

**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/1130/2017/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 11-04-2018**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )**Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bangalore

Sub: Departmental Enquiry against Smt. Nalina C. Kagineelli, Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru - reg.

Ref: 1) Government Order No. ಮಮಇ 266 ಎಸಜೆಡಿ 2017,  
ಬೆಂಗಳೂರು ದಿನಾಂಕ: 24/10/2017.2) Nomination Order No:Uplok-1/  
DE/1130/2017, dated: 23/11/2017 of  
Hon'ble Upalokayukta-1, Bangalore.

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This Departmental Enquiry is initiated against Smt. Nalina C. Kagineelli, Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru (hereinafter referred to as the "Delinquent Government Official" in short "DGO").

In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta-I vide order dated 23/11/2017 cited at reference No.2 has Nominated Addl. Registrar of



Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO. Addl. Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit his written statement of defence.

The Article of charges framed by the ARE-9 against the DGO is as under :

**ANNEXURE-I**

**CHARGE**

On 21/4/2017 in the afternoon, the spot was inspected by Hon'ble Upalokayukta-1 and Sri K.M. Oonkarmurthy, I/c Deputy Registrar (Enquiries-2) and it was noticed that ;

- 1) The Government Lower Primary School in Gulbarga Colony, 3<sup>rd</sup> Block, Jayanagar consists of 2 floors. By the side of the entrance, there is stair case leading to first floor. Beneath the steps of staircase, the cooking utensils and other articles were found. The toilet of the lower primary school is situated opposite to the entrance. Anganawadi is run in the passage leading to the toilet (adjacent to toilet)
- 2) A part of the toilet is bifurcated by a wall. This small bifurcated portion is used as kitchen and storeroom. Food is prepared in this bifurcated portion. This Anganawadi is in the part of the toilet and children are



fed in the passage leading to toilet. There is unhygienic place for preparation of food and serving by the side of the toilet and it is likely to lead contagious diseases.

Further, Anganawadis are run under Integrated Child Development Service (ICDS). The purpose of ICDS is to improve the health, nutrition and development of children. The programme offers health, nutrition and hygiene education to mothers, non-formal pre-school education to children aged three to six, supplementary feeding for all children and pregnant and nursing mothers, growth monitoring and promotion and links to primary health care services such as immunization and Vitamin A supplements. These services are delivered in an integrated manner at Anganawadi to all children.

The above laudable object of ICDS is found to be completely frustrated. The purpose of ICDS is to improve the health, nutrition and development of children is given go-bye running Anganawadi in the most unhygiene atmosphere which is susceptible to continuous diseases.

You-DGO being the responsible officer has not shown your efforts to shift the alleged Anganawadi Centre at Gulbarga colony, 3<sup>rd</sup> Block, Jayanagar, Bengaluru which was being run near the toilet room to a premises having hygienic atmosphere. Mere writing of letter to BBMP authorities or to the Corporator will not serve the purpose. Moreover, in the letters dated 18.1.2016 and 20.5.2016 written by You-DGO to BBMP authorities and in the letter written to the Corporators, there is no

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mention of the alleged Anganawadi Centre. No efforts are shown to be made by you- DGO to get rented premises. You- DGO negligent in your duties for which the object of ICDS programme has been frustrated by running the alleged Anganawadi Centre near the toilet room with most unhygienic atmosphere. Therefore, prima facie misconduct can be inferred against You-

DGO

Thereby you -DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3(1)(i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

#### **ANNEXURE-II**

#### **STATEMENT OF IMPUTATION OF MISCONDUCT:**

3. On the basis of report published in Vijaya Karnataka, Namma Bengaluru News Paper dt: 21/4/2017, an investigation was taken up suo motto by the Hon'ble Upalokayukta after invoking Section 7(2) of the Karnataka Lokayukta Act, against 1)Deputy Director, Women and Child Development Department, Bengaluru Urban, Near Kidwai Hospital, Bengaluru 2)Sri. B.H. Ashwathnarayanagowda Deputy Director of Public Instruction (Admin), Public Instruction Department, Bengaluru City South district, Near KIMS Hospital, Kalasipalyam, Bengaluru, 3)Sri. K.L. Rameshaiah, Block Education Officer, Public Instruction Department, Bengaluru City South-3, BTM Layout, Bengaluru, 4)Sri K.L. Chandra, Head Master, Government Primary School, Gulbarga Colony, Jayanagar 3<sup>rd</sup> Block,



Bengaluru and 5) Smt. Nalina C. Kagineelli, Child Development Project Officer, Women and Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru(DGO) (hereinafter referred to as 'Respondents 1 to 5 respectively' for short) alleging dereliction of duty.

4. Brief facts of the case are :

i. Based on the report published in Vijaya Karnataka, Namma Bengaluru News Paper dt: 21/4/2017 with respect to running of Anganawadi centre near the toilet room of lower primary school, Gulbarga Colony, Jayanagar 3<sup>rd</sup> Block, Suo-motto complaint was registered.

ii. On 21/4/2017 in the afternoon, the spot was inspected by Hon'ble Upalokayukta-1 and Sri K.M. Oonkarmurthy, I/c Deputy Registrar (Enquiries-2) and it was noticed that ;

1. The Government Lower Primary School in Gulbarga Colony, 3<sup>rd</sup> Block, Jayanagar consists of 2 floors. By the side of the entrance, there is stair case leading to first floor. Beneath the steps of staircase, the cooking utensils and other articles were found. The toilet of the lower primary school is situated opposite to the entrance. Anganawadi is run in the passage leading to the toilet (adjacent to toilet)

2. A part of the toilet is bifurcated by a wall. This small bifurcated portion is used as kitchen and storeroom. Food is prepared in this bifurcated portion. This Anganawadi is in the part of the toilet and children are fed in the passage leading to toilet. There is unhygienic



place for preparation of food and serving by the side of the toilet and it is likely to lead contagious diseases.

5. Further, Anganawadis are run under Integrated Child Development Service (ICDS). The purpose of ICDS is to improve the health, nutrition and development of children. The programme offers health, nutrition and hygiene education to mothers, non-formal pre-school education to children aged three to six, supplementary feeding for all children and pregnant and nursing mothers, growth monitoring and promotion and links to primary health care services such as immunization and Vitamin A supplements. These services are delivered in an integrated manner at Anganawadi to all children.

6. The above laudable object of ICDS is found to be completely frustrated. The purpose of ICDS is to improve the health, nutrition and development of children is given go-bye running Anganawadi in the most unhygiene atmosphere which is susceptible to continuous diseases.

7. On the basis of the said facts and materials on record, a case of misconduct has been made out showing that DGO being government servant, has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a public/government servant.

8. Thereafter, observation note was sent to DGO and 1) Deputy Director, Women and Child Development Department, Bengaluru Urban, Near Kidwai Hospital, Bengaluru 2) Sri. B.H. Ashwathnarayanagowda Deputy



Director of Public Instruction (Admin), Public Instruction Department, Bengaluru City South district, Near KIMS Hospital, Kalasipalyam, Bengaluru, 3) Sri. K.L. Rameshaiah, Block Education Officer, Public Instruction Department, Bengaluru City South-3, BTM Layout, Bengaluru, 4) Sri K.L. Chandra, Head Master, Government Primary School, Gulbarga Colony, Jayanagar 3<sup>rd</sup> Block, Bengaluru calling them to show cause as to why recommendation should not be made to the Competent Authority for initiating disciplinary enquiry for the alleged misconduct.

9. Deputy Director, Women and Child Development Department, Bengaluru Urban, Near Kidwai Hospital, Bengaluru in spite of service of this office endorsement has not submitted his comments.

10. 2) Sri. B.H. Ashwathnarayanagowda Deputy Director of Public Instruction (Admin), Public Instruction Department, Bengaluru City South district, Near KIMS Hospital, Kalasipalyam, Bengaluru, 3) Sri. K.L. Rameshaiah, Block Education Officer, Public Instruction Department, Bengaluru City South-3, BTM Layout, Bengaluru, 4) Sri K.L. Chandra, Head Master, Government Primary School, Gulbarga Colony, Jayanagar 3<sup>rd</sup> Block, Bengaluru and DGO have submitted comments stating that, immediately after publishing of news in Vijaya Karnataka News paper, action has been taken. The office room of the Primary School was vacated and is allocated



to Anganawadi Centre. Nali Kali room of the School is provided for kitchen.

11. Further, the DGO states that there are no buildings belonging to the department of Women and Child Welfare. Monthly rent of Rs.5,000/- is being provided to hire a premises measuring 4.50 Sq. Meters with basis necessities for running Anganawadi centre in the city area. There is no provision for providing advance deposit (Security Deposit) o hire the premises for which no building owner is ready to let out their premises for rent. Many efforts were made by writing letter to Joint Commissioner, BBMP and Corporators of Ward to get a premises/site for Anganawadi centre. The Head Master of the said School was also requested to provide alternate room for running Anganawadi centre. In spite of such request, no such cooperation was extended by him. On 21/4/2017, when request was made with Block Education Officer and the School head Master, two rooms have been allotted to Anganawadi centre.

12. The Integrated Child Development Services Scheme under which Anganawadi Centers are being run is implemented by the Women and Child Welfare Department. The Child Development Project Officer (CDPO), State Project, Bengaluru is the responsible officer to see that the object of the scheme should not be defeated.

13. The DGO being the responsible officer has not shown her efforts to shift the alleged Anganawadi Centre at Gulbarga colony, 3<sup>rd</sup> Block, Jayanagar, Bengaluru which

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was being run in the toilet room to a premises having hygienic atmosphere. Mere writing of letter to BBMP authorities or to the Corporator will not serve the purpose. Moreover, in the letters dated 18.1.2016 and 20.5.2016 written by the DGO to BBMP authorities and in the letter written to the Corporators, there is no mention of the alleged Anganawadi Centre. No efforts are shown to be made by the DGO to get rented premises. The DGO is negligent in her duties for which the object of ICDS programme has been frustrated by running the alleged Anganawadi Centre in the toilet room with most unhygienic atmosphere. Therefore, prima facie misconduct can be inferred against DGO.

14. The above facts and the material on record prima facie show that the DGO being government servant, has failed to maintain absolute devotion to duty and has acted in a manner unbecoming of government servant and thereby committed misconduct under rule 3(1)(i) to (iii) of KCS (conduct) Rules and made herself liable for disciplinary action.

11. Since said facts and material on record prima-facie show that, the DGOs committed misconduct, now, acting under section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957. Hence, the charge.



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The DGO has appeared on 30/12/2017 before enquiry authority in pursuance to the service of Article of Charges.

Plea of DGO has been recorded. She has not pleaded guilty and claimed for holding enquiry.

The DGO has submitted in her written statement is that,

She is working as a Child Development Project Officer at Bangalore (State) Project wef 8/7/2015. However, the Anganawadi centre at the place in question is established prior to the posting of the DGO way back in the year 2011-12 itself. The Anganawadi centre do not have own buildings. In fact in BBMP areas, no provision is made in the budget either of the department of Woman and Child Development or BBMP for own buildings of Anganawadi center. Anganawadi centers have to depend upon the building made available to it by the local community. The location of the Anganawadi centre has to be near the locality where pregnant woman and lactating mothers and children below the age of 6 year are present. In the present case the Anganawadi centre has to be near the Gulbarga slum, 3<sup>rd</sup> block. As no place was available for rent nor the local community of BBMP put offered to provide a place to running the Anganawadi centre. The incumbent in the office of the CDPO at the relevant point of time started the centre at the place in question with whatever place that was made available.

The place is made available by the Head Mistress Smt. K.Chandra from the year 2011-12 at the place where it was situated at of 21/4/17 the Head Mistress submitted the said facts in the reply dated 10/5/2017. That as far as the DGO is concerned, she has no role in selecting the place in question.



Prior to the DGO two persons were working as a Child Development Project Officer (State) Project namely Smt. Jayalakshamma from 1/9/2008 to 1/7/2011 and Shivaramgowda from 1/7/2011 to 8/7/2015 during the relevant period the said two officers might have also explored the possibility of making alternative building but for want of getting the required space, have not been able to shift the Anganawadi centre.

As per the Government order bearing No.MME 235 ICD 2007 dated 3/11/2007, the Balavikas samiti/ Samanway samiti constituted under the said order is the governing body in respect of the activities of the Anganawadis. This samiti takes decision with respect to running of Anganawadi centre. The said samiti consists of members of the corporation of that area, Head Master of the Higher Primary School, the representatives of Stri Shakti Group selected by the Supervisor, 4 mothers of the children of the said centre out of them one shall be from Scheduled caste who are elected by the supervisor, one lady health assistant from health department, local senior citizen and the concerned Anganawadi worker. So that the problem if any including that of accommodation of Anganawadi centre has to be sorted out by the Balavikas samiti. The DGO has no role in the matter.

The job responsibility entrusted to the circle supervisor to Anganawadi centers, job responsibility of the supervisors stipulated that it is the job of the supervisors to check the arrangement of the storage, preparation and distribution of foods and stock supplies and to find out the personal and work related problems of Anganawadi workers. That the DGO has



not received any recommendation from the Supervisor or Anganawadi workers regarding the place where the Anganawadi center in question is being run. However, in one of the visits to the Anganawadi center the DGO found that the Anganawadi center is run in the place in question and she has raised an issue for providing a better place for the Anganawadi centers. In this regard she has ensured that the matter is taken up by the Balavikas samiti meeting.

The proceedings of Balavikas samiti held on 2/10/16 in respect of the Anganawadi centre at Gulbarga slum wherein the issue regarding the separate room being given for Anganawadi centre is discussed, in the said meeting, Head Master was requested for one big room. For the same in the meeting dated 17/12/2016 the Head Mistress of the said School categorically stated that she cannot give any other room for Anganawadi center. Regarding shifting of Anganawadi centre to a rented place, the other members stated that the center is absolutely essential for the colony people, therefore it should not be shifted. Further it was agreed that after completion of construction of the Ambedkar community hall, one room in that community hall would be given to Anganawadi center. Under the ICDS scheme a CDPO does not have responsibility of finding a place for the Anganawadi centre it is the responsibility of the local community. However, the DGO has made sincere effort to find the alternative accommodation and was successful in assuring that in the community hall that has been constructed at Gulbarga colony.

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The DGO hereby denied the allegations that the Anganawadi centre was run by the side of the toilet room with most un- hygienic condition/ atmosphere she denied the allegation that the purpose of ICDS to improve the health nutrition and development children and given a go by. She further denied that the Anganawadi centre is run by the most unhygienic condition or for that matter in an atmosphere susceptible to continuous diseases/contagious. The DGO denying that there is unhygienic for preparation of food and food served by the side of the toilet and it is likely to lead contagious diseases.

Further submitted that, the DGO has served 35 years of unblemished service and she is attaining the age of superannuation on 31/1/2018. She has worked at different places and earned a good name at the time of the initiate of these proceedings gives an impression that some unseen hand is at work to prevent the DGO at the fog end of her carrier to deny her promotion which is imminent. She is no even allowed to retire peacefully. Hence, prayed to drop the charge leveled against her.

The Disciplinary Authority has examined Sri Omkarmurthy K.M., Deputy Registrar of Enquiries-3, Karnataka Lokayukta, Bangalore as PW.1 and Ex.P1 to P7 are got marked. The DGO- Smt. Nalini C. Kaginele, Child Development Project Officer, Women and Child Development Department, Bangalore herself examined as Dw.1 and Ex.D1 to 28 got marked.



The disciplinary authority and DGO have filed written in brief and heard the submissions. I answer the above charge No.1 in **AFFIRMATIVE** for the following:

### **REASONS**

3) It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGO.

4) The Disciplinary Authority has examined Sri Omkarmurthy K.M., Deputy Registrar of Enquiries-3, Karnataka Lokayukta, Bangalore, he deposed in his Chief examination that, based on the report published in Vijay Karnataka, Namma Bengaluru news paper dated 21/4/2017 in respect of running Anganawadi center near the toilet room of lower primary school, Gulbarga colony, Jayanagar block, Hon'ble Uplokayukta has registered suo motto complaint. On the same day after noon he has visited the spot along with the Hon'ble Uplokayukta. He found that Government lower primary school building entrance there is staircase leading to 1<sup>st</sup> floor beneath the steps of staircase, the cooking utensils and other articles were found, the toilet of the lower primary school situated opposite to the entrance. The Anganawadi run in the passage leading to toilet. There is unhygienic place for preparation of food and serving by the side of the toilet and it is likely to lead diseases. Further he deposed that the DGO who had responsibility of implementing the scheme with cooperation of other departments. She has not shown her effort to shift the Anganawadi center at Gulbarga colony, Jayanagar, Bangalore which was being run near the toilet to a premises having hygienic atmosphere.



5) Pw.1 further deposed in his cross examination that, he has not obtained any report from concerned medical officer regarding to say the said place is hygienic or unhygienic place and whether the children and the pregnant woman lactating mother suffering from any diseases, for the reason of the said Anganawadi center running near toilet room of the said school.

6) The DGO herself examined as Dw.1 she denying the charge leveled against her and further she deposed that she has made effort to shift the said Anganawadi center to the some other place in her tenure but, no one rented building available in the said vicinity. Further she deposed that the said primary school head mistress refused to accommodate other rooms even though requested by the Balavikas Samiti and Anganawadi worker. Further she deposed that she has not committed any dereliction of duty as alleged in the charge

7) The disciplinary authority produced Ex.P1 Vijay Karnataka Daily news paper dated 21/4/2015 and also observation note prepared by the Pw.1 who visits the spot along with Hon'ble Upalokayukta-1. Ex.P3 is the documents which consists compliance report submitted by the Addl. Chief Secretary, Government of Karnataka, Higher and Primary education department, Bangalore. As per the said document after Hon'ble Upalokayukta visiting the spot said Anganawadi center shifted to other separate two rooms of the said school which provided by head master of the said school after



direction issued by the Block Education Officer, Bangalore south-3.

8) The Block Education Officer, Bangalore south stated in his letter dated 10/5/2017 as follows;

“ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಗುಲ್ಬರ್ಗಾ ಕಾಲೋನಿ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ವಲಯ -03 ಈ ಶಾಲೆಯು 1 ರಿಂದ 5ನೇ ತರಗತಿಯವರೆಗೆ ಕನ್ನಡ ಮಾಧ್ಯಮದಲ್ಲಿ ನಡೆಯುತ್ತಿರುತ್ತದೆ. ಶಾಲೆಗೆ ಸ್ವಂತ ಕಟ್ಟಡ/ನಿವೇಶನವಿದ್ದು 02 ಅಂತಸ್ತಿನಲ್ಲಿ 7 ಶಾಲಾ ಕೊಠಡಿಗಳು ಹಾಗೂ 3 ಶೌಚಾಲಯ ಇರುತ್ತವೆ. ಪ್ರಸಕ್ತ ಸಾಲಿನಲ್ಲಿ 75 ವಿದ್ಯಾರ್ಥಿ/ವಿದ್ಯಾರ್ಥಿನಿಯರು ವ್ಯಾಸಂಗ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಸದರಿ ಶಾಲಾ ಕಟ್ಟಡದಲ್ಲಿ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಕ್ಕೆ ಸ್ವಂತ ಕಟ್ಟಡ ಇಲ್ಲದ ಕಾರಣ 2011-12 ನೇ ಸಾಲಿನಿಂದ ಸಿಡಿಪಿಟಿ ರವರ ಕೋರಿಕೆಯ ಮೇರೆಗೆ ಈ ಕಟ್ಟಡದಲ್ಲಿ ತಾತ್ಕಾಲಿಕವಾಗಿ ಅಂಗನವಾಡಿ ಕೇಂದ್ರ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿದೆ. ಈ ಶಾಲಾ ಕಟ್ಟಡಕ್ಕೆ ನೆಲಮಹಡಿಯಲ್ಲಿ 2 ಬಾಗಿಲಿದ್ದು 1 ಬಾಗಿಲು ಮೂಲಕ ಶಾಲೆಗೆ ಮತ್ತೊಂದು ಬಾಗಿಲು ಮೂಲಕ ಶೌಚಾಲಯ ಮತ್ತು ಅಂಗನವಾಡಿ ಕೇಂದ್ರ ಪ್ರವೇಶಿಸಬೇಕಾಗಿದೆ. ಅಂಗನವಾಡಿ ಕೇಂದ್ರ ಪ್ರವೇಶದ ಮೂಲಕ ಮೊದಲು ಅಡಿಗೆ ಕೇಂದ್ರವಿದ್ದು ಅದರ ಮುಂಭಾಗದಲ್ಲಿ ಶೌಚಾಲಯ ಇರುತ್ತದೆ. ಈ ಶಾಲಾ ಕಟ್ಟಡವನ್ನು 12 ವರ್ಷಗಳ ಹಿಂದೆಯೇ ಅವೈಜ್ಞಾನಿಕವಾಗಿ ನಿರ್ಮಿಸಿರುತ್ತಾರೆ.”

9) Considering the above said letter of the BEO, said Anganawadi center working since 2011-12 in the said place for the request of the then CDPO. The DGO working as a CDPO since from 6/7/2015, earlier to that Smt. Jayalakshamma and K. H. Shivaramegowda were working as a CDPO. As per Ex.P6 the Head Master of the said school, K. L. Chandra provided the two separate rooms to run the said Anganawadi centre after Hon'ble Upalokayukta-1 visiting the spot and as per the direction of his higher officer.

10) The DGO examined as a Dw.1 she deposed that she made effort to shift the said Anganawadi centre to better place.





She has produced the some documents along with her comments regarding some correspondence with Joint Commissioner, Bangalore south Division BBMP dated 20/5/2016 with list of the Anganawadi centre for seeking separate buildings and sites to run the Anganawadi centre. But, in the said list the name of the present Anganawadi centre not shown but only mentioned 6 Anganawadi center in Jayanagar. The DGO also furnishing the another letter dated 18/1/2016 written to the Joint Commissioner, Bangalore south for seeking the buildings with amenities to run the Anganawadi center with list of the Anganawadi center. In the said list also the name of the present Anganawadi center not appeared.

11) The DGO produced the Ex.D6 the government circular No.MaMaE 235 ICD 2007 dated 3/11/2007. As per the said circular, constituted the Balavikas Samiti in rural area and as well as urban area for improvements of Anganawadi centers and its activities. The said Balavikas samiti in urban area consists 7 members 1) Mahanagar Palike Corporator of the said ward, 2) Head Master of the Higher Primary Government School of that area, 3) Four members of the Sri Shakti Groups of that area who are elected by the supervisor of Anganawadi, 4) Four mothers of the Anganawadi children who are elected by the supervisor of Anganawadi, 5) Junior Health Assistant, Health Department, 6) one of the Senior citizen of that area, 7) Anganawadi worker of the said center. The DGO has taken the contention that regarding choosing of the area and building to run the said Anganawadi centre is left to the said Balavikas samiti. Further she deposed that Anganawadi worker or

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supervisor not brought to her notice regarding present condition of the Anganawadi in Gulbarga colony. The DGO has produced Ex.D8 the meeting proceedings of the said Balavikas samiti of Anganawadi center Gulbarga colony dated 2/10/2016. As per the said documents on that day the said ward corporator Smt. Ganga B.K Mallikarjun, N. Ishwari, Secretary of the said Committee, Head Master K.L Chandra, Anganawadi worker Rashmi G., and other members were present. In the said meeting the Committee member requesting the Head master of the said school to provide the big room to run the said Anganawadi center. The DGO also produced the Ex.D9 the meeting proceedings dated 17/12/2016 of the Balavikas samiti, Gulbarga colony. In the said meeting the committee member once again requested the head master of the said school to provide the separate rooms to run the Anganawadi center up to shifting the same to newly constructing community hall in the said area. But the head master of the said school refused to provide the separate room. Also in the said meeting discussed about non - availability of rented buildings to run the said Anganawadi center in that area. The DGO produced Ex.D14 a letter dated 5/11/2016 written by the President of Mother India Foundation®, Gulbarga colony, near RBI extension, 3<sup>rd</sup> block, Jayanagar. In the said letter the President of the said institution requested the DGO not shifting the said Anganawadi center to somewhere for the reason non-availability of the building to run the said Anganawadi center. Also in the said letter they have stated that shift the said Anganawadi center. Also in the said letter they have stated



that shift the Anganawadi centre to Ambedkar Community hall after completion of the construction work. In the said letter they have also referred the matter that the head master of the said school refused to provide the other rooms to run the said Anganawadi center. Ex.D15 Memorandum issued by the BEO, Bangalore South-3 dated 27/6/2011. As per the said documents the BEO stated as follows; “ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳಂತೆ ಈ ವಲಯದ ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಾಲೆಗಳಲ್ಲಿ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳನ್ನು ತೆರೆಯಲು ಕೊಠಡಿಗಳನ್ನು ಶಾಲಾ ತರಗತಿಗಳಿಗೆ ತೊಂದರೆಯಾಗದಂತೆ, ಕೊಠಡಿಗಳು ಖಾಲಿಇದ್ದಲ್ಲಿ ಮಾತ್ರ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳನ್ನು ನಡೆಸಲು ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ಅನುಮತಿ ನೀಡಲು ತಿಳಿಸಿದರಿಂದ ಸರ್ಕಾರಿ ಕಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಗುಲ್ಬರ್ಗಾ ಸ್ಥಂ ಈ ಶಾಲೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳೊಂದಿಗೆ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳನ್ನು ನಡೆಸಲು ಶಾಲಾ ಕೊಠಡಿಗಳನ್ನು ನೀಡಲು ಶಾಲಾ ಮುಖ್ಯ ಶಿಕ್ಷಕರಿಗೆ ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ.

ಷರತ್ತುಗಳು:

1) ಶಾಲಾ ತರಗತಿಗಳಿಗೆ ತೊಂದರೆಯಾಗದಂತೆ ಕೊಠಡಿಗಳು ಖಾಲಿ ಇದ್ದಲ್ಲಿ ಮಾತ್ರ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳನ್ನು ನಡೆಸುವುದು.

12) Perusing the Ex.D15 the concerned BEO given permission to run the Anganawadi center in the said primary school if the rooms available. As per the said document the head master of the said school arranged the suitable rooms to run the Anganawadi center in the said school. The DGO produced the Ex.D17 to 19 letters to show she has made correspondence with Smt. Ganga B.K. Mallikarjun, Corporator of the said ward to provide the suitable buildings and sites to run the Anganawadi centers. The DGO has produced the Ex.D22 the Anganawadi Supervisor meeting proceedings dated 17/7/2015. As per the said meeting proceedings the DGO as a PDO has given instruction to all the Anganawadi Supervisors to brought to the notice of the DGO regarding the condition of




the Anganawadi center with any difficulties to find out the alternative solution. The DGO has also produced Ex.D23 meeting proceedings dated 17/8/2015, Ex.D24 meeting proceedings dated 1/12/2015, Ex.D25 meeting proceedings dated 14/12/2015, Ex.D26 meeting proceedings dated 2/1/2016, Ex.D27 meeting proceedings dated 15/2/2016, Ex.D28 meeting proceedings dated 22/2/2016.

13) On perusing the above said documents the DGO as a PDO of the said area held the meeting with the Anganawadi supervisor but they have not made any complaint, in respect of bad condition or unhygine condition of the said Anganawadi center in Gulbarga colony. Considering above all documents produced by the DGO with her oral evidence, it reveals that the rented buildings not available to run the said Anganawadi center in the said Gulbarga colony. Further it reveals that for the sake of local poor people and their children it is necessary to run the said Anganawadi center in that area. But, the DGO as a PDO she has not made any effort to get the other better rooms in the said school to run the said Anganawadi center as in which now the Anganawadi center is running after Hon'ble Upalokayukta visiting the spot. There is no material by the side of the DGO she has made effort to get the suitable rooms in the said school, by corresponding with the concerned BEO and DDPI and other higher officer of the education department, who are the higher officer of the head master of the said primary school who refused to give other room in the said school prior to direction issued by the BEO, Bangalore south as per Ex.P5. If really the DGO make correspondence



with the head master of the said school and higher officer like BEO, DDPI and others, there is a chance of the said school head master provide the better room which now provided to run the said Anganawadi center, but DGO or her subordinate officers have not made such effort. The DGO has not produced any material evidence to show any correspondence made with the education department for shifting the alleged Anganawadi center from the toilet premises. Thereby the DGO has failed to maintain absolute devotion to the duty and has acted in a manner unbecoming of government servant and thereby committed misconduct. Hence, the Disciplinary authority has succeeded to prove the charge leveled against the DGO.

14) In the event of the above circumstances, the charge leveled against the DGO is proved. Hence, this report is submitted to Hon'ble Upalokayukta-1 for further action.

  
 (Lokappa N.R)  
 Additional Registrar Enquiries-9  
 Karnataka Lokayukta,  
 Bangalore.

**i) List of witnesses examined on behalf of Disciplinary Authority.**

PW.1	Sri Omkarmurthy K.M., Deputy Registrar of Enquiries-3, Karnataka Lokayukta, Bangalore dated 8/1/2018 (Original)
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Paper cutting of Vijay Karnataka (Original)
Ex.P2	Observation note dated 2/5/2017 (Original)
Ex.P2(a)	Signature
Ex.P3	Letter dated 25/4/2017 written by the Additional Chief Secretary to the Registrar, Karnataka Lokayukta, Bangalore (Original)

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	along with connected documents
Ex.P4	Comments of the DGO dated 18/5/2017 along with documents
Ex.P5	Comments dated 10/5/2017 of Sri K.L.Rameshaiah, Block Education Officer, Bangalore south along with documents
Ex.P6	Comments dated 10/5/2017 of Sri K.L. Chandra, Head Master, Government Primary School, Gulbarga colony, Bangalore
Ex.P7	Comments of the DGO dated 15/5/2017 and documents
Ex.P7(a)	Signature

**iii) List of witnesses examined on behalf of DGO.**

Dw.1	Smt. Nalini C. Kaginele, Child development Project Officer, Women and Child Development Department, Bangalore dated 29/1/2018 (Original)
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**iv) List of documents marked on behalf of DGO**

Ex.D1	Copy of letter dated 26/12/2017 written by the Deputy Director, Woman and Child Development Department, Bangalore to the DGO (Attested copy)
Ex.D2	Copy of letter dated 21/4/2017 written by the Deputy Director, woman and Child Development Department, Bangalore urban district to the Director, Woman and Child Development Department, Bangalore (Attested copy)
Ex.D3	Copy of report dated 21/4/2017 submitted by the Deputy Director, Woman and Child Development Department, Bangalore urban district (Attested copy)
Ex.D4	Copy of Transfer Order dated 30/6/2011 (Attested copy)
Ex.D5	Copy of Transfer order dated 6/7/2015 of the DGO (Attested copy)
Ex.D6	Copy of circular issued by the Under Secretary to Government, Woman and Child Development Department regarding formation of Balavikas centre (Attested copy)
Ex.D7	Copy of direction to the Anganawadi superiors

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	and their responsibilities (Attested copy)
Ex.D8	Copy of Meeting proceedings of Balavikas Samiti dated 2/10/2016 (Attested copy)
Ex.D9	Copy of Meeting proceedings of Balavikas Samithi dated 17/12/2016 (Attested copy)
Ex.D10	Copy of Meeting proceedings dated 5/5/2017 of Balavikas Samiti (Attested copy)
Ex.D11	Copy of deputation order dated 9/9/2015 of Smt. Manjula, Supervisor (Attested copy)
Ex.D12	Copy of deputation order dated 15/9/2016 of Smt. Sunita, Supervisor (Attested copy)
Ex.D13	Copy of deputation order dated 20/9/2016 of Smt. Rashmi Desai, Supervisor (Attested copy)
Ex.D14	Copy of letter dated 5/11/2016 written by the Mother India Foundation (R), Gulbarga to the DGO (Attested copy)
Ex.D15	Memorandum dated 27/6/2011 (Attested copy)
Ex.D16	Extract of health check up register (Attested copies)
Ex.P17	Copy of letter dated 3/2/2016 (Attested copy)
Ex.P18	Copy of letter dated 23/5/2016 (Attested copy)
Ex.P19	Copy of letter dated 1/6/2016 (Attested copy)
Ex.P20	Copy of letter dated 18/1/2016 (Attested copy)
Ex.P21	Copy of letter dated 20/5/2016 (Attested copy)
Ex.P22	Copy of Meeting proceedings dated 17/7/2015 (Xerox)
Ex.P23	Copy of Meeting proceedings dated 17/8/2015 (Attested copy)
Ex.P24	Copy of Meeting proceedings dated 1/12/2015 (Attested copy)
Ex.P25	Copy of Meeting proceedings dated 14/12/2015 (Attested copy)
Ex.P26	Copy of Meeting proceedings dated 2/1/2016
Ex.P27	Copy of Meeting proceedings dated 15/2/2016
Ex.P28	Copy of Meeting proceedings dated 22/2/2016

  
(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore





**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/1130/2017/ARE-9

Multi Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 13/04/2018.

**RECOMMENDATION**

Sub:- Departmental inquiry against Smt. Nalina Kagineelli,  
Child Development Project Officer, Women and Child  
Development Department, Bengaluru State Project,  
N.R. Colony, Bengaluru.

Ref:- 1) Government Order No.ಮಮಇ 266 ಎಸ್‌ಜೆಡಿ 2017,  
Bengaluru dated 24/10/2017.

2) Nomination order No. UPLOK-1/DE/1130/2017,  
Bengaluru dated 23/11/2017 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Inquiry Report dated 11/04/2018 of Additional  
Registrar of Enquiries-9, Karnataka Lokayukta,  
Bengaluru

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The Government by its Order dated 24/10/2017, initiated the disciplinary proceedings against Smt. Nalina Kagineelli, Child Development Project Officer, Women and Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru (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/1130/2017, Bengaluru dated 23/11/2017, nominated Additional Registrar of Enquiries-9, 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 her.

3. The DGO Smt. Nalina Kaginelli, Child Development Project Officer, Women and Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru was tried for the following charge:-

“On 21/4/2017 in the afternoon, the spot was inspected by Hon’ble Upalokayukta-1 and Sri K.M. Oonkarmurthy, I/c Deputy Registrar (Enquiries-2) and it was noticed that;

- 1) The Government Lower Primary School in Gulbarga Colony, 3<sup>rd</sup> Block, Jayanagar consists of 2 floors. By the side of the entrance, there is stair case leading to first floor. Beneath the steps of staircase, the cooking utensils and other articles were found. The toilet of the lower primary school is situated opposite to the entrance. Anganawadi is run in the passage leading to the toilet (adjacent to toilet);
- 2) A part of the toilet is bifurcated by a wall. This small bifurcated portion is used as kitchen and storeroom. Food is prepared in this bifurcated portion. This Anganawadi is in the part of the toilet and children are fed in the passage leading to toilet. There is unhygienic place for preparation of food and serving by the side of the toilet and it is likely to lead contagious diseases.

Further, Anganawadis are run under Integrated Child Development Service (ICDS). The purpose of ICDS is to improve the health, nutrition and development of children. The programme offers health, nutrition and hygiene education to mothers, non-formal pre-school education to children aged three to six, supplementary feeding for all children and pregnant and nursing mothers, growth monitoring and promotion and links to primary

health care services such as immunization and Vitamin A supplements. These services are delivered in an integrated manner at Anganawadi to all children.

The above laudable object of ICDS is found to be completely frustrated. The purpose of ICDS is to improve the health, nutrition and development of children is given go-bye running Anganawadi in the most unhygienic atmosphere which is susceptible to continuous diseases.

You-DGO being the responsible officer has not shown your efforts to shift the alleged Anganawadi Centre at Gulbarga colony, 3<sup>rd</sup> Block, Jayanagar, Bengaluru which was being run near the toilet room to a premises having hygienic atmosphere. Mere writing of letter to BBMP authorities or to the Corporator will not serve the purpose. Moreover, in the letters dated 18.1.2016 and 20.5.2016 written by You-DGO to BBMP authorities and in the letter written to the Corporators, there is no mention of the alleged Anganawadi Centre. No efforts are shown to be made by you - DGO to get rented premises. You-DGO negligent in your duties for which the object of ICDS programme has been frustrated by running the alleged Anganawadi Centre near the toilet room with most unhygienic atmosphere. Therefore, prima facie misconduct can be inferred against You-DGO.

Thereby you - DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government servant and thus you are guilty of misconduct u/r 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary authority has proved the above charge against DGO Smt. Nalina Kaginelli, Child Development Project Officer, Women and Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru.


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, she has retired from service on 31/01/2018 (during the pendency of enquiry).

7. Having regard to the nature of charge proved against DGO Smt. Nalina Kaginelli, it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO Smt. Nalina Kaginelli, Child Development Project Officer, Women and Child Development Department, Bengaluru State Project, N.R. Colony, Bengaluru, for a period of 10 years.

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

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