



KARNATAKA LOKAYUKTA

No.LOK/ARE-4/Enq.263/2012

**M.S.Buildings,
Bangalore,
Dated 21/8/2017**

RECOMMENDATION

Sub: Departmental Enquiry against Dr
V.Narasimhamurthy, Medical Officer,
Primary Health Centre, Kuduru, Magadi
Taluk, Ramanagara District

Ref: 1. Government Order No.A.K.K.70 MSA
2008 dated 29/5/2012
2. Nomination order by Hon'ble
Upalokayukta- dtd.18/6/2012.

Government, by order dtd 29/5/2012 initiated the disciplinary proceedings against Dr V.Narasimhamurthy, Medical Officer, Primary Health Centre, Kuduru, Magadi Taluk, Ramanagara District (hereinafter referred to as DGO) and entrusted the disciplinary enquiry to this institution.

This institution, by nomination order dtd.18/6/2012 nominated the Additional Registrar for Enquiries-4 to conduct departmental enquiry against the DGO for the alleged misconduct alleged to have been committed by him.

Syed

The enquiry officer has submitted his report dtd 21/8/2017, inter alia, stating that, the DGO, since deceased on 25/5/2017, the disciplinary proceedings stood abated.

The charge alleged against the DGO was that, while he was working as Medical officer in Primary Health Centre, Kuduru, Magadi Taluk, Ramanagar Dist., he demanded and accepted Rs.25/- as bribe from Sri Babu s/o Kumar r/o Kananuru village of Kudur Hobli of Magadi Taluk of Ramanagar Dist, (hereinafter referred to as 'complainant') on 28/1/2008 for examinining and prescribing a medicine and as such, the DGO has failed to maintain absolute integrity and devotion to the duty. As a result, he committed the misconduct within the meaning of Rule 3(1) (i) to (iii) of the KCS (Conduct) Rules.

When the enquiry was in progress, it was reported that, the DGO died on 25/5/2017 and the death certificate of DGO was also produced.

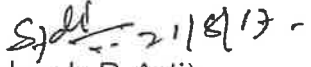
In view of the death of the DGO Dr V.Narasimhamurthy, the enquiry officer has submitted his report stating that, the disciplinary proceedings stands abated in view of the death of the DGO.

Sylli

Hence, it is hereby recommended to the Government that, the disciplinary proceedings against Dr V.Narasimha murthy, (deceased) Medical Officer, Primary Health Centre, Kuduru, Magadi Taluk, Ramanagara District be dropped as abated.

Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed herewith.


(Justice Subhash B Adi)
Upalokayukta
Karnataka State, Bangalore

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ/263/2012/ARE-4

M.S.Building,
Dr.B.R.Ambedkar Road,
Bangalore-560 001
Date: 21/08/2017

:: N O T E ::

Sub: Departmental Enquiry against,

Dr. V. Narasimhamurthy
Medical Officer
Primary Health Centre
Kuduru
Magadi Taluk
Ramanagara District
(during the enquiry now reported **dead**)

- Ref:**
- 1) Govt. Order. No. A.K.K. 70 MSA 2008 dated: 29/05/2012
 - 2) Order No.LOK/INQ/14-A/263/2012 Dtd. 18/06/2012 of the Hon'ble Upalokayukta

With reference to the subject and reference cited above, original enquiry report in sealed cover and connected original records as below, are forwarded for kind perusal and needful.


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File NO.II	1. Xerox copy of N.O.	31,32
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	10. Letter of Police Inspector, Karnataka Lokayukta, Ramanagar dated: 10/08/2017 (original) with Xerox copy of the death certificate of DGO	55,56
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Receipt of the above report and original records may kindly be acknowledged.

DGO died on 25/05/2017.


(CHANDRASHEKAR PATIL)
Additional Registrar Enquiries-4
Karnataka Lokayukta,
Bangalore

To:

The Hon'ble Upalokayukta-2
Karnataka Lokayukta,
Bangalore.

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-263/2012

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 21/08/2017

ENQUIRY REPORT

Sub: Departmental Enquiry against,

Dr. V. Narasimhamurthy
Medical Officer
Primary Health Centre
Kuduru
Magadi Taluk
Ramanagara District
(during the enquiry now reported **dead**)

- Ref:**
- 1) Govt. Order. No. A.K.K. 70 MSA 2008
dated: 29/05/2012
 - 2) Order No.LOK/INQ/14-A/263/2012
Dtd. 18/06/2012 of the Hon'ble
Upalokayukta

1. This Departmental Enquiry is directed against Dr. V. Narasimhamurthy, Medical Officer, Primary Health Centre, Kuduru, Magadi Taluk, Ramanagara District, (during the enquiry now reported **dead**) (herein after referred to as the Delinquent Government Official in short "DGO")

2. In view of the Government Order cited above at reference-1, the Hon'ble Upalokayukta, vide order dated: 18/06/2011 cited above at reference-2, nominated Additional Registrar of Enquiries-3 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Inquiry

against the aforesaid DGO. After receipt of the nomination order at reference No.2, the Addl. Registrar of Enquiries-3, Karnataka Lokayukta, Bangalore prepared a articles of charge in Annexure-I, statement of imputation of misconduct in Annexure-II, along with the list of witnesses and documents at Annexure-III and IV and forwarded to the DGO. Copies of same were issued to the DGO calling upon him to appear before the Authority and to submit written statement of his defence.

3. When the matter pending for enquiry in recording the evidence of the witnesses of Disciplinary Authority, this matter transferred to Addl. Registrar of Enquiries-8 vide order NO.LOK/INQ/14-A/2014, Bangalore dated: 14/03/2014 of Hon'ble Upalokayukta. Addl. Registrar of Enquirie-8 proceeded with the enquiry in recording the evidence of PW1 to PW3 When the matter pending for cross-examination of PW3 again transferred to this Addl. Registrar of Enquiries-4 vide O.M. No. Uplok-2/DE/2016 Bengaluru dated: 03/08/2016 of the Hon'ble Registrar issued with the concurrence of the Hon'ble Upalokayukta. Hence, this enquiry case proceeded disposed by this Addl. Registrar of Enquiries-4 in accordance with law.

4. The Articles of Charges framed by ARE-3 against the DGO is as below;

ANNEXURE-I

CHARGE:-

That you, Dr. V.Narasimhamurthy (herein after referred to as Delinquent Government Official, in short DGO), while working as Medical Officer in Primary Health



Centre of Kudur of Magadi Taluk of Ramanagar District demanded and accepted a bribe of Rs. 25/- on 28/01/2008 from complainant Sri Babu s/o Kumar R/o Kananuru village of Kudur Hobli of Magadi Taluk of Ramanagar District for examining medically and to prescribing medicine (injection), that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT

The complainant Sri Babu s/o Kumar r/o Kananuru village of Kudur Hobli of Magadi Taluk of Ramanagara District filed a complaint on 25/01/2008 before the DSP Inspector, Karnataka Lokayukta, Ramanagara alleging that he was suffering from stomach and loose motion from a week prior to 25/01/2008 and that on 23/01/2008 he had been to Primary Health Centre, Kudur and got medical treatment there and at that time the Medical Officer, PHC, Kudur demanded and accepted a bribe of Rs. 25/- from him and as the stomach did not subside and as loose motion was not controlled the complainant again went to Dr.V. Narasimhamurthy, Medical Officer, Primary Health Centre, Kuduru, Magadi Taluk, Ramanagara District (herein after referred to as Delinquent Government

Servant, in short DGO) on 24/01/2008 and at that time also the DGO demanded the bribe and that every day the DGO examines 50 to 60 patients and receives bribe amount from them and DGO insisted for payment of bribe.

As the complainant was not willing to pay any bribe to the DGO, he went to DSP, Karnataka Lokayukta, Ramanagar, on 25/01/2008 lodged a complaint. On the basis of the same a case was registered in Ramanagara Lokayukta Police Station Cr. No. 1/2008 for offences punishable under sections 7, 13(1)(d) r/w section 13(2) of the P.C. Act, 1988 and FIR was submitted to the concerned learned special judge.

After registering the case, investigating officer observed all the pre-trap formalities and entrustment mahazar was conducted and you, the DGO was trapped on 28/01/2008 by the Investigating Officer after your demanding and accepting the bribe amount of Rs. 25/- from the complainant in the presence of shadow witness and the said bribe amount which you had received from the complainant was seized from your possession under the seizure mahazar after following the required post-trap formalities. During the investigation the I.O. has recorded the statements of Panchas and other witnesses and further statement of the complainant. The I.O. during the investigation has sent the seized articles to the chemical examiner and obtained the report from him and he has given the result as positive.



The materials collected by the I.O., during the investigation prima facie disclose that you, the DGO, demanded and accepted bribe of Rs. 25/- from the complainant on 28/01/2008 for doing an official act i.e., for examining medically and to prescribing medicine (injection). Thus you, the DGO have failed to maintain absolute integrity and devotion to duty and this act on your part is unbecoming of a Government Servant. Hence, you have committed an act which amounted to misconduct as stated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

In this connection an observation note was sent to you, the DGO and you have submitted your reply which, after due consideration, was found not acceptable. Therefore, a recommendation was made to the Competent Authority under Section 12(3) of the Karnataka Lokayukta Act, 1984, to initiate Departmental Proceedings against you, the DGO. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against you, the DGO and to submit report. Hence, the charge.

5. DGO appeared before this Enquiry Authority on 13/09/2012 on service of notice and Articles of Charge. This Authority recorded the First Oral Statement of DGO U/R 11(9) of KCS (CCA) Rules, 1957 on the same day. DGO pleaded not guilty and claimed for enquiry. Subsequently the DGO submitted a written statement of defence by denying the

charge leveled against him and also statement of imputations in total. Accordingly prays to exonerate him in this case.

6. Thereafter, the Disciplinary Authority examined three witnesses as PW1 to PW3 and got marked Ex.P1 to P15. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO being recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. As against the DGO and got marked at Ex.D1 in the cross-examination of PW3/Sri Babu, the complainant of this case. In the meanwhile, the case posted for defence evidence on 02/06/2017, learned counsel for the DGO filed memo reported that, the DGO was passed away on 25/05/2017. Hence, issued a notice to the Police Inspector, Karnataka Lokayukta, Ramanagar District to report about the death of DGO.

7. Accordingly, Police Inspector, Karnataka Lokayukta, Ramanagar, submitted the copy of death certificate of DGO through his letter dated: 10/08/2017 stating that, the original death certificate is filed in Special Case No.21/2010 on the file of Prl. District and Session Judge, Ramanagar, being the special court. The report of Police Inspector, Karnataka Lokayukta, Ramanagar and his report with copy of death certificate, reveals that, the DGO/Dr. V. Narasimhamurthy, died on 25/05/2017. Therefore this enquiry is **“abated”**. Hence, I proceed to pass the following:-




// REPORT //

The Enquiry against DGO-Dr. V. Narasimhamurthy, Medical Officer, Primary Health Centre, Kuduru, Magadi Taluk, Ramanagar District is hereby "**abated**" on account of death of DGO on 25/05/2017.

8. Hence this report is submitted to Hon'ble Upalokayukta for kind perusal and for further action in the matter.

Dated this the 21st day of August, 2017


(CHANDRASHEKAR PATIL)
Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bangalore.

