

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/21/2013/ ARE-1

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 16/02/2018

RECOMMENDATION

Sub:- Departmental inquiry against;

- (1) Sri Namadeva Rathod, the then Executive Officer, Taluk Panchayath, Shahapura Taluk, Yadgir District;
- (2) Sri K. Bheemaraya, Executive Officer, Taluk Panchayath, Shahapura Taluk, Yadgir District.

Ref:- 1) Government Order No. ಗ್ರಾಅಪ 191 ಎಸೇಬಿ 2012, Bengaluru dated 5/1/2013

2) Government Order No. ಗ್ರಾಅಪ 70 ಎಸೇಬಿ 2014, Bengaluru dated 19/3/2014 and its Corrigendum dated 26/3/2014

3) Nomination order No.LOK/INQ/14-A/21/2013, Bengaluru dated 11/1/2013 of Upalokayukta-1, State of Karnataka, Bengaluru

4) Nomination Order No. LOK/INQ/14-A/21A/2013, Bengaluru dated 4/4/2014 of Upalokayukta-1 and its Corrigendum dated 16/5/2014

5) Inquiry Report dated 12/2/2018 of Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 19/3/2014 referred to at (2) above and its Corrigendum dated 26/3/2014, initiated the disciplinary proceedings against Sri Namadeva Rathod, the then Executive Officer, Taluk Panchayath, Shahapura, Yadgir District (hereinafter referred to as Delinquent Government Official-1, for short as **'DGO-1'**) and entrusted the Departmental Inquiry to this Institution.

2. The Government by its Order dated 5/1/2013 referred to at (1) above, initiated the disciplinary proceedings against Sri K.Bheemaraya, Executive Officer, Taluk Panchayath, Shahapura, Yadgir District (hereinafter referred to as Delinquent Government Official-2, for short as 'DGO-2') and entrusted the Departmental Inquiry to this Institution.

3. This Institution by Nomination Order No.LOK/INQ/14-A/21/2013 dated 11/1/2013 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO-2 for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. LOK/INQ/14-A/2014 dated 14/3/2014, the Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGO-2.

4. By another Order No. LOK/INQ/14-A/21-A/2013 dated 4/4/2014, this Institution has nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against DGO-1 for the alleged charge of misconduct said to have been committed by DGO-1.

5. The DGO-1 Sri Namadeva Rathod, the then Executive Officer, Taluk Panchayath, Shahapur Taluk, Yadgir District and DGO-2 Sri K.Bheemaraya, Executive Officer, Taluk Panchayath, Shahapur Taluk, Yadgir District were tried for the following charges:-

“Charge against DGO-1 Sri Namadev Rathod

That while you DGO Sri Namadev Rathod working as Executive Officer, Taluk Panchayath, Shahapur, Yadgiri, the complainant Smt. Laxmi W/o. Thippanna, resident of Rastapur in Shahapur Taluk of Yadgir District was selected as beneficiary under ‘Ambedkar Housing Scheme’ and her name was in the list of beneficiaries at Sl. No.54. But the document has been executed in favour of one Sri Laxman S/o. Thippanna instead of executing the document in the name of Smt. Laxmi W/o. Thippanna on your oral instructions and by altering the name of Smt.Laxmi as Laxman in the list of beneficiaries and thereby you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thereby you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966. Hence, the charge.”

Charge against DGO-2 Sri K. Bheemaraya

That you, Sri K. Bheemaraya, (hereinafter referred to as Delinquent Government Official, in short DGO), while working as Executive Officer, Taluk Panchayathi Shahapura, Yadgir District, failed to take action against Sri Lakshman S/o. Thippanna R/o. Rastapur in Shahapur Taluk of Yadgir Dist and his associates for committing forgery and tampering of documents and records of your office and Gram Panchayath, Rashtapur, in respect of complaint from Smt. Lakshmi W/o.Thipanna, R/o. Rastapur who was sanctioned a house under “Rajeev Gandhi Vasathi Yojane” and thereby you DGO has failed to maintain absolute integrity and devotion to duty and committed


an act which is unbecoming of a Government Servant and thereby you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

6. The Inquiry Officer (Additional Registrar of Enquiries-1) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO-1 Sri Namadeva Rathod, the then Executive Officer, Taluk Panchayath, Shahapura, Yadgir District. The Inquiry Officer has held that the charge against DGO-2 Sri K. Bheemaraya, Executive Officer, Taluk Panchayath, Shahapura Taluk, Yadagir District is not proved.
7. On re-consideration of report of inquiry, 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.
8. As per the Inquiry Report, DGO-1 Sri Namadev Rathod is still in service.
9. Having regard to the nature of charge proved against DGO-1 Sri Namadeva Rathod, it is hereby recommended to the Government to impose penalty of reducing the pay in the time scale of pay by two lower stages with cumulative effect on DGO-1 Sri Namadeva Rathod, the then Executive Officer, Taluk Panchayath, Shahapura Taluk, Yadagir District.
10. It is hereby recommended to accept the report of Inquiry Officer and to exonerate the DGO-2 Sri K. Bheemaraya, Executive

Officer, Taluk Panchayath, Shahapura Taluk, Yadgir District of the charges leveled against him.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 06/2
Upalokayukta-1,
State of Karnataka,
Bengaluru.



KARNATAKA LOKAYUKTA

No.Lok/Inq/14A/355/2014/ ARE-1

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.30.03.2017.RECOMMENDATION

Sub: Departmental inquiry against Shriyuths:

- 1) Somashekhar, the then Secretary,
N.G. Halli Gram Panchayath, Holalkere
Taluk, Chitraruga District;
- 2) Natesh, the then Junior Engineer,
PRE Sub-division, Holalkere, Chitradurga District;
- 3) Anjankumar, the then Asst. Executive Engineer,
PRE Sub-division, Holalkere, Chitradurga District;
and
- 4) Ramesh, the then Executive Engineer, PRE
Division, Chitradurga District (retd.) - reg.

Ref: 1. Govt. Order No. RDPR 39 ENQ 2014
dated 05.06.2014.2. Nomination order No. Lok/Inq/14-A/
355/2014 dated 13.06.2014.

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Government, by its Order dated 05.06.2014, initiated the disciplinary proceedings against Shriyuths: (1) Somashekhar, the then Secretary, N.G. Halli Gram Panchayath, Holalkere Taluk,

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Chitraruga District; (2) Natesh, the then Junior Engineer, Panchayath Raj Engineering Sub-division, Holalkere, Chitradurga District; (3) Anjankumar, the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-division, Holalkere, Chitradurga District; and (4) Ramesh, the then Executive Engineer, Panchayath Raj Engineering Division, Chitradurga District (retd.) [hereinafter referred to as the Delinquent Government Officials 1 to 4 respectively, for short 'DGOs 1 to 4'] and entrusted the departmental inquiry to this Institution. This Institution, by Nomination Order dated 13.06.2014, nominated the Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, to conduct the departmental inquiry against the DGOs for the alleged charge of misconduct alleged to have been committed by them.

2. The Inquiry Officer has submitted his report dated 27.03.2017 inter alia holding that, the Disciplinary Authority has '*proved*' the charge of misconduct alleged against DGOs 1 to 4.

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3. The charges framed against DGOs 1 to 4 are that, while DGO1 was working as Secretary, N.G. Halli Gram Panchayath, Holalkere Taluk, Chitraruga District, released the fund for construction of houses in favour of beneficiaries without even confirming the stages of construction and without even obtaining photos of the various stages of the construction, released the amount in violation of the Government norms and circulars. Thereby, DGO1 has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government servant.

Charge No.2 is framed against DGOs 2, 3 & 4 is in as much as DGO2 while working as Junior Engineer, Panchayath Raj Engineering Sub-division, Holalkere, Chitradurga District; DGO3 while working as Asst. Executive Engineer, Panchayath Raj Engineering Sub-division, Holalkere, Chitradurga District; and DGO4 while working as Executive Engineer, Panchayath Raj Engineering Division, Chitradurga District had

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misappropriated/misused Rs.33,454/-, Rs.33,454/- and Rs.22,304/- respectively in connection with executing the work of removing silt of Gowdihally tank at Gowdihally village, Holalkere Taluk. Thereby, DGOs 2 to 4 failed to maintain absolute integrity, devotion to duty and acted in the manner of unbecoming of Government servants under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

4. In order to prove the charge of misconduct, Disciplinary Authority has examined two witnesses viz., complainant as PW1; and the Investigating Officer who investigated the case as PW2, and got marked 13 documents as Exs.P1 to P13 through them, whereas DGOs 2 & 3 got themselves examined as DWs 1 & 2 respectively, however, no documents were marked in their evidence.

5. The Inquiry Officer relying on the evidence of PW2, Investigating Officer and the Investigation Report, has found that the DGO1 failed to maintain absolute integrity in discharge of his

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official function by not examining the level of construction and collecting necessary documents before releasing the amount. DGOs 2, 3 & 4 are responsible for loss of amount to the tune of Rs.89,212/- to the State Exchequer. The Inquiry Officer has found that, the DGOs 2 & 4 have not followed the rate prescribed by the Minor Irrigation Department and selected the rates prescribed under the PWD Code. Thereby, they have caused loss to the Exchequer of the State.

6. Considering the findings of the Inquiry Officer and also, having to the nature and gravity of the misconduct, it is hereby recommended to the Government that, the DGOs 2 & 3 viz., *Shriyuths: (2)Natesh, the then Junior Engineer, Panchayath Raj Engineering Sub-division, Holalkere, Chitradurga District; and (3) Anjankumar, the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-division, Holalkere, Chitradurga District, be punished with the penalty of "withholding of three annual increments for a period of three years with cumulative effect" in*

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exercise of powers under Rule 8(iii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957. In respect of DGOs 1 & 4 viz., *Shri Somashekhar, the then Secretary, N.G. Halli Gram Panchayath, Holalkere Taluk, Chitraruga District; and Shri Ramesh, the then Executive Engineer, Panchayath Raj Engineering Division, Chitradurga District* respectively, who are stated to have retired from Government service, be punished with the penalty of "*denial of 05% pensionary benefit for a period of ten years*".

7. Further it is recommended to initiate the *recovery proceedings* for the respective loss they have caused to the State Exchequer.

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

Connected records are enclosed herewith.

*Sf M. 30/3/13.*  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.