

KARNATAKA LOKAYUKTA

No.Compt/Uplok/BGM-1582/2017/DRE-1 Multi Storied Buildings,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date : 27/1/2020

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

Sub:- Proceedings against Dr.Mruthyunjaya B Tadahala,
Medical Officer, General Hospital, Ramadurga,
Belgaum District.

1. On the basis of the complaint filed by Sri.Muktumsab Mabusab Bagalad, Ningapurapete, Ramadurga Taluk, Belgaum District, (hereinafter referred to as 'Complainant'), against Dr.Mruthyunjaya B Tadahala, Medical Officer, General Hospital, Ramadurga, Belgaum District, (hereinafter referred to as 'Respondent') an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.
2. The gist of the complaint ^{is} ~~are~~ that, due to diabetes his right leg has been amputated and there is permanent physical disability, but the respondent has issued disability certificate showing only 60% disability due to which he could not get monthly pension of Rs.1,200/- per month.
3. The respondent has filed comments that on examination of the complainant, since it was found that below 8 cm of right knee, leg has been amputated, he had issued medical certificate assessing disability at 60%. He has further contended that since the complainant later informed that he is suffering from diabetes he

has assessed the disability at 75% and issued revised disability certificate accordingly.

4. From the photographs affixed to the complaint and also the disability certificate issued by the respondent, it can be noticed that the right leg of the complainant below the knee has been amputated. It is not disputed by the respondent that the complainant is suffering from diabetes. Infact it is specifically stated in the complaint that the right leg was amputated because of diabetes. In the disability certificate produced by the respondent along with his comments except mentioning as "right leg Below Knee amputation 75% - seventy five percent", no details regarding the reason for amputation and other complaints like pain, infection, deformity, shortening etc., have been noted. No other medical document has also been produced to show the reason for amputation and any other complications like pain, infection, deformity, shortening etc.
5. Ministry of Social Justice and Empowerment has issued guidelines for evaluation of various disabilities and the procedure to be adopted for issuance of certification in gazette notification dt.1/6/2001. In Sl.No.2 guidelines have been laid down for evaluation of Permanent Physical Impairment in lower limb. It makes out that while assessing the percentage of disability, the measurement of loss of function in 2 components i.e., mobility and standing components must be considered. Further in point No.2.3, it has been provided that extra points shall be given for pain, deformities, contractures, loss of sensations and maximum points to be added is shown as 10% (excluding shortening).
6. In point No.5 basic guidelines are laid down for evaluation of permanent physical impairment in amputees as below:

1. In cases of multiple amputees if the total sum of permanent physical impairment is above 100%, it should be taken as 100% only.
 2. If the stump is unfit for fitting the prosthesis additional weightage of 5% should be added to the value.
 3. In case of amputation in more than one limb percentage of each limb is added by combining formula and another 10% will be added but when only toes or fingers are involved only 5% will be added.
 4. Any complication in the form of stiffness of proximal joint, neuroma, infection, etc., should be given upto a total of 10% additional weightage.
 5. Dominant upper extremity should be given 4% additional weightage.
7. In the next page at point No.5(1.3) the percentage of disability in case of amputation Below Knee upto lower 1/3 of leg is shown as 60%.
8. Page No.16 of the above guidelines has also been produced by the respondent along with his comments.
9. Therefore, from the above guidelines it can be made out that in case of amputation of 1/3 of lower leg Below Knee, the percentage of disability shall be assessed as 60%. Further as per the guidelines for evaluation of Permanent Physical Impairment in amputees, an additional weightage of 5% shall be added to the value, if the stump is unfit for fitting the prosthesis. Similarly if there is any complication in the form of stiffness, infection etc., additional weightage upto 10% shall be added. Further as per point No.2.3, a maximum of 10% shall be added towards pain, deformity, loss of sensation, shortening and complications if any. Functional disability has also to be considered while assessing the percentage of disability.

10. However, in the comments the respondent has conceded that he had issued disability certificate showing the percentage of disability at 60% and later he has issued revised certificate assessing disability at 75%. Therefore, his comments itself is sufficient to opine that the respondent had issued disability certificate without proper evaluation of Permanent Physical Impairment as per the guidelines laid down by the Ministry of Social Justice and Empowerment for evaluation of Permanent Physical Impairment in amputees. Because of lack of proper evaluation, complainant could not get the disability pension of Rs.1,200/- per month as per the G.O.No.RD 74 DSP 2013 Bangalore dt.30/8/2013 wherein the monthly disability pension has been enhanced from Rs.1,000/- to Rs.1,200/- for the physically disabled persons suffering from disability of more than 75%.
11. From the above discussion, the very act of the respondent in issuing disability certificate assessing the disability at 60% initially and later revising it to 75% shows that the respondent had issued the disability certificate in a callous manner which amounts to lack of devotion to duty. Therefore there are sufficient materials to initiate disciplinary action against the respondent under Rule.3 of Karnataka Civil Service (Conduct) Rules 1966.
12. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against ^{the} respondent and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
13. As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or cause to be intimated to

this Authority, the action taken or proposed to be taken on this recommendation, within a period of three months from the date of receipt of this report.

Connected records are enclosed herewith.


(Justice N Ananda)

Upalokayukta-1 27/1
State of Karnataka, Bengaluru


27/1/2020

