

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BCD-718/2018/ARLO-1 M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, dated 10/10/2019.

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

Sub: Proceedings initiated against Sri. K. Ananthaswamy, Admin Superintendent, Bengaluru Rural Zilla Panchayath office, K.G. Road, Bengaluru about his misconduct as Public/Government servant- reg.,

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri. S.E. Manjunath, No.170, Hamsa Sri, Anantaramaiah Compound, Mysore Road, Bengaluru-560018 (hereinafter referred to as Complainant for short) against Sri. K. Ananthaswamy, Admin Superintendent, Bengaluru Rural Zilla Panchayath office, K.G. Road, Bengaluru (hereinafter referred to as 'Respondent' for short).

2. The substance of the complaint is that the respondent is working as Administration Superintendent in the same office for the last 20 years. He had purchased Hyundai Car bearing No. KA-04 ME-0266 on 31/05/2007 without obtaining prior permission from the Competent Authority. He has acquired assets disproportionate to his known sources of income. Hence the complainant

has requested to take action against the respondent. He has enclosed the copy of B-Register Extract showing that Car bearing No. KA-04 ME-0266 is standing in the name of the respondent. He has also produced the endorsement issued by the public information officer stating that the respondent has not taken any prior permission for purchase of car bearing No. KA-04 ME-0266.

3. The Respondent has submitted his comments dt. 23/05/2018 stating that he has obtained post facto approval from the Chief Executive Officer, Zilla Panchayath, Bangalore Rural District vide endorsement no. ಬೆಂಗಳೂರುಜಿಪಂ/ಸಿ.3/ಸಿಆರ್-55/2013-14 dt. 06/09/2013 with respect to car purchased in the month of May 2007. He has stated that he has purchased the car by availing loan of Rs.2.00 lakhs at ICICI Bank and by adjusting the remaining money by availing loan from KGID and GPF and also through his savings from salary. Further he has stated that he has declared the purchase of car bearing no. KA 04 MEO 266 in his Annual Assets and Liabilities Statement.
4. The respondent has produced the copy of Annual Statement Assets and Liabilities as on 31/03/2008, wherein he has reported the acquisition of the following properties:

Sl	Particulars	Value
1.	House measuring 22 X 40 ft in the name of his mother	Rs. 15.00 lakhs

	at Nagashettihalli, Bangalore North Taluk, purchased in the year 1997 through Bank Loan.	
2.	Site measuring 30 X 40 ft. at Nagashettihalli, Bangalore North Taluk purchased through pensionary benefits of mother.	Rs. 6.00 lakhs
3.	Hero Honda bike through savings and loan.	Rs.25,000/-
4.	Car purchased through Bank and other loans.	Rs.4,00,000/-
5.	350 grams of gold and 500 grams of silver, stated to be gifted to his wife by her parents at the time of wedding.	

5. To ascertain the genuineness of the Assets and Liabilities statement, assets and liabilities statements of the respondent from the date of his joining into service were called from the Chief Executive Officer, Zilla Panchayath, Bangalore Rural District. The Chief Executive Officer, Bengaluru Rural District has submitted letter dt. 11/06/2018 along with copies of the available assets and liabilities statement of the Respondent from the year 2008-09 to 2017-18 except the statement as on 31/03/2017. On perusal of the said Assets and Liabilities Statements, the respondent has reported inconsistently with respect to the details of the immoveable properties, which can be seen in the table below:

Details Immovables shown in the Statement of Assets and Liabilities as on 31/03/2008 and 31/03/2009
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PROPERTY	PARTICULARS REPORTED	YEAR OF PURCHASE
House measuring 22 X 40 ft at Nagashettihalli, Bangalore North Taluk.	In the name of mother purchased through Bank Loan.	1997
Site measuring 30 X 40 ft. at Nagashettihalli, Bangalore North Taluk.	Purchased through pensionary benefits of mother.	Not mentioned
Details of Immovables shown in the Statement of Assets and Liabilities as 31/03/2010, 31/03/2011 and 31/03/2012		
House measuring 22 X 40 ft at Nagashettihalli, Bangalore North Taluk.	Purchased by father in the name of mother	1980
Site measuring 30 X 40 ft. at Nagashettihalli, Bangalore North Taluk.	Purchased in his own name through retirement benefits of father	1992
Details of Immovables shown in the Statement of Assets and Liabilities as 31/03/2013, 31/03/2014, 31/03/2015, 31/03/2016 and 31/03/2018		
House measuring 22 X 40 ft at Nagashettihalli, Bangalore North Taluk.	Purchased by father in the name of mother	1975
Balaji Layout, Hebbala Ring Road, Bengaluru (Nature of the property is not mentioned).	Purchased in his own name through the funds accrued from government on the death of his father.	1993

6. Thus it appears that there is prima facie material to show that the respondent has submitted inconsistent

statements with respect to the details such as year of purchase and the source through which the immovable properties were acquired giving scope for suspicion as to the veracity of the information furnished. Further even with respect to movables including gold and silver, he has submitted inconsistent statement of assets and liabilities, which can be seen in the tables below:

Movables shown in the Statements of Assets and Liabilities as on 31/03/2008, 31/03/2009, 31/03/2010, 31/03/2011 and 31/03/2012		
PROPERTY	PARTICULARS REPORTED	YEAR OF PURCHASE
Hero Honda	Purchased for Rs.25,000/- through savings and loan.	2004
Car	Purchased for Rs.4,00,000/- through Bank and other loans.	2007
350 grams of Gold and 500grams of silver	Gifted to wife by her parents at the time of wedding.	--

7. However on perusal of the particulars of movables shown in the Statement of Assets and Liabilities as on 31/03/2018, it appears that the quantity of gold and silver stated to be acquired prior to 2007 as shown in the said statement exceeds the quantity of 350 grams and 500grams of gold and silver respectively shown in the Statements of Assets and Liabilities as on 31/03/2008, 31/03/2009, 31/03/2010, 31/03/2011 and 31/03/2012. The list of movables shown in the

Statement of Assets and Liabilities as on 31/03/2018 is as follows:

ಕ್ರ.ಸಂ.	ಚರಾಸ್ತಿಯ ವಿವರಣೆ, ಬ್ಯಾಂಕು/ ಅಂಚೆ/ ಕಚೇರಿಯಲ್ಲಿರುವ ಖಾತೆಗಳು/ ಸ್ಟಾಕ್/ ಷೇರು ಮತ್ತು ಡಿಬೆಂಚರು, ಇತ್ಯಾದಿಗಳು	ಚರಾಸ್ತಿಯ ಬೆಲೆ	ಖರೀದಿಸಿದ/ ಎಲೆ ಮಾಡಿದ ದಿನಾಂಕ	ಕಲಂ-2ರಲ್ಲಿನ ಉಲ್ಲೇಖಿಸಿದ ಚರಾಸ್ತಿಯನ್ನು ಖರೀದಿಸಲು ಇದ್ದ ಆದಾಯದ ಮೂಲಗಳು	ಅರ್ಜಿಯ ಚರಾಸ್ತಿಯನ್ನು ವರದಿ ಮಾಡಿದ ದಿನಾಂಕ
1	2	3	4	5	6
1	ಚಿನ್ನದ ಸರ (1), ಚಿನ್ನದ ಬಳೆ (2), ಚಿನ್ನದ ಉಂಗುರ (2)	ಅಂದಾಜು ರೂ. 2.50 ಲಕ್ಷ	1992 ರಂತೆ	ನನ್ನ ಪತ್ನಿಗೆ ತಂದೆ ಮನೆಯಿಂದ ಉಡುಗೊರೆ	1992
2	ಚಿನ್ನದ ಸರ (1)		1992 ರಂತೆ	ನನ್ನ ತಾಯಿಯವರಿಂದ ನನ್ನ ಪತ್ನಿಗೆ	1992
3	ಚಿನ್ನದ ಸರ (1), ಚಿನ್ನದ ಉಂಗುರು (1), 1.5 ಕೆ.ಜಿ. ಬೆಳ್ಳಿ ಪಾತ್ರೆಗಳು ಉಡುಗೊರೆ		1992 ರಂತೆ	ನನ್ನ ಮಾವನವರಿಂದ ಮದುವೆಯ ವರೋಪಚಾರವಾಗಿ	1992
4	ನನ್ನ ಮಗಳಿಗೆ ಚಿನ್ನದ ಸರ (1), ಚಿನ್ನದ ಉಂಗುರ (1), 500 ಗ್ರಾಂ ಬೆಳ್ಳಿ ಪಾತ್ರೆಗಳು ಉಡುಗೊರೆ		2003 ರಂತೆ	ನನ್ನ ಮಾವನವರಿಂದ ನಾಮಕರಣದಲ್ಲಿ	2003
5	ಚಿನ್ನದ ಸರ (1) ಉಡುಗೊರೆ		2001 ರಂತೆ	ನನ್ನ ಮನೆಯ ನವೀಕರಣದ ಸಮಯದಲ್ಲಿ ನನ್ನ ಪತ್ನಿಗೆ ನನ್ನ ಮಾವನವರಿಂದ	2001
6	ಹೀರೊ ಹೋಂಡ ಬಯಕ್	ರೂ. 30,000/-	2004 ರಂತೆ	ಸಂಬಳದ ಉಳಿತಾಯ ಹಾಗೂ ಕೆ.ಜಿ.ಐ.ಡಿ. ಲೋನ್	2004
7	ಹುಂಡೈ ಕಾರು	ರೂ. 4,00,000/-	2007 ರಂತೆ	ಬ್ಯಾಂಕ್ ಸಾಲ ಹಾಗೂ ಉಳಿತಾಯ / ಬಾಡಿಗೆ ಹಣದಿಂದ	2007
8	ಪ್ರೀಡ್/ಸೋಫಾ ಸೆಟ್	ರೂ. 30,000/-	2013 ರಂತೆ	ಉಳಿತಾಯ / ಬಾಡಿಗೆ ಹಣದಿಂದ	2013
9	ಟಿ.ವಿ (ಎಲ್.ಜಿ)	ರೂ. 40,000/-	2013 ರಂತೆ	ಉಳಿತಾಯ / ಬಾಡಿಗೆ ಹಣದಿಂದ	2013
10	ಹೋಂಡ ಅಕ್ಟೀವ್ - ಸ್ಕೂಟರ್	ರೂ. 50,000/-	2015 ರಂತೆ	ಸಾಲ ಮತ್ತು ಉಳಿತಾಯದ ಹಣದಿಂದ	2015
11	ಚಿನ್ನದ ನೆಕ್ಲೇಸ್-60 ಗ್ರಾಂ ಅಂದಾಜು	ರೂ. 1.60 ಲಕ್ಷ	2017 ರಂತೆ	ಮಗಳ ವೇತನದಿಂದ ಖರೀದಿ	2017
12	ಚಿನ್ನದ ಬಳೆ - ಅಂದಾಜು 60 ಗ್ರಾಂ	ರೂ. 1.60 ಲಕ್ಷ	2018 ರಂತೆ	ಬಾಡಿಗೆ, ಮಗಳ ವೇತನ ಹಾಗೂ ಉಳಿತಾಯ ಮೊತ್ತದಿಂದ ಖರೀದಿಸಿರುವುದು	2018

8. Thus there appears to be prima facie material to infer that the respondent has shown inconsistent details of immovable properties and movables in his Statements of Assets and Liabilities. Rule 23 (1) of the Karnataka Civil Services (Conduct) Rules, 1966, requires that "Every

Government Servant shall on his first appointment to any Service or post and thereafter at the interval of every twelve months ending on 31st March submit a return of his assets and liabilities and of all members of his family in such form as may be prescribed by the Government giving the full particulars regarding (a) the immovable property inherited by him or any member of his family or owned or acquired by him or any member of his family on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other persons; (b) shares, debentures and cash including bank deposits inherited by him or any member of his family or similarly owned, acquired or held by him or any member of his family; (c) other movable property inherited by him or any member of his family or similarly owned, acquired or held by him or any member of his family; (d) debts or other liabilities incurred by him or any member of his family directly or indirectly.”

It is trite that such return or statement of assets and liabilities should not be incorrect/false/inconsistent giving scope for suspicion as to the veracity of the information furnished. Thus there is prima facie material to infer that the respondent has violated Rule 23 (1) of the Karnataka Civil Services (Conduct) Rules, 1966 by submitting inconsistent details of immovable properties and movables in his Statements of Assets and Liabilities, which gives scope for suspicion as to the veracity of the information furnished.

9. It is noted that though the Respondent has mentioned in his comments and Statement of Assets and Liabilities about having availed the following loans, he has not furnished any documents to show that he had obtained prior permission for obtaining the said loans from the competent authority. Rule 21 (4) (i) of the Karnataka Civil Services (Conduct) Rules, 1966 requires that *“No Government Servant shall except with the previous sanction of the Government and save in the ordinary course of business with a bank or a firm of standing duly authorized to conduct banking business either himself or through any member of his family or any other person acting on his behalf:- (a) lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or; (b) lend money to any person for interest or in a manner whereby return in money or in kind is charged or paid.”* Thus there is prima facie material to infer that the respondent has violated Rule 21 (4) (i) of the Karnataka Civil Services (Conduct) Rules, 1966 by availing the following loans without prior permission from the Competent Authority:

Sl.	BANK	PURPOSE	AMOUNT
1.	ICICI Bank	Purchase of car	Rs. 2.00 lakhs
2.	Not specified	Purchase of house measuring 22 X 40ft worth Rs. 15.00 lakhs (Shown in the Statement of Assets	Not specified

		and Liabilities as on 31/03/2008 and 31/03/2009	
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10. Further, though the respondent has shown in the Statement of Assets and Liabilities as on 31/03/2008 and 31/03/2009 that the following immovable properties (mentioned in the table below) were acquired by him. He has not furnished any documents to show that he had obtained prior permission from the competent authority. Rule 23 (2) of the Karnataka Civil Services (Conduct) Rules, 1966, requires that *“No Government Servant or any member of his family shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.”* Thus there is prima facie material to infer that the respondent has violated Rule 23 (2) of the Karnataka Civil Services (Conduct) Rules, 1966 by acquiring the following immovable properties without prior permission from the Competent Authority:

PROPERTY	PARTICULARS REPORTED	YEAR OF PURCHASE
House measuring 22 X 40 ft at Nagashettihalli, Bangalore North Taluk.	Purchased in the name of mother through Bank Loan.	1997
Site measuring 30 X 40 ft. at Nagashettihalli, Bangalore North Taluk.	Purchased through pensionary benefits of mother.	Not mentioned

Balaji Layout, Hebbala Ring Road, Bengaluru (Nature of the property is not mentioned).	Purchased in his own name through the funds accrued from government on the death of his father.	1993
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11. Further the respondent has mentioned in the Statement of Assets and Liabilities as on 31/03/2018 that his Salary is Rs.24,600/-. Though the respondent, has shown that the following movable properties (mentioned in the table below) were acquired by him and though he has mentioned in the Statement of Assets and Liabilities only the year for having reported the movable properties, he has not furnished any documents to show that he had obtained prior permission or reported to the prescribed authority with respect to the said movable properties immediately/promptly. Rule 23 (3) of the Karnataka Civil Services (Conduct) Rules, 1966, requires that *“Every Government Servant shall report to the prescribed authority every transaction concerning movable property owned or held by him or any member of his family either in his own name or in the name of a member of his family, if the value of such property exceeds the monthly basic salary of the Government Servant: Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is – (i) with a person having official dealings with the Government Servant; or (ii) Otherwise than through a regular or reputed dealer.”* Though the respondent has stated that he has obtained

post facto permission from Chief Executive Officer, Zilla Panchayat, Bengaluru Rural District on 06/09/2013 in respect of the car purchased in 2007, from the bare reading of the provision, it appears that Rule 23 contemplates prompt reporting or seeking of prior permission immediately and not with a delay of almost six years. Thus there is prima facie material to infer that the respondent has violated Rule 23 (3) of the Karnataka Civil Services (Conduct) Rules, 1966 by acquiring the following movable properties without prior permission from the Competent Authority or without reporting to the prescribed authority promptly.

ಕ್ರ.ಸಂ.	ಚರಾಯ್ತಗಳ ವಿವರಣೆ, ಬ್ಯಾಂಕು/ ಅಂಚೆ/ ಕಚೇರಿಯಲ್ಲಿರುವ ಖಾತೆಗಳು/ ಸ್ಟಾಕ್/ ಷೇರು ಮತ್ತು ಡಿಬೆಂಚರು, ಇತ್ಯಾದಿಗಳು	ಚರಾಯ್ತ ಬೆಲೆ	ಖರೀದಿಸಿದ/ ವಿಲೆ ಮಾಡಿದ ದಿನಾಂಕ	ಕಲಂ-2ರಲ್ಲಿನ ಉಲ್ಲೇಖಿಸಿದ ಚರಾಯ್ತನ್ನು ಖರೀದಿಸಲು ಇದ್ದ ಆದಾಯದ ಮೂಲಗಳು	ಅರ್ಜಿಯಾದ ಚರಾಯ್ತನ್ನು ವರದಿ ಮಾಡಿದ ದಿನಾಂಕ	ಷರಾ
1	2	3	4	5	6	7
1	ಚಿನ್ನದ ಸರ (1), ಚಿನ್ನದ ಬಳೆ (2), ಚಿನ್ನದ ಉಂಗುರ (2)	ಅಂದಾಜು ರೂ. 2.50 ಲಕ್ಷ	1992 ರಂತೆ	ನನ್ನ ಪತ್ನಿಗೆ ತಂದೆ ಮನೆಯಿಂದ ಊಡುಗೊರೆ	1992	
2	ಚಿನ್ನದ ಸರ (1)		1992 ರಂತೆ	ನನ್ನ ತಾಯಿಯವರಿಂದ ನನ್ನ ಪತ್ನಿಗೆ	1992	
3	ಚಿನ್ನದ ಸರ (1), ಚಿನ್ನದ ಉಂಗುರು (1), 1.5 ಕೆ.ಜಿ. ಬೆಳ್ಳಿ ಪಾತ್ರೆಗಳು ಉಡುಗೊರೆ		1992 ರಂತೆ	ನನ್ನ ಮಾವನವರಿಂದ ಮದುವೆಯ ವರೋಪಚಾರವಾಗಿ	1992	
4	ನನ್ನ ಮಗಳಿಗೆ ಚಿನ್ನದ ಸರ (1), ಚಿನ್ನದ ಉಂಗುರ (1), 500 ಗ್ರಾಂ ಬೆಳ್ಳಿ ಪಾತ್ರೆಗಳು ಉಡುಗೊರೆ		2003 ರಂತೆ	ನನ್ನ ಮಾವನವರಿಂದ ನಾಮಕರಣದಲ್ಲಿ	2003	
5	ಚಿನ್ನದ ಸರ (1) ಉಡುಗೊರೆ		2001 ರಂತೆ	ನನ್ನ ಮನೆಯ ನವೀಕರಣದ ಸಮಯದಲ್ಲಿ ನನ್ನ ಪತ್ನಿಗೆ ನನ್ನ ಮಾವನವರಿಂದ	2001	
6	ಹೀರೊ ಹೋಂಡ ಬಯಕ್	ರೂ. 30,000/-	2004 ರಂತೆ	ಸಂಬಳದ ಉಳಿತಾಯ ಹಾಗೂ ಕೆ.ಜಿ.ಐ.ಡಿ. ಲೋನ್	2004	
7	ಹುಂಡೈ ಕಾರು	ರೂ. 4,00,000/-	2007 ರಂತೆ	ಬ್ಯಾಂಕ್ ಸಾಲ ಹಾಗೂ ಉಳಿತಾಯ / ಬಾಡಿಗೆ ಹಣದಿಂದ	2007	
8	ಪ್ರೀಡ್ಲ್/ಸೋಫಾ ಸೆಟ್	ರೂ. 30,000/-	2013 ರಂತೆ	ಉಳಿತಾಯ / ಬಾಡಿಗೆ ಹಣದಿಂದ	2013	
9	ಟಿ.ವಿ (ಎಲ್.ಜಿ)	ರೂ. 40,000/-	2013 ರಂತೆ	ಉಳಿತಾಯ / ಬಾಡಿಗೆ ಹಣದಿಂದ	2013	
10	ಹೋಂಡ ಆಕ್ಟೀವ್ - ಸ್ಕೂಟರ್	ರೂ. 50,000/-	2015 ರಂತೆ	ಸಾಲ ಮತ್ತು ಉಳಿತಾಯದ	2015	


				ಹಣದಿಂದ		
11	ಚಿನ್ನದ ನೆಕ್ಲೇಸ್-60 ಗ್ರಾಂ ಅಂದಾಜು	ರೂ. 1.60 ಲಕ್ಷ	2017 ರಂತೆ	ಮಗಳ ವೇತನದಿಂದ ಖರೀದಿ	2017	
12	ಚಿನ್ನದ ಬಳೆ - ಅಂದಾಜು 60 ಗ್ರಾಂ	ರೂ. 1.60 ಲಕ್ಷ	2018 ರಂತೆ	ಬಾಡಿಗೆ, ಮಗಳ ವೇತನ ಹಾಗೂ ಉಳಿತಾಯ ಮೊತ್ತದಿಂದ ಖರೀದಿಸಿರುವುದು	2018	

12. Under the circumstances, there is prima-facie material to infer misconduct on the part of the Respondent for furnishing inconsistent Statement of Annual Assets and Liabilities, for not obtaining prior permission for availing the Bank loans and for not reporting to the prescribed authority or obtaining prior permission for acquisition of immovable properties and movable properties in violation of Rules 21(4), 23 (1), (2) & (3) of the Karnataka Civil Services (Conduct) Rules, 1966 respectively. Hence the comments of the Respondent cannot be accepted.

13. The facts and materials on record prima-facie show that the respondent has committed misconduct as per Rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against **Respondent - Sri. K. Ananthaswamy**, Admin Superintendent, Bengaluru Rural Zilla Panchayath Office, K.G. Road, Bengaluru (**Date of Retirement is 28/02/2023**) and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

4. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within one month from the date of receipt of this report, as to the action taken or proposed to be taken on the basis of this report.

Connected records are enclosed.


(Justice N. ANANDA)
Upalokayukta-1
State of Karnataka

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