

(2016) 10 KAR CK 0013

In the Karnataka High Court

Case No : Writ Petition No. 23522 of 2016 (GM-KLA)

Mr. Jayaprakash K.

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 04-10-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Karnataka Civil Services (Classification, Control And Appeal) Rules, 1957 — Rule 14A(2)(a)
Karnataka Lokayukta Act, 1984 — Section 12(3)

Citation : (2016) 4 KCCR 3700

Hon'ble Judges : H.G. Ramesh and K.N. Phaneendra, JJ.

Bench : Division Bench

Advocate : Sri T. Mohandas Shetty, Advocate, for the Petitioner; Government Advocate Served, for the Respondent

Final Decision : Dismissed

Judgement

H.G. Ramesh, J. (Oral) - Petitioner is a Government servant. In this writ petition, he has challenged the report of an Upa-Lokayukta dated .02.2016 communicated to the competent authority namely, the State Government under Section 12(3) of the Karnataka Lokayukta Act, 1984 he Act") recommending to hold a disciplinary inquiry against the petitioner under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 ("the Rules") in respect of the misconduct alleged against him.

2. The petitioner has also challenged the order of the State Government dated 23.02.2016 passed pursuant to the aforesaid report in exercise of the power under Rule 14-A(2)(a) of the Rules whereby it has entrusted the matter to an Upa-Lokayukta to hold an inquiry against the petitioner as per Rule 11 of the Rules in respect of the misconduct alleged against him.

3. We have heard learned Counsel for the petitioner and perused the record.

4. The report of the Upa-Lokayukta impugned herein cannot be said to be without jurisdiction. The report impugned herein, by itself, does not affect any legal right of the petitioner. Hence, the petitioner cannot be said to be aggrieved of the report.

5. The competent authority namely, the State Government, on examining the aforesaid report, has passed the impugned order dated 23.02.2016 entrusting the matter to an Upa-Lokayukta as provided under Rule 14-A(2)(a) of the Rules to hold an inquiry against the petitioner as per Rule 11 of the Rules in respect of the misconduct alleged against him.

6. The aforesaid impugned order dated 23.02.2016 is in accordance with Rule 14-A(2)(a) of the Rules. Hence, we find no ground warranting interference in the matter in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It is also not appropriate to interfere in the matter at this stage. It is proper for the petitioner to face the inquiry ordered by the State Government in respect of the misconduct alleged against him. The writ petition is devoid of merit and is accordingly dismissed.