



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 14TH DAY OF NOVEMBER, 2024

PRESENT

**THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND**

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION NO. 105687 OF 2023 (S-KAT)

BETWEEN:

SRI. MALLIKARJUN BASAVANT ASODE,
S/O. BASAVANT ASODE MORAB,
AGED ABOUT 46 YEARS,
WORKING AS POLICE INSPECTOR,
(UNDER ORDERS OF SUSPENSION)
LIEN AT THE OFFICE OF ADDITIONAL
DIRECTOR GENERAL OF POLICE,
STATE INTELLIGENCE,
BENGALURU, BENGALURU DISTRICT,
PRESENTLY RESIDING AT AND
POST MORAB, RAIBAG TALUK,
BELAGAVI DISTRICT.

...PETITIONER

(BY SRI. VIJAYKUMAR B. BAJENTRI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,



HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.

2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
NRUPATHUNGA ROAD,
BENGALURU-560001.
3. THE ADDITIONAL DIRECTOR GENERAL
OF POLICE, STATE INTELLIGENCE,
BENGALURU,
BENGALURU DISTRICT-560010.

...RESPONDENTS

(BY SRI. GANGADHAR J. M, AAG, A/W.
SMT. GIRIJA S. HIEMATH, HCGP FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER
DATED 06.07.2022 PASSED BY THE HON'BLE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL, AT BENGALURU IN APPLICATION
NO.1679/2022 VIDE ANNEXURE-A AND ALLOW THE APPLICATION AS
PRAYED FOR.

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

CORAM: THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
THE HON'BLE MR. JUSTICE VENKATESH NAIK T



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD)

This writ petition is filed under Article 226 and 227 of the Constitution of India challenging the order dated 06.07.2022 passed by the Karnataka State Administrative Tribunal (for short 'KAT') in Application No.1679/2022 whereby, the application filed by the petitioner is dismissed.

2. Brief facts of the case are that; the petitioner while he was working as Circle Inspector at Chadchan Police Station on 30.10.2017, an encounter was held by the petitioner and others in which one Dharmaraj Chadachan was killed and some of the police officials were seriously injured. On the basis of the same, complaint came to be filed by one Sri. Anil Jattappa Doddamani, and criminal proceedings were initiated against the petitioner and others. The FIR was registered in Crime No.171/2017 for the offences punishable under the provisions of the Indian Penal Code. Thereafter, the departmental enquiry also initiated against the petitioner and he has been kept under suspension by the order dated 12.07.2018. Thereafter, he has filed a representation seeking for revoking of the said suspension order. On consideration of his application, the



endorsement has been issued on 01.02.2022 as per Annexure-A11 and his request for revoking of the suspension has been rejected. Being aggrieved by the same, the petitioner has filed an application before the KAT in Application No.1679/2022. The KAT by the order dated 06.07.2022, has dismissed the said application. Being aggrieved by the same, the petitioner has filed this writ petition.

3. During the pendency of this writ petition, the departmental enquiry which has been initiated against the petitioner has been challenged by the petitioner by filing separate application in Application Nos.21396 and 21397 of 2024. By order dated 16.10.2024 the KAT has allowed the said applications and quashed the Disciplinary Proceedings initiated against the petitioner and others and liberty has been reserved to the respondents to initiate the proceedings in accordance with law.

4. Learned counsel appearing for the petitioner submitted that as per Clause 425 of the Karnataka Police Manual, if the criminal inquiry or the trial has not completed within twelve months from the date of commencement of the inquiry or trial or from the date of suspension whichever is



later, the Competent Authority has to revoke the suspension. He further contended that even though charge sheet has been filed in the criminal case and the trial is not concluded even after completion of twelve months, the departmental enquiry initiated by the respondent is also quashed by the KAT by order dated 16.10.2024. Therefore, he contended that his case has to be considered for revocation of suspension.

5. *Per contra*, Sri. Gangadhar J.M., learned Additional Government Advocate for the State submits that since the allegation against the petitioner is very serious in nature, as per Clause 425 Sub Clause (2) of the Karnataka Police Manual, his case can be considered by the Minister concerned after verifying all the records and the documents placed by the petitioner on subsequent events. If, the petitioner given a fresh representation, his representation will be considered in accordance with law and taking into consideration of Clause 425 of the Karnataka Police Manual.

6. In view of the above without expressing any opinion on merits of the case, the above writ petition is disposed off reserving liberty to the petitioner to submit a fresh representation enclosing all the documents.



7. The Competent Authority is directed to consider the representation of the petitioner under Clause 425 of the Karnataka Police Manual after taking note of the subsequent events, in accordance with law without influencing any observation made in the impugned endorsement at Anexure-A11.

8. Petitioner is also permitted to submit a representation within two weeks from today. The Competent Authority is directed to consider the representation within four weeks from the date of receipt of the representation.

**Sd/-
(H.T.NARENDRA PRASAD)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

SMM/ct-an
List No.: 1 Sl No.: 2