

KARNATAKA LOKAYUKTA

NO. LOK/ARE-1/ENQ-19/2013

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bangalore 560 001.  
Dated: 01.09.2014.

Sub: Departmental Enquiry against Sri  
S.I.Mulla - Junior Engineer in MLBC  
of Karnataka Neeravari Nigama  
Niyamitha at Yarawad of Bagalkot  
District - reg.

Ref: Government Order No. WRD 132 Se E  
V 2012, Bangalore dated 27.12.12.

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In pursuance of the order referred to above, the Addl. Registrar of Enquiries (3) in our Institution (Karnataka Lokayukta) at Bangalore, was nominated as Enquiry Officer to frame charge, conduct enquiry and to submit report in the departmental enquiry proceedings initiated against Sri S.I.Mulla - Junior Engineer in MLBC of Karnataka Neeravari Nigama Niyamitha at Yarawad of Bagalkot District (who will be hereinafter referred to as Delinquent Government Officer i.e., 'DGO' for short), about his alleged misconduct. But later, by order dated 14.03.2014, the Addl. Registrar of Enquires (1) came to be nominated to continue enquiry and submit report in the said proceedings. Thus, enquiry was proceeded with and, after its conclusion, said Enquiry Officer made report of enquiry.

2) In brief, the charge against the DGO is that, while working as Junior Engineer in MLBC of Karnataka Neeravari Nigama Niyamitha, had asked and taken bribe of ₹ 50,000/- from Smt. Annapoorna w/o Shivannagouda Tipagoudar working in Irrigation Department under UKP at Hunagund Taluka of Bagalkot District (hereinafter referred to as 'complainant' for short), for getting employment to her daughter and her sister's daughter Neelamma and thereby committed misconduct under Rule 3(1)(i) and (iii) of KCS (Conduct) Rules, 1966.

3) In support of its case, the Disciplinary Authority (hereinafter referred to as D.A. for short) has examined 2 witnesses and got marked 17 documents in support of its case. Since the DGO remained absent

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after pleading not guilty and proceeded ex-parte for that reason, there is no evidence by the side of DGO. As such, after hearing side of DA and considering the evidence adduced, the enquiry officer has held the charge as proved and submitted report dated 24.7.14 along with records for my consideration. Thus, the matter is before me.

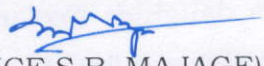
4) I have re-considered and re-appreciated the material on record. The evidence adduced fully supports the case of DA. That apart, the conduct of the DGO in returning an amount of ₹ 50,000/- after complaint was filed before our Institution (Karnataka Lokayukta) and the statement of DGO at Ex.P.16, further fortifies the case of DA. There is no contra evidence adduced by the DGO to disagree or disbelieve the evidence of the DA.

5) On proper appreciation of the material on record, the enquiry officer has opined that charge is proved with which I entirely agree. As such, I also hold the charge as proved and accordingly, it is answered.

6) Now comes for consideration the penalty to be recommended for imposition on the DGO. In view of the proviso to rule 8 of KCS (CCA) Rules, 1957. In a case of proved serious misconduct, no penalty, other than the penalty mentioned in Rule 8 (vi) to (viii) of said Rules could be imposed, unless there are special and adequate reasons to impose any other penalty. But, I do not find any such special and/or adequate reason to recommend for imposition of some other penalty. According to me, in the facts and circumstances of the case, it would be appropriate if imposed the minimum penalty of compulsory retirement of DGO from service as provided in Rule 8(vi) of said Rules. Accordingly, recommended for imposing said penalty on the said DGO.

Action taken in the matter be intimated to this authority.

Connected records are enclosed.

  
(JUSTICE S.B. MAJAGE)  
Upalokayukta,  
Karnataka State,  
Bangalore.