

KARNATAKA LOKAYUKTA

No.COMPT/UPLOK/GLB/1903/2020/ARE-20

M.S. Building
Dr. B.R. Ambedkar Veedhi
Bengaluru, dated: 7-6-2022

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

Sub: Proceedings initiated against Sri. Srinivasa Reddy S/o. Rama Reddy, First Division Assistant, Primary Health Care Centre, Ilheri, Yadagiri Taluk and District about his misconduct as Government/public servant – Reg.

A suo-moto investigation was taken up U/Sec.7 R/w. Sec.9 of The Karnataka Lokayukta Act, 1984, against respondent Sri. Srinivasa Reddy S/o. Rama Reddy, First Division Assistant, Primary Health Care Centre, Ilheri, Yadagiri Taluk and District (**herein referred as to “respondent”**) on the basis of the material/copy of Charge sheet placed by the Dy.S.P, Karnataka Lokayukta, Yadagiri in Cr. No.1/2014 of Yadagiri.

2. The charge-sheets indicates that the respondent while working as FDA in Primary Health Care Centre, Ilheri, Yadagiri Taluk and District (herein after called as respondent) had accumulated wealth which was disproportionate to his known source of income by 43.51% for the check period from 18-11-1997 to 26-2-2014 and that when the respondent joined the service in that year he has not declared his assets and liabilities either before Income Tax Department or in his assets and liabilities statement and chare-sheet has been filed

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(e) The respondent had purchased a site bearing No.44 totally measuring 1200 sq.feet situated in Sy.No.27/1B of Kusunoor village, Kalaburgi Taluk and District for a sum of Rs.12,000/- under the registered sale deed vide document No.4882/98-99 dated 27-2-1999.

(f) The respondent owns a commercial building bearing No.1-7-34 (old No.1-10-70) situated at Panchayath Mohalla, Gurmitkal Taluk, Yadagiri Taluk and District worth Rs.2,55,000/- as per the valuation report of Executive Engineer, PWD.

(g) The respondent owns a house bearing No.1-10-3, 1-10-4, 1-10-5 and 1-10-3/1 situated Panchayath Mohalla, Gurmitkal Town, Yadagiri Taluk and District worth Rs.35 Lakhs as per valuation report of Executive Engineer, PWD.

(h) The respondent had deposited Rs.2,10,500/- before Sri. Sai Plots, Narayanpet to purchase a site bearing No.78 formed in land bearing SY.Nos.640X680 of Narayanpet developed by Sri. Sai Plots.

(i) The respondent had purchased the landed property in the name of his mother Smt. Basamma W/o. Rama Reddy bearing No.50/2 totally measuring 1 acre 13 guntas situated at Gurmitkal village for a sum of Rs.44,000/- under the registered sale deed dated 16-6-2001.

(j) The respondent had purchased the landed properties in the name of his mother Smt. Basamma W/o. Rama Reddy bearing Sy.No.40/A totally measuring 5 acres situated at Gurmitkal village under three registered sale deeds dated 8-2-2002 (document Nos.2240, 2241 and 2242) for a total sum of Rs.1,50,000/-.

(k) The respondent had purchased the landed property in the name of his mother Smt. Basamma W/o. Rama Reddy bearing No.51/1/∞ totally measuring 3 acres 10 guntas situated at Gurmitkal village for a sum of Rs.1,14,000/- under the registered sale deed dated 21-6-2006.

(l) The respondent had purchased the landed property in the name of his mother Smt. Basamma W/o. Rama Reddy bearing No.51/E totally measuring 1 acre 32 guntas situated at Gurmitkal village for a sum of Rs.41,000/- under the registered sale deed dated 28-5-2004.

(m) The respondent had purchased the landed property in the name of his mother Smt. Basamma W/o. Rama Reddy bearing No.51/E totally measuring 1 acre 31 guntas situated at Gurmitkal village for a sum of Rs.59,000/- under the registered sale deed dated 28-5-2004.

(n) In relation to the above said purchase and acquisition of immovable properties in Para Nos.(a) to (m) the respondent had not obtained prior permission from the prescribed authority and also not intimated the acquisition as mandated under Rule 23(2) of the Karnataka Civil (Conduct) Rules-1966.

(o) The respondent had purchased the two wheeler vehicle No.KA-33/H-5434 without obtaining previous sanction from the prescribed authority and also not intimated the purchase as required under Rule 23(3) of the Karnataka Civil (Conduct) Rules-1966 and also the source of income.

(p) While searching the house of the respondent gold ornaments weighing 9.63 gms worth Rs.19,885/- and silver ornaments weighing 249.76 gms worth Rs.6,968/-

and cash of Rs.4,000/- were found and while searching the bank locker No.7 of Krishna Grmina Bank, Gurmitkal gold ornaments totally weighing 18.33 gms worth Rs.40,528/- and silver ornaments totally weighing 97.64 gms worth Rs.2,460/- were found and the respondent had not lawfully accounted for the same.

(q) The respondent had raised housing loan of Rs.6,50,000/- from State Bank of Hyderabad, Gurmitkal Branch in relation to A/c.No.62264727794 and personal loan of Rs.1,50,000/- from the above said bank in the name of his wife Smt. Sunitha bearing A/c.No. 62319846349 and the respondent also the Member of Sri. Sai Chits Gurmitkal and participated in auction and obtained Rs.84,500/- by bidding chits on 22-5-2012 and obtained Rs.91,000/- on 5-10-2012 by bidding chits and in relation to the above financial transactions the respondent has not obtained the permission from the prescribed authority nor intimated the raising of loans to the prescribed authority as required under Rule 21(4) of Karnataka Civil (Conduct) Rules-1966.

5. The respondent has filed his comments to the observation note contending that he has intimated about all the purchases to the prescribed authority along with source of income for purchases in the annual property returns and he is producing the copies of the same. It is also contended that the respondent had obtained prior permission to avail the housing loan of Rs.6,50,000/- from the Competent Authority. Likewise it is contented that the wife of respondent has obtained the domestic loan of Rs.1,50,000/-. The respondent was the Member of Sri.Sai Chits, Gurmitkal bearing Group No.3, Ticket Nos.3 and 4 and use to contribute Rs.3,000/- per month per each chit out of the salary saving of himself and his wife and he has intimated the same to the Government. All the purchases were made out of the known source of

income and all the purchases reported in the annual property returns of the respondent from time to time and no one has complained about the same and it is the deemed permission for the purchases made and has requested to close this complaint and it is also contended that the gold and silver ornaments are ancestral, gifted from father-in-law and relatives and he has mentioned about the same in his annual property returns. The respondent has also produced copies of annual property returns statements of various years along with copies of other documents.

6. As per the chare-sheet the respondent had not disclosed about all these movable and immovable assets which he was having while joining the service and that he had not at all taken prior permission from the prescribed authority before purchase of immovable properties stated above and the respondent had also not taken prior permission regarding availing of loan and about his financial transaction with Sri.Sai Chits, Gurmitkal and thereby the respondent has violated Rule 23(2) and Rule 21(4) of Karnataka Civil (Conduct) Rules-1996. It is for the respondent to prove in the enquiry that he has not violated the above said Rule 21(4) and 23(2) of Karnataka Civil (Conduct) Rules-1966.

7. It is not the case of the respondent that he had taken prior permission as per Rules 21(4) and 23(2) of Karnataka Civil (Conduct) Rules-1996 in respect of the immovable and movable transactions mentioned in the observation note stated above. It is his contention that he has declared the purchases and transactions mentioned in the observation

note in his annual property returns. As stated above as per Rules 21(4) and 23(2) of Karnataka Civil (Conduct) Rules-1966 prior permission from the prescribed authority before purchase of immovable property and before taking loans and entering into financial transactions is necessary. Hence prima-facie case has been made out to conduct the departmental enquiry against the respondent for violation of Rules 21(4) and 23(2) of Karnataka Civil (Conduct) Rules-1996 in respect of the purchases and other transactions of the respondent intimated in the observation note.

8. Therefore the defence, if any, of the respondent has to be appreciated by conducting a detailed enquiry. By considering the materials placed on record i.e., charge sheet & documents there exists prima-facie case to attribute misconduct on the part of respondents as defined in Rule 3(1)(i) to (iii) of KCS (conduct) Rules 1966 and this is a fit case to hold departmental enquiry against respondent for violation of Rules 21(4) and 23(2) of Karnataka Civil Conduct) Rules-1966.

9. Therefore by invoking the power vested in me U/Sec.12(3) of Karnataka Lokayukta Act 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent and to entrust enquiry to this authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rule, 1957.

10. Further, as per Sec.12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority **within three 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.

K.H. Phaneendra
-- 07/06/22

[JUSTICE K.H. PHANEENDRA)
UPALOKAYUKTA-2
KARNATAKA STATE