

**GOVERNMENT OF KARNATAKA****KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/173/2016/ARE-8

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560001  
Date: 22<sup>nd</sup> June, 2022.**RECOMMENDATION**

Sub: Departmental Inquiry against Shri P.S.Halabhavi,  
Range Forest Officer, Tinaighat Range, Tinaighat  
(Joida Taluk, Uttara Kannada District)-reg.,

Ref: 1) Government Order No.ಅಪಜೀ 73 ಅಇವಿ 2016,  
Bengaluru, dated:28/05/2016 and 04/10/2016.

2) Nomination Order No.UPLOK-1/DE/173/  
2016, Bengaluru, dated: 08/06/2016 of  
Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 18/06/2022 of  
Additional Registrar of Enquiries-8, Karnataka  
Lokayukta, Bengaluru.

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The Government by its order dated: 28/05/2016 and  
04/10/2016 initiated the disciplinary proceedings against Shri  
P.S.Halabhavi, Range Forest Officer, Tinaighat Range, Tinaighat  
(Joida Taluk, Uttara Kannada 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/173/2016, Bengaluru, dated:08/06/2016 nominated Additional Registrar of Enquiries-8, 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 them.
3. The DGO, Shri P.S.Halabhavi, Range Forest Officer, Tinaighat Range, Tinaighat (Joida Taluk, Uttara Kannada District) was tried for the following charges:

**ANNEXURE-I**

**CHARGE :**

That you - DGO made recommendation and forwarded the file for granting permission to one Mr.Kamalsab Kashimsab Jamadar to cut the standing trees in Sy.No.99/A-2 of Tatvanagi Village of Haliyal Taluk though as per records the standing trees were forest property and thereby you DGO 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 under Rule 3(1)(i) to (iii)of KCS (Conduct) Rules 1966.

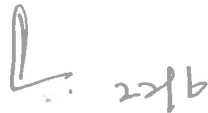
4. The Inquiry Officer (Additional Registrar of Enquiries-8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Not Proved' the charges leveled against

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the DGO, Shri P.S.Halabhavi, Range Forest Officer, Tinaighat Range, Tinaighat (Joida Taluk, Uttara Kannada District).

5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO, the Disciplinary Authority has examined two witnesses i.e., PW-1 and PW-2 and Ex. P-1 to P-8 documents were marked. In fact, DGO was also examined himself as DW-1.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate DGO, Shri P.S.Halabhavi, Range Forest Officer, Tinaighat Range, Tinaighat (Joida Taluk, Uttara Kannada District), of the charges leveled against them.
7. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

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



**KARNATAKA LOKAYUKTA**

No: UPLOK-1/DE/173/2016/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 18/06/2022

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-**The departmental enquiry against Sri P.S. Halabhavi Range Forest Officer, Tinaighat Range, Joida Taluk, Uttara Kannada District - reg.

**Ref:-**1.Report u/s 12(3) of Karnataka Lokayukta Act, 1984 in Compt/Uplok/BGM/1186/2016/ARE-6 dated 18/04/2016.  
2.Government Order No.AaPaJi 73 AaEeVi 2016, Bengaluru dated 28/05/2016.  
3.Nomination Order No.UPLOK-1/DE-173/2016/ARE-8, Bengaluru, Dated: 14/10/2016 of Hon'ble Upalokayukta-1.

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On the basis of the complaint lodged by one Sri Raju Baburao Dhooli, Haliyal, Uttara Kannada District (herein after referred as 'Complainant') against Sri P.S. Halabhavi Range Forest Officer, Tinaighat Range, Joida Taluk, Uttara Kannada District (herein after referred to as the Delinquent Government Official in short 'DGO') with regard to granting permission to one Sri Kamalsab Kashimsab Jamadar to cut

*Rajashakar V Patil*  
18/06/2022

the standing trees in land Sy. No. 99/A-2 of Tatvanagi village, Haliyal Taluk though they were part of forest property. Subsequently, after receiving the complaint, Superintendent of Police, Karnataka Lokayukta, Karwar was asked to investigate and submit report.

2. Accordingly, Police Inspector, Karnataka Lokayukta, Karwar authorized by Superintendent of Police submitted investigation report stating that, Range Forest Officer of Haliyal the Present DGO, Range Forest Officer of Tinaighat Range, Joida Taluk, Uttara Kannada District has recommended for grant of permission to cut the standing trees in Sy.No. 99/A-2 of Tatvanagi village and then Deputy Conservator of Forest of Haliyal had accorded permission to cut the trees.
3. After completion of investigation, report was sent to the government u/s 12(3) of Karnataka Lokayukta Act, 1984 as per reference No.1. In pursuance of the report, Government was pleased to issue Government Order dated 28/05/2016 authorizing Hon'ble Upalokayukta to hold enquiry as per reference No.2. Hence, in pursuance of the Government order nomination was issued by Hon'ble Upalokayukta-1 on 08/06/2016 authorizing Additional Registrar Enquiries-8 to hold enquiry and report as per reference no.3
4. On the basis of the nomination, Article of Charge was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGO on 28/07/2016. which is as follows;

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**ANNEXURE-I****CHARGE :**

That you - DGO made recommendation and forwarded the file for granting permission to one Mr. Kamalsab Kashimsab Jamadar to cut the standing trees in Sy.No.99/A-2 of Tatvanagi Village of Haliyal Taluk though as per records the standing trees were forest property and thereby you DGO 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 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 Raju Baburao Dhooli, Haliyal in Uttara Kannada District (hereinafter referred to as 'Complainant') against you - DGO and others an investigation was taken up by the Hon'ble Upalokayukta under Section 9 of the Karnataka Lokayukta Act, by invoking powers vested U/s 7(2) of the said Act.

**According to the Complaint:** you-DGO granted permission to one Kamalsab Kashimsab Jamadar to cut the standing trees in land Sy.No99/A-2 of Tatvanagi village of Haliyal Taluka though the standing trees were forest properties.

*Prabir*  
18/01/2017

The S.P, K.L.A Karwar was asked to investigate and submit report regarding the allegations. The Police Inspector, K.L.A, authorized by SP has submitted investigation report stating that you - DGO recommended for grant of permission to cut the standing trees in Sy.No.99/A-2 of Tatvanagi village and the ACF Haliyal had endorsed the said recommendation. On the basis of said recommendation the DCF Haliyal had accorded permission to cut the standing trees in land Sy.No.99/A-2 treating that the owner of the land is also the owner of standing trees. Thereafter, you - DGO sent the file for issuing permit to transport the produce of cut trees to ACF and ACF had sent the file recommending for issuing permit to transport. The DCF on verifying the records noticed that land Sy.No.99/A-2 was granted by Deputy Commissioner to Kamalsab with a condition that standing trees shall be the Forest properties. So the DCF passed order u/s 8 of Karnataka Trees Protection Act 1978 on 14/02/2012 cancelling the earlier order dated 13/12/2011 and confiscated produce of cut trees and sent to Forest Depot and the said produce was auctioned and proceeds was deposited in Government treasury.

The respondent No.1 then working as DCF at Haliyal, respondent No.2 then working as ACF at Haliyal and respondent No.3 then working as RFO at Haliyal is impleaded and they have submitted their reply to the I.O. report.

  
18/6/2016



You - DGO in your reply, stated that you have made recommendation by oversight to accord permission to cut the standing trees in Sy.No.99/A-2. According Respondent No.2 (ACF) permission to cut the trees came to be granted by you - DGO on 13/12/2011 on the basis of recommendation dated 26/11/2011 made by you-DGO. Later Respondent No.1 (DCF) passed order dated 14/02/2012 confiscating the produce of cut trees.

According to R-1, permission to cut the trees in Sy.No. 99/A-2 was granted on the basis of opinion of revenue officials that standing trees are in the ownership of owner of land. Later on account of doubt regarding ownership of standing trees in the land the records were again verified and found that the standing trees in the granted land are forest properties and so order dated 14/02/2012 was passed withdrawing the order dated 13/12/2011 and produce of cut trees was confiscated and sent Forest Department Depot.

**A careful consideration of the material on record shows that:-**

- (i) Respondent No. 3, Range Forest Officer had made recommendation and forwarded the file for granting permission to cut the standing trees in Sy.No.99/A-2 of Tatvanagi Village of Haliyal Taluk though as per records the standing trees were forest property.

*R. Lalani*  
12/01/2012

(ii) The respondent No.2, then working as Assistant Conservator of Forest had forwarded the file to Respondent No.1. recommending grant of permission to cut the standing trees in Sy.No.99/A-2 of Tatvanagi Village of Haliyal Taluk though as per records the standing trees were forest property.

(iii) Respondent No.1, then working as Deputy Conservator of Forest at Haliyal had granted permission dated 13/12/2011 to the owner of land in Sy.No.99/A-2 of Tatvanagi Village of Haliyal Taluk though as per records the standing trees were forest property.

R-2, the then working as Assistant Conservator of Forest has retired from service on 31/07/2014, and the order granting permission to cut the standing trees passed by respondent No.1 is dated 13/12/2011 on the basis of recommendation made by the respondent No.2. So recommendation for disciplinary action against Respondent No.2 is not made.

As per the Government Order at reference (1) a proposal is already sent to the DPAR (Services) for taking disciplinary action against R-1, as R-1 is an I.F.S Officer.

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18/6/2016

In view of the said facts and material on record, on consideration of the reply of you DGO, your reply was not found satisfactory or convincing to drop the proceedings.

The facts supported by the material on record prima facie showed that you DGO, being Public/Government servant, failed to maintain absolute integrity besides absolute devotion to duty and also acted in a manner unbecoming of Public/Government servant, and thereby committed misconduct and made yourself liable for disciplinary action.

Since said facts supported by the material on record prima facie showed that you - DGO, being a Public/Government servant, has committed misconduct under Rule 3(1)(i)(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 proceeding against you-DGO and to entrust the inquiry to this authority under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957.

Accordingly, Competent Authority initiated disciplinary proceedings against you - DGO and entrusted the Enquiry under Rule 14(A) of Karnataka Civil Services (Classification, Control and Appeal) Rules 1957 to Hon'ble Upalokayukta and Hon'ble Upalokayukta - 1 nominated Additional Registrar Enquiries-8 to conduct enquiry. Hence, the charge.

*Pulera*  
18/6/2016

5. The said Article of Charge was served on DGO on 17/08/2016. DGO appeared before enquiry officer through advocate and First Oral Statement was recorded.
6. DGO has filed written statement contending that, false complaint is lodged against him before Lokayukta office, no complaint was lodged before DGO office by complainant Sri Raju Baburao Dhooli and he has not lodged any complaint before the Range Forest Officer, office of DGO and he has made only allegations against the then Deputy Conservator of Forest and Assistant Conservator of Forest, Haliyal Range and he has not taken any material decision in granting permission to one Sri Kamalsab Kashimsab Jamadar of Tatvanagi village for cutting trees from his land.
7. It is further contended that, the Deputy Conservator of Forest of the Haliyal Range was competent, he has granted permission to applicant Sri Kamalsab Kashimsab Jamadar to cut the trees situated in Sy.No. 99/A-2 and further the Assistant Conservator of the range has recommended for cutting of the said trees and present DGO being the Range Forest Officer has only forwarded the file from Range office to Deputy Conservator of Forest office and Assistant Conservator of Forest and Range Forest Officer has no inherent power in granting the permission to cut the forest trees or domestic trees standing in government land or private land and in Sy.No.99/A-2 which falls within the limits of Range Forest Office of DGO.

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18/6/2016

8. After receiving the report of the Revenue Authorities about the measurement, the file was forwarded by him to Deputy Conservator of Forest and entire permission order in question is passed by the then Deputy Conservator of Forest Sri B.B. Mallesh and subsequently when it was brought to the notice of department of forest that the permission accorded to cut the trees to Sri Kamalsab Kashimsab Jamadar immediately Deputy Conservator recalled the order and it was cancelled and the illegally cut trees were confiscated to the government and auctioned and auction amount was deposited to the government.
9. It is further contended that, present DGO has not at all committed any dereliction of duty as alleged in the article of charge.
10. In the course of enquiry before disciplinary authority, presenting officer examined PW-1, complainant and PW-2, (I.O.) Police Inspector, Karnataka Lokayukta, Karwar and got marked as **EX.P-1 to 8**. After closure of evidence of the disciplinary authority, DGO got examined himself as DW-1 and no documents were got marked through him.
11. Heard the arguments of presenting officer and the defence counsel. Defence counsel filed Written Brief and both side were also heard orally.
12. Following are the point that arise for my consideration;

Whether the Charge leveled against DGO  
(Sri P.S. Halabhavi Range Forest Officer,

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Tinaighat Range, Joida Taluk, Uttara  
Kannada District is proved by the  
Disciplinary Authority?

13. My answer to the above point is in the 'Negative' for the following:

**REASONS**

14. In order to prove the charge, the presenting officer has examined PW-1, complainant and he has stated that one Sri Kamalsab Kashimsab Jamadar was granted government land bearing Sy.No.99/A-2 situated in Tatvanagi village and some trees were standing in the said land which were planted before 1972 when the land was granted to said Sri Kamalsab Kashimsab Jamadar and these trees were belonging to the Karnataka State Department of Forest and the said Sri Kamalsab Kashimsab Jamadar had applied for grant of permission to cut the said trees standing in Sy.No. 99/A-2 Tatvanagi village before the Deputy Conservator of Forest of Haliyal Range at that time one Sri B.B. Mallesh was Deputy Conservator of Forest and said Sri B.B. Mallesh, Deputy Conservator of Forest granted permission to cut the trees and also permitted the applicant to transfer the said cut trees and the same were transported to different places. In this regard, inspite of his complaint lodged before the Forest Department no action was taken. Accordingly, he lodged complaint before office of Karnataka Lokayukta marked at **Exhibit P-1** and at the time DGO was working as Range Forest Officer and land in Sy.No.99/A-2 was situated in the revenue limits of Range Forest of Haliyal.

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15. It is relevant to note that PW-1 has not stated anything about the involvement of the DGO in granting permission to cut trees standing in disputed land. He has stated with regard to the permission granted by the then Deputy Conservator of Forest, Sri B.B. Mallesh. Evidence of PW-1 is not consistent with the allegations made in **Exhibit P-1**.
16. Further, in the cross examination, he has stated that he has not verified the Forest Department records relating to grant of land by Karnataka State Forest Department before lodging complaint before Karnataka Lokayukta office and he has specifically admitted that he has not lodged any complaint that shows any misconduct committed by DGO working as Range Forest Officer of Haliyal Range.
17. Presenting officer has examined investigating officer, PW-2 Police Inspector, Karnataka Lokayukta, Karwar. He has stated that, he was directed by Superintendent of Police, Karnataka Lokayukta, Karwar to hold investigation on the basis of the complaint lodged by one Sri Raju Baburao Dhooli, Haliyal of Uttara Kannada District marked at Exhibit P-1 and accordingly proceeded to the Tatvanagi village where land in Sy.No. 99/A-2 is situated and also collected records from the Deputy Conservator of Forest office and Range Forest Office marked at Exhibit P-3 consisting of 82 pages and submitted final report to Superintendent of Police, Karnataka Lokayukta, Karwar by arriving with the conclusion that no irregularities or illegalities or financial impropriety and dereliction of duty is committed by any of

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- the forest officer. The said report submitted by him on 18/01/2013 was marked at Exhibit P-5.
18. Further, he has stated that he has collected the report from DGO marked at Exhibit P-6 and further stated that permission was sought to cut the trees in several survey numbers like 48, 69, 71, 72, 73, 74, 76, 77, 99 and 9 trees were found to be standing out of the boundary of Sy.No. 99/A-2 and remaining trees were allowed to cut on the basis of the said report DGO has passed order on 13/12/2011 marked at Exhibit P-7 and further he has stated that on 14/02/2012 he passed a separate order at Exhibit P-8 informing the applicant Sri Kamalsab Kashimsab Jamadar that the permission granted to cut the trees has been temporarily withdrawn and the trees cut which were converted into articles were taken to government wood department of Dandeli and were sold in public auction and the sale amount was deposited in Government Treasury.
19. PW-2 has been cross examined by defense counsel in which he has stated that complaint had made direct allegations against Deputy conservator of Forest, B.B. Mallesh that, he has accorded permission and he admits in cross examination that the said permission was obtained by complainant Sri Kamalsab Kashimsab Jamadar giving false information and records, Deputy Conservator of Forest has withdrawn the permission the same were confiscated to government and auction amount has been deposited in government treasury. Further, admits in his cross

*Sri Kamalsab Kashimsab Jamadar*  
18/01/2013



examination that DGO being forest officer has not misappropriated any amount and further, PW-2, I.O. clearly admit in cross examination that present DGO, Range Forest Officer has not committed any misconduct as public servant as a Range Forest Officer and he has submitted the report with the same opinion.

20. In order to assess the dereliction of duty and misconduct alleged to have been committed by DGO when working as Range Forest Officer evidence of PW-1 and 2 has to be closely assessed and the relevant documents that have been referred to find out truth behind the allegations.
21. To substantiate the allegations, oral evidence of PW-1 and 2 presenting officer has relied on documentary evidence got marked through PW-1 and 2 marked at Exhibit-1 to 8.
22. Exhibit P-1 and 2 is the complaint lodged by Sri Raju Baburao Dhooli, Haliyal, Uttara Kannada District in the name of Bharathiya Janatha Party, Political party claiming to be constituency President of Haliyal. Close perusal of allegations made in the complaint disclose that, the Deputy Conservator of Forest has granted permission to cut the standing trees situated in the land bearing Sy.No.99/A-2 belonging to one Sri Kamalsab Kashimsab Jamadar and also belonging to the forest department.
23. Exhibit P-3 is a copy of complaint addressed by same PW-1 to Hon'ble Upalokayukta, Bengaluru making same allegations against Deputy Conservator of Forest, Haliyal

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Range. It is pertinent to note that, in these documents no allegations are seen against DGO then working as Range Forest Officer of Haliyal Range.

24. Further, a letter has been addressed by Deputy Conservator of Forest Haliyal Range on 04/12/2013 in response to the information sought by Police Inspector, Karnataka Lokayukta, Karwar which has been marked as Exhibit P-2 signed by Deputy Conservator of Forest, Haliyal Range in which, clear explanation is given by him stating that, on 20/12/2011 he had granted permission as per the recommendations made by Range Forest Officer and Assistant Conservator of Forest, Haliyal Range at their officer letter No.B2/MR/55/Marakaditale/11-12/2540 and further, applicant was allowed to cut the trees. In the course of inspection, it was found that, some of the trees were standing out of the boundaries of Sy.No. 99/A-2 and were belonging to forest department and accordingly the sanction accorded to Sri Kamalsab Kashimsab Jamadar was withdrawn and as per the provisions of Karnataka Protection of Trees Act, 1978, the earlier permission order was withdrawn and trees cut from the Sy.No. 99/A-2 were already converted into wooden articles, door frames, window frames, etc., after seizure of the converted wood from the trees till they were auctioned they were kept in the wood yard of Dandeli. So, wood were seized and as per the provisions of Karnataka Forest Act, public auction was conducted, the auction bid was granted in favour of one Sri R.M. Bhavikatti and the entire auction amount of the sized

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wood and related tax collected as per the law was deposited to government.

25. Perusal of these records make it clear that, application was filed before Deputy Conservator of Forest and he has granted permission to cut trees in Sy.No.99/A-2 and he has sought for the clarification from DGO, Range Forest Officer and Assistant Conservator of Forest, these two officers have only forwarded the records of permission on the basis of the records of the office, existing situation of trees in the Sy.No.99/A-2.
26. It is also seen from the records particularly marked at Exhibit P-7 that, prior to this the opinion was sought from Deputy Commissioner Office regarding the situation of the trees.
27. As per the order of the Deputy Commissioner office of Uttara Kannada District a letter dated 26/10/2005 was addressed to Range Forest Officer, Haliyal Range stating that, particularly these lands were granted under Bombay Land Revenue Rules to the applicants identifying the trees and declared them as the forest trees and grant was made subject to condition that, the grantees will not cut the trees and as per their survey in Sy.No. 76, 48 and other survey numbers and also disputed Sy.No.99/A-2.
28. Subsequently, in a given survey number as 99/A-2, around 9 trees were standing out of the boundary of Sy.No. 99/A-2 and rest of the 109 trees were standing in Sy.No.99/A-2 and

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76, 48 and other 5-6 lands and with this existing fact, land grant order was passed to the applicant Sri Kamalsab Kashimsab Jamadar.

29. It is also seen from Exhibit P-6 that, it is a letter addressed by DGO on 26/11/2011 in response to the letter addressed by Deputy Conservator of Forest dated 22/11/2005, in which it is stated that, land bearing Sy.No.48, 69 and other lands including Sy.No.99 are situated in plain land and the owners of the land have sought permission to cut 118 standing trees. On his spot inspection he was able to find out that, 14 trees are situated within the forest land and rest of the trees were standing within the boundaries of the private land including Sy.No.99 and there should not be any impediment to grant permission to cut the trees under Karnataka Protection of Trees Act and the report was enclosed with list of these land map and there was no difficulty relating to transportation of cut trees and the map was certified by local Tahasildar and village map was also enclosed.
30. Further, Exhibit P-7, it is a letter addressed by Assistant Conservator of Forest, Haliyal Range. Reference is made relating to application filed by applicant Sri Kamalsab Kashimsab Jamadar to cut trees situated in Sy.No.99/A-2 of Tatvanagai village and the entire report deals with the report collected from Deputy Commissioner, office, Tahasildar office and Survey report and the transportation facility and on the basis of local inspection and on the basis of the order

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passed by Deputy Commissioner, Karwar District and Deputy Conservator of Forest and in consonance with provisions of Karnataka Protection of Trees Act. Trees standing within the boundaries of Sy.No.99/A-2 as per the list mentioned were granted permission to cut as per the categories of trees mentioned in the order by marking them distinctly.

31. These two records, Exhibit P-6 and 7 would reflect procedure to be followed by Assistant Conservator of Forest and Range Forest Office, Haliyal Range before recommending for cutting the standing trees in Sy.No.99/A-2. Now enquiry authority must consider I.O. report submitted by Police Inspector, Karnataka Lokayukta, Karwar.
32. It is seen from the report of the I.O., Police Inspector, Karnataka Lokayukta, Karwar deputed by Superintendent of Police, Karnataka Lokayukta, Karwar in which he has mentioned that, application for cutting trees standing in Sy.No. 99/A-2 was filed before Deputy Conservator of Forest, Sri B.B. Mallesh by owner Sri Kamalsab Kashimsab Jamadar and accordingly he called for all the records from Range Forest Office, Haliyal Range and on verification of records and facts, PW-2 was able to find out that, Deputy Conservator of Forest has granted permission on the basis of submission of records by Range Forest Officer/DGO and Assistant Conservator of Forest of Haliyal Range and later when he came to know that, the application filed by Sri

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Kamalsab Kashimsab Jamadar to cut the standing trees situated in Sy.No.99/A-2 was made with false representation and were also cut and converted into wooden articles like door frame, window frames etc., immediately the order passed for granting permission to cut the said trees was withdrawn and converted wood articles and frames were converted into wood materials from standing trees were seized and kept in protection at Dandeli wood yard were sold in public auction as per the forest Act and Rules and the auction amount was deposited to the government treasury and there is no misappropriation of public fund by any of the forest officials. All these records clearly indicate that, the role of DGO, Range Forest Officer was only pertaining to forwarding of the file from Range Forest office to Deputy Conservator of Forest office of Karwar.

33. Further, PW-2, I.O. has clearly stated that, later he came to know that, DGO has not committed any misconduct or dereliction of duty and in the same fashion he has mentioned in his report Exhibit P-4. PW-1 complainant has also clearly stated in his cross examination that, it is Deputy Conservator of Forest, Sri B.B. Mallesh has granted permission to cut the trees and later having come to know that, the permission was obtained by misrepresentation of the facts that, standing trees in Sy.No.99/A-2 and the same was withdrawn as per the Forest Act and Rules, wood seized was sold through public auction and auction amount was deposited to the government.

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34. Comprehensive reading of all the records would make it clear;

- a) Complainant has not filed complaint against DGO by mentioning his name,
- b) DGO, Range Forest Officer has no power to grant permission to cut forest trees. He has limited power, to receive the application and supportive records and forward and recommend them for grant of permission or rejecting the permission,
- c) It is the Deputy Conservator of Forest Sri B.B. Mallesh has ultimate power under Karnataka Forest Act to grant permission sought for cutting the trees from the agricultural land and cannot only rely on the report of Range Forest Officer and Assistant Conservator of Forest.
- d) It is seen from the records that, DGO, Range Forest Officer of Haliyal Range has not made any clear recommendation for grant of permission to cut the trees in Sy.No. 99/A-2, in fact it was the Assistant Conservator of Forest, Haliyal Range made the recommendation and on the basis of the said recommendation of Assistant Conservator of Forest, Haliyal Range and relying on his opinion Deputy Conservator of Forest, Sri B.B. Mallesh accorded permission on 13/12/2013 to cut trees,

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18/10/2012

- e) It is also seen that, the grant of permission to cut the trees by Deputy Conservator of Forest, Sri B.B. Mallesh was a conditional order with a condition that there should not be default, like misrepresentation order will be recalled. It is seen from records that, the Deputy Conservator of Forest later when came to know that, the misrepresentation was made by Sri Kamalsab Kashimsab Jamadar in his application to grant permission to cut the trees, immediately he has withdrawn permission order and cancelled the order under section 8(A) of Karnataka Forest Act as per Exhibit P-8 and seized the forest material and kept them in Dandeli wood yard and later sold them under public auction as per the Karnataka Forest Rules,
- f) Oral evidence of PW-1 and 2 has not disclosed anything about the involvement of DGO, Range Forest Officer that he has committed misconduct as a Range Forest Officer.
- g) Deputy Conservator of Forest, Sri B.B. Mallesh as soon as he came to know about the fraud and cancelled the order passed by him to cut the trees in favour of Sri Kamalsab Kashimsab Jamadar and has confiscated the cut wood and sold them in public auction deposited in government treasury.

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18/6/2016



35. If these aspects are clearly considered, though the complainant initially made allegations against Deputy Conservator of Forest. Assistant Conservator of Forest who has granted permission and recommended for permission respectively. AOC is framed only against Range Forest Officer on the ground that, he has recommended for cutting trees. Further, nowhere in the records produced by the presenting officer it is convincingly seen that, present DGO working as Range Forest Officer has played any role in granting permission to cut the disputed trees in favour of applicant Sri Kamalsab Kashimsab Jamadar.
36. So to sum up, complaint filed before Karnataka Lokayukta, disclose the fact that, allegations are seen only against Deputy Conservator of Forest and Assistant Conservator of Forest whereas, only on the bleak reference that, DGO as Range Forest Officer has forwarded records to Deputy Conservator of Forest, this DE was recommended against DGO and however, Deputy Conservator of Forest of the range after having come to know the lapses committed by him acting on the misrepresentation and fraud played by Sri Kamalsab Kashimsab Jamadar he has swiftly withdrawn the sanction order and confiscated the forest property which were already converted in the form of wood materials, door frames and window frame etc., and sold them by conducting public auction, after seizer and auction amount was deposited to the government treasury and no pecuniary loss is caused to the department of Forest.

*Rubel*  
12/6/2016

37. In view of the elaborate discussion made above this enquiry authority has come to the conclusion that, the article of charges leveled against DGO are not established with the available evidence of PW-1 and 2. In the result above point for consideration is answered in the **'Negative'** and I proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has not proved the charges leveled against the Delinquent Government Official Sri P.S. Halabhavi Range Forest Officer, Tinaighat Range, Joida Taluk, Uttara Kannada District.

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

  
(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

### **ANNEXURES**

1. **LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**


PW1	Sri Raju Baburao Dhooli, Haliyal of Uttara Kannada District.
PW2	Police Inspector, Karnataka Lokayukta, Karwar.

**LIST OF DOCUMENTS MARKED ON BEHALF OF  
DISCIPLINARY AUTHORITY:**

Ex.P1	Letter dated 01/03/2012 addressed by complainant to Hon'ble Upalokayukta
Ex.P2	Letter dated 04/01/2013 of DCF addressed to Police Inspector, Karnataka Lokayukta, Karwar
Ex.P3	Xerox copy of letter dated 01/03/2012 addressed by complainant to Hon'ble Upalokayukta (along with enclosures)
Ex.P4	Report of I.O. dated 18/01/2013
Ex.P5	Letter dated 06/03/2013 of Superintendent of Police, Karnataka Lokayukta, Karwar addressed to Hon'ble Upalokayukta
Ex.P6	Xerox copy of letter dated 26/11/2011 of RFO, Haliyal Range addressed to DCF, Haliyal Range
Ex.P7	Xerox copy of letter dated 13/12/2011 of DCF, Haliyal
Ex.P8	Official Memo dated 14/02/2012 of DCF of Haliyal Range.

**2. LIST OF WITNESSES EXAMINED ON BEHALF OF  
DELINQUENT GOVERNMENT OFFICIAL:**

DW1	Sri P.S. Halabhavi Range Forest Officer, Tinaighat Range, Joida Taluk, Uttara Kannada District
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**(RAJASHEKAR.V.PATIL)**  
 Additional Registrar Enquiries-8  
 Karnataka Lokayukta,  
 Bengaluru.

