



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 26737 OF 2023 (GM-KLA)

BETWEEN:

1. SRI. N. HANUMANTHA
S/O LATE NANJAPPA
AGED 61 YEARS
OCC RETIRED SHERISTEDAR
IN THE OFFICE OF
THE DEPUTY COMMISSIONER
MANDYA,
MANDYA DISTRICT 571428

PRESENTLY R/AT
NO 16, KESARI NANDANA
7TH MAIN, 10TH CROSS
JNANAJYOTHI NAGAR
ULLAL MAIN ROAD
BENGALURU 560056

...PETITIONER

(BY SRI. DHIRAJ A K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS UNDER SECRETARY
TO GOVERNMENT (SERVICES-2)
REVENUE DEPARTMENT
M S BUILDING,
BENGALURU 560001.





2. THE REGISTRAR
UPALOKAYUKTA
KARNATAKA LOKAYUKTA
M S BUILDING,
BENGALURU 560001
3. THE ADDITIONAL REGISTRAR OF
ENQUIRIES 08 AND ENQUIRY OFFICER
KARNATAKA LOKAYUKTHA
M S BUILDING,
BENGALURU 560001

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE., AGA FOR R-1;
SRI. K.PRASANNA SHETTY, ADVOCATE FOR R-2 & R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE REPORT OF HON'BLE UPA-LOKAYUKTHA IN No. COMPT/UPLOK/MYS/908/2020/ARLO-5 DATED 28.06.2021 UNDER SECTION 12(3) OF KARNATAKA LOKAYUKTHA ACT PROPOSING DEPARTMENTAL ENQUIRY IN SO FAR AS PETITIONER IS CONCERNED, PRODUCED AT ANNEXURE-H, ETC.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The petitioner who was working as a Revenue Inspector at Haralahalli Village has filed this writ petition impugning the initiation of the departmental proceedings against him on the basis of the report submitted by the Hon'ble Upalokayukta in No.COMPT/UPLOK/MYS/908/2020/ARLO-5 dated 28.06.2021 under Section 12(3) of the Karnataka Lokayukta Act, 1984. The Articles of Charge against the petitioner would read as under:

"The complainant Mr. K.M.Shankar, son of Late K L Mallegowda, Karadakere, CA Hobli, Karadakere Post, Maddur Taluk, Mandya District has submitted a complaint before the Lokayuktha organization alleging that land bearing Sy.No.45, Karadakere Village, C.A.Kere Hobli, Maddur taluk and land Sy.No.90 of Arehalli village measuring 12-15 acres was standing in the name of father of complainant Late K L Mallegowda, Karadakere, CA Hobli, Karadakere Post, Maddur Taluk, Mandya District. Sri. K. L. Mallegowda had 7 male children and 8 female children. However, Mr. K M Nagesh, brother of the complainant, through a broker, Mr.Shankar Melahalli, paid Rs.3,50,000/- to the officials Revenue department and by filing an affidavit that father of complainant that had only two children, illegally got khata transfer of 12-15 acres of property in the name of



Mr.K.M.Nagesh and cheated the other brothers of complainant.

Therefore, it is prima facie found that you have committed misconduct under Rule 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rule 1966 (presently Karnataka Civil Service (Conduct) Rules 2021) for having committed corruption and acted in a manner unfitting for a government servant has you have not work as per law with devotion."

2. Learned counsel for the petitioner submits that the proposed departmental enquiry/proceedings on the basis of Articles of Charge dated 27.06.2023 is barred under the provisions of Section 214 (2) (b) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short 'the KCSRs). He submits that the departmental enquiry/proceedings has been instituted by issuing the charge sheet dated 27.06.2023 in respect of an event which took place in the year 2016. The petitioner has demitted the office on 31.07.2022. He submits that on this short point, the writ petition is liable to be allowed and the impugned charge sheet dated 27.06.2023 has to be set aside.

3. On the otherhand, Sri. Prasanna Shetty, learned counsel appearing for the Lokayukta submits that though the



entries in the Khata were changed in the year 2016, but the cause of the same continued inasmuch as the partition suit was filed and thereafter appeal was filed. After the final decree was passed in the appeal, a complaint came to be filed on the basis of which the Lokayukta conducted an enquiry and submitted a report under Section 12(3) Karnataka Lokayukta Act. On the basis of the entrustment order, the charge sheet has been issued. It is his submission that the enquiry has been conducted within a period of four years from the date of the incident and therefore, it is not hit by Rule 214(2) (b) of the KCSRs.

4. We have considered the submissions of the learned counsel for the parties.

5. The facts are not in dispute that the event of change in Khata took place way back in the year 2016, and the petitioner demitted the office in the year 2022 and the charge sheet has been issued only in the year 2023. To decide the issue involved in the writ petition, it would be apt to extract the provisions of Rule 214(2)(b) of the KCSRs which read as under:



"2(b) The departmental proceedings, if not instituted while the Government servant was in service. whether before his retirement or during his re-employment,

i) Shall not be instituted save with the sanction of the Government;

ii) Shall not be in respect of any event which took place more than four years before such institution; and

iii) Shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service."

6. From bare perusal of the aforesaid extraction, it is evident that the departmental enquiry should not be instituted in respect of an event which took place more than four years prior to such institution.

7. Rule-214(6)(a) defines institution of disciplinary proceedings i.e., on the day when the statement of charge is issued to the Government servant. Rule-214(6)(a) reads as under:



*"(6) For the purpose of this rule,
(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the or if the Government servant or pensioner, Government servant has been placed under suspension from an earlier date, on such date."*

8. The charge sheet in the present case against the petitioner was issued on 27.06.2023. Therefore, the said date i.e, 27.06.2023 would be the date for institution of the departmental proceedings against the petitioners and it would not be the date of the complaint filed against him by the complainant before the Lokayukta. It is also not disputed that the event in respect of which the complaint came to filed on 22.05.2020 was in respect of the event which took place way back in the year 2016. In any view of the matter, it cannot be denied that the event occurred during the year 2016 and the institution of departmental proceedings by issuing the charge sheet is on 27.06.2023.

9. Considering the extracted provisions of Rule 214 (2)(b) of the KCSRs, we are of the considered view that the departmental proceedings initiated against the petitioners are barred by limitation as prescribed under Rule 214(2)(b) and therefore, the departmental proceedings are incompetent and



void. Thus, we set aside the departmental proceedings along with the chargesheet, however, without costs.

Accordingly, the writ petition is **allowed**.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**

RKA
List No.: 1 Sl No.: 2