

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/168/2015/ARE-14

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **20/06/2020**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri Kirankumar Kori, Head Master, Government High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District;
- 2) Sri J.B.Hanagal, Second Division Assistant, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District; and
- 3) Sri S.S. Achammanavar, Group-D employee, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District – Reg.

- Ref:- 1) Govt. Order No.ED 15 SLB 2015, Bengaluru dated 6/3/2015.
- 2) Nomination order No.UPLOK-1/DE/168/2015, Bengaluru dated 6/4/2015 of Upalokayukta-1, State of Karnataka, Bengaluru
  - 3) Inquiry Report dated 18/06/2020 of Additional Registrar of Enquiries-14 Karnataka Lokayukta, Bengaluru

-----

The Government by its order dated 6/3/2015 initiated the disciplinary proceedings against (1) Sri Kirankumar Kori, Head Master, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District; (2) Sri J.B. Hanagal, Second Division Assistant, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District and (3) Sri S.S. Achammanavar, Group-D employee, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District (hereinafter referred to as Delinquent Government Officials 1 to 3, for short as DGO-1, DGO-2 and DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/168/2015 Bengaluru dated 6/4/2015 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-1/DE/2017 dated 6/7/2017, the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 to 3. Again as per Order No.UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-14, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 to 3.

3. The DGO-1 Sri Kirankumar Kori, Head Master, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District; DGO-2 Sri J.B. Hanagal, Second Division Assistant, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District and DGO-3 Sri S.S. Achammanavar, Group-D employee, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District was tried for the following charge:-

“Charge No.1 against DGO-1 & 2

While you the DGOs 1 and 2 Sri Kirankumar Kori working as Head Master, (2) Sri J.B. Hanagal, working as Second Division Assistant, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad Dist. have failed to properly verify the service register of DGO-3 Sri S.S. Achammanavar, working as D-Group Employee, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District and have wrongly

entered his date of birth as 17/11/1952 instead of 17/11/1951 and thereby allowed him to continue under HRMS Scheme and draw excess salary of Rs.1,05,816/- from December 2011 to June 2012 and thereby you the DGOs have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

Charge No.2 against DGO-3:

While you, the DGO-3 Sri S.S. Achammanavar, working as D-Group employee, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District have wrongly continued in service and received salary of Rs.1,06,861/- even after retirement up to June 2012 knowing fully well that your date of birth is 17/11/1951 and retirement date is 30/11/2011 and thereby continued under HRMS Scheme and thereby you DGO-3 has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-14) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri Kirankumar Kori, Head Master, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District; DGO-2 Sri J.B. Hanagal, Second Division Assistant, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District and

DGO-3 Sri S.S. Achammanavar, Group-D employee, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad 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 DGOs 1 to 3;

- (i) DGO-1 Sri Kirankumar Kori is due to retire from service on 31/1/2043;
- (ii) DGO-2 Sri J.B. Hanagal is due to retire from service on 31/5/2026
- (iii) DGO-3 Sri S.S. Achammanavar has retired from service on 30/11/2011


7. Having regard to the nature of charge proved against DGO-1 Sri Kirankumar Kori; DGO-2 Sri J.B. Hanagal and DGO-3 Sri S.S. Achammanavar;

- (i) it is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri Kirankumar Kori, Head Master, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District with cumulative effect;
- (ii) it is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri J.B. Hanagal, Second Division Assistant, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District with cumulative effect; and

(iii) it is hereby recommended to Government for imposing penalty of withholding 10% of pension payable to DGO-3 Sri S.S. Achammanavar, Group-D employee, Govt. High School, Muthagi Village, Kalaghatagi Taluk, Dharwad District 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



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/168/2015/ARE-14

Multi Storied Building,  
Dr.B.R.Ambedkar Road,  
Bangalore-560 001,  
Dated: 18/06/2020.**ENQUIRY REPORT****Present :** Smt. **K.Bhagya**, Additional  
Registrar of Enquiries-14  
Karnataka Lokayukta  
Bangalore.**Sub:** Departmental Enquiry against 1)Sri Kiran  
Kumar Kori, Head Master, 2)Sri J.B.Hangal,  
Second Division Assistant and 3)Sri  
S.S.Achammanavar, D-Group Employee  
**(Now retired)**, Govt. High School, Muttagi  
Village, Kalaghatagi Taluk, Dharwad District  
- Reg.

- Ref:**
1. Report u/s 12(3) of the K.L Act, 1984 in
- 
- Compt/Uplok/BGM/3030/2012/ARLO-1
- 
- Dated: 30/12/2014.
- 
2. Government Order No. ಇಡಿ 15 ಎಸ್‌ಎಲ್‌ಬಿ 2015
- 
- Bengaluru Dated: 06/03/2015.
- 
3. Nomination Order No:UPLOK-1/DE/168/
- 
- 2015, dated: 06/04/2015 of Hon'ble
- 
- Upalokayukta-1, Bangalore.
- 
4. As per order No.UPLOK-1/DE/2017 Bangalore,
- 
- Dated: 6.7.2017 file transferred from ARE-1
- 
- to ARE-7.
- 
4. Order No.UPLOK-1&2/DE/Transfers/2018
- 
- Bengaluru, Dtd: 06/08/2018 file is transferred
- 
- from ARE-7 to ARE-14.

\* \* \* \*

The complainant by name Sri Durugappa Harijana, R/o  
Mutthagi Village, Kalaghatagi Taluk, Dharwad District has filed



the complaint against (1)Kiran Kumar Kori, Head Master, (2) J.B.Hangal, Second Division Assistant and (3)S.S.Achammanavar, D-Group Employee of Government High School (**Now Retd.**) Mutthagi Village, Kalaghatagi Taluk, Dharwad District alleging misconduct.

2. After completion of the investigation, a report was sent to the Government u/s. 12(3) of the Karnataka Lokayukta Act as per reference No.1. In pursuance of the report, the Government of Karnataka was pleased to issue the G.O. Dated: 06/03/2015 authorizing Hon'ble Upalokayukta-1 to hold enquiry as per reference No.2. In pursuance of the G.O., the Nomination was issued by the Hon'ble Upalokayukta-1 on 06/04/2015 authorizing ARE-1 to hold enquiry and to report as per reference No. 3 and again this file was transferred from ARE-1 to ARE-7 as per reference No.4. In turn, this file is transferred from ARE-7 to ARE-14 as per reference No.5.
3. On the basis of the Nomination, the Articles of Charge against the DGOs 1 to 3, framed by the Additional Registrar of Enquiries-1 which includes Articles of Charge at Annexure-I and Statement of Imputation of Misconduct at Annexure No. II are as follows:-





**ANNEXURE-I****CHARGE No.1 against DGO 1 and 2:**

While you DGOs 1 and 2 Sri Kirankumar Kori, working as Head Master, (2) Sri J.B.Hangal, working as Second Division Assistant, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District have failed to properly verify the service register of DGO.3 Sri S.S.Achammanavar, working as D-Group Employee, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District and have wrongly entered his date of birth as 17.11.1952 instead of 17.11.1951 and thereby allowed him to continue under HRMS Scheme and to draw excess salary of Rs.1,05,816/- from December 2011 to June 2012 and thereby you the DGOs have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

**CHARGE No.2 against DGO.3:**

While you the DGO 3, Sri S.S.Achammanavar, working as D-Group



Employee, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District have wrongly continued in service and received salary of Rs.1,06,861/- even after retirement upto June 2012 knowing fully well that your date of birth is 17.11.1951 and retirement date is 30.11.2011 and thereby continued under HRMS Scheme and thereby you DGO.3 has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

**ANNEXURE-II**

**STATEMENT OF IMPUTATION OF MISCONDUCT**

On the basis of a complaint filed by Sri Durugappa Harijana, r/o Mutthagi Village, Kalaghatagi Taluk, Dharwad District, an investigation was taken up under the Karnataka Lokayukta Act against you DGOs 1 to 3 Sri Kirankumar Kori, Head Master (2) Sri J.B.Hangal, Second Division Assistant and (3) Sri S.S.Achammanavar, D-Group Employee, Govt. High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District and



entrusted to Superintendent of Police, Karnataka Lokayukta, Dharwad, for investigation and to report, who in turn sought report from the Head Master of Govt. High School, Mutthagi Village.

The I.O. has submitted report of the investigation, wherein it is opined that the date of birth of DGO.3 has been entered in HRMS as 17.11.1952 instead of actual date of birth 17.11.1951 by the then Head Master and the Second Division Assistant- DGO.2 without verifying the service register of DGO.3, has failed to bring to the notice of Head Master about date of retirement of DGO.3 and thereby DGO.3 has been paid excess salary from December 2011 to June 2012 amounting to Rs.1,05,861/-. The report of investigating officer is part of this imputation of misconduct.

The facts supported by the material on record prima facie showed that the DGOs, being public servants, have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of public servants and thereby committed misconduct and made themselves liable for disciplinary action.



Since the facts and material on record prima facie showed that the DGOs have committed misconduct as per Rule 3(1) (ii) & (iii) of KCS (Conduct) Rules, 1966, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against the DGOs. Accordingly, the Government after considering the report, has entrusted the enquiry to Hon'ble Upalokayukta. Hence, the charges.

4. The aforesaid 'articles of charge' served on the DGOs no.1 to 3, the DGOs 2 and 3 have appeared before this authority on 16/06/2015 and their first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. DGO-1 had appeared on 03/08/2015 and his first oral statement was recorded. The DGOs have pleaded not guilty and claimed to be enquired about the charges.
5. According to the complainant's complaint, i.e, Ex.P.1, one Sri Kirankumar Kori was working as the Head Master of Government High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District and one Sri J.B.Hangal was working as Second Division Assistant in the said school and one Sri S.S.Achammanavar was working as the D-Group Employee in the said school. The D Group Employee S.S.Achammanavar



ought to have been retired on 30.11.2011 itself as his date of birth is 17.11.1951. But, the Head Master of the said school as well as the Second Division Assistant of the said school have wrongly entered his date of birth as 17.11.1952 instead of 17.11.1951 and thereby allowed him to continue in service and also allowed to draw excess salary of Rs.1,02,160/- from December 2011 to June 2012. The said S.S.Achammanavar though aware of the fact that his date of birth is 17.11.1951, he had continued in his service till June 2012 and thereby drawn the salary. Thus, these three Government servants have committed all these things knowingly and thereby committed misconduct and dereliction of duty. Hence, prayed to investigate into the matter and to take action against those three persons.

6. After filing the present complaint before this authority, the comments were called by the DGOs. The 1<sup>st</sup> DGO Kiran Kumar Kori submitted his comments by contending that, from 1.1.2008 to 31.7.2009 one S.S.Jadar was working as the Incharge Head Master of the said school. During the said period, in the month of 2008 the HRMS has been newly introduced and the salaries were drawn by the staff through the HRMS. From 1.8.2009 to 12.7.2010, one S.D.Sugate was working as the Head Master of the said school. He had not observed the retirement date of the said S.S.Achammanavar as he had not verified service register. But, the said S.S.Achammanavar had continued his service as a D-Group Employee for a period of 6-7 months and also drawn his



monthly salary without informing his date of retirement to the Head Master.

7. The DGO no.2 submitted his comments contending that, as the Head Master of the said school only prepared the salary bill, he is responsible for all the things took place.
8. The DGO No.3 has not submitted his comments.
9. Earlier at the time of sending report u/s 12(3) of Karnataka Lokayukta Act, the respondents were five. The comments were called by the earlier Head Masters by name S.S.Jadar and S.D.Sugate also. But, report u/s 12(3) of Karnataka Lokayukta Act was sent against these three DGOs only.
10. On careful consideration of the materials on record the reply submitted by the DGOs, this authority found the explanation not satisfactory.
11. The facts supported by the material on record prima facie showed that the DGOs, being public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thereby committed misconduct as per Rule 3(1)(ii) & (iii) of KCS (Conduct) Rules, 1966 and made themselves liable for disciplinary action. Hence, the enquiry.



12. The Disciplinary Authority has got examined the Investigating Officer as PW-1 and Ex.P.1 to 7 got marked on its behalf. On the other hand, the DGO no.1 got examined as DW-1 and DGO no.2 got examined as DW-2, Ex.D.1 & 2 got marked on their behalf.
13. At the later stage, the DGO no.3 did not appear before this authority. His counsel also filed retirement memo from appearing for him. On 16.7.019 he has been placed as exparte.
14. The points that arise for my consideration are:  
Point No.1 : Whether the charges framed against the DGO no.1 to 3 are proved?  
Point No.2 : What order?
15. Heard, perused the entire case record and heard the argument of both the side.
16. My answer to the above points are as here under:  
Point No. 1: **In the affirmative.**  
Point no. 2 : **As per final order for the following ;**

### **REASONS**

17. **Point No.1** : Sri Durugappa Harijana, R/o Mutthagi Village, Kalaghatagi Taluk, Dharwad District has filed the complaint against (1)Kiran Kumar Kori, Head Master, (2) J.B.Hangal, Second Division Assistant and 3)S.S.Achammanavar, D-Group



Employee of Government High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District alleging misconduct and dereliction of duty.

- 18.** According to the complainant's complaint, i.e, Ex.P.1, one Sri Kirankumar Kori was working as the Head Master of Government High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District and one Sri J.B.Hangal was working as Second Division Assistant in the said school and one Sri S.S.Achammanavar was working as the D-Group Employee in the said school. The D Group Employee S.S.Achammanavar ought to have been retired on 30.11.2011 itself as his date of birth is 17.11.1951. But, the Head Master of the said school as well as the Second Division Assistant of the said school have wrongly entered his date of birth as 17.11.1952 instead of 17.11.1951 and thereby allowed him to continue in service and also allowed to draw excess salary of Rs.1,02,160/- from December 2011 to June 2012. The said S.S.Achammanavar though aware of the fact that his date of birth is 17.11.1951, he had continued in his service till June 2012 and thereby drawn the salary. Thus, these three Government servants have committed all these things knowingly and thereby committed misconduct and dereliction of duty. Hence, prayed to investigate into the matter and to take action against those three persons.

- 19.** After filing the present complaint before this authority, this authority had called comments from these three DGOs along with other two head masters who were working in the said



highschool. The 1<sup>st</sup> DGO Kiran Kumar Kori submitted his comments by contending that, from 1.1.2008 to 31.7.2009 one S.S.Jadar was working as the Incharge Head Master of the said school. During the said period, in the month of 2008 the HRMS has been newly introduced and the salaries were drawn by the staff through the HRMS. From 1.8.2009 to 12.7.2010, one S.D.Sugate was working as the Head Master of the said school. He had not observed the retirement date of the said S.S.Achammanavar as he had not verified service register. But, the said S.S.Achammanavar had continued his service as a D-Group Employee for a period of 6-7 months and also drawn his monthly salary without informing his date of retirement to the Head Master. The DGO no.2 submitted his comments contending that, as the Head Master of the said school only prepared the salary bill, he is responsible for all the things took place. The DGO No.3 did not submit his comments.

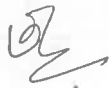
**20. The DGO no.1to 3 did not file their written statement.**

**21.** Here, in this case the complainant lodged the present complaint before this authority on 2.8.2012, he did not appear before this authority to give his evidence. So, this authority examined the then Incharge Superintendent of Police, Dharwad, by name Sri Lingareddy who has submitted his report, as PW-1. He has deposed before this authority saying that, the complainant lodged a complaint before the earlier Superintendent of Police, Dharwad as per Ex.P.1, i.e,



the complaint on 7.8.2012 itself. So, he had directed the BEO, Kalaghatagi to investigate into the matter and to send the report. So, the BEO, Kalaghatagi in turn directed the Head Master of the Government High School, Mutthagi to send his report regarding the said matter. On 13.9.2012 the Head Master of Government High School, Mutthagi sent a detailed report to him along with the relevant documents. He has reported that, even though the DGO no.3 ought to have been retired on 30.11.2011 itself, he had continued in his service till June 2012 and drawn the salary. In the service register the date of birth of the DGO no.3 was mentioned as 17.11.1951, but while entering in HRMS, it has been entered as 17.11.1952. The DGO no.1 & 2 being the Head Master and the Second Division Assistant of the said school, have not verified the DGO no.3's service register and entered his date of birth in HRMS wrongly and allowed the DGO no.3 to receive salary from 30.11.2011 to June 2012 and thereby the three DGOs have committed dereliction of duty while working as Government Servants. The said report is got marked as Ex.P.2. The report sent by the then Incharge Superintendent of Police, Dharwad Lokayukta is got marked as Ex.P.3. The documents annexed along with the Ex.P.2 report are in total got marked as Ex.P.4. The other relevant documents submitted by the the then Incharge Superintendent of Police, Dharwad Lokayukta are got marked as Ex.P.5 to 7.

- 22.** I have gone through the report sent by Head Master, i.e, the DGO no.1, Government High School, Mutthagi, Kalaghatagi



Taluk, Dharwad District. In his report, he has clearly stated as, “ಹೊಸದಾಗಿ ಸೇವೆಗೆ ಸೇರಿದ ನಾನು ಶ್ರೀ ಕಿರಣಕುಮಾರ ಕೋರಿ, ಮುಖ್ಯೋಪಾಯನಾಗಿ, ದಿನಾಂಕ: 04.08.2010 ಕ್ಕೆ ಸ.ಪ್ರಾ.ಶಾಲೆ, ಮುತ್ತಿಗೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯಕ್ಕೆ ಹಾಜರಾಗಿದ್ದು, ಯಾವುದೇ ಇಲಾಖೆಯ ಅನುಭವವಿರದೆ ಹೊಸದಾಗಿ ಸೇವೆಗೆ ಸೇರಿದ್ದು ಇರುತ್ತದೆ. ಶಾಲೆಯ ಶೈಕ್ಷಣಿಕ ಮುತುವರ್ಜಿಯನ್ನು ತೆಗೆದುಕೊಂಡು, ಶಾಲೆಯಲ್ಲಿ ದ್ವಿ.ದ.ಸ. ಇರುವುದರಿಂದ ಹಾಗೂ ಹಿಂದಿನಿಂದ ಅವರೇ ಶಾಲಾ ಕಚೇರಿಯ ಕಾರ್ಯ, ಸೇವಾ ಪುಸ್ತಕ ವಹಿ ಮತ್ತು ತಿಂಗಳ ವೇತನ ಬಿಲ್ಲಿನ ಕಾರ್ಯವನ್ನು ನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಕಾರಣ ಕಚೇರಿ ಜವಾಬ್ದಾರಿಯನ್ನು ವಹಿಸಲಾಗಿತ್ತು. ಈಗ ಆಗಿರುವ ತಪ್ಪನ್ನು ದ್ವಿ.ದ.ಸ. ರವರು ಪರಿಶೀಲಿಸಿ ನನ್ನ ಗಮನಕ್ಕೆ ತರದೇ ಇರುವುದರಿಂದ, ಅನುಭವವಿರದೆ ಹೊಸಬನಾದ ಕಾರಣ ಈ ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯ ಗೊತ್ತಾಗದೆ ಹೋಯಿತು. ಆದರೆ ಇತ್ತೀಚೆಗೆ ಎಲ್ಲಾ ಸಿಬ್ಬಂದಿಯ ಸೇವಾ ಪುಸ್ತಕ ವಹಿಯಲ್ಲಿಯ ವಿಷಯಗಳನ್ನು ಖುದ್ದು ಹೆಚ್.ಆರ್.ಎಂ.ಎಸ್. ನಲ್ಲಿ ನಮೂದಿಸಿ ಸ್ಯಾನ್ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಈ ಮೇಲ್ಕಾಣಿಸಿದ ಸದರಿಯವರ ಜನ್ಮ ದಿನಾಂಕವು 17.11.1951 ಎಂದು ಗೊತ್ತಾಗಿ, ಸದರಿ ನೌಕರನಿಗೆ ದಿ: 30/11/2011 ಕ್ಕೆ ವಯೋ ನಿವೃತ್ತಿಯಾಗಬೇಕಿದ್ದರೂ, ಡಿಸೆಂಬರ್ 2011 ರಿಂದ ಜೂನ್ 2012 ರವರೆಗೆ ವೇತನವನ್ನು ಸದರಿ ನೌಕರನ ಉಳಿತಾಯ ಖಾತೆ ಸಂಖ್ಯೆ 30949102581 ಗೆ ವೇತನವನ್ನು ನೀಡಿರುವುದು ಗಮನಕ್ಕೆ ಬಂದಿರುತ್ತದೆ.” Thus, the DGO no.1 has admitted very clearly that as the DGO no.2 has not bring the said fact to his notice and as he was very new to that post, the said mistake was committed. Here, I have gone through all the documents furnished along with this report. The pay slips of the DGO no.3 clearly reveal that he had received the salary till June 2012. The service register extract of the DGO no.3 clearly reveal his date of birth and year as 17.11.1951. The other documents also reveal the deduction of loan out of the monthly salary of the DGO no.3 till June 2012. Here, the DGO no.1 & 2 have admitted that though the date of birth and year of the DGO no.3 was 17.11.1951, the same has been entered as 1952 in HRMS by oversight. But, the DGO no.1

being the Head Master of that school and the DGO no.2 being the Second Division Assistant, must have gone through the service particulars of the DGO no.3 being Government Servants. They cannot contend that by oversight this mistake had occurred. The DGO no.2 also cannot contend that the DGO no.1 is solely responsible as he used to put his signature to the pay bills every month. The DGO no.3 being a Government official definitely he must have knew about his date of birth and year. But still he had continued without bringing the same to the notice of either DGO no.1 or DGO no.2 till June 2012. That itself shows his intention.

- 23.** The DGO no.1 also got examined as DW-1 and produced 3 documents which are marked as Ex.D.1 & 2. He has deposed in his chief examination as, “ಸದರಿ ಶಾಲೆಯ ಶಿಕ್ಷಕರು ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರ ಸೇವಾ ವಿವರಗಳ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಬಂದದ್ದು, ಪ್ರಸ್ತುತ ಪ್ರಕರಣದ ಬಗ್ಗೆ ತಿಳಿದುಬಂದದ್ದು 2011ರಲ್ಲಿ. ನನ್ನ ಹಿಂದೆ ಶಂಕರ ಸುಗತೆ ಎನ್ನುವವರು ಮುಖ್ಯೋಪಾಧ್ಯಾಯರಾಗಿದ್ದರು. ನಾನು ಅಲ್ಲಿಗೆ ಹೋದಾಗ ಸದರಿಯವರು ಶಿಕ್ಷಕರು ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರ ಸೇವಾ ವಿವರಗಳ ದಾಖಲಾತಿಗಳನ್ನು ಹಸ್ತಾಂತರಿಸಿರಲಿಲ್ಲ. ಏಕೆಂದರೆ ಅವು ಬಿಇಓ ಕಚೇರಿಯಲ್ಲಿ ಸೇವಾ ಮಾಹಿತಿಯನ್ನು ಹೆಚ್‌ಆರ್‌ಎಂಎಸ್‌ನಲ್ಲಿ ದಾಖಲಿಸುವ ಸಲುವಾಗಿ ಪಡೆದುಕೊಂಡಿದ್ದರು. ಸೇವಾ ಮಾಹಿತಿಯನ್ನು ಹೆಚ್‌ಆರ್‌ಎಂಎಸ್‌ನಲ್ಲಿ ದಾಖಲಿಸಿದ ನಂತರ ಆ ಕಚೇರಿಯವರು ತೆಗೆದುಕೊಂಡು ಹೋಗಿ ಎಂದು ಹೇಳಿದ ನಂತರ ಜೂನ್ 2011ರಂದು ಸದರಿ ದಾಖಲಾತಿಗಳನ್ನು ಪಡೆದುಕೊಂಡೆ. ಆಸನೌ-3ರವರು ನಿವೃತ್ತಿ ಹೊಂದುವವರಿದ್ದರು. ಹೀಗಾಗಿ ಅವರ ಸೇವಾ ವಿವರದ ದಾಖಲಾತಿಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆ ದಾಖಲಾತಿಯಲ್ಲಿ ಇರುವ ಜನ್ಮ ದಿನಾಂಕ(ವರ್ಷ) ಮತ್ತು ಹೆಚ್‌ಆರ್‌ಎಂಎಸ್‌ನ ದಾಖಲಾತಿಯಲ್ಲಿರುವ ಜನ್ಮ ದಿನಾಂಕ(ವರ್ಷ) ಬೇರೆ ಬೇರೆಯಾಗಿತ್ತು. ಇದು ನನ್ನ ಗಮನಕ್ಕೆ ಬಂದಾಗ ಕ್ಷೇತ್ರ



ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸಿದೆ. ಸೇವಾ ವಿವರದ ದಾಖಲಾತಿಯಲ್ಲಿ ಆಸನೌ-3ರವರ ಜನ್ಮ ದಿನಾಂಕ:17-11-1951 ಇದ್ದು, ಹೆಚ್‌ಆರ್‌ಎಂಎಸ್‌ನಲ್ಲಿ ದಿ:17-11-1952ಎಂದು ದಾಖಲಾಗಿದ್ದು, ಸದರಿಯವರಿಗೆ ಹೆಚ್ಚಿನ ವೇತನ ಪಾವತಿಯಾಗಿರುತ್ತದೆ ಎನ್ನುವುದನ್ನು ತಿಳಿಸಿದೆ. ನಂತರ ಆಸನೌ-3ರವರ ಗಮನಕ್ಕೆ ತಂದು, ಹೆಚ್ಚಿನ ವೇತನ ಪಾವತಿಯಾಗಿದ್ದುದನ್ನು ಡಿಸಿಆರ್‌ಜಿ ಮೂಲಕ ಎ.ಜಿ ಕಚೇರಿಯಿಂದ ಸರ್ಕಾರಕ್ಕೆ ತುಂಬುವಂತೆ ಮಾಡಿರುತ್ತೇನೆ. ನಂತರದಲ್ಲಿ, ನನ್ನ ಮೇಲೆ ತನಿಖೆ ಕೈಗೊಂಡು, ಅಪರ ಆಯುಕ್ತರು, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಧಾರವಾಡರವರು ನನ್ನ ಮೇಲೆ ಆರೋಪಗಳನ್ನು ಜಾರಿಗೊಳಿಸಿದ್ದರು. ಆರೋಪಗಳ ಮೇಲೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆದು ನನ್ನ ವಿರುದ್ಧ ದಿ:6-2-2015ರಂದು ಶಿಕ್ಷಣ ಇಲಾಖೆಯಿಂದ ಆದೇಶವನ್ನು ಸಹಾ ಹೊರಡಿಸಿರುತ್ತಾರೆ. ಅದರಲ್ಲಿ “ಎಚ್ಚರಿಕೆ” ನೀಡಿ ಮುಂದೆ ಯಾವುದೇ ದೂರುಗಳಿಗೆ ಆಸ್ಪದ ನೀಡದಂತೆ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಲು ಆದೇಶಿಸಲಾಗಿದೆ. ಈ ಬಗ್ಗೆ ನನಗೆ ಅಪರ ಆಯುಕ್ತರು, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಧಾರವಾಡರವರು ದಿ:26-02-2013ರಂದು ನೀಡಿದ ನೋಟೀಸನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದೇನೆ.” Thus, the DGO no.1 has admitted the mistake committed while entering in HRMS and also about the departmental enquiry and the punishment. Ex.D.1 is the notice dated: 26.2.2013 issued by Additional Commissioner, Department of Public Instruction, Dharwad, calling upon him to give his explanation for the misconduct committed by him. Ex.D.2 is the memo dated: 6.2.2015 issued by Additional Commissioner, Department of Public Instruction, Dharwad, in which it is stated clearly as, “ಅದರಂತೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಪ್ರಕರಣವನ್ನು ವಿಚಾರಣೆ ಮಾಡಿ ಉಲ್ಲೇಖ-11 ರನ್ವಯ ವಿಚಾರಣಾ ವರದಿ ನೀಡಿ “ಆಪಾದಿತ ನೌಕರನ ಹಿಂದಿನವರು ಮಾಡಿದ ತಪ್ಪು ಮೂಲಕಾರಣವಾಗಿದ್ದು, ನಂತರ ಇವರ ಸಹಿಯೊಂದಿಗೆ ಘಟನಾವಳಿಗಳು ನಡೆದಿದ್ದರಿಂದ ಹೊಸದಾಗಿ ನೇಮಕಾತಿ ಹೊಂದಿ ಆಪಾದಿತ ನೌಕರರಿಗೆ ಸಂಪೂರ್ಣ ಮಾಹಿತಿ ಇಲ್ಲದ ಪ್ರಯುಕ್ತ ಸಂಭವಿಸುತ್ತವೆಂದು



ತಿಳಿಸಿದ್ದರೂ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುತ್ತವೆ ಎಂದೂ ಆದಾಗ್ಯೂ ಸದರಿ ನಿವೃತ್ತ ನೌಕರನಿಗೆ ಹೆಚ್ಚುವರಿ ನೀಡಿದ ವೇತನ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಮರಳಿ ಸರ್ಕಾರಕ್ಕೆ ಭರಿಸಿದ್ದರಿಂದ, ಸದರಿ ಅವಘಡಕ್ಕೆ ಇವರೇ ಮೂಲಕಾರಣವಾಗಿಲ್ಲದಿರುವುದರಿಂದ ಮುಂದೆ ಹೀಗಾಗದಂತೆ ಸೂಕ್ತ ಎಚ್ಚರಿಕೆ ನೀಡಬಹುದಾಗಿದೆ” ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿರುತ್ತಾರೆ. ವಿಚಾರಣಾಧಿಕಾರಿಯವರ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸದರಿ ನಿವೃತ್ತ ನೌಕರರಾದ ಶ್ರೀ ಅಚ್ಚಮ್ಮನವರ ಇವರಿಗೆ ಹೆಚ್ಚುವರಿ ನೀಡಿದ ವೇತನ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಮರಳಿ ಸರ್ಕಾರಕ್ಕೆ ಭರಿಸಿದ್ದರಿಂದ, ಸದರಿ ಅವಘಡಕ್ಕೆ ಮುಖ್ಯ ಶಿಕ್ಷಕರು ಮೂಲಕಾರಣವಾಗಿಲ್ಲದಿರುವುದನ್ನು ಗಮನಿಸಿ, ಶ್ರೀ ಕೆ.ಬಿ.ಕೋರಿ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಪ್ರೌಢಶಾಲೆ, ಮುತ್ತಗಿ, ತಾ: ಕಲಘಟಗಿ ಜಿ: ಧಾರವಾಡ ಇವರಿಗೆ ಇನ್ನು ಮುಂದೆ ಯಾವುದೇ ದೂರುಗಳಿಗೆ ಆಸ್ಪದ ನೀಡದಂತೆ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಲು ಸೂಚಿಸಿ “ಎಚ್ಚರಿಕೆ” ನೀಡಿ ಆದೇಶಿಸಿದೆ.” Thus, a departmental enquiry has also been conducted against the DGO no.1 and the punishment was also awarded as ‘ಎಚ್ಚರಿಕೆ’. Here, the DGO no.1 had filed an application to drop the proceedings against him by this authority as the departmental enquiry has been conducted against him and the punishment was also awarded. But, the said application was rejected by the earlier enquiry officer. Because the mistake committed by this DGO no.1 amounts to misconduct for which he had undergone this enquiry. Further, though the DGO has committed such a severe mistake, in the above departmental enquiry only “ಎಚ್ಚರಿಕೆ” has been awarded.

24. The documents produced along with the report Ex.P.2 also include one document i.e, ಒಪ್ಪಿಗೆ ಪತ್ರ, given by the DGO

no.3 in which he had agreed to deduct Rs.1,05,861/- which he had received from 1.12.2011 to June 2012 out of DCRG amount. Further, Ex.P.7 is the document issued by A.G.Office which reveal the deduction of Rs.1,05,861/- out of DCRG towards the excess pay and the allowances drawn by the DGO no.3.

**25.** Though the Government had recovered the excess pay and the allowances drawn by DGO no.3, the said mistake was committed by DGO no.1 & 2 during their period of service. Here, the DGO no.2 did not file his written statement and not taken any specific defence nor cross examined the PW-1 nor lead his defence evidence. Later, he has been placed as exparte. In this case he being a Second Division Assistant, he ought to have put up the retirement/pension papers of the DGO no.3 before the DGO no.1 before 30.11.2011 itself. But, he did not do so. The DGO no.3, though knew about his date of birth and year, he had continued in his service without intimating the same to DGO no.1 & 2 and drawn excess pay and allowances. Thus, these three DGOs have committed dereliction of duty and misconduct while working as Government servants. **Hence, I answer point no.1 in the affirmative.**

**26. Point No. 2 :** For the above said reasons and discussion it can be said that the charges framed against DGO no.1 to 3 are proved.



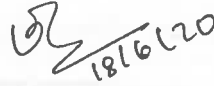
27. Hence, I proceed to pass the following:

**ORDER**

The Disciplinary Authority has **proved** the charges framed against DGOs 1 to 3 (1)Kiran Kumar Kori, Head Master, (2) J.B.Hangal, Second Division Assistant and 3)S.S.Achammanavar, (**Now Retired**) D-Group Employee of Government High School, Mutthagi Village, Kalaghatagi Taluk, Dharwad District.

This report be submitted to the Hon'ble Upalokayukta-1 in a sealed cover forthwith.

Dated this the 18<sup>th</sup> June, 2020



**(K.BHAGYA)**

Additional Registrar Enquiries-14  
Karnataka Lokayukta  
Bangalore



**ANNEXURES**

<b>Sl. No.</b>	<b>Particulars of Documents</b>	
<b>1</b>	<b>Witness examined on behalf of the Disciplinary Authority</b>	
	<b>PW-1</b>	Sri Lingareddy, Retired Superintendent of Police, Davangere - (Original)
	<b>PW-2</b>	Sri S.Srikanth, Technical Assistant (Bridge) C.E. Office, Bengaluru (Original)
<b>2</b>	<b>Documents marked on behalf of the Disciplinary Authority Ex.P-1 to Ex.P-7</b>	
	<b>Ex.P-1</b>	Complaint filed by the complainant to SP, KLA, Davangere (Xerox)
	<b>Ex.P-2</b>	Report of Head Master, Government High School, Mutthagi, Kalaghatagi Taluk, Dharwad District dated: 23/08/2012 (Original)
	<b>Ex.P-3</b>	Report submitted by SP, KLA, Dharwad dtd: 25/09/2012 (Original)
	<b>Ex.P-4</b>	Documents enclosed along with the report of SP, KLA, Dharwad (Xerox)
	<b>Ex.P-5</b>	Letter given by Sri K.Parashurama, SP, KLA, Dharwad dtd: 20/08/2013 to ARLO-1 (Original)
	<b>Ex.P-6</b>	Report submitted by SP, KLA, Dharwad dtd: 16/08/2013(Original)
	<b>Ex.P-7</b>	Documents furnished by SP, KLA, Dharwad along with the report (Xerox)
	<b>Witness examined on behalf of the DGO, Documents marked on behalf of the DGO</b>	
	<b>DW-1</b>	Kiran Kumar Kori, Head Master, Government High School, Muttagi, Kalaghatagi Taluk, Dharwad District
	<b>DW-2</b>	Jagannath Babu Hangal, SDA, Government High School, Muttagi, Kalaghatagi Taluk, Dharwad District

<b>Documents marked on behalf of the DGOs through the complainant</b>	
<b>Ex.D.1</b>	Notice issued by Additional Commissioner, Department of Public Instructions, Dharwad dtd: 26/2/2013 to K.B.Kori, Head Master(Xerox)
<b>Ex.D.2</b>	Order dtd: 06/02/2015 by Office of the Commissioner, Department of Public Instructions, Dharwad (Xerox)

Dated this the 18<sup>th</sup> June, 2020



**(K.BHAGYA)**

Additional Registrar Enquiries-14  
Karnataka Lokayukta  
Bangalore.