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No. BCD-111/2014 (Raid Case)

KARNATAKA LOKAYUKTA

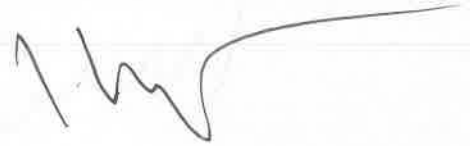
No: COMPT/LOK/BCD/111/2014

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore, Dated: 17.6.2019.

**REPORT UNDER SECTION 12(3) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub:-Proceedings initiated against Sri.H.P.Rangaram Naik, the then Superintending Engineer, Now working as Joint Director, Karnataka Rural Infrastructure Development Ltd., Malleshwaram, Bengaluru about misconduct committed by him as a public servant- reg.,

A complaint was filed by Sri.Keshava.N. Editor, Voice of Oppressed, English Weekly, Banashankari 1st Stage, Bengaluru against Sri.H.P.Rangaram Naik, the then Superintending Engineer, Now working as Joint Director, Karnataka Rural Infrastructure Development Ltd., Malleshwaram, Bengaluru (hereinafter referred to as '**Respondent**' for short) making certain allegations including acquiring properties disproportionate to his known source of income. When the complaint was referred to ADGP, Karnataka Lokayukta Bengaluru for taking action it was intimated that a criminal case was already registered by Karnataka Lokayukta Police Chamarajanagara in respect of the same grievance and charge sheet is filed in Chamarajanagara court. The copy of the final report file in Chamarajanagara court was produced by the Lokayukta police.



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2. On scrutiny of the final report submitted by the Investigating officer of Karnataka Lokayukta police Chamarajanagara, in Cr. No. 7/2014 of Lokayukta police station Chamarajanagara it reveals the commission of offence punishable under section 13(1) (e) r/w Section 13(3) of prevention of corruption act by the respondent. The materials collected by the Investigating officer of Lokayukta police Chamarajanagara disclose that the respondent had joined the Government service on 1.9.1984 and the check period was fixed from 1.9.1984 to 2.6.2014 for computing the income and expenditure and also the assets of the respondent and the materials further shows that the respondent had received income of Rs.1,88,65,690/- from all his known source of income during the check period. It is further noticed that the respondent was found in possession of assets worth Rs.2,04,15,824/- and his expenditure during the check period was Rs.82,10,594/-. Therefore the total of the assets and the expenditure of the respondent was Rs.2,86,26,418/-, whereas his income from all the known source of income was Rs.1,88,65,690/-. Hence the respondent was found in possession of the assets worth Rs.97,60,728/- in excess of his known source of income. Therefore it is clear that the respondent had acquired assets, which was 51.73% more than the known source of income. The materials on record clearly disclose that the respondent is involved in the commission of an offence punishable under Section 13(1) (e) r/w Section 13 (2) of prevention of corruption Act.



3. In order to give opportunity to the respondent to submit his explanation if any, on the allegations made in the final report submitted to the court by the police, an observation note was prepared and served on the respondent directing him to submit his reply to the said observation note. The respondent has filed his reply and has stated that he has filed application in the session court for his discharge from the charges leveled against him in the criminal case and the said application is pending and therefore Lokayukta should not proceed against him on the same allegations. The officer has further stated that he do not admit the allegations made in the charge sheet filed by the police in special court Chamarajanagara and he may be given further time to submit detailed reply after the criminal proceedings in the court is completed. The request of the respondent for keeping this complaint pending till the disposal of the criminal case registered against him in Charamarajanagara court cannot be accepted. It is well settled principle of Law that the proceedings in a criminal case pending before the criminal court will not come in the way of the disciplinary authority initiating disciplinary proceedings in respect of the misconduct committed by a public servant while discharging his duties. It is well settled that discharge or acquittal of an accused in a criminal case will not come in the way of disciplinary authority taking action under service rules for the misconduct committed by a public servant. Hon'ble Suprem court in the decision reported in (2005) 7 SCC 764 (Ajithkumar Nag Vs General Manager (PJ) Indian oil corporation Ltd., Haldia and others has held that *"acquittal by the criminal court would not debar an employer from*



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exercising power in accordance with the rules and regulations in force. The two proceedings, criminal and departmental are entirely different. They operate in different fields and had different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules". Therefore the reply submitted by the respondent cannot be accepted. It is open to the respondent to take all the defence available to him in the enquiry proceedings if initiated against him.

4. From the materials available on record, it is clear that the respondent had acquired assets worth Rs.97,60,728/-, which is disproportionate to his known source of income and he had acquired the said assets by corrupt means abusing his official position as a public servant. After carefully examining the materials placed on record, I am of the view that there is prima-facie materials, which disclose that the respondent, being a public servant, has committed grave official misconduct by abusing his official position to amass wealth disproportionate to his known sources of income. Therefore the respondent has not maintained absolute integrity and devotion to duty and he has acted in a manner, which is unbecoming of a public Servant. Hence, I am of the view that it is just and necessary to initiate departmental proceedings against the respondent, who has committed official misconduct, as described in Rule 3(1)(i) and (ii) of KCS (Conduct) Rules 1966.



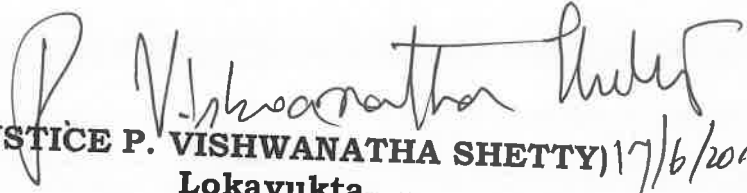
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5. Therefore by invoking the power vested in me under section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent Sri.H.P.Rangaram Naik, the then Superintending Engineer, Now working as Joint Director, Karnataka Rural Infrastructure Development Ltd., Malleshwaram, Bengaluru and to entrust the enquiry to this authority under rule 14-A of Karnataka Civil Services (Classification, control and appeal) rules, 1957.

6. Further, as prescribed in section 12(4) of Karnataka Lokayukta Act 1984, the Competent Authority shall intimate this authority, within three months from the date of receipt of this report, about the action taken or proposed to be taken on this report against the respondent.

Connected records are enclosed.


(JUSTICE P. VISHWANATHA SHETTY) 17/6/2019
Lokayukta,
State of Karnataka.

