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KARNATAKA LOKAYUKTA

No. Compt/Uplok/GLB-2978/2013/DRE-3

M.S. Building,
Dr. Ambedkar Veedhi,
Bangalore-560 001,
Date: 17.09.2016

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

Sub: Proceedings initiated against (1) Mukundappanavar.N.S. Sr. Geologist, Mines & Geology Department, Yadgiri Taluk, Yadgiri District, 2) Kiran D.R. Geologist, Mines & Geology Department, Yadgiri Taluk, Yadgiri District, 3) Mahesh M. Gowdanayka Geologist, Mines & Geology Department, Yadgiri Taluk, Yadgiri District, 4) Mallikarjuna Kulkarni, P.D.O. Warkanally Village, Yadgiri Taluk & District, 5) Smt. Khaji Napijha Muthalik, The then Tahasildar, Yadgiri Taluk & District, presently working at Ballary Town Development Authority, Ballary District, 6) Jawaregowda, The then Tahasildar, Yadagiri District, Presently R/o No.135, 5th Cross, Sheshadripura, Shimogga-577201, 7) Dr. B. Sharanappa, The then Tahasildar, Yadgiri Taluk & presently Spl. Land Acquisition Officer, Bagalkot Town Development Authority, Bagalkot, 8) Parashurama Madara, The then Tahasildar, Yadgiri Taluk and presently working as Asst. Commissioner, Vijayapur, 9) K.Mathai, The then Tahasildar, Yadgiri Taluk & District and presently working as Asst. Commissioner (Advertisement) BBMP, Bengaluru, 10) Gurupadeshwara Patil, I/c. Tahasildar, Yadagiri Taluk & District, Presently working at D.C. Officer, Yadagiri, 11) Mallikarjuna, Sherestedar, the then I/c. Tahasildar, Yadgiri Taluk & District & Presently working at D.C. Office, Yadgiri, 12)

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Mahammad Ejahajjul Hak, The Then Revenue Inspector, Bilichakra, Yadgiri Taluk & District Presently working as Sherestedar D.C. Officer, Yadgiri, 13) Nabhi Patel, I/c.Revenue Inspector, Yadagir Taluk & District, Presently working as Revenue Inspector, Bilichakra, 14) Rajashekara Patil, The then Revenue Inspector Yadgiri Taluk & District presently working at Bilichakra Yadagiri District, 15) Surendra Kumar, Revenue Inspector Yadgiri Taluk & District, 16) Girish Kumar.R.H, Revenue Inspector, Gurumitakal, Yadagiri District, 17) Abhubakar, I/c. Revenue Inspector, Yadagiri Taluk & District, presently working as Village Accountant, Yalagi, Surapur Taluk, Yadagiri District, 18) Vishwanatha Laddi, the then Revenue Inspector, Komkala, Yadagiri District, 19) Baburao. D., I/c. Revenue Inspector, Yadagiri Taluk & District, presently working at Revenue Inspector, Hattikuni, 20) Naagareddy, The then Revenue Inspector, Yadgiri Taluk & District, presently working as Revenue Inspector, Sydapura, 21) Gurupadeshwara Patil, I/c. Tahasildar, Yadagiri Taluk & District, Presently working at D.C. Officer, Yadagiri, 22) K.Mathai, The then Tahasildar, Yadgiri Taluk & District and presently working as Asst. Commissioner (Advertisement) BBMP, Bengaluru, regarding their misconduct as Government/Public Servants - reg.

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri. Tejraj Rathod, District President, Jaya Karnataka, Gandhi Nagar Station Area, Yadgiri Taluk, Yadgiri (hereinafter referred to as 'complainant' for short) against (1) Mukundappanavar.N.S. Sr. Geologist, Mines & Geology Department, Yadgiri Taluk, Yadgiri District, 2) Kiran D.R. Geologist, Mines & Geology Department,

Yadgiri Taluk, Yadgiri District, 3) Mahesh M. Gowdanayka Geologist, Mines & Geology Department, Yadgiri Taluk, Yadgiri District, 4) Mallikarjuna Kulkarni, P.D.O. Warkanally Village, Yadgiri Taluk & District, 5) Smt. Khaji Napijha Muthalik, The then Tahasildar, Yadgiri Taluk & District, presently working at Ballary Town Development Authority, Ballary District, 6) Jawaregowda, The then Tahasildar, Yadagiri District, Presently R/o No.135, 5th Cross, Sheshadripura, Shimogga-577201, 7) Dr. B. Sharanappa, The then Tahasildar, Yadgiri Taluk & presently Spl. Land Acquisition Officer, Bagalkot Town Development Authority, Bagalkot, 8) Parashurama Madara, The then Tahasildar, Yadgiri Taluk and presently working as Asst. Commissioner, Vijayapur, 9) K.Mathai, The then Tahasildar, Yadgiri Taluk & District and presently working as Asst. Commissioner (Advertisement) BBMP, Bengaluru, 10) Gurupadeshwara Patil, I/c. Tahasildar, Yadagiri Taluk & District, Presently working at D.C. Officer, Yadagiri, 11) Mallikarjuna, Sherestedar, the then I/c. Tahasildar, Yadgiri Taluk & District & Presently working at D.C. Office, Yadgiri, 12) Mahammad Ejahajjul Hak, The Then Revenue Inspector, Bilichakra, Yadgiri Taluk & District Presently working as Sherestedar D.C. Officer, Yadgiri, 13) Nabhi Patel, I/c.Revenue Inspector, Yadagir Taluk & District, Presently working as Revenue Inspector, Bilichakra, 14) Rajashekara Patil, The then Revenue Inspector Yadgiri Taluk & District presently working at Bilichakra Yadagiri District, 15) Surendra Kumar, Revenue Inspector Yadgiri Taluk & District, 16) Girish Kumar.R.H, Revenue Inspector, Gurumitakal, Yadagiri District, 17) Abhubakar, I/c. Revenue Inspector, Yadagiri Taluk & District, presently working as Village Accountant, Yalagi, Surapur Taluk, Yadagiri District, 18) Vishwanatha Laddi, the then Revenue Inspector, Komkala, Yadagiri District, 19) Baburao. D., I/c. Revenue Inspector, Yadagiri

16
 Taluk & District, presently working at Revenue Inspector, Hattikuni.
 20) Naagareddy, The then Revenue Inspector, Yadgiri Taluk &
 District, presently working as Revenue Inspector, Sydapura, 21)
 Gurupadeshwara Patil, I/c. Tahasildar, Yadagiri Taluk & District,
 Presently working at D.C. Officer, Yadagiri, 22) K. Mathai, The then
 Tahasildar, Yadgiri Taluk & District and presently working as Asst.
 Commissioner (Advertisement) BBMP, Bengaluru (hereinafter
 referred to as 'respondents 1 to 22 respectively' for short).

2. The allegation in the complaint is that;

- In Yadagiri Taluk, stone quarrying is carried out illegally from many years.
- Complaint was lodged, with respect to illegal stone quarrying and stone blasting at Workanhalli Village without license. But the respondents 1 to 3 are negligent in taking any action against them and they are hand in glove with the persons who are carrying out illegal stone quarrying by taking bribe.
- Respondent No.4 Mallikarjun Kulkarni is providing Liaison between the persons carrying out illegally quarrying and respondents Nos.1 to 3. Hence as prayed to take action against the respondents 1 to 4.

3. The matter was referred to S.P. Karnataka Lokayukta Yadagiri for investigation, who in turn has submitted his report dated 27-1-2015. In the report S.P. has stated that, during his investigation by visiting the spots where stone quarrying was done, he found that in the year 2012-13 and 2013-14, there is illegally stone quarrying without license. It is also stated that Respondent no.4 Mallikarjun Kulkarni has facilitated illegal quarrying in the year 2012-13 and the revenue officials of the Yadagiri Taluk are involved in facilitating the illegal stone quarrying. Further he has stated that respondents 1 to 3

being officers of dept. of Geology are also responsible for illegal stone quarrying in the year 2012-13. He has also stated that, there are 8 stone crushing machine around Yadagiri and some of the stone crushers are running illegally. He has produced the photographs taken during spot inspection showing the illegal stone quarrying and other documents.

4. Based on the report of S.P. Karnataka Lokayukta, Yadgiri, the revenue officials i.e., the Tahasildars and Revenue Inspector who worked during 2012 to 2014 were impleaded as respondents 5 to 22 and their comments were called.

5. Respondents 1 to 3, 5 to 9, 11 to 20 have filed their comments. Respondents No.4 and 10 have not filed their comments, inspite of service of notice.

6. Respondents 1 to 3 being the Geologists working in the Dept. of Mine and Geology, Yadagiri, in their comments have denied the allegations of illegal mining and corruption. In view of the report of the S.P. Karnataka Lokayukta Yadagiri, their comments cannot be accepted at this stage.

7. Respondents 5 to 9, 11 to 20 in their comments have denied their involvement in illegal stone quarrying and they have prayed to drop the proceeding against them. Since, S.P. K.L.A. Yadagiri has reported that, prima-facie the respondents 5 to 22 being the revenue officials are also involved in facilitating illegal quarrying, their comments cannot be accepted at this stage.

8. The respondents 4 & 10 inspite of receiving this office endorsement have not submitted their comments. Therefore, adverse inference is drawn against them with respect to the above allegations.

18

9. In view of the report of S.P., Karnataka Lokayukta, Yadagiri all the respondents are prima-facie found guilty for their inaction in controlling the illegal stone quarrying without license and for facilitating the same. They have failed to maintain absolute integrity devotion to duty and acted in a manner which is unbecoming of a public servant.

10. The respondents 21 and 22 are same as respondents 10 and 9 respectively. Therefore, there is no necessity to proceed against the said respondents Nos.21 & 22 when action is proposed against respondent no.9 and 10.


11. The respondent No.1 Mukundappa N.S. had retired on 31-8-2016, respondent No.6 Javare Gowda had retired on 31-12-2013, respondent No.11 Mallikarjun had retired on 31-3-2016, respondent No.18 had retired on 31-7-2016. The event alleged pertains to the year 2012 to 2014. From the year 2014, 4 year period lapses in the year 2018. Therefore, since the event is within the period of 4 years, disciplinary action can be initiated against the above said respondents, 1, 6, 11 and 18 under Rule 214(2)(b)(II) of K.C.S.Rs.

12. Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondents 1 to 20 and entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

13. Further it is requested to accord sanction as required under Rule 214(2)(b)(i) of KCSRs against respondents 1, 6, 11 and 18, as they have already retired from service.

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

Connected records are enclosed.


(Justice N. ANANDA), 17/9
Upalokayukta-1,
State of Karnataka.