

Case Name: - A. Lakshman Kini v. Registrar of Co-operative Societies in Karnataka

Citation: - 1981 SCC OnLine Kar 352

Link: - <http://www.sconline.com/DocumentLink/A07oEkJA>

Judgement: -

https://www.sconline.com/print/TP_ilr_1982_kar_755_759_23090100380_revaedin_20260313_100848_1_5.pdf

Conclusion: -

Lakshman Kini, A. v. Registrar of Co-operative Societies in Karnataka (1981) centers on a jurisdictional challenge to a government disciplinary inquiry.

The Parties and Context

The Petitioner: Lakshman Kini, who was serving as an Assistant Registrar of Co-operative Societies.

The Status: His position was a Class-II post. Under the service rules of the time, all appointments to Class-II posts were made directly by the State Government.

The Respondent: The Registrar of Co-operative Societies in Karnataka, who acted as the Head of the Department.

The Dispute

The conflict began when the Registrar initiated regular disciplinary proceedings against the petitioner. On February 9, 1980, the Registrar issued a memo framing "articles of charges" against Kini following a preliminary inquiry.

Later, on November 11, 1980, the Registrar appointed a Deputy Registrar to act as the Enquiry Officer to formally investigate the charges. A hearing was scheduled for December 22, 1980.

The Legal Challenge

Lakshman Kini approached the Karnataka High Court under Article 226 of the Constitution to quash the proceedings. His primary arguments were:-

Lack of Jurisdiction: Since the State Government was his "Appointing Authority," he argued that only the Government had the power to initiate disciplinary proceedings or frame charges against him, not the Registrar.

Procedural Error: He contended that under Rule 11(5) of the Karnataka Civil Services (CCA) Rules, the Registrar should have "applied his mind" to his written defense and decided whether an inquiry was even necessary, rather than just ordering one automatically.

Misconduct Definition: He argued that some of the acts he was charged with did not actually constitute "misconduct" under the Civil Services (Conduct) Rules, 1966.

The High Court ultimately had to decide if a Department Head could legally trigger an inquiry against an officer they didn't personally appoint.

Lakshman Kini, A. v. Registrar of Co-operative Societies in Karnataka and another (1981), the Karnataka High Court dismissed the writ petition filed by the petitioner.

The court's conclusion and primary findings are summarized below:

1. Validity of Disciplinary Proceedings

The Court held that the Registrar of Co-operative Societies, as the Head of the Department, is legally empowered to initiate disciplinary proceedings and frame charges against a Class-II officer (the petitioner), even if the actual appointing authority for that post is the State Government.

2. Interpretation of the Rules

Rule 9 & 10-A (KCS Rules, 1957): The Court clarified that any disciplinary authority listed in Rule 9 has the power to initiate proceedings. The authority initiating the inquiry does not necessarily have to be the same authority that has the power to impose the final penalty.

Rule 11(5): The Court rejected the argument that the Registrar was legally obligated to "apply his mind" to the petitioner's written statement before ordering an inquiry. It ruled that if the official does not admit the charges, the authority can proceed to order an inquiry without a detailed preliminary merit assessment of the defense at that stage.

Rule 4: The Court ruled that this rule does not prohibit a disciplinary authority from framing charges related to powers exercised by a civil servant under any other law.

3. Final Order

Justice Puttaswamy concluded that there was no merit in the contentions raised by the petitioner's counsel. Consequently:

The Writ Petition was dismissed.

The Rule Nisi (the interim stay on the inquiry) was discharged, allowing the disciplinary proceedings against the petitioner to continue.

The parties were directed to bear their own costs.

Case Name: - A. Lakshminarayanappa v. Asst. Registrar of Co-operative Societies

Citation: - 2010 SCC OnLine Kar 3650

Link: - <http://www.sconline.com/DocumentLink/CpnwT2K3>

Judgement:

https://www.sconline.com/print/J_2010_SCC_OnLine_Kar_3650_23090100380_revaeduin_20260313_100334_1_2.pdf

Conclusion: -

A. Lakshminarayanappa v. The Asst. Registrar of Co-operative Societies (2010) involves a conflict between a pending legal appeal and the administrative execution of a debt recovery award.

1. The Original Dispute (Section 69 Award)

The case originated when a recovery award was passed against the petitioner, A. Lakshminarayanappa, under Section 69 of the Karnataka Co-operative Societies Act, 1959. This award was issued by the Deputy Registrar of Co-operative Societies (Respondent No. 4) in favor of the Pavagada Taluk Agricultural Produce Co-operative Marketing Society.

2. The Appeal and Interim Stay

The petitioner challenged this award by filing an appeal (Appeal No. 1235/2004) before the Karnataka Appellate Tribunal (KAT).

On November 17, 2004, the Tribunal granted an interim order staying the operation of the recovery award.

This stay was conditional: the petitioner was required to furnish security of immovable property equivalent to the award sum within six weeks to the satisfaction of the Deputy Registrar.

3. Compliance by the Petitioner

The petitioner complied with the Tribunal's conditions. On December 27, 2004, he furnished a security bond, which was formally accepted by the Deputy Registrar. Crucially, the Deputy Registrar then sent an intimation (dated February 28, 2008) to the Assistant Registrar (Respondent No. 1), confirming that the security had been furnished and the stay order was in effect.

4. The Cause for the Writ Petition

Despite the security being furnished and the stay order being active, the Assistant Registrar (Respondent No. 1) proceeded to issue a notice to sell the petitioner's property to recover the award amount.

The petitioner was forced to approach the High Court because the executive authorities were attempting to enforce a judgment that had been legally stayed by a higher judicial body (the KAT). He sought to quash the sale proceedings and protect his property while his appeal was still being heard.

In the case of A. Lakshminarayanappa v. The Asst. Registrar of Co-operative Societies and Others (2010), the Karnataka High Court ruled in favor of the petitioner, effectively stopping the recovery proceedings initiated by the cooperative authorities.

Key Findings of the Court

The Court observed a clear procedural oversight by the respondents:-

Compliance with Interim Order: The petitioner had already challenged a recovery award before the Karnataka Appellate Tribunal. The Tribunal had granted a stay on the condition that the petitioner furnish security.

Security Furnished: Records confirmed that the petitioner had indeed furnished a security bond (dated December 27, 2004), which was accepted by the Deputy Registrar (Respondent No. 4).

Unauthorized Sale Attempt: Despite the security being furnished and an intimation being sent to the Assistant Registrar (Respondent No. 1), the first respondent proceeded to attempt to sell the petitioner's property to recover the award amount.

Final Conclusion

Justice S. Abdul Nazeer concluded that since the conditions of the Tribunal's stay order had been met, the authorities had no right to enforce the award while the appeal was still pending.

The Court ordered the following: -

Writ Petition Allowed: The petition was successful.

Quashing of Notice: The notice issued by the Assistant Registrar for the sale of the property was quashed.

Restraint Order: Respondent Nos. 1 and 2 were legally restrained from recovering any amount from the petitioner pursuant to the original award until the Tribunal appeal is fully decided.

Expedited Appeal: The Karnataka Appellate Tribunal was directed to dispose of the pending appeal (Appeal No. 1235/2004) within six months.

No Costs: No legal costs were awarded to either party.

Case Name: - A. Sambandhum v. Deputy Registrar of Co-operative Societies

Citation: - 2019 SCC OnLine Kar 326

Link: - <http://www.sconline.com/DocumentLink/64xAn97V>

Judgement: - <https://share.google/H5VWMidnOUACmwU2j>

Conclusion: -

The background of A. Sambandhum v. Deputy Registrar of Co-operative Societies (2019) is rooted in a request for the expedited resolution of a long-pending administrative legal matter.

1. The Core Dispute

The petitioner, A. Sambandhum, filed this writ petition under Articles 226 and 227 of the Constitution of India. The primary objective was to seek a "Writ of Mandamus" (a court order compelling a government official to perform a duty).

2. The Pending Proceedings

The background involves a specific legal proceeding numbered DRM/Suit/C7/Sec/70/2014-15, which was pending before the Deputy Registrar of Co-operative Societies (Respondent No. 1). Based on the case number, this was an administrative suit that had been active since 2014.

3. The Objective of the Petition

The petitioner approached the High Court because the proceedings at the Deputy Registrar's office were likely delayed or stalled. The formal prayer (request) to the High Court was to:

Direct the Respondent to "dispose off" (conclude) the proceedings within a specified time frame.

4. The Shift in Strategy

Unlike the previous cases you shared where the court made a final ruling on the law, the background here ends with a strategic shift. During the hearing, the petitioner's counsel decided not to ask the High Court for a directive anymore. Instead, they filed a memo to withdraw the petition, opting to handle the matter directly within the Deputy Registrar's jurisdiction while "reserving liberty" to come back to court if necessary.

In the case of A. Sambandhum v. Deputy Registrar of Co-operative Societies and Another (2019), the conclusion was a voluntary withdrawal of the case by the petitioner.

Final Order

Justice S. Sujatha passed the following order: -

Withdrawal Granted: The petitioner's counsel filed a memo seeking to withdraw the writ petition.

Liberty to Pursue: The Court granted the petitioner "liberty" (legal permission) to pursue the matter directly before the Respondent No. 1 (the Deputy Registrar of Co-operative Societies).

Disposal: The Writ Petition was officially disposed of based on the terms of the withdrawal memo.

Summary of the Legal Outcome

Unlike a judgment on merits where the court decides who is right or wrong, this is a procedural conclusion. The Court essentially allowed the petitioner to stop the High Court litigation so they could focus on resolving the proceedings (specifically case No. DRM/Suit/C7/Sec/70/2014-15) at the administrative level with the Deputy Registrar.