



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

WRIT PETITION NO.203247 OF 2024 (S-KAT)

BETWEEN:

MD. NAYEEMULLA SHAREEF
S/O MOHD. SHAREEF,
AGE: 58 YEARS,
OCC: JUNIOR ENGINEER,
KBJNL, JBC, SUB DIVISION NO.7, BHALKI
DIST : BIDAR,
R/O: H.NO.1-1-26, RAO TALEEM,
BIDAR - 585 401.

...PETITIONER

(BY SRI LIYAQAT FAREED USTAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPT. BY ITS PRINCIPAL SECRETARY TO GOVT.,
PUBLIC WORKS DEPARTMENT (SERVICE-B),
BANGALORE - 01,
2. THE CHIEF ENGINEER,
MINOR IRRIGATION (NORTH RANGE),
VIJAYAPURA, DISTRICT VIJAYAPURA - 586 109.
3. THE STATE OF KARNATAKA,
BY ITS SECRETARY DEPARTMENT OF MINOR
IRRIGATION AND GROUND WATER,





DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001.

4. THE SUPERINTENDENT ENGINEER,
MINOR IRRIGATION CIRCLE,
KALABURAGI DISTRICT: KALABURAGI – 585 103.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE THE WRIT IN NATURE OF CERTIORARI AND QUASH THE ORDER DATED 30-09-2024 PASSED IN APPL.NO.20256/2023 PASSED BY KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT KALABURAGI VIDE ANNEXURE-A AND CONSEQUENTLY SET ASIDE THE ORDER NO.ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಲೋಇ 44 ಸೇವಿಇ 2022 ಬೆಂಗಳೂರು DATED 06-12-2022 PASSED BY THE RESPONDENT NO.1 VIDE ANNEXURE-A8. (BEFORE THE KSAT) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R.NATARAJ
and
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY



ORAL ORDER

(PER: HON'BLE MR. JUSTICE R.NATARAJ)

The petitioner has challenged an order dated 30.09.2024 passed by the Karnataka State Administrative Tribunal at Kalaburagi (for short, 'the Tribunal') in Application No.20256/2023.

2. The petitioner was working as a Junior Engineer at KBJNL. During October, 2015-16, it was alleged that the petitioner had misappropriated funds of the Government by producing fake bills by being hand in glove with the contractors and thereby caused loss to the State exchequer. A show notice was issued to the petitioner which was replied by him. The petitioner was suspended and was later taken back to service pending an inquiry. A notice under Rule 11 of the Karnataka Civil Services (Classification, Control and Appeals) Rules, 1957 (for short, 'the CCA Rules') was issued to the petitioner following which a memo dated 05.06.2017 was issued converting the individual inquiry under Rule 11 of CCA Rules to a joint inquiry under Rule 13 of CCA Rules as there was more than one officer involved in the misconduct. However, the inquiry proceeded against the petitioner in accordance with



Rule 11 of CCA Rules and a report was submitted by the inquiry officer. Following this, a second show cause notice was issued to the petitioner and the disciplinary authority passed an order dismissing him from service and ordered recovery of the loss caused. This was challenged by the petitioner before the Tribunal in Application No.20256/2023, which was also dismissed in terms of the Order dated 30.09.2024. Being aggrieved by the said order, the petitioner is before this Court.

3. The petitioner contends that there are more than 25 officers who are involved in the alleged misconduct. He contends that in respect of several officers, though notices were issued for conducting an individual inquiry under Rule 11 of the CCA Rules, later in terms of a Government order dated 05.06.2017, the said inquiry was ordered to be conducted under Rule 13 of the CCA Rules. He contends that despite the above, without recalling the notice issued under Rule 11 of CCA Rules, the inquiry proceeded under Rule 13 of the CCA Rules and a report of the inquiry officer was placed following which, disciplinary authority passed appropriate orders which were questioned before the Tribunal in Application No.10219/2023 and connected applications. He contends that



the Tribunal in terms of the Order 18.12.2023 had allowed the applications in part, set aside the orders passed by the disciplinary authority and directed a joint inquiry under Rule 13 of CCA Rules by issuing a fresh Articles of charge. He further contends that this was challenged before this Court in W.P.No.107000/2024 and connected petitions and this Court affirmed the order passed by the Tribunal. Thus, he contends that the order passed by the disciplinary authority and the order passed by the Tribunal has to be set aside and the petitioner should also be part of the joint inquiry.

4. Learned High Court Government Pleader on the other hand contended that the fact situation in application No.10219/2023 and other applications are different than the one on hand. She contends that though the Government Order dated 05.06.2017 proposed to convert the individual inquiry against the petitioner to a joint inquiry under Rule 13 of the CCA Rules, yet the inquiry was conducted against the petitioner under Rule 11 of CCA Rules. She contends that many witnesses were examined and a report was submitted by the inquiry officer, following which disciplinary authority had passed an order dismissing the petitioner from service and to recover the



loss caused from out of his terminal benefits. She therefore contends that the petitioner is not entitled to the benefit of the order passed in Application No.10219/2023 and connected applications.

5. We have considered the submission made by the learned counsel for the petitioner and the learned High Court Government Pleader for the respondents.

6. Under Rule 11 of CCA Rules, what is contemplated is an individual inquiry against an official. It is not in dispute that a notice under Rule 11 of CCA Rules was issued to the petitioner and an Article of charge was issued following which inquiry was conducted against the petitioner. However, the State Government after coming to know that several officers were involved, issued an order dated 05.06.2017 converting the inquiry to a joint inquiry under Rule 13 of CCA Rules. Once, the inquiry was conducted under Rule 13 of CCA Rules, it was incumbent upon the respondents to conduct a joint inquiry against the petitioner as well. This is also the observation of co-ordinate Bench of this Court in W.P.No.107000/2024, where it was held that "*it is settled position of law that if initiation or*



procedure followed itself is contrary to the Rules, the same cannot be held against the respondents. If the initiation of inquiry itself is bad, it vitiates the entire proceedings". It further held, "A reading of the above rules makes it abundantly clear that when two or more Government servants are involved in a case, the Government or any other authority competent to impose penalty may make an order directing that the disciplinary action against all of them may be taken in a common proceeding. In other words, the Government shall have to pass an order directing disciplinary action against all Government servants in a common proceeding, which would mean that initiation of inquiry itself shall be joint. It is settled position of law that inquiry is said to be initiated on issues of Articles of Charge or if Charge Memo. Therefore, even before the issuance of the charge are known the disciplinary authority is required to pass an order under Rule 13 of the CCA Rules initiating a joint inquiry. The order directing disciplinary action in a common proceeding shall specify the disciplinary authority in respect of all the Government servants involved in the case and the procedure to be followed in such common proceedings as indicated in sub-Rule 2 of Rule 13 of the CCA Rules".



7. We do not see any reason why the benefit of joint inquiry under Rule 13 of CCA Rules should not be extended to the petitioner. Besides this, it is stated by the learned Government Advocate upon seeking instructions that the inquiry has not made any headway and it is still at the stage of framing of charges. In that view of the matter, the impugned order passed by the respondent No.1 is ***set aside*** and the respondents are directed to conduct an inquiry against the petitioner in accordance with Rule 13 of the CCA Rules and frame appropriate charges and proceed against the petitioner in accordance with law.

8. It is needless to mention that the said inquiry shall be concluded within a period of six months from the date of framing of charges.

**Sd/-
(R.NATARAJ)
JUDGE**

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