

**KARNATAKA LOKAYUKTA**

No.COMPT/UPLOK/BGM-2837/2013/PP

M.S. Building,  
Dr. B.R. Ambedkar Road,  
Bengaluru.  
Dated 27/08/2016**REPORT UNDER SECTION 12(3) OF  
KARNATAKA LOKAYUKTA ACT, 1984**

**Sub: Proceedings against (1) Sri Vinod Kumar Heggalagi, Deputy Director, D.C. Office, Belagavi and (2) Sri Amithkumar Dhavaleshwar, Food Inspector, Ahtani, Belagavi District and (3) Smt. Aparna Pawate, the then Tahsildar, Athani Taluk, Belagavi District about their misconduct as Public/Govt. Servants - reg.**

The Complainant of this case Sri Deepa Patil S/o P.V. Patil R/o CTS No.1299/B, Main Road, Athani, Belagavi alleged that M/s Shri HP Gas Agency of Athani is not abiding with the norms prescribed for distribution of domestic gas cylinders and is engaged in illegal activities and it was brought to the notice of the respondents, no action has been taken against the owner of the said Agency. Instead, in connivance with the said Agency they have allowed to continue with the said illegal activities.

Besides, permission was accorded to one Sri S.S. Halladmala by M/s HP Gas to run the said Gas Agency under the Handicap Quota and Certificate to run the said agency has also been issued in his name. But, one Sri R.H. Bhate under the pretext of running the said agency in partnership with said S.S. Halladmala has dominated the business and is looking after the entire agency posing himself as the sole agent of the said Agency and he is cheating M/s HP Gas Company and the consumers by selling the domestic gas cylinders in black market and also to the commercial firms and hotels. Thus, he is making personal gain by depriving the consumers. Further, it is alleged that when complainant sought for information about the transaction of the said agency under RTI Act, the same was denied by said R.H. Bhate. Hence, Hon'ble

Upalokayukta by exercising his powers vested u/s 9 of Karnataka Lokayukta Act ordered for taking up investigation against the respondents.

2. On the said complaint, comments were called for from the respondents. Responcent No.1 Sri Vinodkumar Heggalagi, Deputy Director of Food and Civil Supplies submitted his comments on 27.12.13 by way of affidavit denying the complaint allegations as false. He further submitted that Food Inspector concerned had enquired into the complaint allegations and submitted a detailed report to the Tahsildar of Athani on 12.6.12. The said report disclosed that no illegality has been committed by the said Agency.

3. Respondent No.2 Sri Amitkumar Babasab Dhavaleshwar, Food Inspector, Athani, Belagavi District submitted his comments dated 3.1.2014 by way of affidavit. He has also denied the complaint allegations as false. Further he submitted that Sri R.H. Bhate and Sri S.S. Halladmala by way of joint agreement with HP Gas agency are running the same jointly. On inspection it was found that as alleged the said Agency was not selling the cylinders in black market but they have only cleared the backlog bookings on the alleged dates which were not cleared on account of lorry strike and this has led to the wrong interpretations that the said agency is engaged in selling the domestic gas cylinders in black market.

4. On the said comments of the respondents, rejoinder of the complainant was called for. The complainant submitted his rejoinder reiterating his complaint averments.

5. At this stage on a consideration of the complaint averments, comments of the respondents and rejoinder submitted by the complainant, it was felt that the matter requires further investigation by Lokayukta Police at Belagavi. Accordingly, the matter was referred to the Superintendent of Police, Karnataka Lokayukta, Belagavi to investigate and report. In turn, the SP, Lokayukta, Belagavi entrusted the matter to Deputy Superintendent of Police, Karnataka Lokayukta, Belagavi to investigate into the matter.

He further submitted that as per the directions issued on 20/07/2012 by the Commissioner, Food, Civil Supplies and Consumer Affairs, he addressed a letter dated 17/8/2012 to the Regional Manager HPC requesting him to take suitable action. On 12/12/2012 a reminder was also issued in this regard.

It is his further submission that the Lokayukta Police at Belagavi on the basis of the complaint dated 07/10/2013 of the complainant, had issued directions to him to take suitable action on the complaint. Accordingly, he in turn instructed the Tahsildar, Athani (Respondent No.3) to take action and he also addressed a letter to the Senior Regional Manager, Dharwad on 20.6.2013 requesting him to take suitable action and report stating the matter as urgent.

In response, the Tahsildar confirmed that the complaint allegations are false and baseless in view of the report of the Regional Food Inspector. He further submitted that he even took part in the investigation conducted by the Lokayukta Police (Dy.S.P) on 26.6.2014.

11. Respondent No.2 in his comments submitted that he was appointed as Food Inspector on 17.9.2008 on compassionate ground. As Upa Tahsildar went on long leave, the SDC retired from service and one post of Food Inspector was vacant, he was overburdened with work. In spite of it, he has conducted number of inspections and have reported violations made by other agencies at various places. He further submitted that under LPG (Regulation of Supply and Distribution) Order 2000 clause 13(1) the power of Entry, Search and Seizure vests with the Food Department. When such investigations were conducted in respect of Shri Gas Agency, no such violations as alleged were noticed. Accordingly, a report was submitted to his higher-ups.

Further stated that himself and the Deputy Director took part in the inspection conducted by the Dy.S.P, Karnataka Lokayukta, Belagavi and found that there was no such violation made by the said agency as alleged by the complainant.

12. The report of the Jt. Director (Civil Supplies and Consumers Affairs) makes it clear that the LPG (Regulation of Supply and Distribution) Order, 2000 clause 13(2) empowers the concerned Tahsildar, Dy. Director, and the Food Inspector for entry, search and seizure of the premises of the Gas agencies, in order to find out any violation of norms in supply & distribution of Gas Cylinders to the consumers. It has also been observed that Shri Gas Agency was found to have supplied the domestic LPG to commercial firms. The said Agency was not giving the transport subsidy to the persons who receives the cylinders at the office of agency itself; was not giving information sought by the consumer under RTI; was found to have charged more than the prescribed price to the Gas Cylinders and the said agency was found to have not put the display Board showing the existing stock. Such violations were there in the said Gas Agency. Further, it has been reported by the said Jt. Director that on 3.2.2015 and 4.4.2015 the Dy. Director had conducted raids on hotels, Mess and seized about 22 Domestic Gas Cylinders which were used by the said commercial entrepreneurs. Such violations ought to have been found out by the respondents had they undertaken regular and proper inspections. But, such raids have been conducted only after the filing of this complaint. This fact itself discloses that there is failure on the part of the respondents in unearthing or noticing these violations. Therefore, on the said report of the Jt. Director of Food & Civil Supplies Department the reply of respondents were called for by furnishing a copy of the same.

13. The respondent No.1 to 3 submitted their reply to the I.O's report stating that there is no dereliction of duty on their part and regular inspections were conducted and the Food Inspector had found that there was no violation of any norm in supply of domestic gas cylinders to the consumers under LPG (Regulation of Supply and Distribution) Order, 2000. On a consideration of the the said explanations submitted by the respondents it is found to be not satisfactory.

6. Accordingly, the Deputy Superintendent of Police, Karnataka Lokayukta, Belagavi took up the investigation of the case. He along with Dy. Director and Regional Food Inspector of the Department of Food and Civil Supplies conducted spot inspection and submitted his investigation report opining that the complaint allegations are found to be not true.

7. On the said report of Deputy Superintendent of Police, Karnataka Lokayukta, Belagavi, reply of the complainant was called for. The complainant submitted his reply stating that the surprise inspection said to have been conducted by Deputy Superintendent of Police, Karnataka Lokayukta, Belagavi is not true as the day on which he visited the said Sri Gas Agency, Athani and other hotels in Athani was his regular visit to Athani as a routine. Hence, the said Gas Agency and Hotels had prior information of his visit. Thus, they had been alerted and made to set-right their illegalities so as to falsify the contention of the complainant. Therefore, the complainant requested this Hon'ble Authority not to consider the said report and he further requested that investigation may be ordered by the higher authorities of the department of Food and Civil Supplies. Considering his request, the matter was referred to Managing Director, Karnataka Food and Civil Supplies Corporation Ltd, Bangalore with instruction to entrust the investigation to a responsible officer. But, the said Managing Director wrote a letter dated 26.12.14 informing that the investigation by the senior officer of his department may not be legal under administration of natural justice as the senior officers of his department are of lower cadre than the cadre of the respondent No.1.

8. Under the circumstances, a letter was addressed to the Commissioner, Food and Civil Supplies and Consumer Affairs directing him to investigate into matter and report. Accordingly, the said Commissioner entrusted the matter to the Jt. Director (Civil Supplies and Consumers Affairs), Bengaluru. The said Joint Director (Investigation Officer for short I.O.) after investigation submitted his report dated 9.2.2015 through the Commissioner, Food and Civil Supplies, Bengaluru to this Authority. The said report discloses clear violation of norms

by Sri Gas Agency, Athani in distributing the gas cylinders to the consumers. It is also stated in the said report that the said Gas Agency was found charging more than the prescribed price of the gas cylinders, was not giving the transport subsidy to the consumers, was not displaying the stock and was supplying noncommercial gas cylinders to hotels which is a clear violation of LPG Regulation of Supply and Distribution Order, 2000 and Revised Marketing Disciplined Guidelines, 2014. The Commissioner of Food & Civil Supplies has stated that the Dy. Commissioner (Food Division) has opined that the office of the Dy. Commissioner has taken time-to-time action. But the concerned Tahsildar and Food Inspector have not carried out regular inspections.

9. Hence, from the said report, it is clear that the respondent Tahsildar and the Food Inspector are responsible for not conducting regular inspection of said Gas Agencies and thereby failed to check the violations made by the said agencies in distribution of LPG cylinders to the consumers. Therefore, on the said report of the I.O. reply of the respondents were called for.

10. Respondent No.1 in his reply submitted that he took charge as Deputy Director of Belagavi District on 18.9.2013 and that it is true that the complainant had given a complaint on 5/6/2012 against Shri Gas Agency, Athani. He further submitted that the Regional Food Inspector had carried out inspection in the year 2012 and submitted a report to the effect that the said Shri Gas Agency has not violated any law and on that basis the Tahsildar, Athani had written a letter dated 16.6.2012 to the D.C., Belagavi.


Subsequently, the complainant gave another complaint dated 14/6/2012 on which basis, the Deputy Commissioner (Food Division) had addressed letter dated 18/6/2012 to the Sr. Regional Manager, HPC Company, Dharwad, informing about receipt of the said complaint against the said Gas Agency and had requested to take action and submit report in the matter. But, the said Regional Manager did not take any action.

14. A careful consideration of the facts and material on record, show that the respondents, being Government Servants have failed to maintain absolute integrity besides absolute devotion to duty and acted in a manner unbecoming of Government Servants and thereby committed misconduct u/s. 3(1) (i), (ii), and (iii) of KCS (Conduct) Rules, 1957 and made themselves liable for disciplinary action.

15. Since said facts and material on record prima-facie show that the respondents have committed misconduct, now, acting u/sec. 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondents - (1) Sri Vinod Kumar Heggalagi, Deputy Director of Food and Civil Supplies Department, Belagavi (2) Sri Amitkumar Dhavaleshwar, Food Inspector, Food and Civil Supplies Department, Athani, Belagavi and (3) Smt. Aparna Pawate, the then Tahsildar, Athani Taluk, Belagavi District and to entrust the enquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957.

16. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority **to intimate this Authority within three months** from the date of receipt of this report the action taken or proposed to be taken on this report against the respondent.

Connected records are enclosed.

  
(JUSTICE N. ANADA) 29/8  
Upa Lokayukta, PP 2418  
Karnataka State,  
Bengaluru.

