



**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00295/2026

ORDER RESERVED ON 18.08.2026

DATE OF ORDER: 27.08.2026

CORAM:

HON'BLE MRS. JUSTICE S. SUJATHA, MEMBER (J)

HON'BLE DR. SANJIV KUMAR, MEMBER (A)

Dr. K. Ramachandra Rao
S/o Late K. Sundaraiah
Aged about 60 years
Retired as Director General of Police, Karnataka
Residing at No. 3, Sai Shakthi
7th cross, Victoria Layout
Bengaluru 560 047

.... Applicant

(By Shri Prithveesh M.K., Advocate)

Vs.

1. The State of Karnataka
represented by its Chief Secretary
Vidhana Soudha, Dr. B.R. Ambedkar Veedhi
Bengaluru 560 001

2. The State of Karnataka
Represented by its Principal Secretary
Department of Personnel and Administrative Reforms
(Services-4), Vidhana Soudha, Bengaluru 560 001

3. The Director General and
Inspector General of Police
Karnataka State, No. 2, Nrupathunga Road, Bengaluru 560 001

4. The Director General of Police and
Director General, Fire and Emergency Services



Commandant General, Home Guards
Director General, State Disaster Response Force
Director, Civil Defence, Karnataka State and
Presenting Officer, Office of the DGP, CID,
Special Units and Economic Offences
Carlton House, Palace Road, Bengaluru 560 001

...Respondents

(By Shri Mahantesh Shettar, Additional Government Advocate)

ORDER

PER: JUSTICE S. SUJATHA, MEMBER (J)

Though the matter is listed “For Orders”, with the consent of the learned counsel appearing for the parties, the matter is taken up for final disposal.

2. This application is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“I) Call for records from the respondents pertaining to the impugned Articles of Charge vide notice dated 18.03.2026 (Annexure A11);

II) Issue a writ or order quashing the impugned Articles of Charge vide notice dated 18.03.2026 bearing No. e-DPAR 26 SPS 2026 issued by the 1st respondent (Annexure A11) and all further proceedings thereon, to meet the ends of justice;

III) Issue a writ or order directing the respondents to grant all consequential benefits to the applicant including monetary and pensionary benefits, as expeditiously as possible at any rate within an outer limit of 2 months, to meet the ends of justice;

IV) pass any such orders or grant any such reliefs as this Hon'ble Tribunal deems fit including the costs, in the interest of justice and equity.”



3. The facts as narrated by the applicant in brief are that he was initially appointed as Assistant Superintendent of Police, IPS in the year 1996 in the 1993 batch and was allotted to Karnataka cadre. He was promoted five times during his period of service. The applicant worked as Inspector General of Police, Northern Range, Belagavi from 11.07.2016 to 31.12.2017. While the applicant was working as Director General of Police, Directorate of Civil Rights Enforcement, an order was passed by the 2nd respondent on 19.01.2026, placing the applicant under suspension with immediate effect, pending enquiry. The basis for placing the applicant under suspension, as discernible from the said order, was that videos and news reports were widely broadcast on public news channels and media platforms in which the applicant had allegedly acted in an obscene manner which was unbecoming of a government servant and also caused embarrassment to the government. On 21.01.2026, the 1st respondent wrote a letter to 3rd respondent (signed by the 2nd respondent), informing him of the applicant's placement under suspension vide order dated 19.01.2026 and further directed the 3rd respondent to conduct a preliminary inquiry into the allegations of obscene behaviour by the applicant and also to prepare the Articles of Charge, after taking approval of the Hon'ble Home Minister.



Accordingly, the 3rd respondent passed an order constituting a committee of four members to conduct a preliminary inquiry into the allegations of misconduct of the applicant and also to prepare the Articles of Charge to be issued to the applicant. On 16.03.2026, the Preliminary Inquiry Committee had submitted its report to the 3rd respondent, inter alia stating that the materials collected by it indicate that the applicant, during his tenure as Inspector General of Police, Northern Range, Belagavi has engaged in inappropriate conduct with a woman while being on duty in uniform in his office and that thereby he has violated Rule 3 (1) of the All India Civil Services Conduct Rules, 1968. On 18.03.2026, the 1st respondent has issued the impugned Articles of Charge vide notice dated 18.03.2026 by which, a departmental inquiry against the applicant is initiated. Upon receipt of the impugned Articles of Charge, the applicant submitted his detailed reply/written statement of defence dated 01.04.2026, categorically denying the charge levelled against him and also requesting the 1st respondent to drop all further proceedings against him.

4. On 06.05.2026, the 2nd respondent passed an order revoking the suspension of the applicant, reinstating him into



service with immediate effect and posted him as Director General of Police (Police Manual). Subsequently, on 11.05.2026, the 2nd respondent has passed an order appointing Hon'ble Smt. Justice Rathnakala, former Judge, Hon'ble High Court of Karnataka as the Inquiry Officer to inquire into the charges levelled against the applicant, and Shri Prashant Kumar Thakur, IPS (KN: 1992) - the 4th respondent herein as the Presenting Officer. Thereafter, 4th respondent issued a notice dated 08.07.2026, directing the applicant herein to appear before the Inquiry Officer on 18.07.2026 at 2.30 PM, which was served on the applicant on 13.07.2026. The applicant submitted his reply on 15.07.2026 before the 4th respondent. The Inquiry Officer adjourned the inquiry to 28.07.2026 at 2.30 PM for plea on charges holding that the reasons stated in the said letter/reply dated 15.07.2026 to keep himself away from the inquiry is not admissible. Thereafter, the 4th respondent again has issued another notice to the applicant on 20.07.2026 directing the applicant to appear before the Inquiry Officer on 28.07.2026 at 2.30 PM. Being aggrieved, the applicant has preferred this OA.



5. Learned counsel Shri Prithveesh M.K. representing the applicant submitted that the impugned Articles of Charge is illegal and liable to be quashed since the respondents have proceeded against the applicant with a predetermined mind inasmuch as even before commencement of the preliminary inquiry, the authorities had directed the Committee - not only to conduct a preliminary inquiry but also to prepare the Articles of Charge. No such inquiry could be held on such concluded mind. Secondly, the initiation of the inquiry vide the issuance of the impugned Articles of Charge is hit by inexplicable delay and is liable to be quashed. Admittedly, the allegations levelled against the applicant pertain to his tenure as Inspector General of Police, Northern Range, Belagavi in the year 2016-2017. As such, the initiation of the inquiry in the year 2026 is wholly illegal. Thirdly, no complaint whatsoever has been lodged by any woman, much less by the alleged victim, appearing in the video clipping, accusing the applicant of having indulged in any obscene behaviour. Nextly, it was argued that the charges are vague and framed by the authority having no jurisdiction and the same not being approved by the Hon'ble Home Minister, deserves to be set aside. Reliance is placed on the following judgments:



1) **Union of India and Ors. vs. B.V. Gopinath** reported in (2014) 1 SCC 351.

2) **State of Tamil Nadu vs. Promod Kumar, IPS and Anr.** reported in (2018) 17 SCC 677.

3) **Sri G.D. Jayarama vs. The State of Karnataka and Ors.** in Writ Petition No. 53949/2016 (DD: 30.03.2021).

6. Further, learned counsel for the applicant, after perusing the notings in the original file submitted that approval has been issued by the Hon'ble Home Minister and Hon'ble Chief Minister only for the charge memorandum and not for the initiation of the disciplinary proceedings. Hence, the disciplinary proceedings initiated against the applicant is not in conformity with the legal principles enunciated by the Hon'ble Apex Court in **B.V. Gopinath**, supra.

7. Learned counsel Shri Mahantesh Shettar representing the respondents - State Government submitted that the impugned Articles of charge were issued after obtaining the prior approval of the Hon'ble Home Minister as contemplated in the letter dated 21.01.2026 issued by the Respondent No. 1 (Annexure A2) as well



as the Hon'ble Chief Minister. To substantiate the said submissions, original file is placed before the Bench. Learned counsel submitted that in the videos which surfaced on various media platforms, it is depicted that the applicant was acting in an obscene manner with a woman inside his office while in uniform. The behaviour of the officer is an insult to the dignity of the women which also caused embarrassment to the State Police Department and State Government. Therefore, prima facie it was found that the conduct of the officer is in violation of Rule 3 of All India Services (Conduct) Rules, 1968. Hence, departmental inquiry was initiated against the officer as per extant rules. The applicant was placed under suspension pending inquiry based on video clips and news reports being widely broadcasted on public news channels and media platforms, showing the applicant allegedly acting in an obscene manner with a woman while in uniform. A formal communication from the 1st respondent was made to the 3rd respondent to conduct the preliminary inquiry in the case and to submit the Articles of Charge to the competent authority with the approval of the Minister of Administrative Department i.e., Hon'ble Home Minister.



8. The direction to prepare the Articles of Charge was a consequential direction, and does not indicate predetermination. The Committee constituted with four members was expected to conduct a thorough inquiry and frame charges only if the material collected justified the same. The preliminary inquiry was conducted with due diligence, examining witnesses and material objects. The applicant was given an opportunity to appear and submit his statement. After the submission of the preliminary Inquiry Report establishing a prima facie case against the applicant, the Articles of Charge were issued which contains sufficient particulars to enable the applicant to defend himself. There is no predetermination. The allegations forming the subject matter of the Articles of Charge came to light only in January, 2026 when the video clips were broadcasted on public news channels and media platforms. The respondents acted promptly. The identification of the applicant and the woman has been done through Forensic Science Laboratory (FSL) analysis at National Intelligence Grid (NATGRID). The revocation of suspension does not affect the continuation of disciplinary proceedings. The appointment of Inquiry Officer was made in accordance with Rule 8 (6) of the All India Services (Discipline and Appeal) Rules, 1969. The applicant cannot seek to



quash the proceedings at the threshold on the basis of his defence.

Learned counsel submitted that in the case of **State of Jharkhand and Ors. vs. Rukma Kesh Mishra** reported in (2025) SCC Online SC 676, the Hon'ble Apex Court has distinguished the judgment of **B.V. Gopinath**, supra. Learned counsel placed reliance on the judgment of the Hon'ble Apex Court in **Union of India vs. Kunisetty Satyanarayana** reported in (2006) 12 SCC 28.

9. We have carefully considered the submissions of the learned counsel for the parties and perused the material on record.

10. Articles of Charge, Substance of imputations of misconduct or misbehaviour in support of Articles of Charge, the list of documents on which the Articles of Charge are framed and the list of witnesses by whom the Articles of Charge is proposed to be sustained, enclosed as Annexures I to IV respectively to the Notice dated 18.03.2026 issued by the 1st respondent under Rule 8 (4) of the All India Services (Discipline & Appeal) Rules, 1969 reads thus:

“ANNEXURE-I

***Article of charges against Dr K Ramachandra Rao, IPS,
Director General of Police, under suspension***



1. While you were working as Director General of Police DCRE Bengaluru a Video clip of you behaving in an obscene manner in uniform with one lady surfaced on news channels, you being the responsible officer of All India Services are required to maintain high ethical standards, integrity and good behavior with both public and with your subordinate officials but you have exhibited gross misconduct and misused your official position and authority and behaved in a manner uncalled for by an officer of All India services thereby causing severe embarrassment to Government and to the department thereby violated Rule 3(1) of the All India Services (Conduct) Rules 1968.”

“ANNEXURE-II

The substance of the imputations of misconduct or misbehavior into definite and distinct Articles of Charge against Dr K Ramachandra Rao, IPS, Director General of Police, under suspension

On 19.01.2026 a video of you in uniform behaving in an obscene manner with a woman was circulated in news channels causing embarrassment to the government as well as department. Whereas State Government has examined the said matter and was convinced that the conduct of you mentioned above is in violation of Rule 3 of the All India Services (Conduct) Rules 1968 and the state government was prima facie satisfied that it was necessary to place you under suspension with immediate effect pending inquiry.

Therefore government in exercise of the powers under Rule 3 (1) (a) of All India Services (D&A) Rules 1969 vide order no.DPAR.26.SPS.2026 Dt: 19.01.2026 suspended you by keeping Departmental Inquiry pending.

Further Government vide letter Dt 21.01.2026 directed the DG & IGP to conduct preliminary inquiry and to submit a Article of Charges along with Annexure 1-4.

Accordingly, a committee comprising of officers (Addl DGP-L&O, IGP- Northern Range, Belagavi, DIGP-Crime, Chief office, Bengaluru and SP- Wireless, Bengaluru) was constituted by DG & IGP to conduct an inquiry and to



submit a report so as to enable to frame Article of Charges along with annexure 1-4 against you.

Based on the Inquiry report it is established that the video clippings of you behaving in an obscene manner in uniform with a women in your chamber which was published on 19.01.2026 is found to be in the office of the IGP-Northern Range, Belagavi. While you were working as IGP-Northern Range, Belagavi.

Further based on the digital evidence provided in the inquiry report the video files present in the pen drive appeared to be stored on 03.07.2017, 05.07.2017 and 20.07.20217 and in all these three days your presence in the office is established through Monthly Diary. Further you have worked as IGP Northern Range, Belagavi from 11.07.2016 to 31.12.2017.

The details about the women featuring in the video clippings is collected through NATGRID portal based on the FSL report it is established that there is a resemblance to the information collected through NATGRID and to the women featured in the video clippings. Further based on the statement of the staff it is found that the said women had visited you in your IGP Northern Range Belagavi office.

Further during the inquiry from the FSL report it is found that the pen drive is not subjected to any kind of editing and it is genuine

For the above incident you were suspended from duty and you have degraded the pride of the department which is known for discipline and your act of gross misconduct created a wrong impression about police department before the public

You being a responsible police officer who is expected to maintain high degree of integrity and ought to have been a role model to your subordinate officials have misused your official position by behaving in an obscene manner in uniform with a women which is unbecoming of an officer thereby causing severe embarrassment to the government and the Department and hence exhibited gross misconduct and violated the provisions of Rule 3 (1) of the All India Services (Conduct) Rules 1968”



“ANNEXURE-III

List of documents based on which the Articles of Charges are framed against Dr K Ramachandra Rao, IPS, Director General of Police, under suspension is proposed to be sustained.

- 1) Suspension Order vide G O No. DPAR.26.SPS.2026 Dt: 19.01.2026
- 2) Government Letter No:DPAR.26.SPS.2026 Dt:21.01.2026
- 3) DG & IGP office order No.HRM (1)7/117/2025-26 Dt. 21.01.2026
- 4) Report of the Inquiry Team Dt: 16.03.2026
- 5) Letter of Karnataka State Women Commission letter Dt: 19.01.2026 in case No:354/2025-26.
- 6) Karnataka State Human Rights Commission letter Dt: 20.01.2026 in HRC No: 378/10/31/2026(B-3).
- 7) Letter Dt: 22.01.2026 addressed to Heads of various News Channels by Sri Rishyanth IPS member of the inquiry team requesting to provide video clippings circulated on 19.01.2026
- 8) Pen drive and LAPTOP Screen Shot submitted by Rajashekar Mulali during inquiry
- 9) FSL Report Dt: 11.03.2026 and 07.03.2026
- 10) The monthly Diary for the period July 2017 & December 2017 in respect of you serving as IGP NR Belagavi
- 11) IGP, NR Belagavi office photos during the period 2016 to 2017
- 12) Information collected about women featuring the video clipping through NATGRID
- 13) Digital evidence collected during the inquiry (FSL Sealed MOs and DVD Pen drive)”



“ANNEXURE-IV

List of witnesses through whom the Articles of Charges framed against Dr K Ramachandra Rao, IPS, Director General of Police under suspension is proposed to be sustained.

Sriyuths

- 1) Dr. Chethan Singh Rathore, IPS, IGP-Northern Range, Belagavi
- 2) CB Ryshyanth, IPS, SP-Wireless, Bengaluru
- 3) Rajashekar Mulali, Social Activist, Foudar Chairman, Anna foundation, No.69, "Vachana" Sanjayagandhi Nagar, Infantry Road, Ballari
- 4) Sanjeev M Kamble, Police Inspector, office of the IGP, Northern Range, Belagavi.
- 5) Sanjeev Sangannavar, Steno, office of the IGP, Northern Range, Belagavi.
- 6) Adivappa Basappa Bandeppagol, ARSI, office of the IGP, Northern Range, Belagavi.
- 7) Vinodkumar Basavaraj Paramagonnavar, AHC-995, DAR MT Section, Belagavi
- 8) Srinivas Bheemasena Nidoni, AHC-3015, DAR, Belagavi
- 9) Meerasaab A Ammanagi, ARSI, DAR, Belagavi
- 10) Vidyarnya Gurushanthaiah Hiremath, SDA, office of the IGP, Northern Range, Belagavi.
- 11) Rajakumar Shivaputra Thegginamani, CHC: 2035, office of the IGP, Northern Range, Belagavi.
- 12) Padmavathi Ravaji Chougale, Shivashakthi Colony, Ramathirthanagar, Belagavi”



11. The main ground of challenge, the direction issued by the 1st respondent vide letter dated 21.01.2026 to submit a disciplinary proposal to the Department of Personnel and Administrative Reforms with the approval of the Hon'ble Home Minister is not complied with, has no legs to stand in view of the original file placed by the respondents and the notings made therein duly approved by the Hon'ble Home Minister, Government of Karnataka, Note No. 68 of the file maintained by DPAR/Note No. 26 of the file maintained by Home Department (approval of the Hon'ble Home Minister obtained) and Note No. 78 of the DPAR file (approval of Hon'ble Chief Minister obtained). However, learned counsel appearing for the applicant placing reliance on **B.V. Gopinath**, supra, made an endeavour to submit that two approvals are necessary, one for initiation of departmental proceedings and the second for approval of charge memo. Referring to Clause (8) of the Circular/Office Order No. 205 dated 19.07.2005 relating to the disciplinary action cases in CBEC and CBDT, the Hon'ble Apex Court in **B.V. Gopinath**, supra, has observed thus:

“43. Clause (8) of the Circular makes it abundantly clear that it relates to approval for issuing charge memo/sanction of prosecution. A plain reading of the aforesaid clause shows that



it relates to a decision to be taken by the disciplinary authority as to whether the departmental proceedings are to be initiated or prosecution is to be sanctioned or both are to commence simultaneously. The competent authority for approval of the charge memo is clearly the Finance Minister. There is no second authority specified in the order. We do not agree with Ms. Indira Jaising, learned Additional Solicitor General that the use of the word “approval of” is not an expression distinct from “approval for” initiating major penalty proceedings.

44. Under Clause (9), the department firstly puts up the file before the Finance Minister seeking “approval for issuing charge memo/sanction of prosecution.” The department is seeking an order as to whether the officer is to be proceeded against departmentally or criminal proceedings are to be initiated or both proceedings are to be commenced simultaneously. When the decision is taken by the Finance Minister that the departmental proceedings are to be held (initiation), only then the question of approval of charge memo arises. The department would thereafter complete the necessary formalities and then place the file before the Finance Minister, for “approval of” charge memo. This provision is in harmony with the mandate contained under Articles 311(1) and (2) that no civil servant shall be dismissed or removed by an authority subordinating to that by which he was appointed. The second limb of the same direction is that punishment on a public servant of dismissal, removal or reduction in rank can only be imposed when the charges have been proved against him in a departmental enquiry held in accordance with the rules of natural justice.

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50. In our opinion, the Central Administrative Tribunal as well as the High Court has correctly interpreted the provisions of the Office Order No. 205 of 2005. Factually also, a perusal of the record would show that the file was put up to the Finance Minister by the Director General of Income Tax (Vigilance) seeking the approval of the Finance Minister for sanctioning prosecution against one officer and for initiation of major penalty proceeding under Rule 3(1)(i) and (3) (1) (iii) of the Central Civil Services (Conduct) Rules against the officers mentioned in the note which included the respondent herein. Ultimately, it appears that the charge memo was not put up for



approval by the Finance Minister. Therefore, it would not be possible to accept the submission of Ms. Indira Jaising that the approval granted by the Finance Minister for initiation of departmental proceedings would also amount to approval of the charge memo.”

12. In the present case, learned counsel for the applicant candidly admits that the charge memorandum has been approved by the Hon'ble Home Minister and Hon'ble Chief Minister, but not the initiation. Hence, for want of approval for initiation, the proceeding gets vitiated. The Hon'ble Apex Court in **B.V. Gopinath**, supra, observed that ultimately it appears that the charge memo was not put up for approval by the Finance Minister. Therefore, it would not be possible to accept the submission of the learned Additional Solicitor General that the approval granted by the Finance Minister for initiation of departmental proceedings would also amount to approval of the charge memo. Similarly, in **Promod Kumar**, supra, the Hon'ble Apex Court placing reliance on the All India Services (Discipline and Appeal) Rules, 1969, more particularly Rule 7 observed that the authority to act on behalf of the State Government as per the Business Rules is the Minister for Home Department; there is no dispute that the Hon'ble Chief Minister was holding the said department during the relevant period 2011-2016. Further, it has been observed that it is clear that the approval of the



disciplinary authority was taken for initiation of the disciplinary proceedings. It is also clear from the affidavit of the Chief Secretary, State of Tamil Nadu that no approval was sought from the disciplinary authority at the time when the charge memo was issued to the delinquent officer. The submission made on behalf of the State of Tamil Nadu that approval of the disciplinary authority for initiation of disciplinary proceedings was sufficient and there was no need for another approval for issuance of charge memo was rejected. Referring to Rule 8 (4) of the All India Services (Discipline and Appeal) Rules, 1969 held that the same mandates that the disciplinary authority shall “draw up or cause to be drawn up” the charge memo.

13. The view taken by the Hon’ble Apex Court in **B.V. Gopinath**, supra, was considered in **Rukma Kesh Mishra**, supra.

In para 32 to 37 it is held thus:

“32. We, thus, find an erroneous approach having been adopted by the High Court while dealing with the writ petition as well as the intra-court appeal rendering its decision liable to interdiction in appeal. WHAT IS THE REQUIREMENT OF ARTICLE 311 of the Constitution AND WHO SHOULD ‘DRAW UP’ OR ‘CAUSE TO DRAW UP’ THE CHARGE-SHEET?

33. The final reason for interdicting the impugned order stems from non-consideration of Article 311(1) of the Constitution of India in its correct perspective by the Division Bench. If one



looks at Article 311(1), the sole safeguard that it provides to any member, inter alia, of a civil service of a State or the holder of a civil post under the State is that he shall not be dismissed or removed by an authority subordinate to that by which he was appointed (emphasis supplied). **Clause (1) does not on its own terms require that the disciplinary proceedings should also be initiated by the appointing authority. This is what Shardul Singh (supra) and P.V. Srinivasa Sastry (supra) have articulated, with which we wholeheartedly agree.**

34. The Division Bench noticed that Rule 17(3) of the 2016 Rules were *pari materia* Rule 14(3) of the 1965 Rules and, therefore, what was held in paragraph '41' of the decision in B.V. Gopinath (supra) would clearly be applicable to resolve the controversy at hand. In B.V. Gopinath (supra), certain office memoranda were under consideration apart from Rule 14(3) of the 1965 Rules. Submissions advanced on behalf of the charged officers, recorded in paragraphs '20' and '21', would reveal that the Court was addressed with regard to the fact situation where approval to initiate disciplinary proceedings had been obtained but subsequent thereto, the charge-sheet that was drawn up had not been approved by the Finance Minister. This is where the Division Bench again committed a clear error in failing to appreciate the facts, which bear vital importance. As noted above, in the present case, the draft charge-sheet was there on record when the Chief Minister accorded his approval and there appears to be no valid reason as to why approval of the proposal to initiate disciplinary proceedings against the respondent would not be regarded as grant of approval to the draft charge-sheet too. We are unhesitatingly of the view that according approval to initiate the disciplinary proceedings against the respondent, in this case, did amount to approval of the draft charge-sheet.

35. It has been observed by this Court in several decisions that each decision is an authority for what it decides and not what could logically be deduced therefrom. Mechanical reliance on precedents, as if they are statutes, has been deprecated. Whenever a precedent is cited laying down a principle of law having application to the facts of the case in hand and having binding effect, it is customary and expected of courts to be bound by the law declared by this Court under Article 141 of (emphasis supplied)



the Constitution. However, the courts are free not to place blind reliance on whatever precedent is cited by the parties since facts of two cases are not seldom alike. It is the duty of the court, if it considers the precedent not to be applicable, to refer to factual dissimilarities that are found and thereafter to distinguish the precedent cited before it by assigning brief but cogent reasons. It is always well to remember in this context the dictum of this Court in *Regional Manager v. Pawan Kumar Dubey* (1976) 3 SCC 334:

“7. ... It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts”.

36. Since invocation of the provisions in Discipline and Appeal Rules similar to Rule 14(3) of the 1965 Rules or Rule 17(3) of the 2016 Rules and citing failure to adhere to the same to invalidate orders terminating services of officers/employees is not too infrequent, we consider it proper to briefly touch upon the requirement thereof. The Disciplinary Authority is mandated by the law to ‘draw up’ or ‘cause to be drawn up’ the substance of the imputations of misconduct or misbehavior as a definite and distinct article of charge together with the statement of such imputations. The phrases ‘draw up’ and ‘cause to be drawn up’ do have different meanings in the context of disciplinary proceedings, though both relate to drawing up of a charge-sheet. By ‘draw up’, what is express is that the Disciplinary Authority itself is responsible for preparing the substance of imputation and the statement of allegations in support thereof, whereas ‘cause to be drawn up’ would enable the Disciplinary Authority to instruct or direct someone else to prepare the substance and statement. The effect of it is that the Disciplinary Authority itself may not prepare the document but rather delegate the task to someone else. If the delegation is proved to have been made in favour of an authority holding an office superior to that of the officer/employee proposed to be proceeded against, nothing



much is required to be done and the courts ought to exercise restraint.

37. Lest confusion continues to prevail, thereby obfuscating the course of justice, we also consider it expedient to clarify as regards the efficacy of the decisions in B.V. Gopinath (supra) and Promod Kumar (supra) as binding precedents. Both these decisions by coordinate Benches of two Hon'ble Judges of this Court. All other decisions on the topic are also by Benches of coordinate strength. Before the Bench in B.V. Gopinath (supra), out of the 6 (six) decisions referred to by us in paragraphs 21 to 25 (supra), only the decision in Thavasippan (supra) was placed by counsel wherein one would find reference to the earlier decision in P. V. Srinivasa Sastry (supra). Though Thavasippan (supra) had considered all the earlier decisions, it was not even distinguished in B. V. Gopinath (supra). Importantly, the Bench after noting the law laid down in P. V. Srinivasa Sastry (supra), extracted two sentences from paragraph '4', quoted above, to support the conclusion which the Bench intended to record. Having read what P. V. Srinivasa Sastry (supra) in paragraph '4' laid down and our agreement therewith, we see good reason to opine that there could be a healthy debate on the correctness of the ratio decidendi of the decision in B. V. Gopinath (supra), or for that matter, Promod Kumar (supra), in the light of the precedents which were binding on the Benches deciding the same. However, for the purpose of deciding this appeal, we need not venture that far to declare the decisions in B. V. Gopinath (supra) and Promod Kumar (supra) as not laying down good law or that its efficacy as binding precedents stands eroded for not considering the law declared in Shardul Singh (supra) on Article 311(1) of the Constitution, as well as the other decisions that we have referred to above, speaking in a different voice. Nonetheless, we are of the undoubted view that whatever be the ratio decidendi of B. V. Gopinath (supra) and Promod Kumar (supra), for its application in future cases, the same have to be read and understood as confined to interpretation of the rules governing the disciplinary proceedings in each of the two cases, the facts and law presented before the coordinate Benches, and the exposition of law by this Court for over half a century till this date."

(emphasis supplied)



14. Learned counsel for the applicant argued that the proceedings initiated by the 4th respondent has no jurisdiction. This argument has to be negated in the light of the legal principles enunciated by the Hon'ble Apex Court in **Rukma Kesh Mishra**, supra, wherein it is held that Clause (1) of Article 311 does not on its own terms require that the disciplinary proceedings should also be initiated by the appointing authority. In the light of this judgment, no flaw can be found with the approval of the Hon'ble Home Minister and Hon'ble Chief Minister of the State only to the charge memo and not to the initiation of proceedings.

15. Even otherwise, when the Hon'ble Chief Minister and Hon'ble Home Minister gives approval to a charge memo, it is presumed that the entire existing framework, including initiation of proceedings, was considered and approved.

16. The Hon'ble Apex Court in **UCO Bank and Ors. vs. M.B. Motwani (dead) through LRs & Ors.** (Civil Appeal No. 8516/2011, DD: 12.10.2023) has held that the departmental proceedings is initiated only when a charge sheet is issued. That is the date of application of mind on the allegations levelled against an employee.



17. Our view is fortified elaborately by the Hon'ble High Court of Delhi in **Suresh Sharma vs. NTRO, through its Chairman and Ors.**, Writ Petition No. 3937/2017 and connected matters (DD: 18.08.2017), after considering **B.V. Gopinath**, supra, wherein, it is held, quite unexceptionably, that once the chargesheets themselves had been approved, the fact that there may not have been, on the file, any independent approval for the proposal to initiate disciplinary proceedings, could not make any difference in law. The relevant paragraphs are quoted hereunder for ready reference:

"29. Thus, on a plain reading of Rule 14, it is evident that sub rule (2) of Rule 14 does not imply that the Disciplinary Authority should first grant his approval/ sanction on the record to "initiate" disciplinary proceedings against the government servant. In fact, under the Rules, there is no such requirement prescribed - obliging the Disciplinary Authority to first sanction/ approve the "initiation" of the disciplinary proceedings, and thereafter to again approve the charge memo/ charge sheet in terms of sub rule (3) of Rule 14. Sub rule (2) of Rule 14, in fact, would get invoked only after the procedure under sub rules (3) and (4) have been exhausted, and at the stage when the procedure under sub rule (5) is being implemented by the Disciplinary Authority.

30. When the Disciplinary Authority, after consideration of all the relevant material, approves the charge memo, it is implicit therein that the Disciplinary Authority has also approved the "initiation" of Disciplinary Proceedings against the government servant. It is obvious that the Disciplinary Authority would grant approval to the charge memo/charge- sheet, only if he has formed the opinion that there are grounds available for initiation of Disciplinary Proceedings against the government



servant. The general and initial approval - that the petitioner talks about on a plainly erroneous reading of sub rule (2) of Rule 14, even if granted, would be a non specific approval - with no clarity on the specific articles of charge that may, or may not, eventually be framed. This is not mandated by the Rules. On the other hand, the approval of the charge memo/ charge sheet under sub rule (3) of Rule 14 is in respect of definite and distinct articles of charge which are drawn up against the government servant on the basis of the imputation of misconduct or misbehaviour. The Disciplinary Authority is obliged to draw up, or cause to be drawn up, with his approval, the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charge; the statement of the imputation of misconduct or misbehaviour in support of each articles of charge which shall contain a statement of the relevant facts including any admission/ confession made by the government servant, and; a list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained.

31. Thus, in our view, it is not necessary for the Disciplinary Authority to give its separate/ distinct and initial approval for "initiation" of disciplinary proceedings. Once the Disciplinary Authority grants its approval to the charge memo/ charge sheet after perusing the entire material, it would be sufficient compliance of the Rules, and the same would completely safeguard the interests of the government servant concerned.

32. Till the time a charge memo/ charge sheet is issued to the government servant under Rule 14(3) i.e. with the approval of the Disciplinary Authority, the preliminary exercise - to gather evidence or process the case, that may be undertaken by the government, by itself, does not prejudice the government servant. No government servant can raise a grievance that such a preliminary exercise should not be taken either at the behest of the Disciplinary Authority, or at the behest of any other authority without the express approval of the Disciplinary Authority. In our view, it may amount to putting the cart before the horse, to require the Disciplinary Authority to grant his sanction / approval to a generalised and initial decision to

(emphasis supplied)



"initiate" disciplinary proceedings against the Government servant. It is only when a proposal to hold an inquiry against a government servant is prepared on the basis of the materials and evidences that may be gathered during the preliminary inquiry (which is an exercise undertaken to gather facts and to determine whether a prima facie case for a formal departmental inquiry is made out - See *Constable Rajendra Kumar v. Govt. of NCT of Delhi & Ors*, 2009 (111) DRJ 320 (FB)), that the Disciplinary Authority would be called upon to apply his mind to the specific, definite and distinct articles of charge to accord his approval.

33. In the facts of *B.V. Gopinath (supra)*, it appears that there was a general and initial approval taken from the Disciplinary Authority to "initiate" an inquiry against the government servant. On that basis, without approval of the Disciplinary Authority, the charge memo/ charge sheet was issued containing the substance of the imputations of misconduct and misbehaviour formulated into definite and distinct articles of charge along with the documents referred to in sub rule (3) (ii) of the Rules. It is this procedure adopted by the government in *B.V. Gopinath (supra)*, which was disapproved of by the Supreme Court. The initial and general approval granted for "initiation" of disciplinary proceedings, even if obtained in a given case - which is not a statutory requirement, cannot be construed as an approval to the issuance of charge memo/ charge sheet under Rule 14(3).

34. Thus, the reliance placed on the judgment of the Supreme Court in the case of *B.V. Gopinath (supra)* is completely misplaced as, in the said case, the Supreme Court was dealing with a situation where there was an initial and general approval granted by the Disciplinary Authority for initiation of Disciplinary Proceedings, but there was no approval to the charge memo/ charge sheet by the Disciplinary Authority. It was in this backdrop that the Supreme Court held that a charge memo - which is not approved by the Disciplinary Authority, was non-est in the eyes of law.

35. A perusal of the decision in *B.V. Gopinath (supra)* would show that the Supreme Court considered the submissions advanced before it in the light of Office Order No.205/2005 which has been reproduced herein above by us. The said Office



Order, firstly, has to be read and understood in the context of the Rules and, in particular, Rule 14 thereof. The said Office Order was issued by the Ministry of Finance, Department of Revenue, and it was relevant in the case of B.V. Gopinath (supra), since he was serving in the Ministry of Finance and his Disciplinary Authority was the Finance Minister. In the present case, that is not the position. As noticed herein above, the petitioner is serving in the NTRO and the Prime Minister of India is his Disciplinary Authority.

36. We have extracted, inter alia, para 43 and 44 of the decision in B.V. Gopinath (supra). In the report as published in Supreme Court Cases, in the opening line of para 44, the words as printed are "Under clause (9), the department firstly puts up the file before the Finance Minister seeking "approval for issuing charge memo/ sanction of prosecution" ". However, on the reading of clauses (8) and (9) of the office order, it appears to us that there is a typographical error, and it appears that the Supreme Court actually referred to clause (8) in the first line of para 44, since it relates to "approval for issuing charge memo/ sanction of prosecution", which is the subject matter covered by clause (8), and not clause (9) of the said office order. The aforesaid position becomes even more clear on a reading of para 45 of the decision in B.V. Gopinath (supra) , wherein the Supreme Court discussed the scope covered by clause (9). In that regard, the Supreme Court has observed:

"45. Clause (9) relates to a stage after the issuance of charge-sheet and when the charge-sheeted officer has submitted the statement of defence. It provides that in case the charge-sheeted officer simply denies the charges, CVO will appoint an inquiry officer/presiding officer. In case of denial accompanied by representation, the Chairman is to consider the written statement of defence. In case the Chairman comes to a tentative conclusion that written statement of defence has pointed out certain issues which may require modification/ amendment of charges then the file has to be put up to the Finance Minister. So the intention is clearly manifest that all decisions with regard to the approval of charge memo, dropping of the charge memo,



modification/amendment of charges have to be taken by the Finance Minister".

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40. In our view, reliance placed by the petitioner on the above extracts from B.V. Gopinath (supra) has no force. The Supreme Court was not examining the issue whether - as a matter of law, the "initial" sanction/ approval of the Disciplinary Authority is required to be obtained - failing which the Disciplinary proceedings would be vitiated. The Supreme Court was dealing with a fact situation where - as a matter of fact, such general/ initial sanction/ approval for "initiation" had been obtained. The observations made by the Supreme Court, thus, have to be viewed in that light, and in the light of the submissions advanced before it - particularly by the learned ASG. The above observations were made in response to those submissions, which we have taken note of herein above.

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47. We, therefore, find no merit in the submission of the counsel for the petitioner that distinct approvals from the Disciplinary Authority are required, firstly, to the "initiation" of the departmental proceedings in a general form and, secondly, to the issuance of the charge memo/ charge sheet. In our view, there is no such requirement of a general "initial approval/ sanction" by the Disciplinary Authority on the file. From K.V. Jankiraman (supra), and on a reading of Rule 14, it is clear that the disciplinary proceedings get initiated only upon issuance of the charge memo/ charge sheet, and not before that. Though this decision was rendered in the context of adoption of the sealed cover procedure, we are of the view that the same holds true even generally, as is evident from a reading of Rule 14. In the present case, as noticed herein above, in respect of all the three charge sheets, the Hon'ble Prime Minister of India granted his approval in compliance of Rule 14(3). Thus, there is sufficient compliance of the Rules by the respondent."



18. The interpretation given by the learned counsel for the applicant to the letter of the 1st respondent dated 21.01.2026 (Annexure A2), that the charge was predetermined must fail for the reason that a direction was issued to hold the preliminary inquiry against the applicant followed by consequential direction. A committee of four members was constituted which was expected to conduct a thorough inquiry and frame charges only if the material collected justified the same. Had the committee was of the view that no prima facie case is established, things would have been different, but the committee having found a prima facie case, charge memo was prepared with the approval of the Hon'ble Home Minister and submitted before the DPAR. The said preliminary inquiry report has not been challenged by the applicant. The applicant was placed under suspension pending departmental inquiry against him vide order dated 19.01.2026 immediately after the reports made in the news media for inappropriate behaviour in police uniform with a woman, in a government office, the same being disrespectful to the police uniform causing embarrassment to the government behaving in a manner unbecoming of a government servant. In constituting the committee, reference is made to the letter of the Secretary, Karnataka State Commission for Women,



Bangalore dated 19.01.2026 and Case No. 378/10/31/2024 (B3) dated 20.01.2026 before the Karnataka State Human Rights Commission. The applicant had ample opportunity to make submissions before the preliminary inquiry committee.

19. As regards the delay aspect, it is significant to note that on 19.01.2026 a video of the applicant in uniform behaving in an obscene manner with a woman in his office was circulated in news channels while the applicant was working as Inspector General of Police, Northern Range, Belagavi. This matter has come to light only on 19.01.2026, hence, question of delay and laches would not arise. On the other hand, swift action has been taken by the State Government immediately.

20. In **Kunisetty Satyanarayana**, supra, the Hon'ble Apex Court has held thus:

“13. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge sheet or show-cause notice vide Executive Engineer, Bihar State Housing Board vs. Ramdesh Kumar Singh and others JT 1995 (8) SC 331, Special Director and another vs. Mohd. Ghulam Ghouse and another AIR 2004 SC 1467, Ulagappa and others vs. Divisional Commissioner, Mysore and others 2001(10) SCC 639, State of U.P. vs. Brahm Datt Sharma and another AIR 1987 SC 943 etc.

14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be



premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.

15. *Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge sheet.*

16. *No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter."*

Hence, it is well-settled that the Courts should refrain from interfering with the charge memo unless malafides are established or found to be wholly without jurisdiction or if it is wholly arbitrary and illegal. The Hon'ble Apex Court has consistently ruled that the Hon'ble Courts/Tribunals are not justified in quashing a charge memo or show cause notice at the nascent or threshold stage.

21. The Hon'ble Apex Court in **Ministry of Defence vs. Prabhash Chandra Mirdha** reported in (2012) 11 SCC 565 held



that chargesheet cannot be quashed unless the proceedings are absolutely illegal or without jurisdiction.

22. A police officer is expected to protect lives and property, enforce laws, maintain public order, discipline, building trust with citizens with clean criminal record. A police uniform symbolises state authority, maintains order, provides instant identification and safety for officers. Professional uniform serves as a reminder to the public of the motto “to protect and serve”. Being immediately identified as a police officer will keep officers responsible and accountable for their actions in addition to promoting the ideals of police as an institution. If the officers of high ranking on whom public trust is reposed is alleged of behaving in an obscene manner in uniform with a woman as per the video clipping which surfaced on news channels, the same certainly offends the public feelings at large, women in particular. In such circumstances, the State Government cannot sit quietly closing the eyes. Truth is always invincible. Inquiry is a journey to discover the truth. Issuing of a charge memo is not imposing of any penalty order. As such, challenge to the charge memo is premature.



23. 'Satyameva Jayate' is India's national motto, taken from the ancient Hindu scripture, the Mundaka Upanishad, which is inscribed in Devanagari script at the base of the national emblem of India. It represents the moral and ethical foundation of Indian democracy and public life. This national symbol appears in government offices to remind the core value of maintaining high ethical standards. Government office is like a temple where high ethical standards, integrity and good behaviour are expected. Officer in the high rank is the role model to his subordinate officers. This Tribunal cannot examine the truth, correctness or merits of the charges at the show-cause or charge memo stage. That evaluation belongs to the inquiry/disciplinary authority. Karnataka State Commission for Women and Karnataka State Human Rights Commission also have taken the viral audio-video seriously and requested the State Government to take action. Non-filing of any complaint by the victim would not vitiate the charge memo at the threshold. Similarly, non-mentioning of the victim's name in the list of witnesses would not be a ground to quash the charge memo. Inquiry Officer generally has the authority to call any witness, including a victim or additional witnesses, if it is necessary to uncover the truth and ensure a fair proceeding.



24. As observed by the Hon'ble Apex Court in **Kunisetty Satyanarayana**, supra, a mere show cause notice or charge memo does not infringe the right of anyone. It is only when a final order imposing some punishment is passed, such party would have grievance. The office order dated 21.01.2026 (Annexure A2) is an internal correspondence and does not create any enforceable rights in favour of the applicant. The said order requires a purposive interpretation to discuss true import. By hair splitting the words, no adverse conclusion could be arrived at inasmuch as pre-determination and non-compliance. None of the grounds urged on behalf of the applicant are established to interfere with the charge memo. It would be sufficient compliance with the said order if it shows that there was approval for the charge memo which has been duly established by the respondents placing the original file.

25. **G.D. Jayarama**, supra, has no relevancy to the facts and circumstances of the case. Inconsistency appearing in the decisions of the authorities for entrustment under Rule 14-A of the Karnataka Civil Services (CCA) Rules, 1957 and for sanction from the State Government to file charge sheet against the petitioner therein, under the provisions of Prevention of Corruption Act, 1988 vis-à-vis



earlier judicial orders pertaining to that case as well as the prolonged delay considered in that case, has no bearing to the facts of the present case.

26. Viewed from any angle, OA lacks merit. Resultantly, OA stands dismissed.

No order as to costs.

Sd/-

(DR. SANJIV KUMAR)
MEMBER (A)

Sd/-

(JUSTICE S. SUJATHA)
MEMBER (J)

/ksk/