



WP No. 101452 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 01ST DAY OF JUNE, 2022

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S.DIXIT

AND

THE HON'BLE MR JUSTICE P.KRISHNA BHAT

WRIT PETITION NO. 101452 OF 2022 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M. S. BUILDING, BANGALURU
2. THE COMMISSIONER FOR SURVEY
SETTLEMENT AND LAND RECORDS,
K. R. CIRCLE, BANGALORE
3. THE DEPUTY COMMISSIONER,
DHARWAD DISTRICT,
DHARWAD-580001

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, GOVT. ADVOCATE)

AND:

SMT RAJASHREE UDAGATTI
D/O MALLESHAPPA,
AGED ABOUT: 31 YEARS,
WORKING AS SURVEYOR
OFFICE OF THE ASSISTANT DIRECTOR OF
LAND RECORDS, NAVALGUND TALUK,
DHARWAD-582208

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER PASSED BY HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.3577/2019 DATED 19.11.2019 VIDE ANNEXURE-C.





WP No. 101452 of 2022

THIS PETITION COMING ON FOR *PRELIMINARY HEARING*,
THIS DAY, **KRISHNA S DIXIT J.**, PASSED THE FOLLOWING:

ORDER

This writ petition by the Government calls in question the judgment dated 19.11.2019 rendered by the Karnataka State Administrative Tribunal, Belagavi, (for short "Service Tribunal") whereby respondent-employee's Application No.3577/2019 having been favoured the penalty of withholding of five increments with cumulative effect has been set at naught.

2. Learned Government Advocate appearing for the petitioner vehemently submits that the Service Tribunal is not justified in granting indulgence in the matter inasmuch as it is always prerogative of the employer to conduct disciplinary inquiry and levy penalty; alternatively, he submits that even if the impugned penalty order is set aside, liberty ought to have been accorded to the Government to resume the proceedings from the stage of show-cause notice in question.



WP No. 101452 of 2022

3. Having heard the learned Government Advocate and having perused the petition papers we decline indulgence in the matter inasmuch as the penalty of withholding five annual increments of an employee that too with cumulative effect constitutes a major penalty and therefore, a disciplinary inquiry with the procedure prescribed for imposing such a penalty ought to have been held. This reason has animated the order of the Service Tribunal and therefore, it cannot be faulted. The argument, to the contrary, virtually amounts to placing imprimatur on the penalty order, that is made in gross violation of the principles of natural justice.

4. The other contention of learned Government Advocate that the Tribunal after setting at naught the impugned order of penalty, ought to have reserved liberty to resume the disciplinary proceedings now pales into insignificance inasmuch as the Tribunal has not made any observation that the proceedings shall not be resumed. In other words, liberty always lies with the employer to hold



WP No. 101452 of 2022

appropriate disciplinary proceedings in accordance with law against the delinquent employee.

In the above circumstances and with the above observation, writ petition is disposed of.

All pending applications pale into insignificance in view of disposal of the main matter itself.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

YAN