

14

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No: LOK/INQ/14-A/461/2012/ARE-7

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: 23/02/2019.

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Mohammad Rafiq, Attender, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District;
- 2) Sri Ravindra, Driver, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District;
- 3) Sri Ningappa, Group 'D' Employee, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District;
- 4) Sri Bhimarayappa, Group 'D' Employee, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District - Reg.

- Ref:-1) Government Order No.ಸಿಐ 104 ಎಂಜಿಎಸ್ 2012 Bengaluru dated 31/10/2012.
- 2) Nomination order No.LOK/INQ/14-A/461/2012 Bengaluru dated 19/11/2012 of Upalokayukta-1, State of Karnataka, Bengaluru.
 - 3) Inquiry Report dated 21/02/2019 of Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 31/10/2012 initiated the disciplinary proceedings against (1) Sri Mohammad Rafiq, Attender, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District; (2) Sri Ravindra, Driver, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District; (3) Sri Ningappa, Group 'D' Employee, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi

Taluk, Dharwad District and (4) Sri Bhimarayappa, Group 'D' Employee, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District (hereinafter referred to as Delinquent Government Official's 1 to 4 for short as 'DGO-1, DGO-2, DGO-3 and DGO-4 respectively') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/461/2012 dated 19/11/2012 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 4 for the alleged charge of misconduct, said to have been committed by them. Subsequently by Order No. LOK/INQ/14A/2014 dated 14/3/2014 the Additional Registrar of Enquiries-1 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGOs 1 to 4. Again by order No. UPLOK-1/DE/2017 dated 6/7/2017, the Additional Registrar of Enquiries-7 was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGOs 1 to 4.

3. The DGO-1 Sri Mohammad Rafiq, Attender; DGO-2 Sri Ravindra, Driver; DGO-3 Sri Ningappa, Group 'D' Employee; and DGO-4 Sri Bhimarayappa, Group 'D' Employee, all of Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District were tried for the following charges:-

"You the DGO No.1 Sri. Mohammad Rafiq S/o Abdul Khaliq Sab, while working as the Attender at Devikoppa Check Post of Mines & Geology Department of Kalaghatagi Taluk of Dharwad District and while on

duty at Devikoppa Check Post on 18/11/2009 at about 05.30 a.m. you were found collecting bribe from the Drivers and Cleaners of the lorries transporting minerals and ores passing through the said check post and you were found in possession of Rs.1250/-;

You, the DGO No.2 Ravindra S/o Basavanthappa Dagindar, while working as the Driver at Devikoppa Check Post of Mines & Geology Department of Kalghatagi Taluk of Dharwad District and while on duty at Devikoppa Check post on 18/11/2009 at about 05.30 a.m. you were found collecting bribe from the drivers and cleaners of the lorries transporting minerals and ores passing through the said check post and you were found in possession of Rs.1500/-;

You the DGO No.3 Sri Ningappa S/o Bheemappa Biradar, while working as the 'D' Group Employee at Devikoppa Check Post of Mines & Geology Department of Kalghatagi Taluk of Dharwad District and while on duty at Devikoppa Check Post on 18/11/2009 at about 05.30 a.m. you were found collecting bribe from the drivers and cleaners of the lorries transporting minerals and ores passing through the said check post and you were found in possession of Rs.1810/- and

You the DGO No.4 Bheemarayappa S/o Honnappa Minchinal, while working as the 'D' Group Employee at Devikoppa Check Post of Mines & Geology Department of Kalghatagi Taluk of Dharwad District and while on duty at Devikoppa Check post on 18/11/2009 at about 05.30 a.m. you were found collecting bribe from the drivers and cleaners of the

lorries transporting minerals and ores passing through the said check post and you were found in possession of Rs.2025/-;

And an amount of Rs.24,915/- were found in different denomination of currency notes in different places of said Check Post and thus you DGO Nos.1 to 4 found in possession of in all a sum of Rs.31,500/- and that, you DGO Nos. 1 to 4 failed to give any satisfactory account or reply about possessing the said amount of Rs.31,500/- and thereby all of you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus all of you were guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (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 charges framed against DGO No.1 Sri Mohammad Rafiq, Attender; the DGO No.2 Sri Ravindra, Driver; the DGO No.3 Sri Ningappa, Group 'D' Employee; and the DGO No.4 Sri Bhimarayappa, Group 'D' Employee - Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District to the effect that on 18/11/2009 at about 5.30 a.m., the DGOs found collecting bribe from the drivers and cleaners of the lorries transporting minerals and ores passing through the Devikoppa check post and the DGO No.1 found in possession of Rs.1,250/-, the DGO No.2 found in possession of Rs.1,500/-, the DGO No.3 found in possession of Rs.1,810/- and the DGO No.4 found in possession of Rs.2,025/-. Further, Rs.24,915/- found in different denomination of currency

notes in different places of check post and the DGOs 1 to 4 have failed to give satisfactory account or reply about possessing the amount of Rs.31,500/- and thereby the DGOs have committed misconduct as enumerated under Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

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 DGOs 1 to 4:

- i) DGO-1 Sri Mohammad Rafiq has retired from service on 31/05/2017 (during the pendency of inquiry);
- ii) DGO-2 Sri Ravindra is due to retire from service on 31/08/2027;
- iii) DGO-3 Sri Ningappa is due to retire from service on 30/04/2025;
- iv) Sri Bhimarayappa is due to retire from service on 31/05/2021;

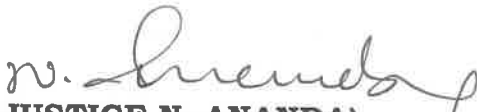
7. Having regard to the nature of charge proved against DGO-1 Sri Mohammad Rafiq; DGO-2 Sri Ravindra; DGO-3 Sri Ningappa; DGO-4 Sri Bhimarayappa;

- i) it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO-1 Sri Mohammad Rafiq, Attender, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District;

- ii) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-2 Sri Ravindra, Driver, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District;
- iii) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-3 Sri Ningappa, Group 'D' Employee, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District;
- iv) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-4 Sri Bhimarayappa, Group 'D' Employee, Mines & Geology Department, Devikoppa Checkpost, Kalaghatagi Taluk, Dharwad District.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 23/2
State of Karnataka,
Bengaluru