

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/195/2017/ARE-12

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: 05/09/2019

RECOMMENDATION

Sub:- Departmental inquiry against Smt. Keerthi Chalak,
Tahasildar, Bidar District – Reg.

- Ref:-1) Government Order No.ಆರ್‌ಡಿ 121 ಎಡಿಇ 2016 Bengaluru
dated 11/01/2017
- 2) Nomination order No.UPLOK-1/DE/195/2017
Bengaluru dated 07/02/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru.
 - 3) Inquiry Report dated 03/09/2019 of Additional
Registrar of Enquiries-12, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 11/01/2017 initiated the disciplinary proceedings against Smt. Keerthi Chalak, Tahasildar, Bidar 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/195/2017 dated 07/02/2017 nominated Additional Registrar of Enquiries-3, 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. Subsequently by Order No. UPLOK-1 & 2/DE/Transfers/2018, dt.06/08/2018 the Additional Registrar of Enquiries-12 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGO.

3. The DGO Smt. Keerthi Chalak, Tahasildar, Bidar District was tried for the following charge:-

“You the DGO named above, while working as Grade II Tahsildar, Taluk office, Bidar during the relevant period, has committed the following misconduct viz.,

The complainant Sri Pentareddy and his brothers after the death of their father, having divided 13 items of landed properties bearing various survey numbers situated at Belluru village of Bidar Taluk, among themselves, applied for Transfer of Mutation of the lands fell to their share in the said partition, into their respective names and since 11-E sketch was required to be produced to consider their prayer for change of Mutation into their names, they have filed 13 applications on 14.3.2011 seeking for issue of 11-E sketch and have also paid requisite fees and completed all the formalities and despite lapse of 2 years 3 months, their request for issue of 11-E sketch was not considered and 11-E sketch as requested by them was not issued to them on the ground of want of Tippani copy of the village, and thereby intentionally omitted to discharge your official duties in an efficient manner and thus failed to maintain absolute integrity, exhibited negligence and lack of 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-12) on proper appreciation of oral and documentary evidence has held

that, the Disciplinary Authority has proved the above charge against DGO Smt. Keerthi Chalak, Tahasildar, Bidar 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 DGO Smt. Keerthi Chalak, she is due to retire from service on 31/08/2035.

7. Having regard to the nature of charge proved against DGO Smt. Keerthi Chalak, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Smt. Keerthi Chalak, Tahasildar, Bidar District, with cumulative effect.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 5/9
Upalokayukta-1,
State of Karnataka,
Bengaluru

KARNATAKA - LOKAYUKTA

No. UPLOK-1/DE-195/2017/ARE-12

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru-560 001
Date: 03.09.2019

ENQUIRY REPORT

PRESENT : SRI D. PUTTASWAMY
ADDITIONAL REGISTRAR (ENQUIRIES)-12
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU – 560 001.

Subject : Departmental Inquiry against :

Smt. Keerthi Chalak, Tahsildar, Bidar
District -reg.,

- References:**
1. Report u/S 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/GLB/5421/2013/DRE-3 dt.15.09.2016
 2. Government Order No.ಆರ್‌ಡಿ 121 ಎಡಿಇ 2016 Bengaluru dated:11.01.2017
 3. Nomination Order No.Uplok-1/DE/195/2017 Bengaluru dt.07.02.2017 of Hon'ble Upalokayukta-1
 4. Order No.Uplok-1&2/DE/Transfers/2018 Bengaluru dated 6.8.2018.

* * *

1. This complaint is filed by the complainant Sri. Pentareddy R/o Bellura Village, Bidar District (hereinafter referred to as 'complainant' for short) against (1) Smt. Keerthi Chalak, Grade-II Tahasildar, Taluk Office, Bidar (hereinafter referred to as Delinquent

Government Official, in short DGO) and (2) Sri. Mallikarjuna, Clerk, Survey Section, Taluk Office, Bidar District, alleging misconduct. No investigation has been proceeded against Sri. Mallikarjun, who is a Clerk in Survey Section of the Taluk Office.

2. On the basis of the complaint, comments was called from the DGO. The DGO has submitted the comments denying the allegations made in the complaint. Unsatisfied with the comments of the DGO, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the Government Order (G.O.) authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGO as per reference No. 2.

3. On the basis of the Government Order, nomination order was issued by Hon'ble Upa-lokayukta on 07.02.2017 authorizing ARE-3 to frame Articles of Charge against the DGO and to hold an enquiry to find out truth and to submit a report as per reference No. 3. On the basis of the nomination order, the Articles of Charge against the DGO was framed by the then Additional Registrar (Enquiries-3) and was sent to the Delinquent Government Official on 20.04.2017.

4. The articles of charge and the statement of imputations of misconduct prepared and leveled against the DGO are reproduced as here under :-

ANNEXURE-I
CHARGE

You the DGO named above, while working as Grade II Tahsildar, Taluk office, Bidar during the relevant period, has committed the following misconduct viz.,

The complainant Sri Pentareddy and his brothers after the death of their father, having divided 13 items of landed properties bearing various survey numbers situated at Belluru village of Bidar Taluk, among themselves, applied for Transfer of Mutation of the lands fell to their share in the said partition, into their respective names and since 11-E sketch was required to be produced to consider their prayer for change of Mutation into their names, they have filed 13 applications on 14.3.2011 seeking for issue of 11-E sketch and have also paid requisite fees and completed all the formalities and despite lapse of 2 years 3 months, their request for issue of 11-E sketch was not considered and 11-E sketch as requested by them was not issued to them on the ground of want of Tippani copy of the village, and thereby intentionally omitted to discharge your

official duties in an efficient manner and thus failed to maintain absolute integrity, exhibited negligence and lack of 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:

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, in the complaint filed by Shri. Pentareddy S/o Malareddy, R/o Bellura village, Bidar Taluk and District (hereinafter referred to as 'complainant' for short), against (1) Smt. Keerthi Chalak, Grade-II Tahasildar, Taluk Office, Bidar & (2) Shri. Mallikarjuna Clerk, Survey section, Taluk Office, Bidar (hereinafter referred to as 'respondents 1 and 2 respectively' for short), alleging that;

- The complainant Pentareddy & his brothers Sanghareddy and Srinivasreddy have divided the family properties and accordingly applied before the Tahasildar, Bidar for mutating their names to the lands bearing Sy.No. 7/EE, 17/A, 17/AA, 33/E, 33/EE, 20/15/A, 30/E, 30/EE, 31/E, 31/EE, 31/1, 34/E, 34/EE of Belluru village, Bidar Taluk.

- The Tahasildar had directed him to get 11-E sketch and thereafter their names will be mutated to the properties.

- Accordingly the complainant and his brothers have filed applications on 14.03.2011 seeking 11-E sketch and has paid fee of Rs.7,800/- along with applications. In spite of lapse of 2 years 3 months, 11-E sketch has not been issued by stating that Tippani copy of the village is not available in the revenue department. Therefore has prayed to take action against the respondents and to redress his grievance by issuing 11-E sketch.

2) The respondent no.1/Tahasildar has submitted her comments dated 23.10.2013 stating that the original tippani of Sy.No. 17, 7, 30 and 31 are not available & an order has been made to the concerned surveyor to prepare fresh tippani. After getting approval of the technical assistant of Deputy Commissioner to new tippanis, 11-E sketch will be issued and has sought 3 months time to issue 11-E sketch.

3) No investigation has been proceeded against respondent no.2 who is a clerk in the Survey Section of the Taluk Office.

- 4) The ADLR, Bidar Sub-Division, Bidar has submitted a letter dated 06.11.2014 & has sought 3 months time to prepare new tippani to Sy.No. 17, 7, 30 & 31. Thereafter vide letter dated 07.01.2015, the ADLR has submitted that new tippani of the said survey numbers have been prepared.
- 5) The present Tahasildar vide his letter dated 06.06.2016 has stated that when the licenced Surveyor - Harish had went to survey the land in Sy.No. 7 of Bellura village on 27.05.2011 by issuing notice, the complainant Pentareddy has informed him that his father Mallareddy had died and his name has already been mutated to Sy.No. 7 and therefore there is no necessity to survey the said land and accordingly the application number 05041108809700 has been disposed off.
- 6) The complainant in spite of service of this office endorsement has not submitted his say over the report of the Tahasildar dated 06.06.2016. But in the rejoinder dated 19.10.2013 and 26.02.2014 filed by the complainant has stated that 13 applications were filed by him and his brothers and has also produced copies of 13 acknowledgements dated 14.03.2011. Further states that 11-E sketch has not been issued by the respondent in spite of lapse of 3 months time sought by the respondent.

7) The respondent no.1/Tahasildar, Bidar in spite of seeking time through letter dated 23.10.2013 has not provided any further information with respect to issuance of 11-E sketch to the complainant. Therefore the respondent no.1 has not taken any action for issuing 11-E sketch even after lapse of 3 months time. Therefore, the respondent no.1 being the authority to issue 11-E sketch has not maintained absolute integrity and devotion to work and is prima-facie found guilty of misconduct making herself liable for departmental action.

8) The present Tahasildar in his letter dated 06.06.2016 states that with respect to application no. 05041108809700, the complainant has stated that no survey is necessary. There is no explanation with respect to other 12 applications filed by the complainant and his brothers. Therefore the materials on record go to show that the grievance of the complainant has not been redressed and 11-E sketch has not been issued with respect to the other 12 applications produced by the complainant.

9) So, the said facts supported by material on record prima-facie show that the respondent no.1 being a Government Servant, has failed to maintain absolute integrity besides absolute devotion to duty

and acted in a manner unbecoming of Government Servant and thereby committed grave misconduct as per Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966 and as such she is answerable for the same.

10) Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate departmental disciplinary action against the respondent no.1.

11. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.

5. The aforesaid articles of charge was served upon the DGO on 29.05.2017 and DGO appeared before this enquiry authority and her first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGO pleaded not guilty and claimed to be enquired about the charge. DGO has filed her written statement of defence.

6. DGO in her written statement has contended that before she has reported as Tahsildar, all the procedures

on the application of complainant were over. Since the name of complainant was mutated in the records, it was not necessary to issue 11E sketch again. Issue of 11E sketch is concerned to the Survey Department, but it is not concerned to Tahsildar. The matter is not subject to investigation under Karnataka Lokayukta Act. Therefore, DGO has prayed to drop the enquiry proceedings against her.

7. In this enquiry, to establish the charge against the DGO, the Presenting Officer has examined Sri. Pentareddy (Complainant) as PW-1 and got marked, in all, 10 documents as Ex.P-1 to Ex.P-10 on behalf of Disciplinary Authority. After the closure of evidence of Disciplinary Authority, Second Oral Statement of DGO U/R 11(16) was recorded. DGO submitted that she has defence evidence. DGO examined herself as DW-1 and got marked Ex.D-1 to Ex.D-3. Hence, recording answers of DGO to Questionnaire U/R 11(18) of KCS (CC&A) Rules, 1957 was dispensed with. Then I have heard the learned Presenting Officer. The defence counsel for DGO has filed the written arguments on behalf of DGO.

8. Now, the points that would arise for my consideration are;

1 : Whether the charge leveled against the DGO is proved by the Disciplinary Authority?

2 : *What order?*

9. My findings to the aforesaid points are as under :-

POINT No. 1 : In the AFFIRMATIVE.

POINT No. 2 : As per the final order for the following;

REASONS

10. **POINT NO. 1** : It is the case of Disciplinary Authority that the complainant and his brothers after the death their father, having divided 13 items of landed properties in different survey numbers of Bellur village of Bidar Taluk, applied for transfer of mutation of the lands fell to their share and since 11-E sketch was required for change of mutation they have filed 13 applications on 14.03.2011 for issue of 11-E sketch by paying necessary fees and despite lapse of 2 years 3 months their request for issue of 11-E sketch was not considered by the DGO, who was grade-II Tahsildar stating that there is no Tippani copy of village and thereby she has committed dereliction of duty.

11. In order to prove the guilt of DGO, the complainant being PW-1 has deposed in his evidence that his father Malla Reddy has got in all 11 acres 12 guntas in different survey numbers, who died in the year 2007. The three brothers have given an application to get the katha

changed in their names after making partition in the year 2011. Rs.7,800/- was paid towards fees to conduct survey and prepare sketch. Likewise they have given 13 applications by paying fees for each survey numbers. Despite DGO has not taken any action stating that there is no Tippani. He also filed an application before the D.C., Bidar in this regard.

12. He has relied on complaint, Form No.1 and 2, copy of application given to D.C., document having paid fees of Rs.7,800/-, copy of letter written to D.C. by Tahsildar, copy of Form No.10 relating to others, copy of Aakarband in respect of Sy.No.4/4, copies of sketch of Sy.No.4/4, and copy of application given to Tahsildar along with RTCs at Ex.P-1 to P-10.

13. On the other hand, DGO as DW-1 has deposed that, she worked from dtd:28.12.2012 to 06.03.2014, she came to know about the application of complainant after receipt of notice from Lokayukta office. Preparing revenue sketch is concerned to survey office and this will not come to her jurisdiction. After receipt of AOC when she enquired she came to know the complainant has given application on 14.03.2011 and paid fees of Rs.7,800/-. At that time one Jagannatha Sirsi was working as Tahsildar. On 20.12.2017 ADLR wrote a letter

to DDLR. She has relied on copies of O.M., CTC and letter of ADLR at Ex.D-1 to D-3.

14. The learned Presenting Officer has submitted that the complainant being PW-1 has fully supported the case of Disciplinary Authority and the documents produced by him at Ex.P-1 to Ex.P-10 corroborate his version to establish the guilt of DGO.

15. The counsel for DGO has submitted that DGO was not aware about the application of complainant and she came to know it after receipt of notice by this institution, preparing revenue sketch is concerned to survey office and this will not come to the jurisdiction of DGO. When the application was given DGO was not working as Tahsildar. Therefore, DGO has not committed any misconduct.

16. On perusal of oral and documentary evidence, it reveals that the DGO was working as Grade-II Tahsildar, Bidar Taluk from 28.12.2012 to 06.03.2014.

17. Ex.P-4 copy of application given to D.C., Bidar, which reveals that complainant on 14.03.2011 had filed an application to the office of Tahsildar, Bidar Taluk requesting to issue 11-E sketch in respect of partitioned properties by paying necessary fees of Rs.7,800/-.

Ex.P-5 indicates receipt numbers under which fees of Rs.7,800/- has been paid. DGO has admitted this fact. But, her contention is that after receipt of AOC and when she enquired in the survey office, she came to know about the said application.

18. This contention is not acceptable for the reason that before filing this complaint the complainant on 21.06.2013, had filed a complaint to the D.C., Bidar, to take action against the DGO and two others for not issuing 11-E sketch. This can be seen from Ex.P-4. That apart on 09.11.2012 the Tahsildar, Bidar Taluk, given a report to the Technical Assistant to Deputy Commissioner and Ex-officio DDLR, Bidar explaining the delay in issuing concerned sketch stating that Tippani of said land was destroyed. It is evident from Ex.P-6.

19. But, it is the case of complainant that, after filing his application, others filed application upon which DGO including the staff of survey office have conducted survey of land in Sy.No.4/4 and issued 11-E sketch. In support of his contention, he has produced Form-10, Aakarband and sketch at Ex.P-7 to P-9. Ex.P-7 to P-9 shows that they have conducted survey in the Sy.No.4/4 and issued 11-E sketch on the application subsequently filed by others.

20. Such being the case, there was no impediment for the DGO to consider the application of complainant to conduct the survey of land of complainant and to issue 11-E sketch. So, the contention that DGO had no jurisdiction to issue revenue sketch is not acceptable for the reason that DGO was having administrative control and supervising powers over the office of survey, since Survey office is very much attached to the office of Tahsildar.

21. It is contended by producing Ex.D-3, i.e., a letter written by ADLR to DDLR that since the complainant stated to have get their names mutated in the records, their applications have been disposed of. But, no document is forthcoming to show on which date the application of complainant is disposed of and the same was informed to complainant. Moreover, signed date of Ex.D-3 is 20.12.2017. So, Ex.D-3 has no evidentiary value and it will not support the case of DGO.

22. It is clear from the evidence that, though the complainant has made application to the office of Tahsildar, Bidar Taluk, for having paid necessary fees to issue 11-E sketch, DGO has not considered his application within the reasonable time stating that, Tippani copy is not available. As such despite lapse of 2 years 3 months the request of complainant has not been

considered, which shows that, DGO has omitted to discharge her official duties as per law.

23. Therefore, I am of the opinion that there is convincing evidence by PW-1 to show that the DGO has committed dereliction of duty as stated in the charge. Thus, the Disciplinary Authority has proved the charge leveled against the DGO as mentioned at Annexure-1 of Article of Charge beyond probabilities. Therefore, I answer Point No.1 in the Affirmative.

24. **POINT NO. 2** : In view of my finding on point No. 1 and for the foregoing reasons, I proceed to pass the following;

: ORDER :

The Disciplinary Authority has proved the charge against DGO-Smt. Keerthi Chalak, Tahsildar, Bidar District.

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

Dated this the 3rd September, 2019

(D. Puttaswamy)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

ANNEXURES**I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-**

PW 1 : Sri. Pentareddy (Complainant)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

- Ex.P.1 : Complaint dt: 26.07.2013
Ex.P.2 : Form No.I dt.26.07.2013
Ex.P.3 : Form No. II dt. 25.07.2013
Ex.P.4 : Application dt.21.06.2013 to Deputy
Commissioner, Bidar
Ex.P.5 : Details of amount paid dt.14.3.2011
Ex.P.6 : Letter dt. 09.10.2012 to Deputy
Commissioner, Bidar
Ex.P.7 : Form No. 10
Ex.P.8 : Akaar Bandh
Ex.P.9 : Sketch
Ex.P.10 : Application to Tahasildar, Bidar
dt.27.09.2012

III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGO :

D.W.-1 : Smt Keerthi Chalak

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGO :

- Ex.D.1 : Official memorandum dt.31.12.2012 of
Deputy Commissioner, Bidar
Ex.D.2 : CTC dt.6.3.2014
Ex.D.3 : Letter dt: Nil to Dy.Director of Lands
Records, Bidar District

Dated this the 3rd September, 2019

(D. Puttaswamy)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru