

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/Inq/14-A/283/2013/ARE-3
(Encl: (a) Recommendation of Hon'ble
Lokayukta & Inquiry Report
of Inquiry Officer, in original
(b) Connected records.

Multi Storied Building
Dr. B.R. Ambedkar Veedhi
Bengaluru - 560 001
Date: 11/02/2019

/CONFIDENTIAL/

To

Sri. Jawaid Akhtar IAS.,
Principal Secretary to Govt. of Karnataka,
Health & Family Welfare Department,
#105, I Floor,
Vikas Soudha,
Bangalore - 560 001

Respected Sir,

Sub: Departmental Enquiry against
Dr. Nagachari, Senior Surgeon,
Government Hospital, Virajapete,
Madikeri Taluk, Kodagu District - reg.,

Ref: Government Order No. HFW 11 MSA
2008, Bengaluru Dated 20/06/2013

Adverting to the above, I am directed to forward herewith the Recommendation of the Hon'ble Lokayukta, State of Karnataka, Bengaluru, dated 08/02/2019 in original, and the Report of the Inquiry Officer, in original, along with relevant records of inquiry, as detailed below:

File No.	Particulars of Documents	Page No.
	Enquiry report dated 21.1.2019 of Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru.	One sealed cover

File No.1	Original Order Sheet File	1-16	
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	Xerox copy of the Government Order	19-20	
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	PW-2	Sri C.A. Abdulla (original)	75-80
	PW-3	Sri C.D. Prasanna (original)	81-87
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	Ex.P-1	Certified copy of the sheet containing serial numbers of currency notes	95
	Ex.P-2	Certified copy of the entrustment mahazar	96-98
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File No. 5	Deposition File (List of Witnesses examined on behalf of DGO)		
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	Ex-D1	News items published in various newspapers in circulation in Kodagu District	161-170

Receipt of the Recommendation of the Hon'ble Lokayukta, along with the Report of the Inquiry Officer in a sealed cover and the connected inquiry records, as mentioned above, may please be acknowledged, at the earliest.

Yours faithfully,


(H.M. NANJUNDASWAMY)

Registrar,
Karnataka Lokayukta,
Bengaluru.

Copy to:

✓ Addl. Registrar of Enquiries -3, Karnataka Lokayukta, Bengaluru along with copy of recommendation, for information and further necessary action.



KARNATAKA LOKAYUKTA

No:LOK/ ARE-4/ENQ-283/2013 Multi Storeied Building
Dr.B.R.Ambedkar Veedhi
Bengaluru – 560 001
Date: 08-02-2019

RECOMMENDATION

Sub:- Departmental Enquiry against
Dr. Nagachari, Senior Surgeon,
Government Hospital, Virajapete,
Madikeri Taluk, Kodagu District – reg.,

Ref:- 1) Government Order No. HFW 11 MSA
2008, Bengaluru Dated 20/06/2013.

The then Hon'ble Lokayukta, Karnataka State,
Bengaluru by means of his report dated 26-04-2013
made under Section 12(3) of Karnataka Lokayukta Act,
1984 (hereinafter referred to as 'the Act'),
recommended for initiating Disciplinary proceedings
against Dr. Nagachari, Senior Surgeon, Government
Hospital, Virajapete, Madikeri Taluk, Kodagu District
(hereinafter referred to as Delinquent Government

Officers/Officials, for short as 'DGO respectively) on the ground that there was dereliction of duty on his part in the discharge of his duties. Pursuant to the said recommendation made by the Hon'ble Lokayukta, Government (that is Health & Family Welfare Department) by means of its order No: No. HFW 11 MSA 2008, Bengaluru Dated 20/06/2013 initiated disciplinary proceedings against the Delinquent Government Officer and entrusted the same to the Hon'ble Lokayukta to hold an inquiry against him.

2. Pursuant to the said Government order, the Hon'ble Lokayukta by means of Nomination Order No.LOK/INQ/14-A/283/2013, Bangalore dated 15-07-2013 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and conduct an inquiry against Dr. Nagachari, Senior Surgeon, Government Hospital, Virajapete, Madikeri Taluk, Kodagu District and enquiry case has been registered against him in No.LOK/INQ/14-A/283/2013.



3. Inquiry Officer i.e., Additional Registrar of Enquiries-3 has framed the Articles of charges against DGO. It is useful to extract the charges framed against the DGO, which reads as under:

CHARGE

That you, DGO Dr. Nagachari, Sr. Surgeon, Govt. Hospital, Virajapet, Madikeri Taluk, Kodagu District, presently working at General Hospital, Gundlupete, Chamarajanagar District demanded and accepted a bribe of Rs. 200/- on 18/12/2007 from complainant Sri C.A. Abdulla S/o C.A. Ali, Arji Village, Kallubane Post Virajpet Taluk, Kodagu for removing the stitches and to treat the complainant who sustained leg injuries, 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.

4. The Inquiry Officer in the course of inquiry after framing Articles of Charge has sent the Articles of



charge, Statement of Imputation of misconduct, list of witnesses and list of documents to DGO who appeared in response to the notices and his plea was recorded and he pleaded not guilty and claimed trial.

5. DGO filed his written statement of defence and denied the charges levelled against him.

6. In the course of inquiry proceedings, on behalf of Disciplinary Authority, four witnesses were examined as PW-1 to PW-4 and documents Ex.P-1 to P-16 were marked. DGO got himself examined as DW-1 and marked one document as Ex.D-1 in support of his defence.

7. The Inquiry Officer on consideration of the evidence on record has taken the view that the charges levelled against **DGO is proved.**

8. I have gone through the report of the Inquiry Officer and also the evidence on record. The charges levelled against the DGO, extracted above indicates that the DGO while working as Senior Surgeon in the Government Hospital at Virajpet had demanded and



accepted bribe amount of Rs.200/- from the complainant Sri C.A. Abdulla S/o C.A Ali, Arji Village, Kallubane Post, Virajpet Taluk i.e., PW-2 on 18-12-2007 for removing the stitches and to treat the complainant who had sustained injuries on his leg. Therefore, it is alleged that the DGO being a government servant has failed to maintain absolute integrity and devotion to duty, thereby committed an act which is unbecoming of a government servant and thus he was guilty of misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

9. It is the case of the disciplinary authority that PW-2 lodged an information before the Police Inspector, Karnataka Lokayukta, Madikeri (I.O for short) on 18-12-2007 informing that the DGO had received a sum of Rs.200/- as bribe and that he had made a further demand of Rs.200/- to be payable to him on 18-12-2007 for removing the stitches. The complainant i.e., PW-2 was not willing to pay the same. Therefore, a case in Cr.No.6/2007 came to be



registered against the DGO for offences punishable u/Sec. 7, 13(1)(d) r/w Sec.13(2) of Prevention of Corruption Act, 1988. On registration of the case, the I.O completed pre-trap formalities and an entrustment mahazar was drawn in the presence of PW-3 i.e., C.D. Prasanna and Sri K.S.Mohan after entrusting Rs.200/- to the complainant by smearing phenolphthalein powder on one currency note of Rs.100/- denomination and two currency notes of Rs.50/- each. It is the case of the disciplinary authority that PW-2 was informed to give the tainted money to the DGO if the DGO demands for bribe. One Sri K.S.Mohan, named above, was sent as a shadow witness along with PW-2.

10. It is alleged that the complainant accompanied by the shadow witness had met the DGO in the government hospital at Virajpet on 18-12-2007 at Room No.6 and requested the DGO to remove the stitches. Then the DGO is alleged to have enquired as to whether PW-2 had brought bribe amount of



Rs.200/-. On such demand being made PW-2 took out the tainted notes from his shirt pocket and gave it to the DGO which was received by him with his right hand and he counted it by using both of his hands and thereafter kept it in the left side pocket of his shirt. It is alleged that PW-2 and the shadow witness were taken to the emergency ward and they were asked to wait there. When the DGO went out of the emergency ward, the complainant gave pre-arranged signal to the I.O. It is then the I.O and his staff with PW-3 entered the hospital and approached the DGO along with the complainant while the DGO was sitting in the duty doctor's room.

11. It is alleged that the I.O informed the DGO about registration of the case against him and asked him to wash both his hands in two separate bowls containing sodium carbonate solution. The colourless solution turned into pink colour after the DGO washed his hands, which were seized by the I.O in two separate bottles. Thereafter, the I.O enquired DGO about the



money he had received from the complainant. The DGO took out the tainted money from left side pocket on his shirt and produced before the I.O. Then the serial numbers on the currency notes were verified with the entrustment mahazar and the I.O found it to be the same notes. Thereafter, the currency notes as well as the shirt worn by the DGO were seized and sent to FSL for chemical examination. Thereafter, the DGO was asked to give his explanation in writing for which the DGO while denying the allegations of demanding the bribe had contended that the tainted money was forcibly thrust into his shirt pocket. The written explanation given by the DGO was marked as Ex-P-4 during the course of enquiry. Thereafter, detailed trap proceedings were conducted by drawing a trap mahazar which came to be marked as Ex-P-2. The entrustment and trap proceedings were photographed, the copies of which were marked as Ex-P-6 & 7. Therefore, it is alleged that the DGO is guilty of misconduct.



12. The Enquiry Officer has carefully examined and appreciated the oral and documentary evidence on record and he has come to the conclusion that the disciplinary authority has proved the charges levelled against the DGO. I have carefully perused the oral and documentary evidence on record as well as the report submitted by the Enquiry Officer.

13. PW-2 who is the complainant in this case did not support the case of the disciplinary authority. During the course of enquiry, while he was examined as PW-2, he has stated that the DGO did not demand bribe from him. However, the DGO neglected to give treatment to the complainant on earlier occasions when he had been to be hospital. As such he intended to take action against him. Therefore, the complainant has deposed that on the instructions of one Sri. Madan, a complaint was drafted and PW-2 had only put his signatures. Since PW-1 did not completely support the case if disciplinary authority, the Presenting Officer had cross examined him on behalf of



disciplinary authority. However, PW-2 admits going to the hospital along with PW-1, payment of money to the DGO and washing his hands in sodium carbonate solution which turned into pink colour as well as seizure of the articles by the I.O.

14. PW-1 i.e., shadow witness has deposed about the pre trap entrustment mahazar drawn by I.O, accompanying PW-2 to the hospital of the DGO, demand made by DGO for payment of bribe money, as well as the seizure of articles by the I.O. However, the material on record indicates that PW-1 has failed to identify the DGO as the person who was trapped on 18-12-2007. His deposition indicates that since the incident in question had occurred ten years prior to his examination, the witness appears to have expressed inability to identify the DGO. Therefore, the Presenting Officer had cross examined him on behalf of disciplinary authority. PW-1, while being cross examined by the Presenting Officer admitted the signature on Ex-P-4 which came to be marked as



Ex-P-4(b). He has also identified the photographs taken while conducting trap proceedings, as such the copies of those photographs came to be marked as Ex-P-6 and 7.

15. Another Pancha Witness who is also signatory to Ex-P-2 & 3 is examined as PW-3. He has also deposed about the pre trap proceedings; the trap proceedings and seizure of articles by I.O. Since, PW-3 did not specifically state about the DGOs hands being washed in sodium carbonate solution and recovery of tainted notes from his shirt pocket, the Presenting Officer had cross examined him on behalf of disciplinary authority only to the extent mentioned above.

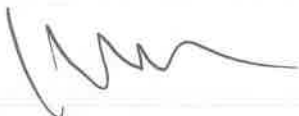
16. The Investigating Officer was examined as PW-4 who has narrated in great detail about the proceedings conducted by him in the present case. PW-1 to 4 have been cross examined by the DGO.

17. The DGO got himself examined as DW-1 in support of his defence by contending that he never demanded for bribe and that he was falsely implicated.



It is the case of DGO that one Mr. Madan and his henchmen were attempting to extort money from public servants at Virajpet by holding threat that a complaint would be lodged at Lokayukta. As the DGO did not oblige them, the DGO is falsely implicated in the present case. It is his further defence that the DGO has been effectively discharging his duties for which he has been praised by the public at large for which he has produced Ex-D-1, which contains six news paper cuttings of kannada daily news papers. Therefore, he has prayed for exonerating him from the charges levelled against him. DGO is cross examined on behalf of disciplinary authority.

18. The Enquiry Officer, after careful consideration of rival contentions and on appreciation of the evidence placed on record has come to the conclusion that the defence put forth by the DGO in his written explanation offered to the I.O soon after the trap was laid, which came to be marked as Ex-P-4, that the tainted money was forcibly thrust into his pocket



cannot be accepted. Having gone through the entire material placed on record, I find no justification to take a view different from the one taken by the Enquiry Officer. It is useful to extract the relevant portion of the observations made by the Enquiry Officer, which reads as hereunder:

“39. Considering the nature of the defence taken by the DGO while filing his written statement and while cross examining PW1 to PW3, since he has taken up a specific defence contention that, the tainted notes were forcibly thrust in his shirt pocket, the facts that, the hand wash of both the hands obtained during the trap proceedings gave positive result regarding presence of phenolphthalein, and recovery of tainted notes from the shirt pocket of the DGO are not seriously disputed or denied on behalf of the DGO and hence there is no need to consider these factors in detail. While filing his reply to the observation note, he has not taken up such a contention but, he has taken up a defence contention that, he has been fixed by someone who is inimical to him. Except contending in his reply that, the allegations made against him are prima facie false and the amount involved is only Rs. 200/- which is very trivial, he has not taken up any specific defence contention while explaining as to how the tainted notes came to be kept in his shirt pocket and the circumstances



leading to recovery of tainted notes from his shirt pocket. But while filing his written statement, he has made a specific allegations against Dr. Shivaram who was the administrative medical officer working at General hospital, Virajapete during the relevant period, making allegations against him that, while making purchases, he used to receive commission and since he/DGO brought this fact to the notice of the local MLA and others, Dr. Shivaram developed vengeance against him and has stage managed this trap with the help of the complainant. Though he has taken up such a defence contention in his written statement, no efforts have been made by him to substantiate this contention by producing any convincing evidence to support his contention. Even, while cross examining the complainant and other witnesses examined on behalf of the disciplinary authority, no such contention was taken by him that, he has been falsely implicated at the instance of Dr. Shivaram. Even while adducing his defence evidence, he has not taken up such a contention making allegations against Dr. Shivaram. But by producing certain news items published in the local newspapers, he has taken up altogether a different contention by way of his defence contending that, one Mr. Madan was responsible for his illegal trap and false implication in this case since, he/DGO refused to oblige the extortion tactics of the said Madan. He never made allegation against any such person by name Madan, while filing his reply to observation note or while filing his written



statement. But while adducing his defence evidence he came up with such a defence contention making allegations against such person by name Madan, holding him responsible for his false implication. But except producing the news items published in the newspaper, he has not produced any evidence in support of such defence contention.

40. So far as the recovery of tainted notes from his shirt pocket is concerned, except taking up contention in the reply submitted by him to the observation note that, he has been fixed by someone inimical to him, he did not elaborate his defence contention and never taken up a contention that, the tainted money has been forcibly thrust in his shirt pocket by the complainant. But while filing his written statement he came up with such a contention stating that, the complainant offered him money and he refused to receive money from him and inspite of his protest, the complainant forcibly thrust money in his shirt pocket. He has taken up further contention that, he was about to return the money, and while holding it in his hands, Lokayukta police apprehended him.

41. Complainant turned hostile and did not support the case of the disciplinary authority and it is his evidence that, one Madan had accompanied him to the Police Station and at the instance of the said Madan he filed complaint against the DGO. So far as the defence contention of the DGO that, complainant forcibly thrust money in his shirt



pocket, is concerned the complainant has not stated as such during his chief examination. Even while cross examining the complainant, no such suggestion was put to him that, he has forcibly thrust money into the shirt pocket of the DGO.

42. DGO when asked to give his written explanation he gave explanation in writing as per Ex-P4, taking up such a contention that, though he refused to receive money from the complainant when money was offered to him, he/complainant forcibly thrust money in his shirt pocket. Giving of such an explanation by the DGO is not disputed or denied on behalf of the DGO but on the other hand he has taken up a contention in his written statement that, in spite of his pleadings in his explanation, the Lokayukta police have falsely implicated him, thereby giving of such a written explanation as per Ex-P4 has been admitted by him. Since he has taken up a specific contention that, the tainted notes were forcibly thrust in his shirt pocket, it is for him to establish that contention. But no such contention was taken by him in his defence evidence tendered by him by way of a sworn affidavit in lieu of his chief examination. He never bothered to come out with any explanation as to the circumstances under which the tainted notes came to his possession and recovered from his shirt pocket.

44. Since DGO has failed to take up such a contention in his defence evidence and though such a contention was taken by him in his written



statement, he did not bother to adduce any evidence in support of such defence contention taken by him, I decline to believe such a defence contention taken by him that, tainted notes were forcibly thrust in his shirt pocket.

45. Though in his written statement, he has made allegations against Dr. Shivaram, Administrative Medical Officer holding him responsible for his false implication, no efforts have been made to substantiate his contention by producing convincing evidence. But in his defence evidence he has made allegations against one Madan holding him responsible for his false implication. Except producing a news item as per Ex-D1 (2&3), no other evidence has been produced to believe his contention. News items published in the news paper cannot be relied upon since news items cannot carry any evidentiary value. Therefore, basing on such news items, it is not possible to conclude that, the news item is true and genuine. Hence, the specific defence contention taken by the DGO cannot be appreciated in the absence of any corroborative evidence produced by the DGO, in this enquiry.

46. Though the bribe amount is very meagre, that itself is not sufficient to take a lenient view in favour of the DGO. Considering the circumstances under which he demanded bribe from the complainant and also considering the fact that, being a doctor working in the Government hospital, he was duty bound to treat the poor patients. But,



the DGO has misused his position and put forth demand for money to attend the patient/complainant and to remove sutures of his wounds. Considering the circumstances under which he misused his position in demanding bribe from the complainant to provide necessary treatment to him, his act cannot be condoned and his act of misconduct in demanding bribe from the complainant to attend him and to provide him necessary treatment, cannot be ignored.”

19. The DGO has raised a contention that since he has been acquitted by the II Additional District and Special Judge, Madikeri (sitting at Virajpet) in Spl. case No.1/2010 vide judgement dated 19-05-2017, it must be held that, the disciplinary authority has failed to prove the charges levelled against him in this proceedings and the benefit of acquittal should be granted to him. The Enquiry Officer on careful consideration of the decisions of the Hon'ble Supreme Court of India has come to the conclusion that the enquiry proceedings are different from the proceedings in the criminal case and that acquittal in criminal case cannot be a ground to negate charges against the DGO. The Enquiry Officer has also found that an



appeal in Cr. Appeal No.1747/2017 is pending adjudication before the Hon'ble High Court of Karnataka, Bengaluru. Therefore, he has declined to accept the contention put forth by the DGO as the order of acquittal has not attained finality. In my considered view the finding of the Enquiry Officer is in accordance with law and acquittal in criminal case does not by itself entail the DGO from being exonerated in departmental proceedings.

20. It is relevant to point out that the Hon'ble Supreme Court of India in case of **Union of India V/s Biharilal Sidhana** reported in **(1997) 4 SCC 385** has held that acquittal by a criminal court does not automatically give a right to an accused (DGO) to be reinstated into service and it would still be open to the competent authority to make a decision whether the DGO should be taken into service or disciplinary action should be taken under the rules. The Enquiry Officer has also referred to the decision of the Hon'ble Supreme Court of India in case of **Divisional**



Controller, KSRTC V/s M.G.Vithal Rao reported in **(2012) 1 SCC 442**. The relevant portion of the observation made by the Hon'ble Supreme Court of India concerning correctness of the law laid down in **Captain M. Paul Antony's** case, relied upon by the DGO is extracted hereunder, which reads as follows:

"Thus there can be no doubt regarding the settled legal proposition that the standard of proof in both the proceedings is quite different and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in a criminal case cannot be the basis of taking away the effect of departmental proceedings nor can such an action of the department be termed as double jeopardy. The judgment of this court in Captain M. Paul Antony does not lay down the law of Universal application. Facts, charge and nature of evidence etc., involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry."

Therefore, I do not find any merit in the contention of the DGO that he is entitled for the benefit of the order of acquittal passed by criminal court.



21. The evidence of PW-4 i.e., the I.O cannot be faulted with as the DGO has placed no reliable material on record to attribute any motive or malafides on the part of PW-4. Further, the DGO has taken many inconsistent stands in the course of the proceedings. At the initial stage, in his explanation before the I.O, when the trap was laid, he has stated that a sum of Rs.200/- was thrust into his pocket by PW-2, who is the complainant. This is clear from exhibit P-4. However, in his defence evidence, he has taken a stand that one Sri. Madan was blackmailing public servants and at his instance the trap proceedings was initiated against him. No doubt, PW-2 who is the complainant has turned hostile in the course of enquiry proceedings. The first information given by him, which is marked as Ex-P-9 narrates the way in which the DGO has tried to extract money from the complainant for removing the stitches. Pursuant to the FIR and pre trap proceedings which were recorded in the mahazar, the trap was laid and it is admitted by the DGO that a sum of Rs.200/- was



recovered from his shirt pocket and his hands were washed with sodium carbonate which turned in to pink colour. The currency notes in a sum of Rs.200/- which were recovered from the shirt pocket of the DGO were the very notes which were entrusted to the complainant for the purpose of laying the trap proceedings. If the entire material on record is considered in appropriate perspective, I do not find any justification to accept the defence of DGO that money was thrust into his pocket by PW-2. In the light of the evidence on record, I do not find any justification to take a view different than the one taken by the Enquiry Officer.

22. The only question that requires to be considered is with regard to penalty that is required to be imposed on the DGO. The Enquiry Officer has found that the DGO has failed to maintain absolute integrity and devotion to duty and acted in a manner which is unbecoming of a Government Servant as narrated in the above paragraphs.



23. The conclusion reached by the Enquiry Officer, which has been accepted by me shows that the DGO has accepted the bribe money from the complainant. Therefore, this is a clear case of corruption by a public servant i.e., the government doctor.

24. Rule 8 of KCS (CC&A) Rules, 1957 provides for imposition of penalty on the Government Servant against whom the misconduct is proved. Proviso to Rule 8 provides that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the Disciplinary Authority, no penalty other than the one specified in clauses (vi) to (viii) shall be imposed for an established charge of corruption. It is useful to extract Sub Rule (vi) to (viii) of Rule 8 and proviso given to said Rules which reads as hereunder;

8. Nature of penalties.- *One or more of the following penalties for good and sufficient reasons and as hereinafter provided, may be imposed on Government servants, namely.-*

-
- (vi) *Compulsory retirement;*
 - (vii) *Removal from service which shall not be a disqualification for future employment;*
-



(viii) Dismissal from service which shall ordinarily be a disqualification for future employment.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty other than those specified in clauses (vi) to (viii) shall be imposed for an established charge of corruption."

25. The DGO was working as Senior Surgeon/Medical Officer in a government hospital at Virajpet. The government hospitals are established by the State for the purpose of providing effective health care to the poorer section of the society. The experience shows, when a member of the public is being continuously harassed by a public servant without there being any option, they take extreme steps of giving complaint to the authorities including Lokayukta police against such erring public servant for the purpose of initiating action. Therefore, having regard to the facts and circumstances of the case, I do not find any good ground to impose penalty other than the one referred to in Sub Rule (vi) of Rule 8 of the KCS (CC&A) Rules, 1957.



26. The incident in question had taken place on 18-12-2007. The charge is that the DGO has demanded and collected a sum of Rs.200/- from the complainant. Having regard to the long lapse of time and the DGO is due to retire from service on 31-07-2024, I am of the view that the ends of justice will be met if a recommendation to the competent authority is made to impose a penalty of 'compulsory retirement' in terms of Rule 8(vi) of KCS(CC&A) Rules, 1957.

27. I am of the view that the ends of justice would be met, if a recommendation is made to the competent authority to accept the report of the enquiry officer and to order compulsory retirement of the DGO from service, in terms of sub rule (vi) of Rule 8 of KCS (CC&A) Rules, 1957.

28. In the light of the discussion made above, I make the following recommendation:

- (i) The Enquiry Report dated 21.01.2019 submitted by the Inquiry Officer i.e., ARE-3 holding that the Disciplinary




Authority has established the charge levelled against DGO i.e., Dr. Nagachari, Senior Surgeon, Government Hospital, Virajapete, Madikeri Taluk, Kodagu District is correct and requires to be accepted by the Competent Authority.

- (ii) The Competent Authority may impose penalty on DGO by ordering his compulsory retirement from service in terms of sub rule (vi) of Rule 8 of KCS (CC&A) Rules, 1957.

Accordingly, recommendation is made to the Government.

29. Action taken in the matter be intimated to this Authority within three months from the date of receipt of the recommendation.

Connected records are enclosed.


(Justice P. Vishwanatha Shetty)
Lokayukta,
State of Karnataka, Bengaluru.

ck*