



NC: 2024:KHC:48565-DB
WA No. 995 of 2023
C/W WA No. 923 of 2023
WA No. 1002 of 2023
AND 2 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF NOVEMBER, 2024

PRESENT

THE HON'BLE MR JUSTICE S.G.PANDIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

W.A.NO.995/2023 (S-RES)

C/W

W.A.NO. 923/2023, W.A.NO.1002/2023,
W.A.NO.1190/2023 AND W.A.NO.1191/2023
(S-RES)

IN WA No. 995/2023

BETWEEN:

1. KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED.,
GRAMEENABHIVRUDHI BHAVANA,
4TH AND 5TH FLOOR,
ANAND RAO CIRCLE,
BENGALURU-560009.
REP. BY ITS MANAGING DIRECTOR.
2. THE ENQUIRING COMMISSION,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDHI BHAVANA,
4TH AND 5TH FLOOR,
ANAND RAO CIRCLE,
BENGALURU-560009.
REP. BY ITS CHIEF ACCOUNTANT OFFICER.

...APPELLANTS

(BY SRI. S.P. KULKARNI, SENIOR COUNSEL FOR
SRI. NATARAJU. T, ADV.)

AND:

1. SRI. ABDUL RASHEED,
S/O. LATE. MOHAMMED DASTAGIR SAB,





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AGED ABOUT 67 YEARS,
RETIRED ASSISTANT EXECUTIVE ENGINEER,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
R/AT NO.47, 'RAMANASHREE ENCLAVE",
NEAR SHANTINIKETAN COLLEGE,
BELLIKAHALLI, BENGALURU SOUTH,
BENGALURU-560076.

2. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATHRAJ DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. Y.R.SADASIVA REDDY, SENIOR COUNSEL FOR
SRI.RAHUL.P, ADV. FOR R-1,
SMT. B. SUKANYA BALIGA, AGA FOR R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER
DATED 21.07.2023 PASSED BY THIS COURT IN W.P.No.4987/2022
(S-RES) IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA NO.923/2023

BETWEEN:

KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
REP. BY ITS MANAGING DIRECTOR,
GRAMEENABHIVRUDHI BHAVANA,
ANAND RAO CIRCLE,
BENGALURU - 560009.

...APPELLANT

(BY SRI. S.P.KULKARNI SENIOR COUNSEL FOR
SRI. NATARAJU T., ADV.)

AND:

SRI. K. APPAJI,
S/O. LATE. KENCHAIHAH,
AGED ABOUT 68 YEARS,



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R/AT NO.20, 'E' AND 'F' BLOCK,
15TH CROSS, RAMAKRISHNA NAGAR,
HEALTH LAYOUT,
MYSURU - 570022.

...RESPONDENT

(BY SRI. Y.R.SADASIVA REDDY, SENIOR COUNSEL FOR
SRI. RAHUL P, ADV. FOR
SRI. GUNASHEKAR M., ADV.)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 27/06/2023 PASSED BY THIS COURT IN
W.P.NO.3356/2023.

IN WA NO.1002/2023

BETWEEN:

1. KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDHI BHAVANA,
4TH AND 5TH FLOOR, ANAND RAO CIRCLE,
BENGALURU-560009,
REP. BY ITS MANAGING DIRECTOR.
2. THE ENQUIRING COMMISSION,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDHI BHAVANA,
4TH AND 5TH FLOOR, ANAND RAO CIRCLE,
BENGALURU- 560009.
REP. BY ITS CHIEF ACCOUNTANT OFFICER.

...APPELLANTS

(BY SRI. S.P.KULKARNI, SENIOR COUNSEL FOR
SRI. NATARAJU T., ADV.)

AND:

1. SRI. KRISHNA RAJ,
S/O. D. RAMACHANDRAPPA,
AGED ABOUT 67 YEARS,
C/O. GOVINDARAJ,
492, 1ST FLOOR, 17TH CROSS,
1ST BLOCK, BEGUR ROAD,



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VISHNUPRIYA LAYOUT,
BENGALURU.

2. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATHRAJ DEPARTMENT,
VIKASA SOUDHA,
BENGALURU 560001.

...RESPONDENTS

(BY SRI. Y.R.SADASIVA REDDY, SENIOR COUNSEL FOR
SRI. RAHUL P., ADV. FOR R-1
SMT. B. SUKANYA BALIGA, AGA FOR R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER
DATED 21.07.2023 PASSED BY THIS COURT IN W.P.No.
25337/2022 (S-RES).

IN WA NO. 1190/2023

BETWEEN:

1. KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDHI BHAVANA,
4TH AND 5TH FLOOR,
ANAND RAO CIRCLE,
BENGALURU - 560 009,
REP. BY ITS MANAGING DIRECTOR.
2. THE ENQUIRING COMMISSION,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDHI BHAVANA,
4TH AND 5TH FLOOR,
ANAND RAO CIRCLE,
BENGALURU - 560 009,
REP. BY ITS CHIEF ACCOUNTANT OFFICER.

...APPELLANTS

(BY SRI. S.P. KULKARNI, SENIOR COUNSEL FOR
SRI. NATARAJU T., ADV.)



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AND:

1. SRI. B.P. LINGARAJU,
S/O. LATE. PAPAIAH,
AGED ABOUT 62 YEARS,
RETIRED EXECUTIVE ENGINEER,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED,
R/AT HOUSE NO.1993/6, 17TH MAIN,
KUVEMPUNAGAR, MCC 'B' BLOCK,
DAVANAGERE - 577 004.
2. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATHRAJ DEPARTMENT,
VIKASA SOUDHA,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. Y.R.SADASIVA REDDY, SENIOR COUNSEL FOR
SRI. RAHUL P., ADV. FOR R-1,
SMT. B. SUKANYA BALIGA, AGA FOR R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 21/08/2023 PASSED BY THIS COURT IN
W.P.NO.16402/2023.

IN WA NO. 1191/2023

BETWEEN:

1. KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDDHI BHAVANA,
4TH AND 5TH FLOOR,
ANAND RAO CIRCLE,
BANGALORE-560009,
REP. BY ITS MANAGING DIRECTOR.
2. THE ENQUIRING COMMISSION,
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD.,
GRAMEENABHIVRUDDHI BHAVANA,



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4TH AND 5TH FLOOR,
ANANDRAO CIRCLE,
BENGALURU-560009,
REP. BY ITS CHIEF ACCOUNTANT OFFICER.

...APPELLANTS

(BY SRI. S.P. KULKARNI, SENIOR COUNSEL FOR
SRI. NATARAJU T., ADV.)

AND:

1. SRI. K. APPAJI,
S/O. LATE. KENCHIAIAH,
AGED ABOUT 68 YEARS,
R/AT NO.20, 'E' AND 'F' BLOCK,
15TH CROSS, RAMAKRISHNA NAGAR,
HEALTH LAYOUT,
MYSURU-570022.

2. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATHRAJ DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. Y.R.SADASIVA REDDY, SENIOR COUNSEL FOR
SRI. RAHUL P., ADV. FOR R-1,
SMT. B. SUKANYA BALIGA, AGA FOR R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER
DATED 21.08.2023 PASSED BY THIS COURT IN W.P.No.
16961/2023 (S-RES), IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.G.PANDIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR



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ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE S.G.PANDIT)

Since all the writ appeals arise out of similar facts and common questions would arise for consideration, all the writ appeals are taken for disposal together.

2. In W.A.No.995/2023, appellants are before this Court questioning the order dated 21.07.2023 passed in W.P.No.4987/2022 by which, learned Single Judge quashed the charge memo issued by the appellants to respondent No.1 on the ground that the same is contrary to Rule 214(2)(b)(ii) of the Karnataka Civil Services Rules (for short, 'KCSRs').

3. In W.A.No.923/2023, appellant is before this Court questioning the order dated 27.06.2023 passed in W.P.No.3356/2023 by which, learned Single Judge quashed the charge memo issued by the appellants to respondent No.1 on the ground that the same is contrary to Rule 214(2)(b)(ii) of the KCSRs.



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4. In W.A.No.1002/2023, appellants are before this Court questioning the order dated 21.07.2023 passed in W.P.No.25337/2022 by which, learned Single Judge quashed the charge memo issued by the appellants to respondent No.1 on the ground that the same is contrary to Rule 214(2)(b)(ii) of the KCSRs.

5. In W.A.No.1190/2023, appellants are before this Court questioning the order dated 21.08.2023 passed in W.P.No.16402/2023 by which, learned Single Judge quashed the charge memo issued by the appellants to respondent No.1 on the ground that the same is contrary to Rule 214(2)(b)(ii) of the KCSRs.

6. In W.A.No.1191/2023, appellants are before this Court questioning the order dated 21.08.2023 passed in W.P.No.16961/2023 by which, learned Single Judge quashed the charge memo issued by the appellants to respondent No.1 on the ground that the same is contrary to Rule 214(2)(b)(ii) of the KCSRs.



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7. Heard the learned senior counsel Sri.S.P.Kulkarni for Sri.T.Nataraju, learned counsel for appellants – Karnataka Rural Infrastructure Development Limited, learned senior counsel Sri.Y.R.Sadasiva Reddy for Sri.Rahul.P., learned counsel for Caveator/respondent No.1 and learned Additional Government Advocate Smt.B.Sukanya Baliga for respondent No.2 in all the appeals.

8. Learned senior counsel Sri.S.P.Kulkarni appearing for the appellants would submit that learned Single Judge committed an error in quashing the charge memo dated 10.11.2021 issued to respondent No.1 in all the writ appeals, since the learned Single Judge failed to appreciate the earlier order of this Court dated 19.08.2021 in W.P.No.38723/2018 and Connected Writ Petitions. Learned senior counsel invites attention of this Court to the directions issued in those writ petitions and submits that this Court had granted liberty to the appellants to



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proceed against respondents and accordingly in terms of the order passed by this Court, appellants had issued charge memo dated 10.11.2021 to respondents in all the writ appeals. Further, learned senior counsel would submit that the charge against the respondents is very serious and the charge leveled against the respondents is in continuation of earlier charge memo issued on 07.02.2017. Learned senior counsel would further submit that though respondents had retired on 30.06.2016, 31.09.2015, 31.08.2016, 31.12.2020 and 30.09.2015, the charge sheet issued on 22.10.2016, 07.02.2017 and 10.11.2021 are within the period of limitation as prescribed under Rule 214 of KCSRs. Hence, he prays for allowing the writ appeals and permit them to continue the enquiry against respondents and to take charge memo dated 10.11.2021 to its logical conclusion.

9. Per contra, learned senior counsel Sri.Y.R.Sadasiva Reddy would support the order passed by the learned Single Judge and further submits that charge



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memo issued on 10.11.2021 is contrary to Rule 214(2)(b)(ii) of KCSRs. The respondents retired from service during the year 2015, 2016 and 2020 and the charge memo dated 10.11.2021 is issued in respect of an incident between 2012 and 2016. Hence, learned senior counsel would submit that the incident on which charge memo dated 10.11.2021 is issued is hit by Rule 214(2)(b)(ii) of KCSRs. Thus, he prays for dismissal of the writ appeals.

10. Having heard the learned counsel appearing for the parties and on perusal of the writ appeal papers, the points that would arise for our consideration are:

- i) Whether the learned Single Judge is justified in quashing charge memo dated 10.11.2021 in all the writ petitions as barred under Rule 214(2)(b)(ii) of KCSRs?*
- ii) Whether the learned Single Judge is justified in directing respondent No.2 – Corporation i.e., appellants herein to pay*



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*arrears and benefits to the petitioners i.e.,
respondents herein on their retirement?*

11. Answer to the above points would be in the affirmative and negative respectively for the following reasons:

12. Admittedly, respondents retired on 30.06.2016, 31.09.2015, 31.08.2016, 31.12.2020 and 30.09.2015 respectively. Admittedly, charge memo dated 10.11.2021 was issued to the respondents in respect of an incident that had taken place during April 2012 to March 2016.

13. Rule 214(2)(b)(ii) of KCSRs reads as follows:

"214 (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)



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*(ii) shall not be in respect of any event
which took place more than four years before
such institution.”*

14. In terms of the above Rule, the appellants could not have initiated enquiry by issuing charge memo dated 10.11.2021 in respect of an event which had taken place between 2012 and 2016, which is beyond four years from the date of initiation of enquiry against a retired Government Official. The above Rule makes it abundantly clear that no enquiry could be initiated against a retired Government Servant in respect of an event four years prior to initiation of enquiry. Thus, we do not find any error in the order of learned Single Judge insofar as quashing the charge memo dated 10.11.2021 in all the above writ appeals.

15. Learned Single Judge committed an error in directing respondent No.2 – Corporation to pay arrears and benefits to the petitioners i.e., respondents herein,



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arising out of their retirement. All the respondents herein were before this Court in W.P.No.38723/2018 questioning the Government order dated 13.10.2017 appointing Enquiry Commission to enquire into the allegation/charge as well as endorsement dated 06.08.2018 issued by the appellants. This Court by its order dated 19.08.2021, quashed the Government order dated 13.10.2017 constituting Enquiry Commission and also quashed the endorsement dated 06.08.2018 in respect of all the respondents. Operative portion of the order dated 19.08.2021 in W.P.No.38723/2018 reads as follows:

"(i) Writ Petitions are allowed in part and endorsements dated 06.08.2018 rejecting the representations of the petitioners for legal assistance are quashed. The Disciplinary Authority is directed to consider those representations and pass appropriate orders in accordance with law.

(ii) The order of Government dated 13.10.2017 appointing the Enquiry Commission to enquire into the allegations of charge sheet issued by the Disciplinary Authority is quashed and all



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further proceedings taken thereto also stand quashed.

(iii) The Disciplinary Authority of the Corporation which had issued the charge sheet and received replies from the hands of the petitioners is directed to take proceedings to its logical end by conducting a departmental enquiry against the petitioners in accordance with law.

(iv) The conduct of departmental enquiry, if any against the petitioners, pursuant to the charge sheets, shall be concluded as expeditiously as possible, at any rate, within six months from the date of receipt of the copy of this order."

16. A reading of the above portion of the order makes it abundantly clear that this Court quashed the Government order dated 13.10.2017 by which Enquiry Commission was appointed to enquire into the charge sheet issued by the appellants against respondents herein and also further proceedings taken thereto. In the light of the above, direction Nos.3 and 4 issued by this Court would be very relevant. Learned Single Judge of this Court in the earlier proceedings has directed the Disciplinary



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Authority i.e., appellants herein to take proceedings to its logical end by conducting departmental enquiry against the petitioners in accordance with law on the charge sheet already issued and to conclude the enquiry expeditiously within six months.

17. In view of the fact that learned Single Judge of this Court had only quashed the constitution of Enquiry Commission and not charge sheet already issued by appellants – Disciplinary Authority dated 07.02.2017 and additional charge memo dated 06.07.2017 in respect of the respondents in W.A.No.995/2023; charge sheet dated 22.10.2016 in respect of respondents in W.A.No.923/2023; charge memo dated 07.02.2017 and additional charge memo dated 06.07.2017 in respect of respondents in W.A.No.1002/2023; charge memo dated 07.02.2017 and additional charge memo dated 06.07.2017 to respondents in W.A.No.1190/2023; and charge memo dated 07.02.2017 and additional charge memo dated 06.07.2017 to the respondents in



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W.A.No.1191/2023, the appellants – Disciplinary Authority could not have issued fresh charge memo dated 10.11.2021.

18. The Disciplinary Authority ought to have continued the enquiry on the basis of the charge memo issued in the year 2016, 2017 and 2020 itself. Apparently, the Disciplinary Authority – appellants herein have not proceeded with the enquiry as directed by this Court on the charge memos issued earlier. In that circumstance, learned Single Judge was not justified in directing the appellants herein to pay arrears and benefits to the petitioners arising out of their retirement.

19. On the other hand, it is for the appellants to proceed with the further proceedings in the enquiry in pursuance to charge memo dated 07.02.2017 and additional charge memo dated 06.07.2017, charge memo dated 22.10.2016 in respect of the respondent No.1 in all the appeals and to take the same to its logical end as



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directed by this Court in W.P.No.38723/2018 dated 19.08.2021. Hence, the following:

ORDER

- i) Writ appeals are allowed in part.
- ii) Learned Single Judge's order dated 21.07.2023 in W.P.No.4987/2022; 27.06.2023 in W.P.No.3356/2023; 21.07.2023 in W.P.No.25337/2022; 21.08.2023 in W.P.No.16402/2023; and 21.08.2023 in W.P.No.16961/2023 insofar as quashing of charge sheet dated 10.11.2021 (Annexures-A, N, A, A and A respectively) is confirmed.
- iii) Learned Single Judge's order insofar as directing the appellant-Corporation to pay arrears and benefits to the petitioners i.e., respondents herein arising out of their retirement is set aside.



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- iv) Appellants i.e., Karnataka Rural Infrastructure Development Limited is granted six months time to complete the enquiry in pursuance to charge memo dated 07.02.2017 and additional charge memo dated 06.07.2017 and additional charge memo dated 22.10.2016 in respect of respondents and pass appropriate order in accordance with law.
- v) Settlement of arrears of pay and retirement benefits to the respondents would depend on the outcome of the enquiry.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

NC
CT:bms
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