

## KARNATAKA - LOKAYUKTA

BEFORE ADDITIONAL REGISTRAR (ENQUIRIES -10)

PRESENT :

SRI. MASTER R.K.G.M.M. MAHASWAMIJI, MA., LL.M.,  
ADDITIONAL REGISTRAR ENQUIRIES-10,  
M.S. BUILDING,  
KARNATAKA LOKAYUKTA,  
BANGALORE - 560 001.

DEPARTMENTAL ENQUIRY NO. UPLOK-1/DE/308/2017/ARE-10

COMPLAINANT	SRI. AMARESH GIRAJALI,
DISCIPLINARY AUTHORITY	GOVERNMENT OF KARNATAKA WOMEN & CHILD DEVELOPMENT DEPARTMENT ( Through Presenting Officer )
<b>V/s</b>	
DELINQUENT GOVERNMENT OFFICIAL	SMT. YOGITHA BAI, C.D.P.O Sindhanur Taluk, Raichur District.  (DGO represented by Advocate Sri. Basavaraj S Manoli)

**Subject** : Departmental Inquiry against DGO as noted in the cause title -reg.,

**Reference/s** : 1. Report u/S 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/GLB/1659/2015/ARE-4 dt. 23.08.2016.  
2. Government Order No. ಮಮಇ 377 SJD 2016 Bengaluru dated 15.02.2017.  
3. Nomination Order No.Uplok-1/DE/308/2017 Bengaluru dt. 23.02.2017 of Hon'ble Uplokayukta-1.

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- i. Nature of Case : Departmental Enquiry
- ii. Provision of law under which Article of charge/s framed. : U/R 3 (1)(i) to (iii) of Karnataka Civil Services(Conduct) Rules, 1966.

iii Date of Submission of report : <sup>th</sup>7 December 2018.

**:- DEPARTMENTAL - ENQUIRY - REPORT :-**

1. This is the departmental enquiry initiated and held against DGO as the complainant by name Sri. *Amaresh Girijali* has filed a complaint in Lokayukta Office against the Delinquent Government Official alleging her dereliction of duty amounting to misconduct.
2. The **Comments/reply** of DGO called and unsatisfied with the comments of 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.) dated 15.02.2017 authorizing Hon'ble Upalokayukta-1 to hold an enquiry as per reference no. 2.
3. In pursuance of the Government Order, **nomination order** was issued by Hon'ble Upalokayukta-1 on 23.02.2017 authorizing ARE-10 to frame Article of Charge against DGO and hold an enquiry to find out truth and to submit a report as per reference No. 3.
4. Accordingly, *Article of charge* framed/prepared under Rule 11(3) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and

sent to the Delinquent Government Official on 12.05.2017.

5. The article of **charge** and the statement of imputations of misconduct framed/prepared and leveled against the DGO are **reproduced as hereunder** :

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

5(1) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಯೋಗಿತಾಬಾಯಿ, ಸಿ.ಡಿ.ಪಿ.ಓ., ಸಿಂಧನೂರು, ರಾಯಚೂರು ಜಿಲ್ಲೆ ಅದ ನೀವು, ಈ ಕೆಳಕಂಡ ಕರ್ತವ್ಯಯೋಪ/ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರಿ:-

5(2) ನೀವು, ನಿಮ್ಮ ಇಲಾಖೆಗೆ ಸಂಬಂಧಿಸಿದಂತಹ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳಲ್ಲಿ, ಸರ್ಕಾರದ ಎನ್.ಆರ್.ಡಿ.ಡಬ್ಲ್ಯೂ.ಪಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ, ಕುಡಿಯುವ ನೀರಿನ ಸರಬರಾಜು ಕಾಮಗಾರಿಗಳನ್ನು ಮಾಡಿದ್ದರೂ, ನೀವು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಇಟ್ಟುಕೊಂಡಿರುವುದಿಲ್ಲ ಮತ್ತು ಸದರಿ ಕೇಂದ್ರಗಳಿಗೆ ಭೇಟಿ ನೀಡಿದಾಗ, ಈ ಯೋಜನೆಯ ಉದ್ದೇಶ ಪೂರ್ತಿಗೊಳ್ಳದೇ ಸರ್ಕಾರದ ಹಣ ವ್ಯರ್ಥವಾಗಿದ್ದು, ಮಕ್ಕಳಿಗೆ ಕುಡಿಯುವ ನೀರು ಸರಬರಾಜು ಆಗದೇ ಇದ್ದರೂ, ಈ ಬಗ್ಗೆ ಯಾರಿಗೂ ವರದಿ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ.

5(3) ಆದಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು, ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ

ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1) (i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ, ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

5(4) ದೂರುದಾರರಾದ ಶ್ರೀ ಅಮರೇಶ ಗಿರಿಜಾಲಿ, ಹರ್ಷವರ್ಧನ್ ಪ್ರಿಂಟರ್ಸ್, ಎಸ್.ಆರ್.ಎಸ್. ಲಾಡ್ಜ್ ಹತ್ತಿರ, ಸಿಂಧನೂರು ತಾಲ್ಲೂಕು, ರಾಯಚೂರು ಜಿಲ್ಲೆ ರವರು 1) ಶ್ರೀ ಬಿ.ಆರ್. ಗೌಡೂರು, 2) ಶ್ರೀಮತಿ ಯೋಗಿತಾಬಾಯಿ, ಸಿ.ಡಿ.ಪಿ.ಓ., ಸಿಂಧನೂರು, ರಾಯಚೂರು ಜಿಲ್ಲೆರವರ ವಿರುದ್ಧ ಈ ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ.9ರಡಿ ತನಿಖೆಗೆ ಕೈಗೆತ್ತಿಕೊಂಡಿದ್ದಿದೆ.

ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಆಪಾದನೆಗಳು:-

5(5) ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನಲ್ಲಿ 584 ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳಿದ್ದು, 2012-13ನೇ ಸಾಲಿನಲ್ಲಿ 145 ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳಿಗೆ ತಲಾ 35,000/- ರೂ. ವೆಚ್ಚದಲ್ಲಿ ರೂ. 51.80 ಲಕ್ಷ ವೆಚ್ಚ ಮಾಡಲಾಗಿದ್ದು, 2013-14 ರಲ್ಲಿ, 108 ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳಿಗೆ ಪ್ರತಿ ಕೇಂದ್ರಕ್ಕೆ 50,000/- ರೂ. ನಂತೆ ಒಟ್ಟು ರೂ.54.00 ಲಕ್ಷ ಖರ್ಚು

ಮಾಡಿದ್ದು, ಈ ಎರಡೂ ವರ್ಷಗಳಲ್ಲಿ ಒಟ್ಟು ಒಂದು ಕೋಟಿ ರೂಪಾಯಿಗಳಿಗೂ ಹೆಚ್ಚು ಹಣವನ್ನು ಅಂಗನವಾಡಿಗಳ ಕುಡಿಯುವ ನೀರಿಗಾಗಿ ಖರ್ಚು ಮಾಡಿದ್ದು, ಕೆಲಸವನ್ನು ಸಮರ್ಪಕವಾಗಿ ಮಾಡದೇ, ಪರ್ಸೆಂಟೇಜ್‌ಗಾಗಿ ಅರೆಬರೆಮಾಡಿ, 2012-13ರಲ್ಲಿ ಖರ್ಚು ಹಾಕಿದ ಕಾಮಗಾರಿಗಳಿಗೆ ಪುನಃ 2013-14 ಮತ್ತು 2014-15ರಲ್ಲಿ ಹಣ ಖರ್ಚು ಹಾಕುವುದರ ಮೂಲಕ ಲೆಕ್ಕ ಮತ್ತು ಬಿಲ್‌ಗಳನ್ನು ಸೃಷ್ಟಿಸಿ, ಪಾವತಿ ಮಾಡಿ, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುತ್ತಾರೆಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ.

5(6) ದೂರಿನ ಪ್ರತಿ ಮತ್ತು ಅದಕ್ಕೆ ಲಗತ್ತಾದ ದಾಖಲೆಗಳನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕಳುಹಿಸಿ, ಅವರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ, ಅವರು ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ದೂರಿನ ಆಪಾದನೆಗಳನ್ನು ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ.

5(7) ತದನಂತರ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಆಕ್ಷೇಪಣೆಯನ್ನು ದೂರುದಾರರಿಗೆ ಕಳುಹಿಸಿ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಸಲ್ಲಿಸಲು ತಿಳಿಸಿದ ಮೇರೆಗೆ ಅವರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಅಲ್ಲಗಳೆದು ದೂರಿನ ಆಪಾದನೆಯನ್ನು ಪ್ರತಿಪಾದಿಸಿರುತ್ತಾರೆ.

5(8) ಪ್ರಕರಣದ ಗಂಭೀರತೆಯನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡು, ದೂರನ್ನು ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ರಾಯಚೂರು, ರವರಿಗೆ ಕಳುಹಿಸಿ, ಸಮಗ್ರವಾದ ತನಿಖೆಯನ್ನು ನಡೆಸಿ, ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿತ್ತು. ತನಿಖಾಧಿಕಾರಿಯವರು ದಿನಾಂಕ: 24/05/2016 ರಂದು ತಮ್ಮ

ವಿವರವಾದ ತನಿಖಾ ವರದಿಯನ್ನು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳ ನಕಲುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಈ ಕಾಮಗಾರಿಗಳನ್ನು ಸರಿಯಾಗಿ ನಿರ್ವಹಿಸದೇ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುತ್ತಾರೆಂದು ವರದಿಯನ್ನು ನೀಡಿದ್ದು, ತನಿಖಾ ವರದಿಯ ನಕಲನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕಳುಹಿಸಿ, ಅವರ ಪ್ರತ್ಯೇಕವಾದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತದೆ.

5(9) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಲ್ಲಿಸಿದ ಪ್ರತ್ಯೇಕ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ತನಿಖಾ ವರದಿಯಂತೆ ಅವರ ಮೇಲೆ ಕಂಡುಬಂದ ಆಪಾದನೆಯನ್ನು ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ ಮತ್ತು ಆಪಾದಿತ ಕಾಮಗಾರಿಗಳನ್ನು ಸಮರ್ಪಕವಾಗಿ ನಿರ್ವಹಿಸಿದ್ದು, ಯಾವ ಕರ್ತವ್ಯಲೋಪವಾಗಿಲ್ಲ ಮತ್ತು ತನಿಖಾ ವರದಿ ವಾಸ್ತವಾಂಶಕ್ಕೆ ದೂರವಾಗಿದ್ದು ತಮ್ಮನ್ನು ಆರೋಪದಿಂದ ಮುಕ್ತಗೊಳಿಸಬೇಕೆಂದು ಕೋರಿಕೊಂಡಿರುತ್ತಾರೆ.

5(10) ತನಿಖಾ ವರದಿ ಮತ್ತು ಅದಕ್ಕೆ ಲಗತ್ತಾದ ದಾಖಲೆಗಳಂತೆ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡುಬರುತ್ತವೆ:-

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಮೇಲ್ಕಂಡಂತೆ ತಮ್ಮ ಇಲಾಖೆಗೆ ಸಂಬಂಧಿಸಿದಂತಹ ಸಿಂಧನೂರು ತಾಲೂಕಿನ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳಲ್ಲಿ ಸರ್ಕಾರದ ಎನ್.ಆರ್.ಡಿ.ಡಬ್ಲ್ಯೂ.ಪಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ, ಕುಡಿಯುವ ನೀರಿನ ಸರಬರಾಜು ಕಾಮಗಾರಿಗಳನ್ನು ಮಾಡಿದ್ದರೂ, ಇವರು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಇಟ್ಟುಕೊಂಡಿರುವುದಿಲ್ಲ ಮತ್ತು ಸದರಿ ಕೇಂದ್ರಗಳಿಗೆ ಭೇಟಿ

ನೀಡಿದಾಗ ಈ ಯೋಜನೆಯ ಉದ್ದೇಶ ಪೂರ್ತಿಗೊಳ್ಳದೇ ಸರ್ಕಾರದ ಹಣ ವ್ಯರ್ಥವಾಗಿದ್ದು, ಮಕ್ಕಳಿಗೆ ಕುಡಿಯುವ ನೀರು ಸರಬರಾಜು ಆಗದೇ ಇದ್ದರೂ ಈ ಬಗ್ಗೆ ಯಾರಿಗೂ ವರದಿ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ಹೀಗಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕರ್ತವ್ಯದಲ್ಲಿ ಲೋಪವೆಸಗಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

5(11) ಈ ಪ್ರಕರಣದ ದೂರಿನ ಸಂಗತಿಗಳು, ದಾಖಲೆಗಳು, ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಯವರ ತನಿಖಾ ವರದಿಯನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನೀಡಿದ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಯಾವ ಸಮಾಧಾನಕರವಾದ ಅಂಶಗಳು ಕಂಡುಬರುವುದಿಲ್ಲವಾದ್ದರಿಂದ, ಅವರ ವಿರುದ್ಧದ ತನಿಖೆಯನ್ನು ಕೈಬಿಡಲು ಯಾವುದೇ ತೃಪ್ತಿಕರ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

5(12) ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ನಿಷ್ಠೆ ತೋರದೇ, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ, ಅವ್ಯವಹಾರದ ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3 (1) (i) ರಿಂದ (iii) ರನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಬಗ್ಗೆ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಅರ್ಹರಾಗಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ತೋರುತ್ತಿದ್ದುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮ 1957ರ ನಿಯಮ 14-ಎ ರನ್ವಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ವಿರುದ್ಧ ಜಂಟಿ ಇಲಾಖೆ ವಿಚಾರಣೆ ನಡೆಸಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3)ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿತ್ತು.

5(13) ಹಾಗಾಗಿ, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ನಿಯಮ 14 ಎ ಅಡಿಯಲ್ಲಿ, ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ತನ್ನ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು 10 ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ/ನಾಮನಿರ್ದೇಶನ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ನಿಮ್ಮ ವಿರುದ್ಧ, ಈ ಮೇಲ್ಕಂಡಂತೆ, ಆಪಾದನೆ ಇರುತ್ತದೆ.

6. The aforesaid **'article of charge'** served upon the DGO and she appeared before this enquiry authority and her **first oral statement** under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. The DGO has pleaded not guilty and claimed to be enquired about the charge.
7. The DGO has filed her **written defense statement** by denying the allegation/s.
8. The DGO has been given an opportunity by this Enquiry Authority for verification / inspection of records/ Documents and for discoveries if any.
9. *In this enquiry*, to establish the *charge* against DGO, the presenting officer has examined (1) Sri. Amaresh Girijali



(complainant) as **pw-1** and (2) Sri. Veerabhadrappa Kumbar (Superintendent of Police, Lokayukta, Raichur & Investigation Officer) as **PW-2** and produced and got marked, in all, **8** documents as Ex P1 to 8 on behalf of Disciplinary Authority.

10. After the closure of the evidence of the Disciplinary Authority, *second oral statement* of DGO as per Rule 11(16) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 recorded. The DGO has submitted that she will examine herself. Accordingly, the delinquent government official is examined herself as DW1 and got marked **7** documents as Ex D-1 and D-7 and closed her side. *As such*, the *questionnaire* of DGO u/R 11(18) of KCS (CCA) Rules, 1957 is *dispensed with* as she examined herself.
11. The learned defense assistant for DGO has filed *written brief* and I have heard learned Presenting Officer and defense assistant.
12. *Now*, the points that emerge for my consideration and conclusion are *as follows* :-

1 : *Whether the charge against DGO as noted at para No. 5(2) is proved by the*

*Disciplinary Authority through its  
presenting officer?*

*2 : What finding/conclusion ?*

13. I have heard and carefully perused the enquiry papers and analyzed and appreciated the oral and documentary evidence placed on record.
14. My *findings* on aforesaid points are *as under*:

POINT No. 1 : In the AFFIRMATIVE

POINT no. 2 : As per my *FINDING/CONCLUSION* for the following ;

**\* REASONS \***

15. **POINT NO. 1** : *It is the case of the Disciplinary Authority that DGO being C.D.P.O in Sindhanur Taluk, did not maintain/keep the documents pertaining to work of drinking water provided to Anganawadi Centers under NRDWP scheme of central government. Further, DGO did not report to her superior officers in respect of non supply of drinking water to children of Anganawadi, although, the purpose of scheme of the Government was became futile.*
16. *In order to prove the charge leveled against DGO, the presenting officer has examined 2 witnesses and got marked 8 documents and closed the side.*

17. *Now, I shall proceed to appreciate and analyze the oral and documentary evidence of the disciplinary authority viz.,(PW1, PW2 and Ex P1 to 8 ) which are as follows:-*
18. *PW- 1 SRI. AMARESH GIRIJALI (complainant) he has deposed that, when DGO was working as CDPO in Sindhanuru Taluk, during the year 2013-14 and 2014-15, water supply work was executed in 148 Anganawadi Centers and amount of Rs.50,000/- each was spent.*
19. *PW-1 further deposed that, DGO has caused loss to the State Exchequer. Therefore, he gave complaint to Lokayukta office along with form no.1 and 2 as per Ex. P -1 to 3.*
20. *Pw-1 states that, Copy of Progress report, Copy of expenditure statement and Copy of action plan are produced as per Ex. P -4 to 6. The DGO and others are the responsible officials for these discrepancies.*
21. *PW-2 SRI. VEERABHADRAPPA KUMBAR (Superintendent of Police, KLA, Raichur & Investigation Officer) he has deposed that, he received a letter along with complaint file to investigate and he perused the same.*

22. *PW-2 has further deposed that, on 2<sup>nd</sup> & 3<sup>rd</sup> of May 2016 he visited 31 Anganawadi Centers in Sindhanuru Taluk and DGO is being CDPO and controlling authority of 584 Anganawadi Centers and he found that the DGO was not maintained any documents in respect of NRDWP (National Rural Development Water supply Project) of central and state government.*
23. *PW-2 has stated that, the purpose of NRDWP is to supply the water to Anganawadi Centers and he found that in so many Anganawadi Centers, there was no water supply to children and beneficiaries and the DGO did not report the same to the concerned higher authority/superior officer, although there was waste of Government money without serving the purpose of schemes.*
24. *PW-2 says that, accordingly, he submitted investigation report as per Ex P-7 and the copy of statement of DGO is at Ex P-8.*
25. *In the cross-examination of PW-1 & 2 made by learned defense assistant appearing for DGO, I find that no worth mentioning points are elicited in favour of DGO/defense case.*
26. *It is the case of DGO/**Defence** that she did not commit dereliction of duty amounting to misconduct.*

27. *In this regard, DW 1 SMT. YOGITHA BAI ( C.D.P.O/DGO), has examined herself as DW-1 by filing affidavit evidence and stated by reiterating her defense case.*
28. *In the cross-examination of DW-1 it is elicited and she has clearly admitted as true that, she became CDPO of Sindhanoor from 01.06.2013 and she is supervising authority and used to send reports to the concerned superior officers.*
29. *It is further elicited in the cross-examination of DW-1 and she has vividly admitted as true that, under NRDWP scheme, government had provided water supply to all Anganawadi Centers and they used to visit Anganawadi centers and inspect whether the scheme of the Government is implemented or not. She has not sent report in respect of non-availability of drinking water to some of the Anganawadi centers.*
30. *It is noticed in the Cross-examination of DW-1 that, She was not having any documents in respect of NRDWP scheme.*
31. In so far as **argument**/s in this enquiry is concerned, the learned presenting officer has submitted that PW-1 & 2 are examined and Ex. P-1 to 8. have been got marked and on the basis of depositions of PW-1 & 2 and relevant

documents, affirmative finding can be given as *charge against the DGO is proved.*

32. *Per contra*, the learned defence assistant has *filed written brief.*
33. *Having heard* and on careful perusal and appreciation of oral and documentary evidence of disciplinary authority placed on record, *it is obviously clear that* the disciplinary authority has placed sufficient and satisfactory oral and documentary evidence to prove its case/enquiry against the DGO as per the standard of preponderance of probabilities to warrant my finding on the charge against DGO in the affirmative as proved.
- 34 *On perusal of depositions of PW-1 Sri. Amaresh Girijali and PW-2 Sri. Veerabhadrappa Kambar, it can be seen that,* PW-1 being the complainant and PW-2 being the Investigation Officer, have fully supported the case of disciplinary authority.
35. *It is significant to note that* nothing worth mentioning points are elicited from the evidence of PW-1 & 2 by the learned defense assistant appearing for Delinquent Government Official. *As such,* the depositions of PW-1 & PW-2 are worthy of acceptance, believable and reliable against DGO.

36. *It is relevant to note that* the depositions of Pw-1 & 2 are consistent, corroborative and same are strengthened and fortified by the relevant documents i.e. Ex P -1 to 8.
37. I don't find any substance and considerable force in the line of argument/contention/s taken by the learned defense assistant appearing for DGO in the *Written Brief* and in my considered opinion, those are devoid of merits and unacceptable. *Moreover*, on bare reading of Ex. D-1 to D-7 relied by DGO, nothing worth mentioning aspects are forthcoming in favour of DGO to hold that she has not committed misconduct. *Further*, the evidence of DGO/DW-1 is nothing, but, mere denial of case of disciplinary authority and she is highly interested to disbelieve her version and she also gave clear admissions.
38. *It is pertinent to note that, Moreso*, DGO herself has categorically admitted as *true that*, she became CDPO of Sindhanoor from 01.06.2013 and she is supervising authority and used to send reports to the concerned superior officers and under NRDWP scheme, government had provided water supply to all Anganawadi Centers and they used to visit and inspect whether the scheme of the Government is implemented or not and she has not sent report in respect of non-availability of drinking water, to some of the Anganawadi centers.

39. *It is worthwhile to note that, above all, DW-1 has also vividly admitted as true that, she was not having any documents in respect of NRDWP scheme. So, above aspects indicate that, the DGO herself has clearly admitted most of the factual aspect covered in the charge against her, showing that DGO has committed dereliction of duty amounting to misconduct.*
40. *On careful analysis and appreciation of oral and documentary evidence placed on record, it is manifestly clear that the depositions of PW-1 & 2 are fully corroborated and consistent with relevant exhibits/documents and the same are inspiring confidence of this enquiry authority to rely and to act upon against DGO and there is nothing brought on record to disbelieve the same. In my considered view, the case of Disciplinary Authority is acceptable.*
41. *For the reasons stated above and observations made in the light of depositions of PW-1 and PW-2 and relevant documents and relevant provisions of law and under the given set of facts and circumstances of this enquiry, I have arrived at inevitable conclusion to hold that, the Disciplinary Authority through its Presenting Officer is **successful** in proving the charge framed and leveled against DGO up to the standard of preponderance of probabilities and to the satisfaction of this enquiry authority, to record my finding in the affirmative as proved.*



42. **POINT NO.2** : *In view of my finding on point No. 1, for foregoing reasons and discussions, I proceed to submit the enquiry report as under :*

**: ENQUIRY - REPORT :**

- i. *From the oral and documentary evidence and materials placed on record, I hold and record my finding that the Delinquent Government Official Smt. **Yogitha Bai**, C.D.P.O, Sindhanur Taluk, Raichur District, has *failed* to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government servant and she is *found guilty* of misconduct under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*
- ii. *Accordingly, I hold and record my finding on the charge i.e. para 5(2) leveled by the disciplinary authority against Delinquent Government Official as **Proved**.*

iii Hence, this Enquiry Report is submitted/placed before Hon'ble Upalokayukta-1 for kind *consideration*.

Dated 7<sup>th</sup> December 2018.

(Master RKGMM Maha Swamiji)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore.

Date : 07.12.2018  
Place : Bangalore.

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

- PW-1 :- Sri. Amaresh Girijali (Complainant)  
PW-2 :- Sri. Veerabhadrappe Kumbar (Superintendent of Police, Lokayukta, Raichur & Investigation Officer)

**II. LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DISCIPLINARY AUTHORITY :**

- Ex.P-1 : Complaint  
Ex.P-2 : Form No. I (complaint) dated 25.02.2015  
Ex.P-3 : Form No. II (Affidavit) dated 24.02.2015  
Ex.P-4 : Copy of the Progress Report (5 sheets)  
Ex P-5 : Copy of expenditure statement (3 sheets)  
Ex P-6 : Copy of action plan (2 sheets)  
Ex P-7 : Investigation Report of I.O/PW-2 dated 24.05.2016  
Ex. P-8 : The copy of statement of DGO dated 24.05.2016

**III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGO/DEFENSE**

- DW-1 : Smt. Yogitha Bai (CDPO/DGO)

**IV LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DGO/DEFENSE:**

- Ex. D-1 : Notarized copy of CTC dated 9.7.2012.  
Ex. D-2 : Notarized copy of Joining letter  
Ex. D-3 : Notarized copy of meeting proceedings dated 27.12.2013.  
Ex. D-4 : Notarized copy of Block meeting dated 13.01.2015.

- Ex. D-5 : Notarized copy of weekly meeting proceedings dated 24.08.2015.  
Ex. D-6 : Notarized copies of statements of Anganawadi Workers.  
Ex. D-7 : Notarized copies of declaration letters.

(Master RKGMM Mahaswamiji)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore.

Date : **07**.12.2018  
Place : Bangalore.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/308/2017/ARE-10

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 11/12/2018

RECOMMENDATION

Sub:- Departmental inquiry against Smt. Yogitha Bai,  
Child Development Project Officer, Sindhanur  
Taluk, Raichur District – Reg.

Ref:-1) Government Order No. ಮಮಇ 377 ಎಸ್‌ಜೆಡಿ 2016  
Bengaluru dated 15/02/2017.

2) Nomination order No.UPLOK-1/DE/308/2017  
Bengaluru dated 23/02/2017 of  
Upalokayukta-1, State of Karnataka,  
Bengaluru.

3) Inquiry Report dated 07/12/2018 of Additional  
Registrar of Enquiries-10, Karnataka  
Lokayukta, Bengaluru

The Government by its Order dated 15/02/2017, initiated the disciplinary proceedings against Smt. Yogitha Bai, Child Development Project Officer, Sindhanur Taluk, Raichur 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/308/2017 dated 23/02/2017 nominated Additional Registrar of Enquiries-10, 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.

3. The DGO Smt. Yogitha Bai, Child Development Project Officer, Sindhanur Taluk, Raichur District was tried for the following charge:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಯೋಗಿತಾಬಾಯಿ, ಸಿ.ಡಿ.ಪಿ.ಓ., ಸಿಂಧನೂರು, ರಾಯಚೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು;

ಮೇಲ್ಕಂಡಂತೆ ತಮ್ಮ ಇಲಾಖೆಗೆ ಸಂಬಂಧಿಸಿದಂತಹ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಗಳಲ್ಲಿ ಸರಕಾರದ ಎನ್.ಆರ್.ಡಿ.ಡಬ್ಲ್ಯೂ.ಪಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸರಬರಾಜು ಕಾಮಗಾರಿಗಳನ್ನು ಮಾಡಿದ್ದರೂ, ನೀವು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಇಟ್ಟುಕೊಂಡಿರುವುದಿಲ್ಲ ಮತ್ತು ಸದರಿ ಕೇಂದ್ರಗಳಿಗೆ ಭೇಟಿ ನೀಡಿದಾಗ, ಈ ಯೋಜನೆಯ ಉದ್ದೇಶ ಪೂರ್ತಿಗೊಳ್ಳದೇ, ಸರಕಾರದ ಹಣ ವ್ಯರ್ಥವಾಗಿದ್ದು, ಮಕ್ಕಳಿಗೆ ಕುಡಿಯುವ ನೀರು ಸರಬರಾಜು ಆಗದೇ ಇದ್ದರೂ, ಈ ಬಗ್ಗೆ ಯಾರಿಗೂ ವರದಿ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ಹೀಗಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

ಆದಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ”.

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against DGO Smt. Yogitha Bai, Child Development Project Officer, Sindhanur Taluk, Raichur 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, he is due to retire from service on 31/10/2031.

7. Having regard to the nature of charge proved against DGO Smt. Yogitha Bai, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Smt. Yogitha Bai, Child Development Project Officer, Sindhanur Taluk, Raichur District, with cumulative effect and also for deferring the promotion of DGO Smt. Yogitha Bai for a period of two years, whenever she becomes due for promotion.

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

Connected records are enclosed herewith.

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

11/12

