

KARNATAKA LOKAYUKTA

NO:LOK/ARE-5/Enq/76/2012

M.S.Building,
Dr.B.R.Ambedkar Veedhi,
Bangalore, Dated: 07.07.2014,ENQUIRY REPORT

Sub: Departmental Enquiry against, Sri.Suryakanth
S/o Gundappa Itagi, Jr. Engineer Panchayath
Raj Engineering Sub Division, Sedam,
Gulbarga Dist.-reg.

Ref: 1.Govt. Order No. ಗ್ರಾಅಪ:3:ಇಎನ್‌ಕ್ಯೂ: 2012
Bangalore dt: 07.02.2012.
2.Order No. LOK/INQ/14-A/76/2012
Dt: 15.02.2012 of Hon'ble Upalokayukta-1
3.ಕಲೋಪ:ಸಿಬ್ಬಂದಿ:1/54/2013-14 ದಿ:1.3.2014 of Hon'ble
Registrar and
4. Nomination Order No: LOK/INQ/14-A/2014
dt:14.03.2014 of Hon'ble Upalokayukta-1

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1 This Departmental Enquiry is initiated against Sri.Suryaknath S/o.Gundappa Itagi, the then Junior Engineer, Panchayath Raj Engineering Sub.Division, Sedam, Gulbarga District, (hereinafter referred to as the "Delinquent Government Official" in short "DGO")

2 That in view of the Government Order cited at reference No.1, the Hon'ble Upalokaykta-1 vide order dt: 15.02.2012 cited at reference No.2 has nominated Addl. Registrar of Enquiries-4 of this authority as Enquiry Officer to frame charges and to conduct the enquiry against the above said DGO. The Addl. Registrar of Enquiries-4 has prepared the Article of charge statement of imputation of misconduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of the said charges. The copies of the same were issued to the DGO calling upon him to appear before the said Authority and to submit written statement of his defence.

3) The Articles charges framed by the ARE-4 against the DGO are as under:

ANNEXURE NO.I
CHARGE

That, you Sri.Suryakantha S/o.Gundappa Itagi, the DGO, while working as Junior Engineer in Panchayathraj Engineering Sub Division at Sedam in Gulbarga District, the Complainant namely Sri.Sabanna S/o Hanamanth Kolenavar undertook the contract work of water tank at Allolli Village in the limits of Udagi Grama Panchayath and on 03/08/2009 you took bribe of Rs.5500/- from the Complainant to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was becoming of a Government Servant and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules 1966.

ANNEXURE NO.II

STATEMENT OF IMPUTATION OF MISCONDUCT

The Complainant namely Sri.Sabanna S/o.Hanamanth Kolenavar R/o.Kalakamba in Sedam Taluk of Gulbarga District was a Class-IV contractor. About 4 months earlier to 03/08/2009 he completed drainage and CC Road work at Kalakamba village paying 10% of bill amount as bribe to the DGO to prepare measurement book. The DGO undertook water tank work at Allolli village which is within the limits of Udagi Grama Panchayath. Afterward, he approached the DGO and requested to write measurement book for the work of Allolli village. The DGO did not write measurement book but, demanded bribe of 15% or at least 10% of the bill amount of the said work. The DGO also told the Complainant that he had paid less amount of Rs.4000-00 for the measurement book written with regard to contract work undertaken by him at Kalakamba village. The Complainant pleaded inability to pay demanded bribe as he had spent entire money for the work. Again the complainant approached DGO on 30/07/2009 and then also the DGO insisted for payment of bribe. The Complainant was not willing to pay the bribe as demanded by the DGO. Therefore, on 03/08/2009, the Complainant lodged a Complaint before the Lokayukta Deputy Superintendent of Yadgir

(hereinafter referred to as the Investigating Officer, for short "the I.O."). The I.O. registered the complaint in Cr.No.08/2009 for the offences punishable u/s 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. During the course of investigation into the said crime, when the tainted amount of Rs.5500-00 was given by the Complainant to the DGO, the IO trapped the DGO on 03/08/2009 in the presence of the Complainant, the panch witnesses and his staff in the premises of his office and seized the tainted amount from the DGO under mahazar after following post-trap formalities. The I.O. took statement of the DGO in writing and recorded statements of the complainant, the panch witnesses. After receiving report of the chemical examiner, the I.O. submitted report of investigation. The facts and materials on the record of investigation of the I.O, prima-facie, showed that, the DGO being a Government servant, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of the Government servant. Therefore, a suo-motu investigation was taken up U/S 7(2) of the Karnataka Lokayukta Act, and an observation note was sent to the DGO calling for his explanation. The DGO submitted his reply and the reply was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima-facie showed that the DGO has committed misconduct as per rule 3(1)&(iii) of KCS(Conduct) Rules, 1966, a report u/s 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust enquiry to the Hon'ble Upalokayukta u/r 14-A of the Karnataka Civil Services (CC&A) Rules 1957. Accordingly the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry U/R 14-A of the KCS (CC&A) Rules 1957 to the Hon'ble Upalokayukta. Hence, the charge.

The DGO appeared before the Enquiry Authority-ARE-4 on 2.08.2012 in view of service of notice and Article of charges. Further the said Authority has recorded the First Oral Statement of the DGO u/r 11(9) of KCS(CC&A) Rules 1957 on 3.09.2012 and read over to the DGO in the language known to him and DGO pleaded not guilty and claims for enquiry and he was directed to state whether he desires to be heard in

person or wants to engage any other Government Servant for his defence by next date of hearing and posted the case for verification of records and for defence statement on 7.11.2012 . On that day the DGO was present and it was adjourned on 21.12.2012. On 21.12.2012, the DGO remained absent and it was taken as "defence statement not filed". Hence, the case was adjourned on 25.2.2013. On 25.2.2013 the DGO remained absent and therefore, the case was adjourned for evidence on 12.7.2013. On 12.7.2013 again the DGO remained absent and posted the case for records on 31.8.2013. On 31.8.2013 the DGO remained absent. The records were also received and adjourned the case for verification of records on 7.11.2013. On 7.11.2013 the DGO remained absent and case was adjourned for evidence on 31.12.2013. Thereafter the case was posted for evidence on 1.4.2014. On 1.4.2014 the DGO remained absent and this case is transferred to this Authority as per the O.M.No. ಕಲೋಃಸಿಬ್ಬಂದಿ:1/54/2013-14 ದಿ:1.3.2014 of Hon'ble Registrar as shown in reference No.3 and as per the Order No: LOK/INQ/14-A/2014 dt:14.03.2014, the Hon'ble Upalokayukta-1 have nominated the ARE-5 as Enquiry Officer of this case and thereafter the file of this case is received by this authority on 18.6.2014. On that day the DGO was called out and he remained absent and therefore, the notice was issued to the DGO and adjourned the case on 4.8.2014. Just after adjournment of the case on that day, a Counsel has filed a memo reporting the death of the DGO by name Suryakanth Itagi on 22.10.2013 and produced the original death certificate issued by the Registrar, Births and Deaths and Health Officer, Gulbarga Mahanagara Palike, and therefore, on that day a notice was issued to the P.I. to verify the correctness of the death of the DGO Suryakanth Itagi and submitting the report. Accordingly, the Police Inspector Karnataka Lokayukta Gulbarga as per the letter dt: 26.6.2014 which is received on 5.7.2014 by this authority has submitted a report stating that he has deputed one Sri.Gangadhar of their Police Station for ascertaining the correctness of the death of DGO by name Sri.Suryakanth Itagi, J.E. Panchayath Raj Engineering Sub.Division Sedam and as per the report of the said Police official the DGO Suryakanth Itagi, J.E. Panchayath Raj Engineering Sub.Division Sedam has died on 22.10.2013

and accordingly produced the Xerox copy of the death certificate issued by the Registrar , Births and Deaths and Health Officer Gulbarga Mahanagara Palike and both original certificate and the Xerox copy of the death certificate produced supports the death of DGO Suryakanth Itagi, J.E. Panchayath Raj Engineering Sub.Division on 22.10.2013 at Chirayu Hospital- Chirayu Hospital, 1-20, Hindustani Convent Church Campus-GESCOM, Court road Gulbarga Gulbarga(T) Gulbarga(D) Karnataka(S) and both certificates bears the registration number as 2013-D-398 and the date of registration and issue of certificates are noted as 12.11.2013.

5) Since, this is a trap case wherein the misconduct has to be proved against the DGO. As the DGO is reported to be dead, therefore the personal misconduct cannot be proved against the DGO. So also there is no financial loss to the Government. Therefore, the enquiry against the DGO is **abated**. Hence, I proceed to pass the following:

REPORT

The enquiry against the DGO Sri.Suryakanth S/o. Gundappa Itagi, then Junior Engineer Panchayath Raj Engineering Sub.Divn Sedam, Gulbarga District is hereby **abated**.

Hence, this report is submitted to the Hon'ble Upalokayukta-1 for kind perusal and for further action in the matter.

Dated 7th July 2014.

Additional Registrar Enquiries-5
Karnataka Lokayukta, Bangalore.

KARNATAKA LOKAYUKTA

NO. LOK/ARE-5/ENQ-76/2012

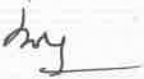
Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore 560 001.

Dated: 19.07.2014

Sub: Departmental Enquiry against Sri
Suryakanth s/o Gundappa Itagi –
Junior Engineer in Panchayathraj
Engineering Sub-Division at Sedam
in Gulbarga District – reg.

Ref: Government Order No.
ಗ್ರಾಅಪ:3:ಇಎನ್‌ಕ್ಯೂ:2012 ಬೆಂಗಳೂರು
ದಿನಾಂಕ:07.02.2012.

In pursuance of the Government order referred to above, the Addl. Registrar of Enquiries (4) in our Institution i.e., Karnataka Lokayukta at Bangalore, was nominated as Enquiry Officer to frame charge, conduct enquiry and to submit report in the departmental enquiry proceedings initiated against Sri Suryakanth s/o Gundappa Itagi – Junior Engineer in Panchayathraj Engineering Sub-Division at Sedam in Gulbarga District (who will be hereinafter referred to as Delinquent Government Officer i.e., 'DGO' for short), about his alleged misconduct, when approached by Sri Sabanna s/o Hanamath Kolenavar r/o Kalakamba in Sedam Taluka of Gulbarga District (hereinafter referred to as 'complainant' for short). But, later on, by order dated 14.03.2014, the Addl. Registrar of Enquires (5) came to be nominated to conduct enquiry and submit report in the said proceedings.

2) However, when the enquiry was proceeded with after the DGO pleaded not guilty, during enquiry, the counsel for DGO submitted that DGO has died. The same was intimated by the 


Police Inspector in Karnataka Lokayukta for Gulbarga District that the DGO died on 22.10.2013 at Gulbarga and enclosed Death Certificate about it. As such, without continuing the enquiry proceedings, the Enquiry Officer has reported that proceedings has abated.

3) In view of the above, as the enquiry cannot be continued now against the dead DGO, that requires to be dropped as abated.

4) Accordingly, made report as the proceedings against the DGO has abated.

Action taken in the matter be intimated to this authority.

Connected records are enclosed.


(JUSTICE S.B. MAJAGE)
Upalokayukta-1,
Karnataka State,
Bangalore.