

KARNATAKA LOKAYUKTA

NO:LOK/ARE-9/14-A/ENQ- 342/2013

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 21-11-2016

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against
Sri. H P Nagaraj KAS(Jr.Dvn) the then
Tahsildar, Ranebennur Taluk, Haveri -reg.,

Ref: 1) Government Order No. DPAR 19 KEV 2013
dated 29/07/2013
2) Nomination Order No: LOK/INQ/14-A/342/2013
Dated: 26/08/2013 of Hon'ble Upalokayukta-1,
Bangalore.

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This Departmental Enquiry is initiated against Sri.
H P Nagaraj KAS(Jr.Dvn) the then Tahsildar, Ranebennur Taluk,
Haveri (hereinafter referred to as the "Delinquent Government
Official" in short "DGO).

2. In view of the Government Order cited above at reference No.1,
Hon'ble Upalokayukta-I vide order dt: 26-8-2013 cited at reference
No.2 has nominated Additional Registrar of Enquiries-4 of Lokayukta
as Enquiry Officer to frame charges and to conduct the enquiry
against the aforesaid DGO. Addl. Registrar of Enquiries-4 has
prepared Articles of charges, statement of imputation of misconduct,
list of witnesses proposed to be examined in support of the charges
and list of documents proposed to be relied on in support of the
charges. The copies of the same were issued to DGO calling upon him
to appear before the Enquiry officer and to submit his written
statement of defence.

Later vide Order No. LOK/INQ/14-A/2014 dt: 14-3-2014 of Hon'ble Upalokayukta-1 this file has been transferred to ARE-5.

3. Later vide Order No. UPLOK-1/DE/2016 dt: 3-8-2016 of Hon'ble Upalokayukta-1 this file has been transferred to ARE-9.

4. The Article of charges framed by the ARE-4 against the DGO is as under:

ANNEXURE NO.I
CHARGE

That you DGOs Sri. H P Nagaraj, KAS (Jr.Dvn) the then Tahsildar, Ranebennur Taluk, Haveri District during the year 2007, suomoto illegally granted patta Government Land preserved for grazing of village cattle in sy. No. 27 of Nukapur village of Ranebennur Taluk, to an extent of 5.15 acres in favour of Smt. Rudravva w/o Umaleppa Lamani 3.03 acres in f/o Sri Babanna S/o Kallappa Waddar and 5.15 acres in /o smt. Deviravva w/o Erappa Lamani by issuing grant certificate under pretext of regularization of unauthorized cultivation without their application or any report either by the RI or by the Dy.Tahsildar and without any proceedings or order for grant of said land. Thereafter, you DGO have cancelled the said grants by order no. LGL/CR-1604/77-78 dtd. 12-7-2006 without there being any report of RI, Dy. Tahsildar, any proceeding or order for that also. Thereby you DGO has failed to maintain absolute integrity and devotion to duty the said act of you was unbecoming of a Government Servant and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct)Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

The DGO who was the then Tahasildar has suomoto and illegally granted patta of Government land for 5.15 acres in favour of Smt.

Rudravva w/o Umaleppa Lamani 3.03 acres in f/o Sri Babanna S/o Kallappa Waddar and 5.15 acres in f/o smt. Deviravva w/o Erappa Lamani all in sy. 27 of Nukapur village in Ranebennur Taluk without there being any application or report of RI or report of the Dy. Tahsildar or proceedings or order for that. So also, later DGO had suomoto cancelled the said grants by order No. LGL/CR-1604/77-78 dtd. 12-7-2006 without their being any report of RI, Dy. Tahsildar, any proceeding or order for that also. So said the DGO has been shown as the DGO and after receipt of report, comments from the DGo were called for on that. Then the DGO filed his comments denying his liability and requested not to proceed against him for reasons given in his reply. But in view of the pre-para no.3 and material on record, his reply has not been found convincing to drop the proceedings.

Said facts supported by the material on record show that the DGO being a public/Government servant, has failed to maintain absolute integrity besides, devotion to duty and acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action. Therefore, an investigation was taken up against the DGO and an observation not was sent to him to show-cause as to why recommendation should not be made to the competent authority for initiating departmental enquiry against him in the manner. For that, the DGO gave his reply. However, the same has not been found convincing to drop the proceedings

Since the said facts and material on record prima-facie show that DGO has committed misconduct as per Rule 3(1) (ii) & (iii) of the KCS (conduct) Rules, 1966, recommendation under section 12(3) of the Karnataka Lokayukta Act, is made of the competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Hence the charge.

5. In pursuance to service of notice on DGO, he appeared before this authority on 30-11-2014 and has not filed the written statement of defence.
6. Plea of DGO has been recorded and DGO has not pleaded guilty and he claims for holding enquiry.
7. On behalf of the Disciplinary Authority, 4 witnesses are examined as PW-1- to PW-4 and got marked 12 documents as Ex.P-1 to P-12. On behalf DGO got marked 11 documents as Ex. D-1 to D-11.
8. On the closure of evidence on both the sides written briefs are submitted and heard arguments.
9. After considering the evidence on record, written brief submitted by the Presenting Officer and arguments on behalf of Disciplinary Authority findings is proved for the following:

REASONS

10. It is the specific case of the complainant Chithrappa Yerabala s/o Kollappa r/o Nookapura village, Medlari Hobli Ranebennur Tq, Haveri Dist. Against DGO- H P Nagaraj, the then Tahsildar of Ranebennur Taluk has illegally granted patta of Govt. Land bearing sy. No. 27 of Nukapura village in f/o (1) smt. Rudravva w/o Umaleppa Lamani, (2) Sri Babanna Kallappa Vaddar, (3) Smt. Deveeravva w/o Erappa Lamani and also alleged he being a Tahsildar suomoto cancelled the said grants by order no. LGL/CR-1604/77-78 dtd. 12-7-2006, without there being any report of Revenue Inspector or report of Dy. Tahsildar or Proceedings.

It is for the DA to prove and substantiate the charges that are leveled against the DGO.

11) In order to prove the charges, the complainant-Chithrappa Yerabala is examined as PW-1, who has produced the RTC for the year 2004-05 that the sy. No. 27 of Nukapura village is a Gomal land as per Ex. P-8 this fact is not in dispute. Consequently, there is an allegation that without there being any report of the RI or report of the Dy. Tahsildar or proceedings DGO has cancelled the said grants by order in no. LGL/CR-1604/77-78 dtd. 12-7-2006 which report is marked as Ex. P-4. At this stage it is relevant to read the contents of the order wherein saguvali chits were issued wrongly but basing on the regularization of Akrama-Sakrama proceedings it was noted no Saguvali chits were issued to anybody. Accordingly, he has cancelled the Saguvali chits issued to 3 persons. In order to show that there was the proceedings of the regularization committee no single paper is placed to show the decision of the Committee on the other hand, the DC Haveri has addressed a letter dtd. 24-5-2007 to the AC, Haveri, that the entire land in sy. No. 27 is unauthorizedly occupied but where are eucalyptus trees and the land is not cultivable is a Forest Department as found in the RTC for the year 2005-06 and no persons have filed any application for regularization of the land as per Ex. E-1. Prima facie shows non-filing of an application in form no. 50 & 53. Hence, directed AC, Haveri to produce the report in LND/CR-41/2007-08. When this is the state of affairs of the Revenue Department how come this DGO passing an order in cancelling Saguvali chits with reference to sy. No. 27 of Nukapur village. Even assuming that much before conducting the enquiry on the letter of DC there was no impediment for DGO to produce that there was a decision of the committee.

12) Hence, DGO himself has defended himself without any legal assistance, thus he has not opened his eye towards this fact in dispute. When this question arises there could not have been any decision in cancellation of Saguvali Chits issued to three saguvalidars. On the contrary PW-1 has deposed about the issuance of the Saguvali chits to an extent of 5 acres 15 guntas to Rudravva, 3 acres to Babanna and 5.15 gunats to Deveeravva was granted in regularizing their applications which is filed in form no. 77. The very allegations show that there is no basis for DGO to pass an order to his own whims and fancies, which is illegal and arbitrary.

13) Further PW-1 has deposed consequent to the order as per Ex. P-4 the names of the grantees for the year 2006-07, RTCs are entered as per Ex. P5 to P9 and the mutations are also got entered in the name of grantees as per Ex. D1 to D4 and mutation register extract D11 and orders passed is Ex. 10. The entries made in the revenue records show the operation/execution of the orders.

14) The Scrutiny officer, K.T Seetharam is examined as PW-2. He has unequivocally stated soon after the receipt of complaint marked as Ex. P1 to 3 the signatures of PW-1 areas per Ex. P1(a) to 3(a) he has addressed a letter to AC, Haveri to enquire the allegations of the complaint and to submit report (Ex. P-9). The AC has entrusted the work to the PW-4, Tahsildar, Maheshbabu to conduct an enquiry and to submit report wherein he has stated that the orders (Ex.P4) passed by the DGO so also the grant of the land in total extent 37.3 acre in Sy. No. 27.

15) Accordingly, he submitted report to the AC, Haveri. He has presently sated that the submission of the report to the PW-2, Seetharam. Further, the comments that are filed by the DGO is marked as per Ex. D-6 so also received the comments of N B Honppanaver is marked as Ex. D-7.

16) In view of receiving the comments of Honnappanavar, DGO has cross examined him that, he has made the investigation with regard to the complaint of P. Kottreshappa but not on the complaint of Chithrappa yerabala. Here assuming for a moment though complainants are different but the allegations against the DGO are one and the same.

17) Thus in the event of these circumstances of the case the evidence of the PW-1 corroborates to the evidence of PW-2 to 4 together with the Ex. P1 to P12 and D1 to D11.

18) The Disciplinary Authority has successfully proved the charges that are leveled against the DGO.

19) Hence, this report is submitted to Hon'ble Upalokayukta-1 for further action.

L. Vijayalakshmidis / 22/11/2015.
(L. Vijayalakshmidis)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bangalore.

List of witness examined on behalf of Disciplinary Authority.

1. PW-1 Sri. Chithrappa Yarbala, Nukapura village, Ranibennur Tq.
2. PW-2 Sri Seetharam, Rtd. PP, Bangalore
3. PW-3 Smt. K Leelavathi, CEO, Ayush, Bangalore
4. PW-4 Sri. Mahesh Babu, SLAO, National High ways, Bangalore

List of Documents marked on behalf of Disciplinary Authority.

Ex.P-1,	Complaint in Form No.1 dtd. 24-11-2007
Ex. P-2	Complaint in Form No.2 dtd. 24-11-2007
Ex. P-3	Written complaint dtd. 24-11-2017
Ex. P-4	Xerox copy of Cancellation order by the DGO dtd. 12-7-2006
Ex. P-5	Xerox copy of RTC f.y. 2006-7
Ex. P-6	Xerox copy of RTC f.y. 2006-7
Ex. P-7	Xerox copy of RTC f.y. 2006-7
Ex. P-8	Xerox copy of RTC f.y. 2004-5
Ex. P-9	Letter of PP, KLA, Bangalore dtd. 6-3-2008
Ex. P-10	Letter of AC, Haveri dtd. 24-4-2008
Ex. P-11	Letter of Tahsildar, Ranebennur, dtd. 4-4-2008
Ex. P-12	Letter of Tahsildar, Ranebennur dtd. 2-1-2008
Ex.E-1	Xerox copy of letter dtd. 24-5-2007 of DC, Haveri addressed to AC, Haveri.

List of witnesses examined on behalf of DGO.

Nil

List of documents marked on behalf of DGO

Ex. D -1	Copy of Mutation Register Extract dtd. 10-3-2016 (MR No.19/2006-07)
Ex. D -2	Copy of Mutation Register Extract dtd. 10-3-2016 (MR No.20/2006-07)
Ex. D -3	Copy of Mutation Register Extract dtd. 5-7-2008 (MR No.43/2006-7)
Ex. D -4	Copy of Mutation Register Extract dtd. 10-3-2016 (MR No.13/2006-07)
Ex. D -5	Xerox copy of Letter of PP, KLA, Bangalore dtd. 2-6-2008 addressed to DGO
Ex. D -6	Letter of DGO addressed to PW-2
Ex. D -7	Xerox copy of letter dtd. 17-7-2008 of S D Honnappanavar, Rtd. RI.
Ex. D -8	Relevant Portion mentioned at Ref. No.2 of Ex. P-10
Ex. D -9	Xerox copy of letter dtd. 4-1-2008 addressed to PW-2
Ex. D -10	Copy of RTC for the year 2005-6
Ex. D -11	Xerox copy of Mutation Register Extract dtd. 5-7-2006 (2 pages)
Ex. D -12	Xerox copies of CTC of DGO dtd 13-7-2006 & 23-4-2005

L. Vijayalakshmi Devi
(L. Vijayalakshmi Devi)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bangalore. 22/11/201

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/ARE-9/14-A/ENQ-342/2013

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 02/12/2016

RECOMMENDATION

Sub:- Departmental inquiry against Sri H.P. Nagaraj, KAS
(Junior Scale) Officer, the then Tahsildar, Ranebennur
Taluk, Haveri District – Reg.

Ref:- 1) Government order No.ಸಿಆಸುಇ 19 ಕೆಇವಿ 2013, Bengaluru,
dated 29/7/2013

2) Nomination order No.LOK/INQ/14-A/342/2013,
Bengaluru, Dated 26/8/2013 of Hon'ble
Upalokayukta-1, State of Karnataka, Bengaluru

The Government by its Order dated 29/7/2013, initiated the disciplinary proceedings against Sri H.P. Nagaraj, KAS (Junior Scale) Officer, the then Tahsildar, Ranebennur Taluk, Haveri 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.LOK/INQ/14-A/342/2013, Bengaluru dated 26/8/2013, nominated Additional Registrar of Enquiries-4, 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 him. Subsequently, by Order No. LOK/INQ/14-A/2014 dated 14/3/2014 this inquiry was transferred to Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru. Again by Order No. UPLOK-1/DE/2016,

Bengaluru dated 3/8/2016, this inquiry was transferred to Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

3. DGO was tried for the following charges:

“That you DGO Sri H.P. Nagaraj, KAS (Jr. Dvn), the then Tahsildar, Ranebennur Taluk, Haveri District during the year 2007, suomoto illegally granted patta Government Land preserved for grazing of village cattle in Sy. No. 27 of Nukapur Village of Ranebennur Taluk, to an extent of 5.15 acres in favour of Smt. Rudravva W/o. Umaleppa Lamani, 3.03.acres in f/o Sri Babanna S/o. Kallapa Waddar and 5.15 acres in f/o Smt. Deviravva W/o. Erappa Lamani by issuing grant certificate under pretext of regularization of unauthorized cultivation without their application or any report either by the RI or by the Dy. Tahsildar and without any proceedings or order for grant of said land and you DGO have cancelled the said grants by Order No. LGL/CR-1604/77-78 without there being any report of RI, Deputy Tahsildar, any proceeding or order for that also. Thereby, you DGO has failed to maintain absolute integrity and devotion to duty, the said act of you was unbecoming of a Government Servant and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against DGO.

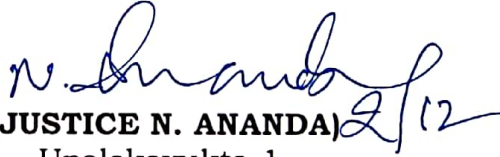
5. On re-consideration of the evidence, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO, the DGO retired from service on 31/8/2015 (during pendency of inquiry).

7. Having regard to the nature of charges proved against DGO Sri H.P. Nagaraj, it is hereby recommended to the Government impose penalty of permanently withholding 10% of pension payable to DGO Sri H.P. Nagaraj.

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.