IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF AUGUST, 2023

BEFORE

THE HON'LE MR JUSTICE N S SANJAY GOWDA

WRIT PETITION NO. 16402 OF 2023 (S-RES)

C/w

WRIT PETITION No.16961 OF 2023 (S-RES)

IN W.P.No.16402/2023:

BETWEEN:

1. SRI. B.P. LINGARAJU
   S/O LATE PAPAIAH, AGED ABOUT 62YEARS,
   RETIRED EXECUTIVE ENGINEER
   DEVELOPMENT LIMITED,
   R/AT HOUSE NO 1993/6, 17TH MAIN,
   KUVEMPUNAGARA, M C C, B BLOCK,
   DAVANAGERE 5770044

   …PETITIONER

(BY SRI. RAHUL P. ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   RURAL DEVELOPMENT AND
   PANCHAYATRAJ DEPARTMENT
   VIKAS SOUDHA, BENGALURU 560001.

2. KARNATAKA RURAL INFRASTRUCTURE
   DEVELOPMENT LIMITED,
   GRAMEENA ABHIVRUDDHI BHAVAN,
   4TH AND 5TH FLOOR,
   ANANDRAO CIRCLE, BENGALURU-560 020.
   REPRESENTED BY ITS MANAGING DIRECTOR.

3. THE ENQUIRING COMMISSION
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED,
GRAMEENA ABHIVRUDDHI BHAVAN,
4TH AND 5TH FLOOR, ANANDRAO CIRCLE,
BENGALURU 560009.
REPRESENTED BY ITS
CHIEF ACCOUNTANT OFFICER

…RESPONDENTS

(BY SRI. RAVINDRANATH.B. AGA FOR R-1;
SRI.B.T.SHARAN, ADVOCATE FOR R-2 & R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE IMPUGNED CHARGE SHEET DATED 10/11/2021, NO. KRIDL/ADM/CR-RAICHUR/2021-22 (EV), ISSUED BY THE R2 VIDE ANNEXURE-A AND CONSEQUENTLY NOTICES IN CASE NO. 2/2022, CASE NO. 3/2022, CASE NO.4/2022, CASE NO. 6/2022, CASE NO.7/2022, CASE NO. 8/2022, CASE NO. 9/2022, ANNEXURE-E TO E7 DTD 3.2.2022, 3.3.2022 CASE NO. 11/2022, CASE NO. 13/2022 AND CASE NO. 18/2022 ANNEXURE-E8 AND 9 DD 19.2.2022 ISSUED BY R3 VIDE ANNEXURE-E TO E9, ETC.

IN W.P.No.16961/2023:

BETWEEN:

1. SRI K APPAJI, S/O LATE KENCHAIAH
AGED ABOUT 68 YEARS,
R/AT NO.20, 15TH CROSS,
E AND F BLOCK, RAMKRISHNA NAGAR
HEALTH LAYOUT, MYSURU-570 022.

…PETITIONER

(BY SRI. RAHUL P.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATRAJ DEPARTMENT,

VIKAS SOUDHA, BENGALURU-560 001.

2. KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED
GRAMEENA ABHIVRUDDHI BHAVAN,
4TH AND 5TH FLOOR,
ANANDRAO CIRCLE, BANGALORE-560020.
REPRESENTED BY ITS MANAGING DIRECTOR.

3. THE ENQUIRING COMMISSION
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LIMITED
GRAMEENA ABHIVRUDDHI BHAVAN
4TH AND 5TH FLOOR, ANANDRAO CIRCLE
BENGALURU-560009
REPRESENTED BY ITS
CHIEF ACCOUNTANT OFFICER

…RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R-1;
SRI.SHARAN.B.T., ADVOCATE FOR R-2 & R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED CHARGE SHEET DATED 10.11.2021, NO.KRIDL/ADM/CR-RAICHUR/2021-22 (EV),654 ISSUED BY THE R-2 VIDE ANNEXURE-A AND FURTHER PROCEEDINGS, ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Since the facts and circumstances of W.P. No.16402 of 2023 and W.P. No.16961 of 2023 are similar to each other, these two writ petitions are clubbed together, heard on merits and disposed of by this common order.

2. The brief facts of these cases are that the petitioner in W.P. No.16402 of 2023—Sri.B.P.Lingaraju has retired from service on 31.12.2020 and the petitioner in W.P. No.16961 of 2023—Sri.K.Appaji has retired from service on 31.09.2015. They are challenging the charge-sheets issued to them, which are both dated 10.11.2021.

3. In respect of petitioner in W.P. No.16402 of 2023, it is stated that the irregularities noticed were for the period from 2012 to March 2016, while he was working as an Executive Engineer.

4. In respect of the petitioner in W.P. No.16961 of 2023, it is stated that the allegations were also pertain to April-2012 to March-2016 while he was working as an Executive Engineer.

5. Since it cannot be in dispute that the allegations made against both petitioners are in relation to events which took place between 2012 to 2016 and charge-sheets have been issued nearly five years thereafter on

10.11.2021, it is clear that the charge-sheets are without any authority of law, as already held by a co-ordinate Bench of this Court in W.P. No.38723 of 2018 and connected cases decided on 19.08.2021.

6. In view of this legal position, the impugned charge-sheets are *quashed* insofar as the petitioners herein are concerned and the writ petitions are accordingly ***allowed***.

7. If the petitioners have not been paid their arrears and retiral benefits, the same shall be paid to them within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-
JUDGE

RK
CT: SN
List No.: 1 Sl No.: 56