



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT APPEAL NO. 600 OF 2025 (S-RES)



BETWEEN:

1. SRI K.M. GANGADHAR
AGED 70 YEARS
S/O LATE MUNIYAPPA @ GUDDAIAH
R/AT 201-E, 2ND FLOOR,
SARATHI APARTMENT
13TH COSS, MALLESWARAM
BENGALURU - 560 003.

...APPELLANT

(BY SRI RAJASHEKAR S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS UNDER SECRETARY TO GOVT.,
(ADMIN-I), LAW JUSTICE AND
HUMAN RIGHTS DEPARTMENT
VIDHANA SOUDHA, DR. AMBEDKAR ROAD
BENGALURU - 560 001.
2. THE HIGH COURT OF KARNATAKA
REP. BY THE REGISTRAR GENERAL
DR. AMBEDKAR ROAD
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 &
SRI SUHAS G., ADVOCATE FOR R-2)





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THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 25.02.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION No.52613/2016 (S-RES) AND CONSEQUENTLY ALLOW THE WRIT PETITION FILED BY THE PETITIONER AND GRANT SUCH OTHER AND FURTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT AND PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU,CHIEF JUSTICE)

1. For the reasons stated in the application - I.A.No.1/2025, the same is allowed. The delay of two (2) days in filing the appeal, is condoned.
2. The appellant has filed the present appeal, impugning an order dated 25.02.2025 [**impugned order**] passed by the learned Single Judge of this Court in W.P.No.52613/2016 (S-RES) captioned '*Sri. K.M. Gangadhar v. The State of Karnataka & Another*'.



3. The appellant had filed the said writ petition impugning an order dated 01.10.2012, whereby the appellant was visited with the penalty of compulsory retirement.

4. The appellant had joined the judicial service as a Civil Judge (Jr.Dvn.), in February 1995 and was promoted as a Civil Judge (Sr.Dvn.) in the year 2005. While he was functioning as a Civil Judge (Sr.Dvn.), XIII Additional Chief Metropolitan Magistrate, Bengaluru City, a complaint was received from one Dr. B. Indumathi, alleging that the appellant was interfering in investigations being conducted by the police in respect of a complaint lodged by her against one Smt. Anasuya (Anasuyamma). It was alleged that the appellant had *inter alia*, threatened the police officials of dire consequences if they called Smt. Anasuya to the police station.

5. Based on the aforesaid allegations, an enquiry was instituted. Articles of Charges dated 27.04.2011 were issued to the appellant and the Registrar (Vigilance), was appointed as the Enquiring Authority. During the course of the enquiry proceedings, the Enquiry Officer examined the complainant [Dr. B. Indumathi] as



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well as the concerned Police Inspector [Sri. H.T. Jayaramaiah]. The appellant also examined himself as DW-1.

6. The Enquiry Officer found that the appellant had threatened the Police Inspector and the charges levelled against the appellant stood established. The appellant was issued with a second show cause notice dated 09.04.2012, enclosing therewith the enquiry report. Thereafter, in exercise of powers conferred under Rule 8(vi) of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 [the CCA Rules], the appellant was inflicted with the penalty of compulsory retirement.

7. It is the appellant's case that he had called the concerned police station [Nandini Layout Police Station], and had told the concerned police officials not to harass his sister Smt. Anasuya. However, the said contention was not accepted for several reasons. First, that the evidence produced established that the appellant had threatened the police officials with regard to the investigations regarding the complaint made by Dr. B. Indumathi against Smt. Anasuya. It was also proved that the appellant had abused the concerned police officials over phone and had



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threatened them over a phone call that lasted for about 10 to 15 minutes on 20.08.2007.

8. The learned Single Judge had briefly examined the charges and had found no ground to interfere with the imposition of penalty.

9. It is contended on behalf of the appellant that the learned Single Judge had not examined the appellant's explanation. The learned counsel for the appellant also submits that the explanation provided by the appellant ought to have been accepted.

10. We are unable to accept the said contention. We find no infirmity with either the procedure adopted nor find that the punishment imposed is highly disproportionate. It is well-settled that the punishment imposed pursuant to domestic enquiry, cannot be interfered with, unless it is established that, i) the enquiry or the punishment imposed is contrary to law; ii) that the procedure adopted is not in conformity with the principles of natural justice or any other law; iii) that the penalties or disciplinary proceedings are vitiated by *mala fides* or extraneous considerations; iv) that the finding of misconduct is perverse and unreasonable; or v) that the punishment imposed is excessively disproportionate.



11. In the given facts, we are unable to accept that any of the aforesaid grounds are established, warranting any interference by this Court. The appeal is accordingly, dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C M JOSHI)
JUDGE**

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List No.: 1 Sl No.: 34