

KARNATAKA LOKAYUKTA

No. LOK/ARE-11/ENQ-275/2013

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bangalore 560 001.  
Dated: 11.09.2014.

Sub: Departmental Enquiry against  
Smt.S.M.Chigari – Head Mistress in  
Government Boys Higher Primary  
School at Kalikanagar of Sindhagi  
Taluka in Bijapur District – reg.

Ref: Government Order No. ಇಡಿ 217  
ಯೋಯೋಕ 2012 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:  
18.06.2013.

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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 charges, conduct enquiry and to submit report in the departmental enquiry proceedings initiated against Smt.S.M.Chigari – Head Mistress in the Government Boys Higher Primary School at Kalikanagar of Sindhagi Taluka in Bijapur District (who will be hereinafter referred to as Delinquent Government Officer i.e., 'DGO' for short), about her alleged misconduct. But, later on, by order dated 14.03.2014, the Addl. Registrar of Enquires (11) came to be nominated to continue enquiry and submit report in the proceedings. Thus, enquiry was proceeded with and, after its conclusion, said Enquiry Officer made report of enquiry.

2) In brief, the charge is that, while working as Head Mistress in the Government Boys Higher Primary School at Kalikanagar of Sindhagi Taluka in Bijapur District, the DGO was found to have shifted food grains (supplied for hot meals) from the room where they were kept through a person by giving one k.g. rice to him to another place, abused and assaulted besides torn the shirt of Sri Ganapathy Gangadhar Poddar – member of S.D.M.C. in the

presence of Sri. L.R.Nayak and Sri N.B.Bellari, not yet commenced hot meals during summer and also misappropriated amount of library books, sports material, tape, scientific instruments, carpet, petro max, all totally valued at ₹ 15,710/-, and thereby committed misconduct attracting Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

3) In support of the said charges, the Disciplinary Authority (hereinafter referred to as D.A. for short) has examined complainant and a witness - B.E.O. and got marked 13 documents. But, there is no evidence in defence by the DGO since she remained absent and placed ex-parte. So, after hearing the arguments of DA side and considering the evidence adduced, the enquiry officer has made report dated 3.9.14 holding the charges as proved and submitted the same with records for my consideration. Hence, the matter is before me.

4) PW-1 is Sri Ganapathy Poddar, who had lodged complaint before this Institution, on which basis, investigation had been taken up and made report u/s 12(3) of Karnataka Lokayukta Act. He has fully supported his case. So also, PW-2 Sri Srishaila Biradar, who conducted investigation in the complaint and made report. Their evidence is further corroborated by the documents marked. That apart, said evidence of DA has remained unchallenged as the DGO remained absent. So, on consideration of the evidence adduced, the enquiry officer made report.


5) I have carefully gone through the records besides evidence, including documentary evidence. The enquiry officer has given well considered reasons for the finding recorded by him that charges have been proved. As noted already, the DGO herself has chosen not to contest the case of DA in any manner and even not put forward any defence also. PW-1 - complainant is a member of S.D.M.C. He has been abused and assaulted by the DGO. In fact,

he has even lodged complaint against the DGO in the Police Station, on which basis FIR has been issued. So, on careful re-appreciation of the material on record besides circumstances, I have no reason to disagree with the findings recorded by the enquiry officer. As such, I also hold the charges as held proved.

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, in the present matter not only serious grave misconduct about food grants is proved, even other charges are also proved. I do not find any such special and/or adequate reason to recommend for imposition of some other penalty. So, in the facts and circumstances of the case, in my opinion, 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.

