

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NO: LOK/INQ/14-A/348/2014/ARE-11

ENQUIRY REPORT Dated: 31/05/2017

Enquiry Officer: V.G.Bopaiah
Additional Registrar
Enquiries-11
Karnataka Lokayukta
Bengaluru.

Delinquent Government Official: Sri S.A.Saragi,
Discharged duties as Surveyor in the office of the Tahasildar, Hubli, Dharwad District in the year 2012.
Due for retirement on 31-07-2022.

REPORT

During the year 2012 Delinquent Government Official (in short "DGO") by name S.A.Saragi was working as Surveyor in the office of Tahasildar, Hubli, Dharwad District. Complaint in FORM NO.I dated 04/01/2013 of the complainant by name Gururaj Madhwacharya Gudi against one Shanthagiri the then Tahasildar attached to the office of the Assistant Commissioner, Dharwad, DGO and Ugaragol, the then Supervisor in the office of Tahasildar, Hubli attached to survey section came to be numbered in Compt/Uplok/BGM/22/2013/ARLO-1.

- 2) According to the complainant, he purchased an extent of 8 guntas of land bearing survey number 98/05/P1 situated at Krishnapura within the limits of Hubli city. Property totally measuring 9 guntas and 14.25 annas has been acquired by the Government in survey number 98/05 which includes hissa numbers 98/05/P3, 98/05/P1 and 98/05/P2. Since dispute arose touching the extent of land acquired in particular hissa numbers of survey number 98/05 the Assistant Commissioner, Dharwad by his letter

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dated 13/08/2012 directed the Tahasildar, Hubli to conduct survey of the property in the presence of land owners and to ascertain an extent of 9 guntas and 14.25 annas acquired in hissa numbers of survey number 98/05. According to the complainant, the DGO, without giving notice to the complainant as well as another interested person measured the property on 03/09/2012 and submitted report which was forwarded to the Assistant Commissioner, Dharwad by the Tahasildar, Hubli. Afterwards, when re-survey was ordered by the Assistant Commissioner, Dharwad DGO and the then Survey Supervisor C.B.Ugargol avoided to conduct survey and therefore task of survey was entrusted to another surveyor by name K.K.Nayakwadi.

- 3) Hon'ble Upalokayukta-1, Karnataka Lokayukta, in exercise of powers conferred upon under section 9 of the Karnataka Lokayukta Act, 1984 conducted investigation. Investigation it prima facie disclosed that without causing notice either to the complainant or to the person interested in that land the DGO conducted survey in gross violation of specific direction of the Assistant Commissioner, Dharwad which attracted misconduct within the meaning of Rule 3(1)(ii) & (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, the Hon'ble Upalokayukta-1 recommended the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust inquiry to the Hon'ble Upalokayukta-1, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
- 4) Subsequent to the report dated 27/03/2014 under section 12(3) of the Karnataka Lokayukta Act, 1984, Government Order number ಕಂಇ 48 ಭೂದಾಸೇ(3) 2014, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 29-05-2014 has been ordered by the Under Secretary to the Government of Karnataka, Departement of Revenue

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(Survey and Settlement)(in-charge) and entrusting the enquiry to the Hon'ble Upalokayukta, Karnataka. As on the date of the said Government Order DGO was working as surveyor attached to the office of Tahasildar, Shiggaon, Haveri District. Subsequent to the Government Order, Order number LOK/INQ/14-A/348/2014 BENGALURU dated 11/06/2014 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer, to frame charges and to conduct departmental inquiry against the DGO.

- 5) Articles of charge dated 28/08/2014 framed by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru which includes charge at Annexure-I and statement of imputation of misconduct at Annexure-II reads:

“ ANNEXURE-I

CHARGE :

That you DGO Sri.S.A.Saragiro, Surveyor, Tahasildar Office, Shiggaon, Haveri District while discharging your duties:

(a) 9 guntas 14.25 annas of land has been acquired in Sy. No. 98/5, in which there are 3 hissass as Sy. No. 98/5/P1, 98/5/P3. As there was dispute regarding the extent of the land acquired in particular hissa number, the Assistant Commissioner, Dharwad has directed the Tahsildar by his letter dated: 13/08/2012 to conduct survey of the properties in the presence of the land owners. As such, by his memo dated: 14/08/2012, the Tahsildar directed you DGO to conduct survey and to submit PT sheet and report.

(b) But you DGO has surveyed property, prepared PT sheet and submitted the same to the Tahsildar, who, in turn sent the same to the Assistant Commissioner on 31/10/2012.


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- (c) You DGO in your objections, has stated that you has taken action on 03/09/2012, but you has not stated about notice, if any, given to the land owners before conducting survey on 03/09/2012 or about their presence and, your reply does not give any details of procedure followed by you DGO at the time of and for survey of the property.
- (d) In the letter dated: 06/11/2012 to the Tahsildar, the Assistant Commissioner has mentioned that, one Sri.Suresh Shejwadkar submitted that you DGO has not surveyed the property in the presence of the land owners. Hence, the Assistant Commissioner has sent back the report dated: 31/10/2012 of the Tahsildar. Again survey was fixed on 26/12/2012 and notice was issued to all the parties.
- (e) The letter dated: 06/11/2012 of the Assistant Commissioner to the Tahsildar ordering re-survey of the property shows that you DGO has conducted survey in the absence of the land owners and without causing any notice to them and submitted the report, which was clearly in violation of specific direction of the Assistant Commissioner and survey guidelines.

and thereby you DGO failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct)Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Sri.Gururaj Madhwacharya Gudi C/o Vasanth H Gudi R/o Flat No. 2A, 2nd floor, No. 20/2 of Anand Villa apartments at Tata Silk Farm, 1st main road in Basavangudi at Bangalore (hereinafter referred to as 'Complainant')

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against Sri.S.A.Saragi, Surveyor, Tahasildar Office, Shiggaon, Haveri District alleging that the DGO, being a public/Government servants, has committed misconduct.

2. According to the complainant: He is the owner of 8 guntas of land in Sy. No. 98/5/P1 by virtue of the sale deed dated: 03/11/1966. The property totally measuring 9 guntas and 14.25 annas has been acquired by the Government in Sy. No. 98/5 which includes hissa No. 98/5/P1 and 98/5/P2. As there was dispute with regard to the extent of land acquired in particular hissa numbers of Sy. No. 98/5, the Assistant Commissioner, Dharwad, by his letter dated: 13/08/2012, directed Tahsildar of Hubli to survey the property in the presence of the land owners and to ascertain 9 guntas 14.25 annas acquired in particular hissa numbers of Sy. No. 98/5. But, without giving notice to him (complainant) and another interested person, the DGO has measured the property on 03/09/2012 and submitted report, which was forwarded to the Assistant Commissioner by the Tahsildar. Thereafter, when re-survey was ordered by the Assistant Commissioner, DGO avoided surveying the property. So, survey work was entrusted to another surveyor by name Sri.K.K.Nayakwadi. Further, inspite of submissions of the records and false promise given by DGO, Sri.Shantigeri-then Tahsildar in the office of the Assistant Commissioner at Dharwad has not released the compensation amount.
3. DGO filed his comments contending that, as per the order of the Tahsildar, he has visited the spot and taken action on 03/09/2012 and submitted PT sheet.
4. **Consideration of the material on record shows that:**
 - (a) 9 guntas 14.25 annas of land has been acquired in Sy. No. 98/5, in which there are 3 hissass as Sy. No. 98/5/P1, 98/5/P3. As there was dispute regarding the extent of the land acquired in particular hissa number, the Assistant Commissioner, Dharwad has directed the Tahsildar by his letter dated: 13/08/2012 to conduct survey of the properties in the presence of the land owners. As such, by his memo

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dated: 14/08/2012, the Tahsildar directed DGO to conduct survey and to submit PT sheet and report.

- (b) But DGO has surveyed property, prepared PT sheet and submitted the same to the Tahsildar, who, in turn sent the same to the Assistant Commissioner on 31/10/2012.*
- (c) DGO in his objections, has stated that he has taken action on 03/09/2012, but he has not stated about notice, if any, given to the land owners before conducting survey on 03/09/2012 or about their presence and, his reply does not give any details of procedure followed by him at the time of and for survey of the property.*
- (d) In the letter dated: 06/11/2012 to the Tahsildar, the Assistant Commissioner has mentioned that, one Sri.Suresh Shejwadkar submitted that DGO has not surveyed the property in the presence of the land owners. Hence, the Assistant Commissioner has sent back the report dated: 31/10/2012 of the Tahsildar. Again survey was fixed on 26/12/2012 and notice was issued to all the parties.*
- (e) The letter dated: 06/11/2012 of the Assistant Commissioner to the Tahsildar ordering re-survey of the property shows that DGO has conducted survey in the absence of the land owners and without causing any notice to them and submitted the report, which was clearly in violation of specific direction of the Assistant Commissioner and survey guidelines.*
- 5. In view of the facts stated above and the material on record, reply of the DGO has not been found satisfactory to drop the proceedings.*
- 6. The facts supported by the material on record prima facie show that the DGO being a public / Government servant, has failed to maintain absolute devotion to duty and also acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.*

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7. *Since the said facts and material on record prima-face 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 to 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.*
8. *The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge."*
- 6) In response to service of articles of charge the DGO entered appearance before this authority and filed written statement dated 25/02/2015 in which he has denied the alleged charge levelled against him. It is contended by him that he discharged duties as ordered by his higher officers along with the surveyor by name Kandagoli and the Survey Supervisor by name C.B.Ugaragol.
- 7) The disciplinary authority, in support of the levelled charge as examined the complainant as PW 1, Jayashree Simpri as PW 2 and Suresh Itnala as PW 3. During evidence of the complainant attested copy of the order number LAQ/SR/H/BA/2005-06 dated 13/08/2002 of the Assistant Commissioner, Dharwad in a single sheet is marked as per Ex P1, attested copy of the order dated 14/08/2012 of Tahasildar, Hubli in a single sheet directing the DGO to conduct survey is marked as per Ex P2, xerox copy of the order number LAQ/SR/H/13A/2005-06 dated 06/11/2012 of the Assistant Commissioner, Dharwad in a single sheet which contains seal of the office of the Tahasildar, Hubli is marked as per Ex P3, original


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complaint dated 04/01/2013 of the complainant consisting of 9 sheets is marked as per Ex P4, signature of the complainant found on Ex P4 is marked as per Ex P4(a), original complaint in FORM NO.I dated 04/01/2013 in a single sheet of the complainant is marked as per Ex P5, original affidavit in FORM NO.II dated 29/12/2012 of the complainant in a single sheet enclosed to Ex P5 is marked as per Ex P6. During evidence of PW 2 recorded by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru attested copy of letter dated 10/10/2012 of PW 2 in a single sheet is marked as per Ex P5(for convenience Ex P5 will be hereinafter referred to as per Ex P5(a)), xerox copy of "P T Sheet" in a single sheet is marked by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta as per Ex P6(for convenience Ex P6 will be hereinafter referred to as per Ex P6(a)), xerox copy of report dated 06/09/2012 of DGO in a single sheet submitted to the Tahasildar, Hubli is marked as per Ex P7. During evidence of PW 3 original letter dated 13/02/2013 in two sheets of Tahasildar, Hubli addressed to the Assistant Commissioner, Dharwad is marked as per Ex P8, one attested copy of letter number LAQ/SR/H/13A/2005-06 dated 06/11/2012 of the Assistant Commissioner, Dharwad is marked as per Ex P9. Thereafter, on the day scheduled for second oral statement of DGO, DGO remained absent and therefore, second oral statement of DGO could not be recorded. Incriminating circumstances which appeared in the evidence of PWs 1 to 3 are put to DGO on 25/03/2017 by way of questionnaire. He admits question numbers 1 to 3, 8 to 10 and 12. As against question numbers 5 and 6 it is his version that he has not conducted survey and that task of survey was entrusted to somebody else. He admits lodging of complaint at Exs P4 and P5. As against question numbers 11,14 and 15 he contends that he caused notice.

- 8) In the course of written argument it is mainly contended by the Presenting Officer that evidence of PWs 1 to 3 coupled with documentary evidence establishes the charge. In the course of written argument filed by DGO it is contended mainly that charge


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is baseless and that evidence on record does not establish the charge. Decision in Government of Andhra Pradesh V/S A.Venkata Raidu reported in (2007) Supreme Court Cases (L & S) 254, decision in Vijay Singh V/S State of Uttar Pradesh and others reported in (2012) Supreme Court Cases 242, decision in Prem Nath Bali V/S Registrar, High Court of Delhi and another-2015 SCC OnLine SC 1329, decision in Sri. Subhindra A Gumaste and two others V/S The State of Karnataka and three others in Writ Petition numbers 25078-80/2016(GM-KLA) dispose off on 15/07/2016 by the Hon'ble High Court of Karnataka are relied upon on behalf of DGO.

- 9) Subsequent to the order dated 13/08/2012 of the Assistant Commissioner, Dharwad the attested copy of which is at Ex P1 and subsequent to the order dated 14/08/2012 of the Tahasildar, Hubli the copy of which is at Ex P2, whether DGO conducted survey of Land bearing survey number 98/05/P3, 98/05/P1, 98/05 measuring 9 guntas and 14.25 annas without causing notice either to the complainant or to the person interested in that property and thereby DGO is guilty of misconduct within the scope and ambit of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is the sole point which arises for consideration in tune with charge at Annexure-I of the articles of charge.
- 10) Evidence of the complainant that an extent of 8 acres of land in survey number 98/05/P1 at Krishnapura of Hubli city was acquired by Airport Authority and compensation of Rs.38 lakhs has been ordered has not been assailed during his cross examination and therefore that portion of his evidence needs acceptance. His evidence that thereafter he approached the DGO who then was working as Tahasildar, Hubli is also not under challenge. He has referred to Exs P1 to P6. These documents are not under challenge.


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- 11) It is in paragraph 4 of the evidence of the complainant that notice was not issued to him by the DGO. Suggestion made to him during cross examination that notice has been served has been denied. Nothing is made available by DGO to establish that earlier to conducting survey after the order at Exs P1 and P2 prior notice was issued to the complainant. Thus, upon appreciation of the evidence of the complainant it stands established that without issuing notice either to the complainant or to the concerned interested person the DGO conducted survey of the above land on 03/09/2012.
- 12) Evidence of PW-2 that on the basis of the order the copy of which is at Ex P1 she has ordered the DGO with the help of the order copy of which is at Ex P2 is not under challenge. Her evidence that nothing is mentioned in the report by the DGO that presence of complainant at the time of conducting survey is not specifically assailed during her cross examination. Her evidence that nothing was found in the records about service of notice is also not seriously assailed during her cross examination. It is in her evidence that again one more surveyor by name Nayakwadi was ordered to conduct survey. She has referred to Ex P7. It is brought out during her cross examination that nothing was found in the records that notice was caused by DGO. She pleads inability to state that the owners of the above land are orally informed by DGO. Her evidence when appreciated establishes that notice was not caused by the DGO before conducting survey on 03/09/2012.
- 13) Evidence of PW 3 that at the relevant point of time DGO was working as Surveyor attached to the office of Tahasildar, Hubli is not under challenge. Though it is in the evidence of PW 3 that there is mention in Ex P7 that the concerned advocates and khatha holders are informed, nothing worthy in writing is found that prior notice was issued. It is in the evidence of PW 3 that subsequent to his order dated 06/11/2012 the copy of which is at Ex P9 the task of survey was entrusted to the surveyor by name

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K.K.Nayakwadi is not under challenge. It is in his evidence that on 14/08/2012 task of survey was entrusted to DGO by the Tahasildar, Hubli. This portion of his evidence is not under challenge. His evidence that since DGO had not issued prior notice to the owners of the concerned land before conducting survey the task of survey was entrusted to another surveyor by name K.K.Nayakwadi is not under challenge. Thus, his evidence established that DGO had not caused notice either to the complainant or to the person interested before conducting survey on 03/09/2012.

14) In the decision reported in (2007)I Supreme Court Cases (L & S) 254 law is laid down by the Hon'ble Supreme Court that charge should not be vague. In the case on hand charge is specific and therefore law laid down in the above decision will not lend support to the defence. In the decision reported in (2012) 5 Supreme Court Cases 242 law laid down that statutory rules will have to be followed before imposing punishment. What amounts to misconduct is also enumerated in the above decision. The acts and omissions of DGO in the case on hand amounts to misconduct and therefore law laid down in the above decision also will not render any assistance to the DGO. Law touching early disposal of departmental enquiries, keeping the Delinquent Government official under suspension and quantum of punishment are laid down in the decision in 2015 SCC OnLine SC 1329. Law laid down in the said decision, in my view, is not applicable to the case on hand. Law governing section 8 (1) of The Karnataka Lokayukta Act, 1984 is laid down in Writ Petition numbers 25078-80/2016(GM-KLA). Allegations levelled in the complaint are not in the nature of getting redressed before any other forum and therefore law laid down in the above Writ Petitions is of no assistance to the defence.

15) Thus, upon appreciation of the entire oral and documentary evidence on record I hold that DGO is guilty of misconduct as

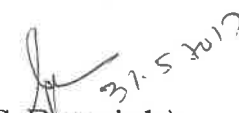
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alleged in the articles of charge at Annexure-I and accordingly, I proceed with the following:

REPORT

Charge against the DGO that subsequent to the order dated 13/08/2012 of the Assistant Commissioner, Dharwad and subsequent to the order dated 14/08/2012 of the Tahasildar, Hubli DGO conducted survey of Land bearing survey number 98/05/P3, 98/05/P1, 98/05 measuring 9 guntas and 14.25 annas at Krishnapura within the limits of Hubli city without causing notice either to the complainant or to the person interested in that property and thereby DGO is guilty of misconduct within the scope and ambit of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Submit this report to the Hon'ble Upalokayukta-1 in a sealed cover forthwith along with the connected records.


(V.G. Bopaiah)
Additional Registrar, Enquiries-11
Karnataka Lokayukta, Bengaluru.

ANNEXURE

List of witnesses examined on behalf of Disciplinary Authority:-

1. PW 1:- Gururaj Madhwacharya Gudi
2. PW 2:- Jayashree Simpri
3. PW 3:- Suresh Itnala

List of documents marked on behalf of Disciplinary Authority:-

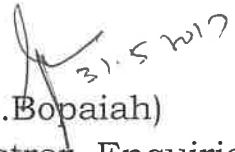
1. Ex P1:- Attested copy of the order number LAQ/SR/H/BA/2005-06 dated 13/08/2002 of the Assistant Commissioner, Dharwad in a single sheet.
2. Ex P2:- Attested copy of the order dated 14/08/2012 of Tahasildar, Hubli in a single sheet directing the DGO to conduct survey.
3. Ex P3:- Xerox copy of the order number LAQ/SR/H/13A/2005-06 dated 06/11/2012 of the Assistant Commissioner, Dharwad in a single sheet which contains seal of the office of the Tahasildar, Hubli with enclosure.
4. Ex P4:- Original complaint in FORM NO.I dated 04/01/2013 in a single sheet of the complainant.
5. Ex P4(a):- Signature of the complainant found on Ex P4.
6. Ex P5:- Original complaint in FORM NO.I dated 04/01/2013 in a single sheet of the complainant.
7. Ex P6:- Original affidavit in FORM NO.II dated 29/12/2012 of the complainant in a single sheet enclosed to Ex P5.
8. Ex P5(a):- Attested copy of letter dated 10/10/2012 of PW 2 in a single sheet as noted in para 7 of the report.
9. Ex P6(a):- Xerox copy of "P T Sheet" in a single sheet as noted in para 7 of the report.


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10. Ex P7:- Xerox copy of report dated 06/09/2012 of DGO in a single sheet submitted to the Tahasildar, Hubli.
11. Ex P8:- Original letter dated 13/02/2013 in two sheets of Tahasildar, Hubli addressed to the Assistant Commissioner, Dharwad
12. Ex P9:- Attested copy of letter number LAQ/SR/H/13A/2005-06 dated 06/11/2012 of the Assistant Commissioner, Dharwad

List of witnesses examined on behalf of DGO:- NIL

List of documents marked on behalf of DGO:- NIL


(V.G. Bopaiah)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO:LOK/INQ/14-A/348/2014/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 02/06/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri S.A. Saragi, the then Surveyor, Office of the Tahsildar, Hubballi Taluk, Dharwad District Reg.

Ref:- 1) Government Order No.ಕಂಇ 48 ಭೂದಾಸೇ (3) 2014,
Bengaluru, Dated 29/5/2014

2) Nomination order No.LOK/INQ/14-A/348/2014,
Bengaluru, dated 11/6/2014, of Hon'ble
Upalokayukta-1, State of Karnataka, Bengaluru

The Government by its Order dated 29/5/2014, initiated the disciplinary proceedings against Sri S.A. Saragi, the then Surveyor, Office of the Tahsildar, Hubballi Taluk, Dharwad 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/348/2014, Bengaluru dated 11/6/2014 nominated Additional Registrar of Enquiries-11, 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.

3. The DGO was tried for the following charge:-

“That you DGO Sri S.A. Saragi, Surveyor, Tahasildar Office, Shiggaon, Haveri District, while discharging your duties:

(a) 9 Guntas 14.25 annas of land has been acquired in Sy. No. 98/5, in which there are 3 hissass as Sy. No. 98/5/P1, 98/5/P3. As there was dispute regarding the extent of the land acquired in particular hissa number, the Assistant Commissioner, Dharwad has directed the Tahsildar by his letter dated 13/08/2012 to conduct survey of the properties in the presence of the land owners. As such, by his memo dated 14/08/2012, the Tahsildar directed you DGO to conduct survey and to submit PT sheet and report.

(b) But you DGO has surveyed property, prepared PT sheet and submitted the same to the Tahsildar, who in turn sent the same to the Assistant Commissioner on 31/10/2012.

(c) You DGO in your objections, has stated that you has taken action on 03/09/2012, but you has not stated about notice, if any, given to the land owners before conducting survey on 03/09/2012 or about their presence and, your reply does not give any details of procedure followed by you DGO at the time of and for survey of the property.

(d) In the letter dated: 06/11/2012 to the Tahsildar, the Assistant Commissioner has mentioned that, one Sri Suresh Shejwadkar submitted that you DGO has not surveyed the property in the presence

of the land owners. Hence, the Assistant Commissioner has sent back the report dated: 31/10/2012 of the Tahsildar. Again survey was fixed on 26/12/2012 and notice was issued to all the parties.

(e) The letter dated 06/11/2012 of the Assistant Commissioner to the Tahsildar ordering re-survey of the property shows that you DGO has conducted survey in the absence of the land owners and without causing any notice to them and submitted the report, which was clearly in violation of specific direction of the Assistant Commissioner and survey guidelines.

and thereby you DGO failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant 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-11) on proper appreciation of oral and documentary evidence has held that the charge against the DGO that subsequent to the order dated 13/8/2012 of the Assistant Commissioner, Dharwad and subsequent to the order dated 14/08/2012 of the Tahasildar, Hubli, DGO conducted survey of Land bearing survey number 98/05/P3, 98/05/P1, 98/05 measuring 9 guntas and 14.25 annas at Krishnapura within the limits of Hubli city without causing notice either to the complainant or to the person interested in that property and thereby DGO is guilty of misconduct within the scope

and ambit of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.

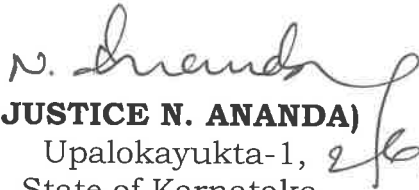
5. On re-consideration of the evidence, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/7/2022.

7. Having regard to the nature of charges proved against DGO Sri S.A. Saragi, it is hereby recommended to the Government to impose penalty of withholding 4 annual increments payable to DGO Sri S.A. Saragi with cumulative effect.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 2/6,
State of Karnataka,
Bengaluru.