

KARNATAKA LOKAYUKTA

NO: COMPT/UPLOK/BGM/3538/2017/DRE4

MS Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru, Date:16/03/18

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

Sub: Proceedings against 1) Sri.A.I.Bagalkot - Range Forest Officer, Social Forestry range, Kundgol, 2) Sri.S.M.Wali - Assistant Conservator of Forest, Social Forestry sub-division and 3) Sri.J.S.Tasgaonkar - Deputy Conservator of Forest, Social Forestry division, Dharwad district, about their misconduct as Govt. servants - reg.

A *suo-moto* investigation was taken up by invoking Sec.7(2) of Karnataka Lokayukta Act against 1) Sri.A.I.Bagalkot -Range Forest Officer, Social Forestry range, Kundgol, 2) Sri.S.M.Wali - Assistant Conservator of Forest, Social Forestry sub-division and 3) Sri.J.S.Tasgaonkar - Deputy Conservator of Forest, Social Forestry division, Dharwad district (hereinafter referred to as 'respondents No.1, 2 & 3, respectively - for short').

2. Brief facts of the case are:-

On 28/11/2017 the undersigned visited the office of the 1st respondent situated at Kundgol, Dharwad district. At that time, one Sri.Virupakshappa Thotad, an outsourced employee working as Forest

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motivator was present in the office. He has submitted that respondent No.1 and Sri.S.S.Poojar-Incharge Forest Guard are working in the office. He has stated that respondent No.1 had been to the office of Ombudsman for appearance. It was noticed that no attendance register was maintained in the office. The office was maintained in a very bad condition. There was no power connection to the office. Display board of the office found thrown inside the office. The office looked like a godown/ garbage collection center. It was observed that electric wire is drawn from the electric switch to the godown. At about, 4.15 pm respondent No.1 returned to the office. When he was asked to produce the attendance register, he has stated that, he is in executive field and he has neither maintained attendance register nor movement register.

3. Comments were called from the respondents by sending observation note. They have submitted comments.

4. Respondent No.1 in his comments contended that -

- 1) He is working as Range Forest Officer (RFO), Social Forestry Range, Kundgol since 02/09/2014. He admits that on 28/11/2017 at about 3.30 pm undersigned visited his office and that he was not present, as he had gone to appear before Ombudsman for enquiry. He admits that except Motivator Sri.Virupakshappa Thotad, no one was present in his office at the time of visit. He further admits that some flaws were found in the maintenance of the office. He has submitted that his office is housed in building owned by APMC, Kundgol. On 01/08/2004 one room/ stall was taken from APMC on rental basis on a monthly rent of ₹510/-. As the said room was in dilapidated condition, he had addressed letter to APMC, Kundgol on 26/09/11 to

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allot a site for construction of office building. Further, on 16/05/12 he wrote a letter to APMC, Kundgol to let out another room for office purpose. Since, APMC, expressed that the site cannot be given free of cost to construct office building, 1st respondent had to continue the office in the rented room. During the year 2014 due to heavy rain the rented premises was about to collapse. Thereafter, APMC, Kundgol allotted small godown to 1st respondent to run the office. On 19/07/17, DCF and ACF visited the office and instructed to maintain the office properly and requested APMC to repair and provide basic necessities. Then the APMC and local authorities assured that permanent office room will be allotted to 1st respondent in under-construction Mini Vidhana Soudha building. With that assurance, 1st respondent continued to run the office in the very same old godown. 1st respondent further contended that no grant is available in the department of forest to repair the building or to provide basic necessities to the leased office room. Therefore, he was and is helpless to get the flaws repaired. 1st respondent contended that necessary repairs would be carried out and prevailing bad condition of the office will be set right;

- 2) In so far as, not maintaining of attendance register is concerned, he is an executive field officer and thus, he will be spending the office hours outside the office, supervising the forest development activities. He is expected to maintain diaries. Under Clause 129 of the Karnataka Forest Manual, the Executive officers are instructed to submit work diaries. Submission of work diaries ensures attendance and movement of the officer on field work. Therefore, 1st respondent could not furnish attendance register;
- 3) Further, he contended that no office staff is deputed or transferred to his office. He alone has to look after the executive work as well as office work. He is running the office in such a hard situation. He is

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executing development works too. Therefore, he has not done any misconduct in the discharge of official duties. He asserts that he is discharging official duty with honesty and needed efficiency.

5. Respondent No.2 and 3 submitted common comments reiterating the comments of respondent No.1, in so far as running of office in small godown of APMC is concerned and contended that -

On 19/07/17 they have visited the office of 1st respondent and found improper maintenance of office and found it necessary that the office building needs to be repaired and accordingly instructed the 1st respondent. When being enquired about the office building, 1st respondent orally brought to their notice that he had asked for grant of site from Secretary, APMC on 26/09/2011. However, his request was declined. Further, his request for repair of office building has not been considered, but assurance was given by Executive officer, Taluk Panchayat, Kundgol that permanent office room would be allotted in the under-construction Mini Vidhana Soudha building. After visit by Hon'ble Upalokayukta, a memo dated:30/11/17 given by 3rd respondent to all sub-ordinates to maintain the respective office properly with all the necessary basic facilities and instructed to submit compliance report.

6. The material on record discloses that -

1) Respondents No.2 and 3 are working as ACF and DCF, respectively of Social Forestry division, Dharwad district. They are superior to respondent No.1. On 28/11/17, during visit by the undersigned to the office of 1st respondent, it was found that the attendance register was not maintained in the office and there was no power connection

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- to the office and the office is maintained in a shabby condition. The display board of the office was found thrown inside the office;
- 2) For regulating attendance of staff / s in every public office, it is mandatory to maintain Attendance Register in standard format in which office staff and officers will have to mark their attendance daily and enter the time also. The registers so maintained shall be in the custody of Head of the Office and he/she will have to watch the timely attendance of staff;
 - 3) In the case on hand, the 1st respondent contended that he is an executive field officer. Therefore, he is expected to maintain diary only and maintenance of attendance is optional. In this connection, it is worth to point out, on the date of visit of undersigned, 1st respondent returned to the office at 4.15 pm during which he was asked to produce the attendance register. It was found that, he has neither maintained the attendance register nor movement register/ diary. Had really he maintained work diary; nothing came in his way to produce the said document to substantiate his contention. Thus, it is *prima facie* evident that he is not in the habit of maintaining attendance register nor work diary. 2nd and 3rd respondents being superior officers of 1st respondent, it is their duty to supervise the attendance and functioning of staffs of office of 1st respondent. They have failed to have check on the attendance and functioning of 1st respondent and other staffs;
 - 4) In so far as improper maintenance of office of 1st respondent is concerned, it is the duty of the 1st respondent as well as other two respondents to maintain the public office clean and tidy. It was found that the display board of the office of the 1st respondent was thrown inside the office. Even though the office is being run in rented building / room, with the available accommodation public office can be maintained clean and tidy. Though, the display board was

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available, it has not been placed at the appropriate place. On the other hand, it was kept/ thrown inside the office.


7. The replies submitted by the respondents are not found convincing or satisfactory to drop the proceedings against them. Thus, investigation substantiates the allegation against all the respondents.

8. The materials available on record *prima facie* disclose that the respondents being Govt. servants, have failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of Government servants, and thereby committed misconduct attracting 3(1) of KCS (Conduct) Rules 1966 and liable for disciplinary action.

9. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to permit to initiate disciplinary proceedings against all the respondents and to entrust the enquiry to this Authority under Rule 14-A of KCS (CCA) Rules.

9. Further, as per section 12(4) of Karnataka Lokayukta Act 1984, the Competent Authority is required to intimate to this authority within three months from the date of receipt of this report.

Copies of connected records are enclosed.


(JUSTICE N. ANANDA)
Upalokayukta-1,
Karnataka State.

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