenging the impugned endorsement –Annexure-A6 has no consequences. The Tribunal, considering all aspects



has rightly passed the impugned order. With these, he prays to dismiss the petition.

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

11. The application filed by the petitioner in Application No.10528 of 2022 has been allowed by the order dated 28.06.2023 in the following terms:

20(ii). *The impugned order bearing No.ಒ.ಇ.114.ಪೊಸಿಲ. 2016 ಬೆಂಗಳೂರು dated 28.12.2021 (Annexue-A6) passed by 1st respondent, order bearing No.ಅಪೀಲ/51/ಉವ/2017 dated 14.05.2018 (Annexure-A17) passed by 2nd respondent and order bearing No.ಆದೇಶ ಸಂ.ಸಿಬ್ಬಂದಿ-6/ಶಿಕ್ಷೆ-10/2016, ಓ.ಬಿ.ಸಂ.199/2017 dated 18.11.2017 (Annexure-A18) passed by 3rd respondent are quashed and set aside.*

(iii) *The respondents are directed to reinstate the applicant into service as per Rules and pass orders for*



consequential benefits within three months of receipt of a certified copy of this order.

12. While passing the said order, the Tribunal has observed regarding misconduct as under

18. *There is another fact which in our considered opinion need some thought the Appellate Authority has termed this 'misconduct' as a grave crime and therefore confirmed the punishment imposed. The term misconduct can be defined as a behavior that is inconsistent with employees obligation or duty, a breach of policy or procedure or generally unacceptable or improper behavior. The example of misconduct in service law would be unauthorized absence, bad language and failure to follow a lawful and reasonable instructions. The sexual harassment, if any, it was not a work place misconduct. The misconduct or improper behavior however serious was outside the workplace and was not related to rule violation or poor performance in his duty. Whether this behavior of applicant would result in dismissal of applicant from service have been duly considered by us.*



13. The petitioner has been acquitted in the Criminal Case registered for offences punishable under Sections 376 and 417 of IPC. The Tribunal has considered the said acquittal by the Criminal as honorable acquittal in para 16, 17 of the order dated 28.06.2023 passed in Application No.10528 of 2022. The petitioner has been reinstated into service as per the order dated 27.11.2023 (Annexure A4) by the respondent No.3. In the said order of reinstatement, respondent No.3 has considered the absence of the petitioner from duty from 18.11.2017 till he reporting to duty as *dies non* and adjusted 136 days of absence as earned leave and 21 days as converted leave and 20 days as leave without pay. The petitioner made his representation only with regard to the said portion of the order dated 27.11.2023, to the effect of treating his absence to duty from 18.11.2017 as *dies non*. In the said representation, the petitioner has referred to Rule 99A of the Karnataka Civil Service Rules and the petitioner remaining out of duty from 18.11.2017,



which has been considered as *dies non* has been sought to be cancelled and granting him all consequential benefits as per order dated 28.06.2023 passed in Application No.10528 of 2022. After the said representation -annexure-A5, respondent No.3 has issued endorsement dated 16.07.2024 (annexure-A6).

14. The Tribunal without considering the case of the petitioner on merits by referring to Rule 99A(3) of Karnataka Civil Service Rules by placing reliance on two decisions and holding that the misconduct committed by the petitioner has been approved and dismissed the application holding he is not entitled for direction of granting consequential benefits. In the said order of the Tribunal, the Tribunal has placed reliance on the decision of **Sukdarshan Singh** (*supra*). In the said case, the conviction of the petitioner therein had been sustained but reduced the sentence to the period already undergone, the termination of the petitioner therein was set aside on



sympathetic view and period of suspension was considered as *dies non*. Even the facts in ***Ex-CT.(CRPF) Prem Kumar Singh*** (supra) relied upon are different.

15. The Tribunal ought to have considered the case of the petitioner on merits referring to the relevant provisions of law, namely Rule 99A of Karnataka Civil Service Rules. Since it was argued that the petitioner has not challenged the order dated 27.11.2023 (Annexure-A4), the petitioner is at liberty to seek amendment of the application to challenging the impugned portion in the order dated 27.11.2023 –annexure-A4.

16. Therefore, considering all the above aspects, we are of view that the petitioner's application with the Tribunal requires to be restored for complete adjudication. Considering the above aspect, the following



ORDER

- i) The order passed by the Tribunal dated 07.11.2025 passed in Application No.11056 of 2024 is set aside.
- ii) The Application No.11056 of 2024 on the file of Karnataka State Administrative Tribunal, Belagavi is restored for complete adjudication of the matter in accordance with relevant Rules.
- iii) The contentions of the parties are kept open.
- iv) The petitioner shall appear before the Karnataka State Administrative Tribunal, Belagavi on 03.06.2026.
- v) The petitioner is at liberty to seek amendment of the application before the Tribunal with regard to challenging the impugned portion in the order dated 27.11.2023 –annexure-A4

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

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

DSP
CT:VH
List No.: 1 Sl No.: 20