



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2023

PRESENT

THE HON'BLE MR JUSTICE G.NARENDAR

AND

THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT PETITION NO. 5345 OF 2023 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF FOREST, ECOLOGY
AND ENVIRONMENT
M.S. BUILDING
BENGALURU-560 001.
2. THE PRINCIPAL CHIEF CONSERVATOR
OF FOREST AND CHIEF OF FOREST FORCE
ARANYA BHAVAN, 18TH CROSS,
MALLESHWARAM
BENGALURU - 560 003.

...PETITIONERS

(BY SMT. M C NAGASHREE, AGA)

AND:

1. SRI G HANUMANTHAIAH
AGED ABOUT 44 YEARS
S/O G VEERANNA
RANGE FOREST OFFICER
SEED UNIT, ALKOLA
SHIVAMOGGA DISTRICT-577 204.
R/AT RFO'S QUARTERS
ARATALU, HOSANAGARA TALUK
SHIVAMOGGA DISTRICT.





2. THE KARNATAKA LOKAYUKTHA
REP. BY ITS REGISTRAR
M.S.BUILDING
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI P P HEGDE, SENIOR COUNSEL FOR
SRI SHARADI S SHETTY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO a) CALL FOR RECORDS IN APPLICATION No-2816/2019 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BANGALORE DATED 25.05.2022 VIDE ANNEXURE-A b) ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION TO QUASH THE ORDER DATED 25.05.2022 PASSED IN APPLICATION No-2816/2019 VIDE ANNEXURE-A PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AND c) GRANT SUCH OTHER RELIEF OR RELIEFS AS THIS HON'BLE COURT DEEMS FIT TO GRANT, IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **G NARENDAR J**, PASSED THE FOLLOWING:

ORDER

1. Heard the learned Additional Government Advocate for the petitioners and Sri.P.P.Hegde, learned Senior counsel on behalf of the counsel for respondent No.1.
2. The case of the petitioners is that; respondent No.1 who was discharging the duties in the post of Range Forest Officer in Koppala District had misappropriated certain



amounts alleged to have been spent on afforestation of plantations and also such amount which is reserved for maintaining the existing plantations.

3. The said charge came to be framed on the basis of a complaint filed by a private party against respondent No.1 herein.

4. The Enquiry Officer, after concluding the enquiry has rendered a finding that the charges have been proved. Being aggrieved, respondent No.1 approached the Tribunal.

5. The Tribunal, after exhaustive appreciation of the material on record, has found that this is a case of no evidence and has accordingly been pleased to allow the application.



6. On perusal of the material, we find that the bills in support of the expenses incurred for afforestation of plantations and maintenance of the existing plantations have been submitted by respondent No.1.

7. We have queried the learned Additional Government Advocate, as to whether any objections have been raised by the Department or External Audit Team, for which, she fairly submits that the bills of expenditure have been approved and accepted by the superiors and the External Audit Team also has not raised any objections and that, it has also come out in the evidence that the person deputed to visit and assess the land in which saplings have been planted, in fact visited the another piece of land. The Tribunal has dealt with all these aspects and has rendered a finding of fact, which finding, the petitioners are unable to controvert.



8. In that view of the matter, the reasons in support of the order impugned not being controverted, the order impugned does not warrant any interference.

9. Accordingly, the petition is ***rejected.***

**Sd/-
JUDGE**

**Sd/-
JUDGE**

GH
List No.: 1 Sl No.: 8