



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

WRIT PETITION NO.200645 OF 2024 (S-KSAT)

BETWEEN:

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

...PETITIONER

(BY SRI. SUBHASH MALLAPUR, SPL. PP LOKAYUKTA)

AND:

1. SHARANABASAPPA S/O CHANDAPPA BOVINKERE,
AGED:58 YEARS, OCC:EXECUTIVE ENGINEER
(RETIRED), R/A H.NO.21/B/HIG, DHARIYAPUR
KOTNOOR, KHB COLONY, OLD JEWARGI ROAD,
KALABURAGI-585 102.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYAT RAJ, VIKASA SOUDHA,
BENGALURU-560 001.

...RESPONDENTS





(BY SRI. REVANASIDDAPPA J. BHUSARE, ADVOCATE FOR R1,
SMT. MAYA T.R., AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT IN NATURE OF CERTIORARI AND QUASH THE ORDER DATED 03.03.2023 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.20907/2022 VIDE ANNEXURE-B. B) ISSUE ANY OTHER WRIT ORDER OR DIRECTION AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCE OF THE CASE IN THE INTEREST OF JUSTICE. C) PASS ANY SUCH ORDER OR DIRECTION DEEMS FIT UNDER THE CIRCUMSTANCE OF THE CASE, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This writ petition is filed challenging the order of the Tribunal in Application No.20907/2022, by which the disciplinary proceedings initiated against respondent No.1 have been found to be bad in law.

2. Heard the learned counsel for the petitioner and learned counsel for the respondents.



3. It is submitted by the learned counsel for the petitioner that the proceedings which led to acquittal in a criminal case and the disciplinary proceedings are different and distinct and that as such, the quashing of the articles of charge by the Tribunal was not justified.

4. It is further submitted that the ***State of Karnataka & Ors vs. Kempaiah***¹ was a case where the proceedings were sought to be initiated by the Lokayukta on the basis of the letter of an under Secretary to the Government and that there is no such letter by the Government in the instant case. Therefore, he contends that the ratio in the case of ***Kempaiah*** supra will not apply to this case. Further, it is contended that it is only the articles of charge has been set at naught and the proceedings earlier to the articles of charge including the report of the Lokayukta under Section 12(3) of the

¹ 1998 (6) SCC 103



Karnataka Lokayukta Act and order entrustment the Government have not been set aside.

5. However, the issue raised in the case of ***Kempaiah*** supra was whether the Karnataka Lokayukta could *suo moto* initiate proceedings in a case of disproportionate income. After considering the contentions as regards the provisions of the Act, it was held that a reading of Sections 7(2) and 7(2)(A) of the Karnataka Lokayukta Act would make it clear that the case of acquisition of disproportionate assets could not be taken up *suo moto* by the Lokayukta. Further, it was found that in the instant case, the criminal case had been initiated against the private respondent and the proceedings had ended in acquittal. It is considering these two facts and in view of the fact that the initiation of the proceedings against the respondent No.1 after his acquittal in the disproportionate assets, the case was found to be not in accordance with the provisions of the Karnataka Lokayukta Act. The Tribunal had clearly held that the order of



entrustment as well as the issuance of articles of charge and conduct of the enquiry as also imposing penalty was bad in law.

6. Having considered the contentions advanced, we noticed that the finding in the case of **Kempaiah** supra is specifically as follows:

"The definition of the word 'action' in Section 2(1) reads as under:

""action" means administrative action taken be way of decision, recommendation or finding or in any other manner and includes wilful failure or omission to act and all other expressions [relating to] such action shall be construed accordingly."

A perusal of the definition indicates that it encompasses administrative action taken in any form whether by way of recommendation or finding or 'in any other manner', e.g., grating licenses or privileges, awarding contract, distributing Government land under statutory Rules or otherwise or withholding decision on any matter etc. The expression 'in any other manner' takes it in fold the last mentioned categories of administrative actions. Mr. Nagaraja has argued that the expression 'in any other manner' will have to be given a wider meaning so as to include other



actions of the public servants such as the action of the respondent in amassing wealth otherwise the very purpose of the Act will be frustrated. We are afraid we cannot accede to the contention of the learned counsel as it would not only be contrary to the principle of construction of statutes but will also be repugnant to the object of the Act, pointed out above. The expression 'in any other manner' contains general words which construed literally should receive their full and natural meaning but when they follow specific and particular words of the same genus, it will be presumed that the legislature has used the general words in a limited sense to convey the meaning implied by specific and particular words. This follows from application of Rule of eiusdem generis. That rule which is an exception to the rule of construction that general words should be given their full and natural meaning, was enunciated by Lord Campbell in R vs. Edmundson (1859) 28 L.J.M.C.213, "..... where there are general words following particular and specific words, the general words must be confined to things of the same kind as those specified". ["Craies on Statute Law" 6th Edn. p.179]. These rules of interpretation are so well-settled that they hardly need any authority to support our conclusion. Now in the definition of action the expression 'in any other manner' follows 'decision', 'recommendation' or 'finding' so it cannot be other categories of administrative action; it cannot be



interpreted to mean actions which have no nexus to any administrative action.

Our attention was invited to the definition of 'allegation' in Section 2(2) which is couched in very wide terms but, as noticed above, for purposes of Section 7(2) the scope of investigation is confined to a grievance or allegation made in respect of an action within the meaning of Section 2(1) of the Act, no support can be had from the definition of 'allegation'.

Inasmuch as Upalokayukta initiated investigation against the respondent on the basis of an unsigned letter forwarded by the Under Secretary to the Governor of Karnataka to the Registrar, Lokayukta, the scope of investigations by the Upalokayukta under Section 7(2) has to be limited to 'action' as explained above.

In this view of the matter, we are in entire agreement with the view expressed by the High Court. The appeals are devoid of any merit so they are dismissed."

7. In the instant case as well, the Tribunal considered the facts of the matter and found that the decision in the case of **Kempaiah** is squarely applicable to the facts of instant case. It is on the said finding that the



entrustment conduct of proceedings and the penalty imposed were found to bad in law.

8. We find no grounds to interfere with the findings recorded by the Tribunal.

9. Accordingly, this Writ Petition is ***dismissed.***

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**

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