



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.203258 OF 2024 (S-KSRTC)

BETWEEN:

SRI SHARANABASAPPA
S/O DODDABASAPPA BHAVIKATTI,
AGED ABOUT 52 YEARS,
OCC: CHIEF LAW OFFICER,
KALYAN KARNATAKA ROAD TRANSPORT
CORPORATION, CENTRAL OFFICE,
KALABURAGI-585102, R/O PLOT NO.1476/A,
GDA LAYOUT, KOTNOOR D,
KALABURAGI-585 102

...PETITIONER

(BY SRI MAHESH PATIL, ADVOCATE)

AND:

1. THE KARNATAKA STATE ROAD TRANSPORT CORPORATION, CENTRAL OFFICE, REPRESENTED BY ITS MANAGING DIRECTOR, K.H. ROAD, SHANTI NAGAR, BENGALURU-560 027.
2. THE MANAGING DIRECTOR, KALYAN KARNATAKA ROAD TRANSPORT CORPORATION, CENTRAL OFFICE, OPP: KBN HOSPITAL, MAIN ROAD, KALABURAGI-585 102.

...RESPONDENTS

(BY SRI DEEPAK V. BARAD, ADVOCATE)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 23-10-2024 BEARING NO. ಕರಾಸ/ಕೇಕ/ಶಿಸ್ತು/ಡಿ3/ಡಿ-2002/467/2024-25 OF THE 1ST RESPONDENT AS AT ANNEXURE-K AND GRANT ALL CONSEQUENTIAL BENEFITS.

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

CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM)

The captioned petition is filed by a law officer in respondent No.2/corporation feeling aggrieved by the penalty of Rs.25,000/- inflicted by respondent No.1 as per Annexure-K. The said order is under challenge.

2. Facts leading to the case are as under:

The petitioner is working as a chief law officer in respondent No.2/corporation. The petitioner was subjected to two departmental inquiries on the ground that he had



not acted upon the directives issued by this Court in two writ petitions in time.

3. The petitioner contends that though he was subjected to two independent departmental inquiries on two identical set of facts, the inquiry officer having conducted thorough inquiry, exonerated the petitioner in both the inquiries.

4. Respondent No.1/authority accepted the report of the inquiry officer in one departmental inquiry. However, insofar as the present inquiry report is concerned, respondent No.1 acting as a disciplinary authority strangely does not accept the findings tendered by the inquiry officer and issued a second show notice on 08.09.2022 to which the petitioner has offered a detailed explanation.

5. Respondent No.1/disciplinary authority having issued a second show-cause notice on 08.09.2022, the day he received the inquiry report has inflicted penalty of



Rs.25,000/- on the petitioner vide order dated 23.10.2024.

6. Learned counsel appearing for the petitioner reiterating the grounds urged in the petition has vehemently argued and contended by citing Regulation 23 (25) of the Karnataka State Road Transport Corporation (Conduct and Discipline) Regulations 1971. Citing the above said Regulation, he has vehemently argued and contended that the disciplinary authority having disagreed with the findings of the inquiry officer has not at all recorded his reasons for such disagreement. He would further point out that the penalty inflicted on the petitioner is also not based on evidence which was available to the disciplinary authority.

7. The petitioner's counsel contends that the penalty imposed upon the petitioner is not only unjust but is also tainted with malice and driven by an oblique motive. He argues that the disciplinary authority, respondent No.1, has acted selectively and inconsistently.



Specifically, reliance is placed on the fact that respondent No.1 accepted the inquiry report annexed as Annexure-D, which pertains to the same set of allegations, and did not proceed to penalize the petitioner in that instance. This selective approach, the counsel asserts, demonstrates a deliberate intent to deny the petitioner promotion. Highlighting the inordinate delay, it is argued that respondent No.1 issued a second show-cause notice on 08.09.2022 but failed to act upon the inquiry report for nearly two years before imposing the impugned penalty on 23.10.2024. Such prolonged inaction further substantiates the petitioner's claim of malafide intent on the part of the disciplinary authority.

8. In response, the standing counsel for the respondent corporation submits that the disciplinary authority is well within its jurisdiction to differ from the findings of the inquiry officer. The disciplinary authority, it is contended, is empowered to independently assess the evidence on record and arrive at its own conclusions. Even



if the inquiry officer has exonerated the petitioner, the disciplinary authority can, based on sufficient evidence, impose a penalty commensurate with the gravity of the misconduct established. The respondent's counsel argues that the inquiry officer's report is not binding and cannot preclude the disciplinary authority from exercising its discretion under applicable regulations.

9. After hearing the submissions of the respective parties and meticulously examining the documents annexed to the writ petition, this Court has formed its considered view.

10. Regulation 23(25) unequivocally empowers the disciplinary authority to independently evaluate the evidence on record and disagree with the findings of the inquiry officer if warranted. However, a careful analysis of the records reveals that the disciplinary authority, in the present case, has acted inconsistently and arbitrarily. The petitioner was subjected to two departmental inquiries based on allegations of failing to act upon directives issued



by this Court in two separate writ petitions. While respondent No.1 accepted and closed the findings of one inquiry report, it proceeded to issue a second show-cause notice on the same day it received the other inquiry report, despite the allegations in both inquiries being nearly identical.

11. The delay in inflicting the penalty further raises concerns about the disciplinary authority's motives. Although the second show-cause notice was issued on 08.09.2022, the penalty was imposed only on 23.10.2024, after a substantial delay of two years. Such inordinate delay, without any plausible justification, casts serious doubt on the bona fides of the disciplinary authority's actions.

12. While the disciplinary authority is empowered to independently assess the evidence and disagree with the findings of the inquiry officer, this Court finds that the authority's conclusions lack sufficient evidentiary support to warrant the punishment imposed. The inquiry officer



had meticulously examined the petitioner's explanation and the relevant materials. A detailed finding was recorded that the petitioner, saddled with the additional responsibility of a chief officer, could not have reasonably addressed every communication and directive received by the corporation. The inquiry officer accepted the petitioner's explanation as plausible and found no grounds to establish misconduct. In reversing these findings, the disciplinary authority failed to address these significant details or provide substantive reasons to justify the penalty.

13. The actions of respondent No.1 appear not only arbitrary but also discriminatory, driven by a selective approach designed to deny the petitioner a rightful promotion. The records clearly indicate an oblique motive underlying the imposition of the penalty. The selective acceptance of one inquiry report while penalizing the petitioner on an identical set of allegations further strengthens this inference. In light of these findings, this



Court concludes that the penalty imposed by respondent No.1, as evidenced by Annexure-A, is unsustainable in law and liable to be set aside.

14. For the foregoing reasons, this Court passes the following:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 23.10.2024 passed by respondent No.1 is hereby quashed and set aside.
- (iii) Respondent No.1 in the light of the order passed by this Court shall extend all consequential benefits strictly adhering to the regulations of the corporation.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

RSP
List No.: 1 SI No.: 6
CT-SW