

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/222/2014/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 07/02/2017

RECOMMENDATION

Sub:- Departmental inquiry against

- 1) Sri Showkatalisab Rajesab Shirakol, the then Tahsildar, Mudaragi Taluk, Gadag District;
- 2) Sri Parashuram Chintappa Kalal, the then Deputy Tahsildar, Naada Kacheri at Dambal, Mundaragi Taluk, Gadag District;
- 3) Sri Raghunath Srinivas Rao, the then Revenue Inspector, Dambal, Mundaragi Taluk, Gadag District – Reg.

Ref:- 1) Government order No.ಆರ್‌ಡಿ 25 ಎಡಿಇ 2014, Bengaluru dated 3/4/2014

2) Nomination order No.LOK/INQ/14-A/222/2014, Bengaluru, dated 19/4/2014 of Hon'ble Upalokayukta-1, State of Karnataka, Bengaluru

The Government by its Order dated 3/4/2014, initiated the disciplinary proceedings against

- (1) Sri S.R. Shirkol (Showkatalisab Rajesab Shirakol – name written him in the note sheet on 17.9.2016);
- (2) Sri P.C. Kalal (Sri Parashuram Chintappa Kalal- name as written by him in the note sheet on 17.9.2016); and
- (3) Sri Srinivasa Rao (Sri Raghunath Srinivas Rao – name as written by him in note sheet on 20.10.2016)

(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.LOK/INQ/14-A/222/2014 dated 19/4/2014 nominated Additional Registrar of Enquiries-11, 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.

3. The DGO-1 Sri S.R. Shirkol (Showkatalisab Rajesab Shirakol); DGO-2 P.C. Kalal (Sri Parashuram Chintappa Kalal) and DGO-3 Sri Srinivasa Rao (Sri Raghunath Srinivas Rao) were tried for the following charges:-

“That you DGO No.1, Sri S.R. Shirkol, Tahsildar, Mudaragi Taluk, Gadag District were directed by several times, letters from ARLO-1, Karnataka Lokayukta, Bangalore to send information about recovery of Rs.1,80,000/- as penalty from Sri Siddappa Rachappa Baradhur of Mevundi for illegal stone quarry. For that, you DGO No.1 informed about recovery of Rs.50,000/- only and stated that Revenue Inspector has been asked to take steps for recovery of the balance amount.

Since recovery of that balance amount was not intimated and recovery process was not made fast and documents regarding recovery of that amount were not sent to this office when called for, a show cause notice dated 31/10/2013 was issued to you DGO No.1, Sri. S.R. Shirkol, Tahsildar, Mundaragi Taluk, Gadag District, you DGO No.2, Sri P.C. Kalal, Deputy Tahsildar, Naad Kacheri, Dambala, Mudaragi Taluk, Gadag District and you DGO No.3, Sri Srinivasa Rao, Revenue Inspector, Dambala, Mundaragi Taluk, Gadag

Mundaragi Taluk, Gadag District, calling upon why action should not be taken against you DGO Nos. 1 to 3 for not submitting report with documents regarding recovery of the balance amount of Rs.1,30,000/-.

That Show cause notice was served to you DGO No.1 in your office. So also you DGO No.2 and 3 have been served with it, and you DGO Nos. 1 to 3, without any reasonable excuse or reason failed to give reply to the said show cause notice.

and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants 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-11) on proper appreciation of oral and documentary evidence has held that,

(i) Charge against DGO-3 that despite service of show cause notice dated 31.10.2013 calling upon him to show cause on or before 30.11.2013, DGO-3 failed to respond and thereby DGO-3 is guilty of misconduct within the ambit of Rule 3(1)(ii) and (iii) of Karnataka Civil Services (Conduct) Rules, 1966 is proved.

(ii) Charge against DGOs 1 and 2 that despite service of show cause notice dated 31.10.2013 calling upon them to show cause on or before 30.11.2013, DGOs 1 and 2 failed to respond and thereby DGOs 1 and 2 are guilty of misconduct within the ambit of Rule 3(1) (ii) and (iii) of


Karnataka Civil Services (Conduct) Rules, 1966 is not proved.

5. On re-consideration of the evidence, I do not find any reason to interfere with the findings recorded by the Inquiry Officer.

6. It is hereby recommended to the Government to accept the report of Inquiry Officer to exonerate the DGO-1 Sri S.R. Shirkol (Showkatalisab Rajesab Shirakol) and DGO-2 P.C. Kalal (Sri Parashuram Chintappa Kalal) and having regard to the nature of charge proved against DGO-3 Sri Raghunath Srinivasa Rao, it is recommended to the Government to impose penalty (since retired from service on 30/4/2015) of withholding 10% of pension payable to DGO-3 Sri Raghunath Srinivas Rao for a period of 5 years.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 7/2
Upalokayukta-1,
State of Karnataka,
Bengaluru.

KARNATAKA LOKAYUKTA

No.LOK/~~XXXX~~/ENQ-480/2014/ARE-11

Multi-Storied Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru, dated: 19/8/2017

RE-RECOMMENDATION

Sub: Re-Recommendation in the imposing punishment against DGO 1 Sri B.K.Basavalinganagowda, Asst. Executive Engineer, Panchayath Raj Engineering Sub-division, Baindur, Udupi Dist –reg.

Ref: 1. Recommendation in No.Lok/Enq/14-A/480/2014/ARE-11 dtd 13/1/2017
2. Govt.letter dtd.21/6/2017

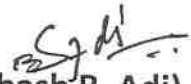
The Department of Rural Development & Panchayath Raj has addressed a letter under Ref(2) , inter-alia, stating that, this institution had recommended the punishment to Sri B.K.Basavalinganagowda, Asst.Executive Engineer, Panchayath Raj Engineering Sub-division, Baindur, Udupi District, and Sri K.V.Chandrabillava, Panchayath Development Officer, Kavradi Gram Panchayath, Kundapur Taluk, Udupi District, for “reduction to the lower stage in the time scale “ but does not bar to earn increments if any during the period of reduction to lower stage “ . Now, the Government has informed that, DGO 1 Sri B.K.Basavalinganagowda, the then Asst.Executive Engineer, Panchayath

Sgt

Raj Engineering Sub Division , Baindur, Udupi District, was due to retire with effect from 31.7.2017 and as such, expressed its inability to impose the punishment of reduction to the lower stage in time scale.

In view of the retirement of DGO 1 Sri B.K.Basvalinganagowda, the then Asst.Executive Engineer, Panchayath Raj Engineering Sub Dvn., Baindur, Udupi District, **it is hereby re-recommended to the Government that Sri B.K.Basavalinganagowda, the then Asst.Executive Engineer, Panchayath Raj Engineering Sub-Dvn., Baindur, Udupi District, be punished with the penalty of denial of 5% of the pensionary benefit for a period of 5 years.**

Send the action taken report to this institution.


(Justice Subash B. Adi) 19-8-17.
Upalokayukta,
State of Karnataka.