

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/130/2021/ARE-18 Multi-Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date:-03rd November, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Smt./Shriyuths:

- (1) S.M.Hebballi, Assistant Director, Gadag.
- (2) M.L.Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura Road, Sevalal Nagar, Gadag-reg.

Ref: 1) Government Order No.ಸಕಇ 64 ಪಕನೇ 2020,
Bengaluru, dated: 20/07/2021.

2) Nomination Order No.UPLOK-1/DE/130/
2021, Bengaluru, dated: 02/08/2021 of
Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 28/10/2022 of
Additional Registrar of Enquiries-18, Karnataka
Lokayukta, Bengaluru.

The Government by its order dated: 20/07/2021 initiated the disciplinary proceedings against (1) Shri S.M.Hebballi, Assistant Director, Gadag and (2) Smt. M.L.Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura Road, Sevalal Nagar, Gadag (hereinafter referred to as Delinquent

Government Officials, for short as DGOs No.1 and 2) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE/130/2021, Bengaluru, dated: 02/08/2021 nominated Additional Registrar of Enquiries-18, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. During the pendency of the enquiry, DGOs No.1 and 2 preferred Application Nos.11111/2021 and 11112/2021 before the Karnataka State Administrative Tribunal, Belagavi Bench. That on 26/10/2021, the KSAT, Belgavai Bench has stayed the matter. On 01/06/2022, the Karnataka State Administrative Tribunal, Belagavi Bench has allowed the Application filed by DGOs No.1 and 2 and the impugned Order bearing No.SaKaEi 64 PaKaSe 2019, dated: 20/07/2021 is quashed and remitted back to the 1st respondent i.e., Competent Authority for taking appropriate decision in accordance with law and the decisions and Circular dated: 09/11/2020 cited in the order.

4. Opinion given by ARE-18 on 15/09/2022 was approved by Hon'ble Lokayukta on 17/09/2022, that it is not a fit case to challenge the

orders of the Karnataka State Administrative Tribunal, Belagavi Bench.

5. The file was referred to the Chairman, Legal Cell-2, Karnataka Lokayukta, Bengaluru. In turn the Chairman, Legal Cell-2, Karnataka Lokayukta, Bengaluru has sent letter dated: 20/09/2022, wherein it is stated that it is decided not to challenge the order of the Karnataka State Administrative Tribunal, Belagavi Bench in Application Nos.11111/2021 and 11112/2021.

6. On perusal of the judgement laid down by the Karnataka State Administrative Tribunal, Belagavi Bench in Application Nos.11111/2021 and 11112/2021 and on consideration of the totality of circumstances, since, the impugned Order bearing No.SaKaEi 64 PaKaSe 2019, dated: 20/07/2021 is quashed and remitted back to the 1st respondent i.e., Competent Authority that for taking appropriate decision in accordance with law, vide order dated: 01/06/2022 by Karnataka State Administrative Tribunal, Belagavi Bench and the same is not challenged by the Chairman, Legal Cell, Karnataka Lokayukta, Bengaluru, narrating the above details to close this enquiry against DGOs No.1 and 2. Now, it is for the Competent Authority to look into the 12(3) report, sent by this Institution, apply its mind and then to entrust the matter for enquiry.



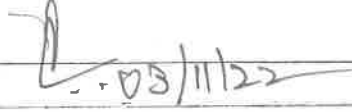
"The proceedings initiated against DGOs No.1 & 2 stands closed on account of impugned Order bearing No.SaKaEi 64 PaKaSe 2019, dated: 20/07/2021 is quashed by Karnataka State Administrative Tribunal, Belagavi Bench in Application Nos.11111/2021 and 11112/2021, dated: 01/06/2022 and remitted back to the 1st respondent i.e., Competent Authority that for taking appropriate decision in accordance with law and the decisions and Circular dated: 09/11/2020 cited in the order.

7. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and to close the proceedings against DGO No.1, Shri S.M.Hebbali, Assistant Director, Gadag and DGO No.2, Smt. M.L.Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura Road, Sevalal Nagar, Gadag, in view of the fact that, impugned Order bearing No.SaKaEi 64 PaKaSe 2019, dated: 20/07/2021 is quashed by Karnataka State Administrative Tribunal, Belagavi Bench and remitted back to the 1st respondent i.e., Competent Authority for taking appropriate decision in accordance with law. Now, it is for the Competent Authority to look into the 12(3) report, sent by this Institution, apply its mind and then to entrust the matter for enquiry.



8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

 08/11/22

(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.



KARNATAKA LOKAYUKTA

No: UPLOK-1/DE/130/2021/ARE-18

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Dated: 28/10/2022

ENQUIRY REPORT

Present : Rajakumar S. Amminabhavi
Addl. Registrar of Enquiries-18,
Karnataka Lokayukta,
Bengaluru.

Sub:-Departmental Inquiry against (1) Sri S.M. Hebballi, Assistant Director, Gadag District and (2) Smt. M.L. Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura Road, Sevalal Nagar, Gadag District - reg.

Ref:- 1. Govt.Order No. ಸಕಇ 64 ಪಕಸೇ 2020, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 20/07/2021.
2. Nomination Order No. Uplok-1/DE/130/2021 Bengaluru dated 02/08/2021 of Hon'ble Upalokayukta.

A suo-motu investigation was taken up under Section 7 (2) of The Karnataka Lokayukta Act, 1984, against (1) Sri S.M. Hebballi, Assistant Director, Gadag District and (2) Smt. M.L. Vasantha, Warden, Government Post Metric Technical Girls Hostel,

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Kalasapura Road, Sevalal Nagar, Gadag District (hereinafter referred to as 'DGO-1 and 2').

2. On the basis of the report submitted by Scrutiny Officer, a report was sent to the Government u/s 12(3) of the Karnataka Lokayukta Act, 1984 against the DGO. Pursuant to the report, Government was pleased to issue the Government Order authorizing Hon'ble Upalokayukta-1 to hold an enquiry against the DGO No. (1) Sri S.M. Hebballi, Assistant Director, Gadag District and (2) Smt. M.L. Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura Road, Sevalal Nagar, Gadag District as per reference No. 1.
3. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta-1 on 02/08/2021 authorizing ARE-18 to frame Article of Charges against the DGO No.1 and 2 to hold an enquiry and to submit a report as per reference No.2.
4. On the basis of the nomination order, case was posted for framing Article of Charge against **DGO No.1 and 2** on 18/11/2021.
5. On 18/11/2021 case called out. DGO's called out absent.
6. Further, in the present case the DGO-1 Sri S.M.Hebballi, Assistant Director, Gadag and DGO-2 Smt. M.L.Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura road, Sevalal Nagar, Gadag, have preferred appeal before the Hon'ble

Karnataka State Administrative Tribunal, Belagavi Bench, bearing Application Nos.11111 & 11112/2021 against the respondent No.1 and 2 cited in the cause title of said application. Among the respondents, respondent No.2 is the Karnataka Lokayukta, Bengaluru. Their Lordship of KSAT, Belagavi bench was pleased to allow the applications filed by the DGOs and passed the order on 01/06/2022 recited below;

: ORDER :

- i. The application is allowed.
 - ii. The impugned order bearing No.SaKaEi 64 PaKase 2019 dated 20/07/2021 (Annexure-A5) issued by the 1st respondent is hereby quashed.
 - iii. The matter is remitted back to the 1st respondent to take appropriate decision in accordance with law and the decisions and Circular dt.09/11/2020 cited in the order.
7. On perusal of the order passed by the Hon'ble KSAT, with respect to entrustment of the said matter u/s 12(4) of Karnataka Lokayukta Act, 1984 they have perused the report u/s 12(3) Karnataka Lokayukta Act, 1984 at page No.2 of the report recited as below;

“ಮೇಲ್ಕಂಡ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ದಿವಂಗತ ಖಾಜಾ ಹುಸೇನ್ ಮುಧೋಳ, ಉಪನಿರ್ದೇಶಕರು, ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ, ಗದಗ, ಇವರು ನಿಧನಗೊಂಡಿರುವುದರಿಂದ, ಇವರ ಪ್ರಕರಣವನ್ನು ಲೋಕಾಯುಕ್ತಕ್ಕೆ ವಹಿಸುವ

ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕೈಬಿಡಲು ಉದ್ದೇಶಿಸಿದೆ, ಉಳಿದಂತೆ ವರದಿಯಲ್ಲಿನ ಶ್ರೀ.ಎಸ್.ಎಂ.ಹೆಬ್ಬಾಳೆ, ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ಗದಗ ಮತ್ತು ಶ್ರೀಮತಿ.ಎಂ.ಎಲ್.ವಸಂತ, ವಾರ್ಡನ್, ಸರ್ಕಾರಿ ಮೆಟ್ರಿಕ್ ನಂತರದ ವೃತ್ತಿಪರ ಬಾಲಕಿಯರ ವಸತಿ ನಿಲಯ, ಕಳಸಪುರ ರಸ್ತೆ, ಸೇವಾಲಾಲ್ ನಗರ, ಗದಗ ಇವರುಗಳ ವಿರುದ್ಧ ಆರೋಪಗಳ ಸತ್ಯಾಸತ್ಯತೆಯನ್ನು ಅರಿಯುವ ಸಲುವಾಗಿ ಪ್ರಕರಣವನ್ನು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತಕ್ಕೆ ವಹಿಸಿಕೊಡಲು ಸರ್ಕಾರವು ತೀರ್ಮಾನಿಸಿದ್ದು, ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.”

ಮುಂದುವರೆದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದವರು ತನಿಖಾ ವರದಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ಸಿಸಿಎ) ನಿಯಮಗಳು 1957 ರ ನಿಯಮ 14ಎ ಅಡಿ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತರು ಅಥವಾ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ವಹಿಸುವ ಪೂರ್ವದಲ್ಲಿ ಪ್ರಕರಣದಲ್ಲಿ ಲಭ್ಯ ಪಡಿಸಲಾದ ಸಾಕ್ಷ್ಯಾಧಾರಗಳು, ದಾಖಲಾತಿಗಳನ್ನು ಸಂದರ್ಭ ಹಾಗೂ ಸನ್ನಿವೇಶಗಳೊಂದಿಗೆ ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸತಕ್ಕದ್ದು. ಅವಶ್ಯವಿರುವಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಲ್ಲಿಯೇ ಸಮಾಲೋಚಿಸಿ ಕಾಲಮಿತಿಯವರೆಗೆ ಸ್ವಯಂ ಸ್ಪಷ್ಟವಾದ ಆದೇಶವನ್ನು ಮಾಡತಕ್ಕದ್ದು, ಈ ರೀತಿ ಹೊರಡಿಸಲಾಗುವ ಆದೇಶದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು ಲೋಕಾಯುಕ್ತರ/ಉಪಲೋಕಾಯುಕ್ತರು ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳನ್ನು, ಸಾಕ್ಷ್ಯಾಧಾರಗಳನ್ನು ಹಾಗೂ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಹೇಳಿಕೆಗಳು ಇದ್ದಲ್ಲಿ ಅವುಗಳನ್ನು ಹಾಗೂ ಪ್ರಕರಣಕ್ಕೆ ಇನ್ನಿತರೇ ಪೂರಕ ದಾಖಲೆಗಳನ್ನು ಮನಃಪೂರ್ವಕವಾಗಿ ಪರಿಶೀಲಿಸಿ ಹೊರಡಿಸಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿ ವ್ಯಕ್ತವಾಗಿರಬೇಕಾಗಿರುತ್ತದೆ. ಅಂದರೆ, *speaking order* ಅತ್ಯವಶ್ಯಕವಾಗಿರುತ್ತದೆ. ಆದರೆ, ಪ್ರಸ್ತುತ 1ನೇ ಎದುರುದಾರರು ಹೊರಡಿಸಿರುವ ಆದೇಶ ಸಂ.ಸಕಇ 64 ಪಕಸೆ 2019 ದಿ.20/7/2021ರಲ್ಲಿ ಡಿಜಿಟಲ್ ರವರ ವಿರುದ್ಧ ತನಿಖೆ ಕೈಗೊಳ್ಳುವ ಯಾವುದೇ ರೀತಿಯ ಆರೋಪಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆ ಕಾರಣದಿಂದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಆಡಳಿತ ನ್ಯಾಯ ಮಂಡಳಿಯು 1ನೇ ಎದುರುದಾರರ ಆದೇಶವನ್ನು ರದ್ದುಗೊಳಿಸಿ ಪುನರ್ ಪರಿಶೀಲನೆ ಕೈಗೊಳ್ಳುವಂತೆ ಹಿಂದಿರುಗಿಸಿರುತ್ತದೆ.

8. The present case in hand, the observation note their Lordship Upalokayukta-1 have personally visited the Government S.C. Post Metric (Technical) Hostel for Womens, Kalasapur Road, Sevalal Nagar, Gadag, taken up suo-motu investigation against the officers/officials in relation to mismanagement and misappropriation of funds/stock of commodities in the aforesaid Hostel, and accordingly preliminary enquiry was conducted and then

only suo-motu complaint was registered and comments have been called from the respondents and thereby only the final scrutiny was conducted and report u/s 12(3) of Karnataka Lokayukta Act, 1984 was sent to the 1st respondent.

9. Therefore, the Hon'ble KSAT, Belagavi bench passed the order dated 01/06/2022 for quashing the 1st respondent's order and remitted that for taking appropriate decision in accordance with law.
10. On perusal of the Government order dated 20/07/2021 in the operative portion they have not specifically mentioned what type of mismanagement and how much amount have been misappropriated by the DGOs, and thereby only on that point the Hon'ble KSAT, Belagavi bench have remitted the said case for fresh consideration to the 1st respondent and entrusting the said case for enquiry under section 14-A.
11. Hence, in the light of above observation, the Hon'ble Tribunal have quashed the order of 1st respondent and the matter is remitted back to the 1st respondent to take appropriate decision in accordance with law.
12. Further, the present file was referred to Chairman, CLC, Karnataka Lokayukta for his opinion. Chairman, CLC, Karnataka Lokayukta has opined that, **this is not a fit** case to proceed. Further, the opinion of the Chairman,

CLC, Karnataka Lokayukta, Bengaluru in letter dated 20/09/2022 is reproduced hereunder;

"I write to inform you that, on 01/06/2022, the Hon'ble KSAT, Belagavi in Application No. 11111 & 11112/2021 which was filed by Sri S.M.Hebballi and other in connection with above referred enquiry. Further, it is decided not to challenge the order of the Hon'ble KSAT, Belagavi."

13. Based on the observations made by Hon'ble KSAT, Belagavi bench in application No. 11111 & 11112/2021 and based on the opinion of Chairman, CLC, Karnataka Lokayukta, Bengaluru in letter dated 20/09/2022 as well as the order dated 11/10/2022 of Hon'ble Upalokayukta-2 the present file is closed.
14. Accordingly, further proceedings cannot be continued and present enquiry requires to be closed and proceed to pass the following order;

ORDER

Disciplinary Enquiry against DGO No. (1) Sri S.M. Hebballi, Assistant Director, Gadag District and (2) Smt. M.L. Vasantha, Warden, Government Post Metric Technical Girls Hostel, Kalasapura Road, Sevalal Nagar, Gadag District cannot be continued and this enquiry is treated as 'closed', in

view of order that, not to challenge the KSAT order by preferring W.P.

Submitted to His Lordship Hon'ble Upalokayukta-2 for further action in the matter.



(RAJKUMAR.S.AMMINABHAVI)
C/c Additional Registrar Enquiries-18
Karnataka Lokayukta, Bengaluru.

