

No.UPLOK-2/DE/264/2015/ARE-7

Multi Storied Building, Dr. B.R. Ambedkar Veedhi, Bengaluru-560 001, Dated 18.06.2018

RECOMMENDATION

Sub:- Departmental inquiry against Sriyuths:

- (1) Shivakumar, Secretary, Biskuru Gram Panchayath (retired);
- (2) M.V. Ravinandan, the then Asst. Engineer, Panchayath Raj Engineering Sub-Division, Magadi
- (3) M.N. Shankaranarayana, the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-Division, Magadi; and
- (4) Dr. Krishnareddy, the then Executive Engineer, Taluk Panchayath, Magadi reg.
- Ref:- (1) Government Order No. ಗ್ರಾಅಪ 40 ಇಎನ್ಕ್ಯೂ 15 dated 13.05.2015.
 - (2) Nomination order No. UPLOK-2/DE/264/2015 dated 18.05.2015 of Upalokayukta-2, State of Karnataka.
 - (4) Inquiry Report dated 14.06.2018 of the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru.

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The Government by its Order 13.05.2015, initiated the disciplinary proceedings against Sriyuths: (1) Shivakumar, Secretary (retired), Biskuru Gram Panchayath; (2) M.V. Ravinandan, the then Asst. Engineer, Panchayath Raj Engineering Sub-Division, Magadi; (3) M.N. Shankaranarayana,

the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-Division, Magadi; and (4) Dr. Krishnareddy, the then Executive Engineer, Taluk Panchayath, Magadi [hereinafter referred to as Delinquent Government Officials 1 to 4, for short as 'DGOs 1 to 4' respectively] and entrusted the Departmental Inquiry to this Institution.

- 2. This Institution by Nomination Order No. UPLOK-2/DE/264/2015 dated 18.05.2015, nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 4 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-2/DE/2017, dated 04.07.2017, the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGOs 1 to 4.
- 3. The DGO1 Shri Shivakumar, Secretary (retired), Biskuru Gram Panchayath; DGO2 Shri M.V. Ravinandan, the then Asst. Engineer, Panchayath Raj Engineering Sub-Division, Magadi; DGO3 Shri M.N. Shankaranarayana, the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-Division, Magadi; and DGO4 Dr. Krishnareddy, the then Executive Engineer, Taluk Panchayath, Magadi were tried for the following charge:-

"You, the DGO No.1 - Shri Shivakumar, Secretary (retired), Biskuru Gram Panchayath; you, the DGO No.2 - Shri M.V. Ravinandan, the then Asst. Engineer, Panchayath Raj Engineering Sub-Division, Magadi; you, the DGO No.3 - Shri M.N. Shankaranarayana, the then Asst. Executive Engineer, Panchayath Engineering Sub-Division, Magadi; and you, the DGO No.4 - Dr. Krishnareddy, the then Executive Engineer, Taluk Panchayath, Magadi have violated Government guidelines and got executed the works using machines instead of deploying manpower and made payments of Rs.60,000/- for NRM, Rs.29,135/- for articles and Rs.1,15,000/- for road and 2 bills for bridge and released Rs. 1.00 lakh without approval of work from Gram Sabha and got executed the alternate work violating the estimate, without getting approval of competent authority and spent Rs.92,714/- illegally and thereby, you the DGOs 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-7) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above charges against DGO1 - Shri Shivakumar, Secretary (retired), Biskuru Gram Panchayath; DGO2 - Shri M.V. Ravinandan, the then Asst.

Engineer, Panchayath Raj Engineering Sub-Division, Magadi; DGO3 - Shri M.N. Shankaranarayana, the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-Division, Magadi; and DGO4 - Dr. Krishnareddy, the then Executive Engineer, Taluk Panchayath, Magadi.

- 5. On re-consideration of report of inquiry, 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.
- 6. As per the First Oral Statement of DGOs 1 to 4 furnished by the Inquiry Officer, DGO1 Shri Shivakumar has retired from service on 28.02.2013; DGO2 Shri M.V. Ravinandan is due for retirement on 31.12.2028; DGO3 Shri M.N. Shankaranarayana is due for retirement on 31.03.2019; and DGO4 Dr. Krishnareddy has retired from service on 30.06.2016.
- 7. Having regard to the nature of charges 'proved' against DGO1 Shri Shivakumar, Secretary (retired), Biskuru Gram Panchayath; DGO2 Shri M.V. Ravinandan, the then Asst. Engineer, Panchayath Raj Engineering Sub-Division, Magadi; DGO3 Shri M.N. Shankaranarayana, the then Asst. Executive Engineer, Panchayath Raj Engineering Sub-Division, Magadi;

and DGO4 - Dr. Krishnareddy, the then Executive Engineer, Taluk Panchayath, Magadi,

- it is hereby recommended to the Government to impose penalty of "withholding 05% of pension payable to the DGO1 - Shri Shivakumar; and DGO4 - Dr. Krishnareddy for a period of 05 years";
- (ii) it is hereby recommended to the Government to impose penalty of "withholding two annual increments payable to the DGO2 Shri M.V. Ravinandan with cumulative effect"; and
- (iii) it is hereby recommended to the Government to impose penalty of "reducing the scale of pay of DGO3 Shri M.N. Shankaranarayana by two lower stages with cumulative effect".
- 9. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

(JUSTICE N. ANANDA) 18

Upalokayukta, State of Karnataka.