HC-KAR
NC: 2026:KHC-K:10822-DB
WP No. 200968 of 2025
CNR: KAHC030035782025

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

AND

THE HON'BLE MR. JUSTICE SUBRAMANYA RANGARAO

WRIT PETITION NO.200968 OF 2025 (S-KAT)

BETWEEN:

SRI. R. K. BIRADAR
S/O KUPPUGOUDA BIRADAR,
AGE: 35 YEARS,
WORKING AS CIVIL POLICE CONSTABLE-528,
TALIKOTE POLICE STATION,
DIST. VIJAYAPUR -586214,
R/O. C/O. KUPPUGOUD BIRADAR,
BANAHATTI (P.A),
DIST. VIJAYAPURA-586 128.

...PETITIONER

(BY SRI. R. J. BHUSARE, ADVOCATE)

Digitally signed by B NAGAVENI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   REP. BY ITS ADDITIONAL CHIEF SECRETARY,
   DEPARTMENT OF HOME,
   VIDHAN SOUDHA,
   BANGALORE-01.

2. INSPECTOR GENERAL OF POLICE,
   NORTHERN RANGE, BELAGAVI,
   BELAGAVI-590 016.

3. THE SUPERINTENDENT OF POLICE,
VIJAYAPURA-586 101

…RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THIS WRIT PETITION AND ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION TO A) SET ASIDE THE ORDER PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL KALABURAGI BENCH IN A.NO.20192/2023 DATED 17.07.2023 PRODUCED AT ANNEXURE-C AND CONSEQUENTLY ALLOW THE APPLICATION NO.20192/2023 AS PRAYED FOR. B) PASS SUCH OTHER INTERIM ORDER OR ORDERS AS DEEMED FIT IN THE CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S. KINAGI
and
HON'BLE MR. JUSTICE SUBRAMANYA RANGARAO

CNR: KAHC030035782025

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SUBRAMANYA RANGARAO)

1. This Writ Petition is filed assailing the order passed in Application No.20192 of 2023, dated 17.07.2023, passed by the Karnataka State Administrative Tribunal, Kalaburagi, (for short, "the Tribunal").

2. In brief, the petitioner was served with articles of charge, and respondent No.3, Superintendent of Police, Vijayapura, appointed CPI, Muddebihal Taluka, to conduct a departmental enquiry against the Petitioner. The Enquiry Officer issued articles of charge dated 21.02.2018, stating that the petitioner is one of the accused in Crime No.70 of 2016 and Crime No.163 of 2017, which amounted to unbecoming conduct of a member of the police service. Accordingly, he conducted an enquiry and submitted his report.

3. Based on the report, the Petitioner herein was issued with a second show-cause notice on 06.02.2019. The Petitioner stated to have submitted his reply to the second show-cause notice on 27.02.2019. Respondent No. 3, the Competent Authority, passed a penalty order dismissing the Petitioner from service vide order dated 07.08.2019.

4. The Petitioner filed an Appeal before Respondent No.2, Inspector General of Police, on 22.08.2019. The Appellate Authority, Respondent No.2 herein, by order dated 24.11.2022, modified the dismissal order to withholding of one annual increment. Aggrieved, the Petitioner filed Application No.20192 of 2023 before the Tribunal. After appreciating the arguments of the respective parties and considering the materials placed on record, the Tribunal dismissed the application on 17.07.2023. It is this order which is assailed in the present Writ Petition.

5. Learned counsel for the Petitioner submits that the Tribunal's order is liable to be interfered with, inasmuch as the Petitioner herein has been acquitted by the Criminal Courts, despite being made one of the accused. Learned counsel further submits that the order imposing withholding of one annual increment ought not to have been passed, considering that the Petitioner herein, having been acquitted in the criminal cases, there is no justification for withholding of one annual increment. Learned counsel therefore submits that the Tribunal's order is liable to be interfered with, and the order withholding one annual increment passed by Respondent No.2 is liable to be quashed.

6. Learned Additional Government Advocate submits that the order passed by Respondent No.2, the Appellate Authority, is fully justified. He submitted that, although the order dismissed the Petitioner, considering the nature and gravity of the offences

alleged against the Petitioner and the fact that he was arrayed as accused in two crime numbers, the Appellate Authority, while taking a lenient view, reduced the punishment from dismissal to withholding one annual increment. Under these circumstances, the order passed by Respondent No. 2, the Appellate Authority, does not call for interference. It is, therefore, learned Additional Government Advocate would submit that the order passed by the Tribunal does not warrant interference at the hands of this Court.

7. We have heard learned counsel appearing for the Petitioner and learned Additional Government Advocate for the Respondent-State and perused the material placed on record.

8. The scope of judicial review of the proceedings of the departmental enquiry and the order of punishment imposed on the delinquent employees, the Hon’ble

Supreme Court, in a plethora of cases, has succinctly prescribed the parameters for exercising judicial review by the Tribunal or the High Courts in disciplinary proceedings or issues arising out of such proceedings. In ***Union of India Vs. P. Gunasekaran***[1]*,* the contours prescribed by the Apex Court for judicial review by the Tribunal or the High Court at para No.13 are as under -

> ***"13. Under Articles 226/227 of the Constitution of India, the High Court shall not:***
>
> ***(i) reappreciate the evidence;***
>
> ***(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;***
>
> ***(iii) go into the adequacy of the evidence;***
>
> ***iv) go into the reliability of the evidence;***
>
> ***(v) interfere, if there be some legal evidence on which findings can be based.***
>
> ***(vi) correct the error of fact however grave it may appear to be;***
>
> ***(vii) go into the proportionality of punishment unless it shocks its conscience."***

[1] *[(2015) 2 SCC 610]*

9. It is not in dispute that the Petitioner herein was made an accused in Crime No. 70 of 2016 and Crime No. 163 of 2017. Indeed, the offences in the Crime No.70/2016 are pertaining to Sections 143, 147, 148, 307, 323, 324, 336, 504, 506, read with Sec.149 of IPC and under Sec.25(1A) of Indian Arms Act, 1959 and the offences in Crime No.163/2017 are pertaining to Sec.143, 148, 324, 366, 354, 109, 302, 504, 506 read with Sec.149 of IPC and under Sec.25(1A) of Indian Arms Act, 1959. The provisions invoked are very grave in nature. It has come on record that the aforementioned crimes registered against the Petitioner do not relate to a family dispute but pertain to enmity between two parties during the Gram Panchayat Elections.

10. It is apposite to extract para No.30 of the proceedings in SC No.26/2019 and the same is as under –

> "There are inconsistencies in the testimony of prosecution witness. The son and wife of deceased Bhimanagouda themselves have stated that deceased Bhimanagouda died in an accident. A serious doubt arose regarding involvement of the accused persons in commission of the offence. ***The prosecution failed to remove the doubts and benefit of the said doubts has to be given to the accused.*** Accordingly, I hold that the accused persons are entitle for an order of acquittal."

Even in CC No.352/2017, dated 06.03.2021, the Court of Civil Judge & JMFC, Sindagi, observed that the Complainant and Victim turned hostile and did not support the prosecution's case. It is further stated that, to maintain peace and harmony between parties who are residents of the same village and belong to the same community, the accused is entitled to the ***benefit of doubt***.

11. The Petitioner herein is serving as a Civil Police Constable, and he is arrayed as accused in the

aforementioned crime numbers; though it is stated that the Petitioner has been subsequently acquitted in those cases registered against him, the same is not an acquittal on merits, and it is only extending the benefit of doubt in favour of the accused therein. The consideration in a departmental proceeding is based on the preponderance of probabilities, and the case on hand does not fall under the category of *"no evidence"*.

12. The Authorities, having conducted an enquiry and finding that the Petitioner has been arrayed as accused in the aforementioned crime numbers, which would amount to misconduct and also unbecoming of a Police Constable, have passed the order of dismissal. Subsequently, Respondent No.2 modified the order in an appeal filed by the Petitioner herein, reducing it to withholding one annual increment. The authorities have already taken a lenient view and reduced the punishment from dismissal to

withholding one annual increment. In view of the same, the Tribunal is fully justified in refusing to interfere with the punishment order imposed by Respondent No.2, the Appellate Authority. The Tribunal has dealt with the Petitioner's case in detail and recorded its conclusion that it would not interfere with the Appellate Authority's order. Even we see no reason to interfere with the order of the Tribunal.

13. The Petitioner herein is a Police Constable, and serious charges have been levelled against him in Crime Nos. 70 of 2016 and 163 of 2017. One such alleged charge is committing an offence under Sec. 302 of the IPC. As a Civil Police Constable, he ought not to have allowed even the slightest allegation that he was engaged in criminal activities. The Police Force is a disciplined force, and the Petitioner, as part of it, was expected to conduct himself uprightly. If police constables engage in criminal activities, it runs counter to the maintenance of law and order;

Police Constables cannot be expected to engage in such conduct which amounts to indiscipline. Uniformed services require a greater degree of moral behaviour. Police Personnel are the primary contact of the criminal justice system and must strictly observe moral and ethical standards.

14. Indeed, the Appellate Authority has taken a lenient view and substituted the penalty of dismissal with withholding one annual increment, which, in our view, is not a disproportionate punishment and calls for interference.

15. We find no good ground to interfere with the impugned order, as the Tribunal's order is neither perverse nor illegal and does not warrant interference by this Court.

16. Hence, we proceed to pass the following:

CNR: KAHC030035782025

ORDER

i. The Writ Petition is hereby ***dismissed***.

Sd/-
(ASHOK S. KINAGI)
JUDGE

Sd/-
(SUBRAMANYA RANGARAO)
JUDGE

VNR
List No.: 1 Sl No.: 8
Ct:pk