



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/334/2012/ARE-7

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Dated 10.08.2018

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri L. Manjunathaswamy, the then Chief Officer, Town Municipal Council, Malavalli; (2) Shri Prakasha, Junior Engineer, Town Municipal Council, Malavalli; and (3) Shri Shivalingaiah, Second Division Assistant, Town Municipal Council, Malavalli - reg.

Ref:- (1) Government Order No. UDD 67 DMK 2012 dated 16.08.2012.

(2) Nomination order No. LOK/INQ/14-A/334/2012 dated 23.08.2012 of Upalokayukta, State of Karnataka.

(3) Inquiry report dated 08.08.2018 of the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 16.08.2012, initiated the disciplinary proceedings against (1) Shri L. Manjunathaswamy, the then Chief Officer, Town Municipal Council, Malavalli; (2) Shri Prakasha, Junior Engineer, Town Municipal Council, Malavalli; and (3) Shri Shivalingaiah, Second Division Assistant, Town Municipal Council, Malavalli [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 to 3' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/334/2012 dated 23.08.2012, nominated Additional Registrar of Enquiries-4, 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. Subsequently, by order dated 01.03.2014, the Additional Registrar of Enquiries-6, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGOs 1 to 3. Again, by Order No. UPLOK-2/DE/2016 dated 03.08.2016, the Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGOs 1 to 3. Finally, 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 3.

3. The DGO1 - Shri L. Manjunathaswamy, the then Chief Officer; DGO2 - Shri Prakasha, Junior Engineer, Town Municipal Council; and DGO3 - Shri Shivalingaiah, Second Division Assistant, Town Municipal Council, Malavalli were tried for the following charge:-

“That, you DGO-1 Shri L. Manjunathaswamy, you DGO2 - Shri Prakasha and you DGO3 - Shri Shivalingaiah while working as Chief Officer, Junior Engineer and Second Division Assistant respectively at

1334/12

Town Municipal Council of Malavalli, Mandya District, the complainant by name Shri A.D. Nagaraj was transferred from Town Municipal Council of Malavalli to Mysuru City Corporation and relieved from duty at Malavalli on 20.07.2010 and for the period from 01.07.2010 to 20.07.2010, his salary bill was not prepared and not paid and further Last Pay Certificate and Service Register had not been sent in spite of several requests and on 16.12.2010, you the DGO No.1 took the bribe of Rs.25,000/-, you the DGO No.2 took the bribe of Rs.5,000/- from the complainant through you the DGO No.3 to show official favour and failed to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a Government Servant and thereby you have committed misconduct as enumerated u/R 3(1)(i) to (iii) of Karnataka Civil Service (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 charge against DGO1 - Shri L. Manjunathaswamy, the then Chief Officer, Town Municipal Council, Malavalli; and DGO2 - Shri Prakasha, Junior Engineer, Town Municipal Council, Malavalli. As regards DGO3 - Shri Shivalingaiah, Second Division Assistant, Town Municipal Council, Malavalli, the disciplinary inquiry stood 'abated' due to his death.


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 & 2 furnished by the Inquiry Officer, DGO1 - Shri L. Manjunathaswamy is due for retirement on 30.04.2027 and DGO2 - Shri Prakasha is due for retirement on 31.12.2026.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against (DGO1 - Shri L. Manjunathaswamy, the then Chief Officer, Town Municipal Council, Malavalli; and DGO2 - Shri Prakasha, Junior Engineer, Town Municipal Council, Malavalli, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO1 - Shri L. Manjunathaswamy and DGO2 - Shri Prakasha '.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 