

KARNATAKA LOKAYUKTA

No. UPLOK-1/DE-1102/2017/ARE-10 M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru.
Date: 05/10/2020

ENQUIRY REPORT

PRESENT: SMT. B. PUSHPANJALI
ADDITIONAL REGISTRAR (ENQUIRIES)-10
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU - 560 001.

Subject : Departmental Inquiry against:
Sri. Jayappa Chapal, Head Master,
Government High School, Garagapalli,
Chincholi Taluk, Kalaburgi District (Due
for retirement on superannuation on
31/07/2031)-reg.,

References:

1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/GLB-8850/2016/DRE-3 dt:16/09/2017.
2. Government Order No. ED 577 SES 2017 Bangalore dt.3.11.2017.
3. Nomination Order No. Uplok-1/DE/1102/2017 Bengaluru dt.13/11/2017 of Hon'ble Upalokayukta-1.

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1. This complaint is filed by the complainant Sri. Sunil Kumar B. Solapur, Advocate, Garagapalli, Chincholi taluk, Kalaburgi District (hereinafter referred to as 'complainant' for short) against Sri. Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburgi District.

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2. On the basis of the complaint, comments were called from DGO. The DGO has submitted his comments denying the allegations of the complaint. Not satisfied with the comments of DGO, a report was sent to the Government u/s 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No.1. Pursuant to the report, Government was pleased to issue the Government Order (G.O.) authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGO as per reference No. 2.

3. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta-1 on 13/11/2017 authorizing ARE-10 to frame Article of Charges against the DGO and to hold an enquiry to find out the truth and to submit a report as per reference No. 3. On the basis of the nomination order, the Article of Charges against the DGO was framed and sent to the Delinquent Government Official on 02/01/2018.

4. The Article of charges and the statement of imputations of misconduct prepared and leveled against the DGO are reproduced here under :-

ANNEXURE NO. 1
CHARGE

5. That, you DGO- Sri. Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburgi District has not followed the following guidelines vide No.M-6/AD/KRC/2013-14 dated 04.12.2014 in respect

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of construction of kitchen room for mid-day meal scheme at Government High School, Garagapalli village in the year 2015;

While utilizing the money at each stage of construction, certified vouchers & receipts along with utilization certificate is to be submitted to Akshara Dasoha division of Taluk Panchayath by the Head Master of School and after its certification from Akshara Dasoha division, money is to be utilized. Also, services of the Engineers of respective Taluk Panchayath are to be utilized with respect to technical aspects of building construction. But you DGO has not followed the said guidelines.

Thus you DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO. II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

6. An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri. Sunil Kumar B. Solapur, Advocate, Garagapalli, Chincholi Taluk, Kalaburgi District (hereinafter referred to as 'complainant' for short) against Shri. Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburgi District.

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7. The complainant alleges that;

- An amount of Rs.3,31,000/- is sanctioned for construction of kitchen room for mid-day meal scheme at Government High School. Garagapalli village in the year 2015. Without commencing the work, the DGO has utilized Rs.30,000/- to Rs.40,000/- for his own use.
- Without constructing toilet has misappropriated an amount of Rs.30,000/- in the year 2012-13.
- Illegalities have been committed in appointment of Cook and other assistants for mid-day meal scheme.

8. The DGO has submitted his comments dtd. 16.08.2016 stating that;

- An amount of Rs. 3,31,000/- has been deposited to the school's joint account no. 62058837905, SBH, Chincholi for construction of kitchen room. As per the guidelines, sub committee was formed & a decision has been taken to draw 10% of the sanctioned amount for the purpose of purchase of materials and for work of basement. According to the decision building materials such as sand, stone is stored in the school premises. An amount of Rs.18,100/- (Cheque No. 209231) and Rs.15,000/- (Cheque No. 209230), in all Rs.33,100/- is paid towards stone & sand. The remaining balance amount of Rs. 2,97,000/- is in the bank account. He has submitted resolution dtd. 20.07.2015 of the sub-committee for construction of kitchen room & two hand written receipts dtd. 27.07.2015 stating that the above said amount of Rs. 15,000/- and Rs.18,100/- is paid to Farooq S/o Babu. Copy of Bank account pass book is also produced showing transfer of the above said amount through cheques to Farooq Mohammed.

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- Further with respect to construction of toilet, DGO states that an amount of Rs. 1,53,000/- is deposited to the school's joint account on 26.04.2012 towards construction of toilet. On 09.07.2012 an amount of Rs.30,000/- is spent by previous In-charge Head Master Shri. Khaja Moinuddin & SDMC Chairman late Raveendra Kumar and a portion of construction have been made. Thereafter in view of objections by the villagers, the work was stopped. The balance amount of Rs. 1,23,000/- is in the school's joint account. Further states that the previous Head master has kept the receipts for the expenditure made towards the portion of the work executed (copy of receipts produced along with comments).
- With respect to the allegation of illegalities in the appointment of cook and other assistants the DGO states that it is not within his purview & the appointments will be made by the President and Panchayath Development Officer of Garagapalli Grama Panchayath. Further states that no such appointments as stated in the complaint is made.

9. In the rejoinder the complainant states that the sand and stone stored in the school premises are with respect to the repair work of the school undertaken by the Taluk Panchayath office under 13th finance scheme for the year 2014-15. He has denied the contentions taken up by the DGO in his comments.

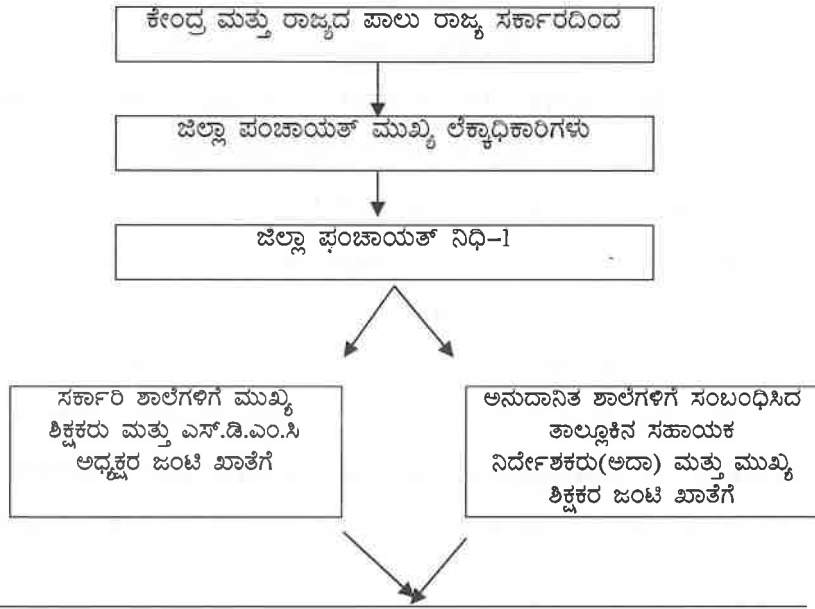
10. Thereafter the matter was referred to S.P., Karnataka Lokayukta, Kalaburgi for investigation, who in turn has

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submitted report dated 23.06.2017 stating that the allegations made in the complaint are not established.

11. The guidelines vide no.M-6/AD/KRC/2013-14 dated 04.12.2014 with respect to construction of kitchen room for mid-day meal scheme reads as follows;

➤ ಸಿವಿಲ್ ಕಾಮಗಾರಿಗಳ ಅನುದಾನ/ಹಣ ಬಿಡುಗಡೆ ಮಾಡುವ ಮತ್ತು ವೆಚ್ಚ ಭರಿಸುವ ವಿಧಾನ:




ಕಟ್ಟಡ ಸಾಮಗ್ರಿಗಳ ಖರೀದಿ ಹಾಗೂ ತಳಪಾಯದ ಕೆಲಸಕ್ಕಾಗಿ (ಮೊದಲ ಕಂತು 10%)	ಪ್ಲಾಂಟ್ ಮಟ್ಟದಲ್ಲಿ (ಎರಡನೇ ಕಂತು 15%)	ಛಾವಣಿ ಹಂತದಲ್ಲಿ (3ನೇ ಕಂತು 20%)	ಛಾವಣಿ ಹಾಕುವುದು ಹಾಗೂ ಮಡ್ಡಿ ಕೆಲಸ (4ನೇ ಕಂತು 30%)	ಫಿನಿಷಿಂಗ್ ಹಾಗೂ ಪೂರ್ಣಗೊಳಿಸಲು (5ನೇ ಕಂತು 20%)	ಪೂರ್ಣಗೊಂಡ ಬಗ್ಗೆ ಪ್ರಮಾಣ ಪತ್ರ ಪಡೆದ ನಂತರ (6ನೇ ಕಂತು 5%)
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ಆಯಾ ಶಾಲೆಯ ಮುಖ್ಯ ಶಿಕ್ಷಕರುಗಳು ಪ್ರತಿ ಕಂತಿನ ವೆಚ್ಚಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ದೃಢೀಕೃತ ಓಚರ್/ರಸೀದಿಗಳೊಂದಿಗೆ ಬಳಕೆ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್‌ನ ಅಕ್ಷರ ದಾಸೋಹ ವಿಭಾಗಕ್ಕೆ ಸಲ್ಲಿಸಿ ದೃಢೀಕರಣ ಪಡೆದ ನಂತರವೇ ನಂತರ ಕಂತನ ಅನುದಾನಗಳನ್ನು ಬಳಕೆ ಮಾಡುವುದು.

Under the above said guidelines while utilizing the money at each stage of construction, certified vouchers & receipts along with utilization certificate is to be submitted to Akshara Dasoha division of Taluk Panchayath by the Head Master of School and after its certification from Akshara Dasoha division, money is to be utilized. Also, services of the Engineers of respective Taluk Panchayath is to be utilized with respect to technical aspects of building construction. The said guidelines have not been followed by the DGO. Therefore, the comments of the DGO and the report of S.P., Karnataka Lokayukta, Kalaburgi cannot be accepted at this stage. Hence, the DGO has failed to maintain absolute integrity, devotion to duty and have acted in a manner which is unbecoming of a Government Servant for which he has made himself liable for departmental action.

12. Since the said facts and material on record prima-facie show that the DGO has committed misconduct as per Rule 3(1) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings against the DGO and to entrust the enquiry to this Authority Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn the Competent Authority initiated disciplinary



proceedings against the DGO and entrusted the Inquiry to this Institution vide reference no. 1 and Hon'ble Upalokayukta nominated this enquiry Authority to conduct enquiry and report vide reference No. 2. Hence, this charge.

13. The aforesaid Article of charges was served upon the DGO. DGO appeared before this enquiry authority and his first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGO pleaded not guilty and claimed for holding an enquiry.

14. DGO had filed written statement dt. 23/06/2018. In his written statement of defense had contended that, he is working as Head Master Gargapalli from 30/08/2013, he formed a sub-committee with the Head Master and Teachers and taken up the midday meal kitchen room as per guidelines issued by the Education Department. There is delay in continuing construction work because of non availability of water and electricity facility for 8-10 months. Rs. 1,53,000/- was deposited in joint Account no. 62058837905 for construction of toilet in Govt. High School Garagappali. The earlier in-charge H.M. Sri. Khajamoinoddin and SDMC President late Ravindra Kumar taken up basement work for toilet and spent Rs. 30,000/-, meanwhile villagers raised objection therefore construction was held up and some work is still pending. Further he stated that there is no illegal appointment of chief kitchen servant kitchen assistant. The appointing authority's of Chief and Kitchen Assistant are President Gram Panchayath, PDO is Secretary Grama Panchayath Karckhed DGO and senior Assistant Teacher

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Khajamohindin were ordinary members to the selection committee and DGO is not the appointing authority. He strictly followed the guidelines issued on 4/12/2014. Hence requested to close the DE as no evidence in the interest of justice and equity.

15. In order to prove the charge leveled against the DGO, the disciplinary authority has examined the complainant Sri. Sunil Kumar as PW-1 and got marked the documents as Ex.P-1 to Ex.P-5 and Ex.D-1 to Ex.D-2 on behalf of Disciplinary Authority. After the closure of evidence of Disciplinary Authority, Second Oral Statements of DGO was recorded as required U/R 11(16) of KCS (CCA) Rules, 1957 on 23/08/2018. On behalf of defense, Sri. Khaja Moinuddin, Assistant Teacher, Government High School, Garagapalli Village, Chincholi Taluk, Kalaburgi District is examined as DW-1 and got marked the document as Ex.D-3, Sri. Farooq, Construction Material Supplier, Bhaktamapalli village, Chincholi taluk, Kalaburgi district is examined as DW-2 and got marked the document as Ex.D-4. DGO - Sri. Jayappa Chapal is examined as DW-3 and got marked the documents as Ex.D.5 and Ex.D.8. Hence, recording the answers of DGO to questionnaires under rule 11(18) of KCS (CC & A) Rules was dispensed with. Heard argument of Presenting Officer. DGO had filed his written arguments.

8. Upon consideration of oral, documentary evidence, and the defense of DGO, the points that arise for my consideration are as follows;



1 : Whether the charge leveled against the DGO is proved by the Disciplinary Authority?

2 : What order?

9. My findings to the aforesaid points are as under :-

POINT No. 1 : In the **Affirmative** against DGO.

POINT No. 2 : As per final order for the following.

REASONS

10. **POINT NO. 1** : It is the case of the Disciplinary Authority that, the DGO Sri. Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi taluk, Kalaburgi district has not followed the guidelines vide No. M-6/AD/KRC/2013-14 dt. 4/12/2014 in respect of construction of Kitchen room for mid-day meal scheme at Government High School, Garagapalli village in the year 2015; while utilizing the money at each stage of construction, certified vouchers, receipts along with utilization certificate is to be submitted to Akshara Dasoha division of Taluk Panchayath of the Head Master of School and after its certification from Akshara Dasoha division, money is to be utilized. Also, services of the Engineers of respective Taluk Panchayath is to be utilized with respect to technical aspects of building construction;

1) The matter was referred to Superintendent of Police, Karnataka Lokayukta, Kalaburgi for investigation, who in turn had submitted Report dt. 23/6/2017 stating that allegations made in the complaint are not established.

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2) To prove the Article of charges framed against the DGO, complainant Sri. Sunil Kumar is examined as PW-1 and documents got marked as Ex.P.1 to Ex.P.4 i.e., Complaint dt. 19/07/2016 as Ex.P.1, Form no.1 (complaint) as Ex.P.2, Form no.2 (affidavit) as Ex.P.3, Representation of BEO as Ex.P.4 and Memorandum dt. 4/12/2014 as Ex.D.1 & Plan of kitchen for mid day meals along with methods to be spent as Ex.D.2. Witness of Sri. Khaja Moinuddin and Sri. Farooq were examined as DW-1 and 2 and documents got marked cheque, estimates, receipts collectively marked as Ex.D.3 to receipts, statement of bank pass book are marked as Ex.D.4. The DGO – Sri. Jayappa Chapal is examined as DW-3, who filed his affidavit in lieu of examination in chief and got marked the Utilization certificate, certified by Assistant Director of Akshara Dasoha, Chincholi as per page no.32 to 35 as Ex.D.5 and Service of Engineer with regard to technical aspects of building construction is marked as Ex.D.6.

11. It is the evidence of PW-1 that, an amount of Rs. 3,31,000/- is sanctioned for construction of kitchen room for mid day meal scheme at Government High School, Garagahalli village in the year 2015. The DGO did not construct the kitchen and toilet, but has drawn an amount of Rs. 30,000/-. Therefore he filed the complaint against DGO at Ex.P.1 to Ex.P.3.

12. DW-1 – Sri. Khaja Moinuddin deposed that, he is working as Assistant Teacher Government High School, Garagapalli village, Chincholi taluk since 2008; he was in-charge Head Master during the year 2012; the Government

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of Karnataka deposited Rs. 1,53,000/- in joint account no. 62058837905 at SBH Bank at Chincholli for construction of toilet for construction work of basement; a cheque for Rs. 30,000/- was issued by him in favour of Sri. Ravindra Sagar on 9/7/2012, who was constructing toilet and he has not misused Rs. 30,000/- ; the DGO was reported for duty on 30/8/2013 as regular Head Master at Government High School, Garagapalli.

13. DW-2 - Sri. Farooq deposed that, he received Rs. 18,100/- on 27/07/2015 from Sri. Jayappa Chappal, Head Master Government High School, Garagapalli (DGO) through cheque for supply of wall stones and rent of tractor; he received cheque for Rs. 15,000/- for supply of sand and rent towards tractor on 27/07/2015 from DGO.

14. It is the evidence of DGO (DW-3) that, he is working as Head Master in Government High School, Garagapalli village since 13/8/2013; he has spent Rs. 18,100/- and Rs. 15,000/- in total Rs. 33,100/- for wall stone, sand and concrete for construction of midday meal kitchen; DW-1 who was in-charge of Head Master and SDMC President Sri. Ravindra Kumar have taken up the basement work of toilet and spent Rs. 30,000/-; during that time he was not working there at Government High School, Garagapalli; he reported to duty at Garagapalli on 30/8/2013; he has not misused any funds and therefore requested to exonerate from the charges.

15. In the light of evidence and materials on record let us ascertain whether the DGO has followed the guidelines in

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respect of construction of kitchen room for mid-day meals scheme at Government High School, Gargapalli village in the year 2015;

- i. While utilizing the money at each stage of construction, certified vouchers, receipt along with the utilization certificates is to be submitted to Akshara Dasoha division of Taluk Panchayath by DGO and after its certification from Akshara Dasoha division, money is to be utilized.
- ii. Also, services of the Engineers of respective Taluk Panchayath are to be utilized with respect to technical aspects of building construction.
- iii. Work completion report containing the certificate of technical Assistant regarding execution of work satisfactorily in terms of quality and quantitatively.
- iv. Procurement of materials shall be submitted to the officer in charge of Taluk and Committee for approval.
- v. Payment for procurement of materials, if exceeds Rs. 500/-, it shall be only through cheque.
- vi. Payment of labour charges to be paid only through cheque to the workers and at any cost, it shall not be paid to the SDMC/President of Sub Committee/ Members.
- vii. After completion of construction the utilization certificate and photos collected from Head Master has to be submitted by Assistant Director after certification through Executive Officer of Taluk Panchayath to the Zilla Panchayath before 30/03/2015.

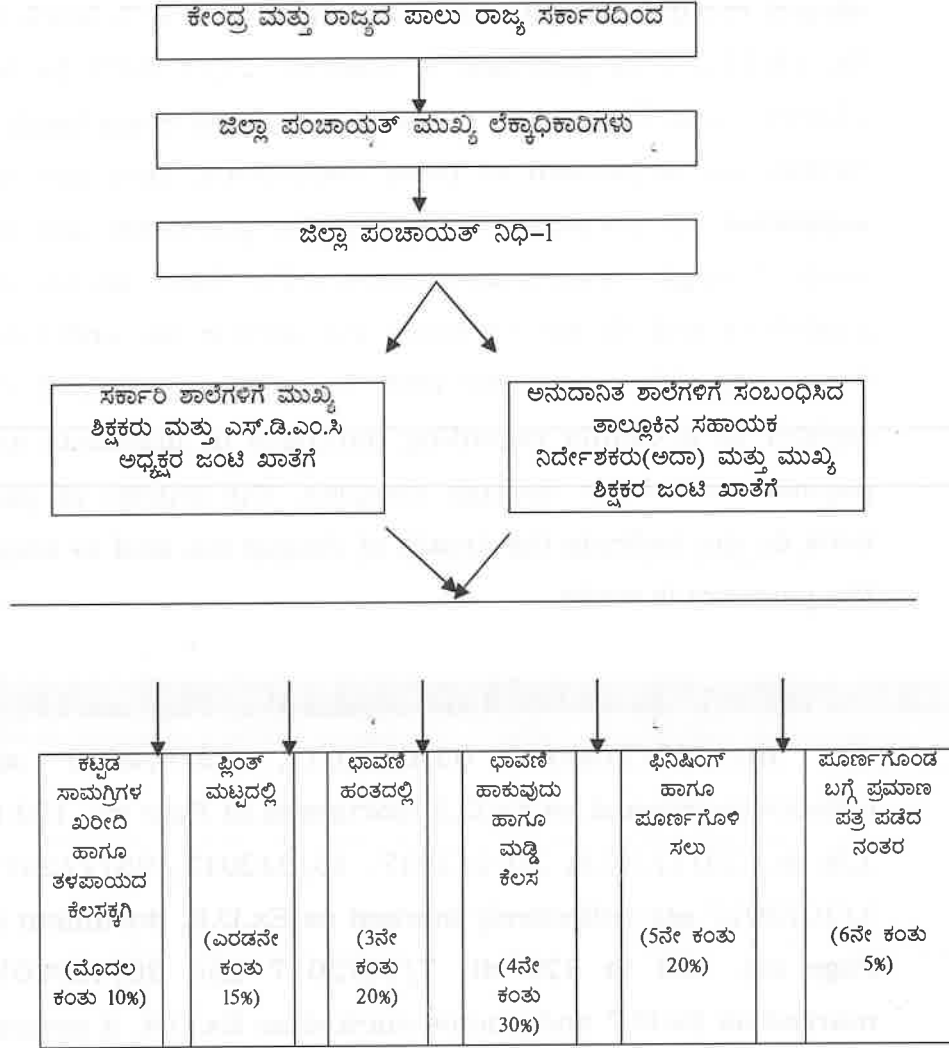
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16. It is an admitted fact that, an amount of Rs. 1,53,000/- is deposited to the School's joint account on 26/4/2012 towards construction of toilet. On 19/7/2017 an amount of Rs. 30,000/- is spent by the DW-1 – Sri. Khaja Moinuddin and SDMC Chairman Sri. Ravindra Kumar and a portion of construction has been made. During that time DGO was not working as Head Master at Government High School, Garagapalli village. DGO was reported as Head Master at Government High School, Garagapalli on 30/8/2013 and since then the DGO is working as Head Master at Government High School, Garagapalli. Since the DGO was not working as Head Master at Government High School, Garagapalli till 29/8/2013 and as there was no charge in respect of construction of toilet under Mid-day meal scheme, any amount of discussion on the documents marked at Ex.D.3 (Page no. 42-52) serve no purpose.

17. An amount of Rs. 3,31,000/- sanctioned and has been deposited to the joint account No. 62058837905, SBH Bank, Chincholli for construction of kitchen room under Mid-day meal scheme. Ex.D.1 is the guidelines vide no. M-6/AD/KLC/2013-14 dt. 4/12/2014 and Ex.D.2 is the typical plan for the proposed construction of kitchen for mid-day meals. Under the said guidelines, the DGO has formed a sub-committee consisting of 5 members i.e., DGO, DW-1, Dasappa, Mahadevaiah and Vijaykumar. Ex.D.7 and Ex.D.8 indicates the same. For better appreciation of facts and the materials on record, it is just and necessary to extract the Ex.D.1 guidelines reads as follows;

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➤ ಸಿವಿಲ್ ಕಾಮಗಾರಿಗಳ ಅನುದಾನ/ಹಣ ಬಿಡುಗಡೆ ಮಾಡುವ ಮತ್ತು ವೆಚ್ಚ ಭರಿಸುವ ವಿಧಾನ:



ಆಯಾ ಶಾಲೆಯ ಮುಖ್ಯ ಶಿಕ್ಷಕರುಗಳು ಪ್ರತಿ ಕಂತಿನ ವೆಚ್ಚಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ದೃಢೀಕೃತ ಓಚರ್/ರಸೀದಿಗಳೊಂದಿಗೆ ಬಳಕೆ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್‌ನ ಅಕ್ಷರ ದಾಸೋಹ ವಿಭಾಗಕ್ಕೆ ಸಲ್ಲಿಸಿ ದೃಢೀಕರಣ ಪಡೆದ ನಂತರವೇ ನಂತರ ಕಂತನ ಅನುದಾನಗಳನ್ನು ಬಳಕೆ ಮಾಡುವುದು.

18. A perusal of Ex.D.1 – the memorandum dt. 04/12/2014 i.e., the guidelines for the proposed construction of kitchen room under Mid-day meal scheme, which indicates that the DGO who is Head Master and in

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charge of the work has to follow the instructions therein. In this regard the DGO has produced Ex.D.4 – Xerox copies of alleged receipts for purchase of stones dt. 27/7/2015 for Rs. 18,100/-, for purchase of sand dt. 27/7/2015 for Rs. 15,000/- and Xerox copy of the pass book of State Bank of Hyderabad. A perusal of these documents, they are not supported by necessary bills and the payments are not made through cheques as it exceeds Rs. 500/- as per the guidelines and do not indicates the cheque no. and other details. In this regard the DGO has not maintained the register of accounts regarding purchase of materials and payment to labour through cheques. The entries of pass book do not indicate the details of cheque no. and to whom the payment is made.

19. The DGO has relied upon document at Page no. 119 to 122 dt. 27/7/2015, 03/04/2017, 13/4/2017 are collectively marked as Ex.D.5, document at Page no. 123 to 128 dt. 20/7/2015, 20/2/2017, 15/3/2017, 25/7/2017, 1/10/2017 are collectively marked as Ex.D.6, document at Page no. 128 to 129 dt. 7/10/2017 and 26/12/2017 marked as Ex.D.7 and photos marked as Ex.D.8. A perusal of these documents, which indicates that these documents do not reflects the date of inspection, measurement and other details pertains to technical aspect by the concerned Engineer. These documents are not the official documents and issued by the office of Taluk Panchayath. These documents are not approved by Akshara Dasoha division of Taluk Panchayath. The DGO has not produced any materials to establish that the procurement materials are approved by the officer incharge of Taluk Panchayath and

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Committee. Therefore no reliance or evidentiary value could be attached to these documents. The photo produced by the DGO cannot be relied upon since it is not supported by the measurement book by a technical officer and not approved by the Akshara Dasoha division of Taluk Panchayath. Therefore it is clear that the DGO has not followed the guidelines.

20. The DGO has not produced copies of cheque or bank statement or any other documents to show that the payment are made to the workers/labourers to their account by cheques, as per the guidelines. Thereby the DGO has violated and has not followed the same.

21. In this proceedings, the matter was referred to Superintendent of Police, Karnataka Lokayukta, Kalburgi for investigation, who in turn has submitted report dt. 23/6/2017 that the allegations made in the complaint are not established at Page no. 73 to Page no. 81. A perusal of the same, the report do not indicates whether the DGO has followed the guidelines No.M-6/AD/KRC/2013-14 dated 04/12/2014 and vouchers, receipts and utilization certificates are certified by the Akshara Dasoha division of Taluk Panchayath and payment are made to labourers to their account through cheque. Therefore the report submitted by Sri. K.H. Jagadish, S.P, Karnataka Lokayukta, Kalaburgi dt. 23/6/2017 is rejected.

Therefore, to sum up the discussion in the foregoing para, it is clear that the DGO - Sri. Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburgi District, who being a Head Master, has not

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followed the guidelines dt. 04/12/2014 i.e., he has not maintained the register of accounts, utilization certificate, certified vouchers and receipts are not certified and approved by the Akshara Dasoha division of Taluk Panchayath and Payments are not made to the account of labourers through cheque. Thereby, he acted in a manner which is unbecoming of Government Servant. Therefore I am of the opinion that the Disciplinary Authority has proved the charges leveled against the DGO.

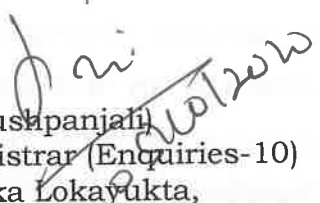
POINT NO.2 : In view of findings on Point No.1, I proceed with the following;

: REPORT :

The Disciplinary Authority has proved the charge against DGO-Sri. Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburgi District.

Submit this report to the Hon'ble Upalokayukta-1 in a sealed cover forthwith along with connected records.

Dated this the 5th October, 2020


(B. Pushpanjali)
Additional Registrar (Enquiries-10)
Karnataka Lokayukta,
Bengaluru.

ANNEXURES**I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-**

PW-1 : Sri. Sunil Kumar (Complainant)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

Ex.P.1 :	Complaint dt:03/10/2016
Ex.P.2 :	Form No. I
Ex.P.3 :	Form No. II
Ex.P.4 :	Copy of weekly paper Goravina Kallu
Ex.P.5 :	Report of P.I. Kla, Kalburgi.

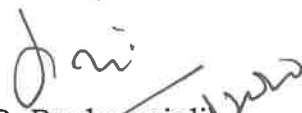
III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGO :

DW-1 : Sri. Khaja Moinuddin (Additional Witness)
 DW-2 : Sri. Farooq (Additional Witness)
 DW-3 : Sri. Jayappa Chappal (DGO)

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGOs :

Ex.D.1 :	Memorandum dt. 4/12/2014
Ex.D.2 :	Plan of Kitchen for mid day meals along with the methods to be spent
Ex.D.3 :	Cheques, estimates, receipts
Ex.D.4 :	Receipts, Statement of bank pass book collectively marked
Ex.D.5 :	Utilization certificate
Ex.D.6 :	Service of Engineer with regard to technical aspect of building construction
Ex.D.7 :	Receipt of 5 th and 6 th installment
Ex.D.8 :	Colour photograph

Dated this the 5th October, 2020


 (B. Pushpanjali)
 Additional Registrar (Enquiries-10)
 Karnataka Lokayukta,
 Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/1102/2017/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **07/10/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Jayappa Chapal, Head Master, Govt. High School,
Garagapalli, Chincholi Taluk, Kalaburagi District- Reg.

Ref:- 1) Govt. Order No.ಇಡಿ 577 ಎಸ್ಇಎಸ್ 2017, Bengaluru dated
3/11/2017.

2) Nomination order No.UPLOK-1/DE/1102/2017,
Bengaluru dated 13/11/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 05/10/2020 of Additional
Registrar of Enquiries-11, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 3/11/2017, initiated the disciplinary proceedings against Sri Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburagi District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/1102/2017, Bengaluru dated 13/11/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him..

3. The DGO Sri Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburagi District was tried for the following charge:-

“That, you DGO – Sri Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburagi District has not followed the following guidelines vide No. M-6/AD/KRC/2013-14 dated 4/12/2014 in respect of construction of kitchen room for mid-day meal scheme at Government High School, Garagapalli Village in the year 2015;

While utilizing the money at each stage of construction, certified vouchers & receipts along with utilization certificate is to be submitted to Akshara Dasoha Division of Taluk Panchayath by the Head Master of School and after its certification from Akshara Dasoha division, money is to be utilized. Also services of the engineers of respective Taluk Panchayath are to be utilized with respect to technical aspects of building construction. But you DGO has not followed the said guidelines.

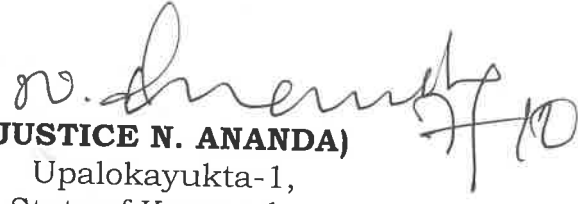
Thus you DGO, being a Government/Public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government Servant and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge

against DGO Sri Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburagi District.

5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.
6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/7/2031.
7. Having regard to the nature of charge proved against DGO Sri Jayappa Chapal, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Jayappa Chapal, Head Master, Government High School, Garagapalli, Chincholi Taluk, Kalaburagi District with cumulative effect and also for deferring the promotion of DGO Sri Jayappa Chapal, by four years, whenever he becomes due for promotion.
8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1,
State of Karnataka,
Bengaluru

