



KARNATAKA LOKAYUKTA

No.Lok/Enq/14-A/480/2014/ARE-11

Multi-storeyed Building,
Dr.B.R. AmbedkarVeedhi,
Bengaluru, dt.13.01.2017.RECOMMENDATION

Sub: Departmental inquiry against Sriyuths:

- 1) B.K. Basavalinganagowda, Asst. Executive Engineer, Panchayathraj Engineering Sub-division, Baindur, Udupi District;
- 2) K.V. Malathesha, Block Engineer, Baindur Gram Panchayath, Kundapur Taluk, Udupi District; and
- 3) Chandrabillava, Panchayath Development Officer, Kavradi Gram Panchayath, Kundapur Taluk, Udupi District - reg.

- Ref: 1. Govt. Order No. ಗ್ರಾಅಪ 46 ಇಎನ್‌ಕೂ 2014 dated 08.07.2014.
2. Nomination order No. Lok/INQ/14-A/480/2014 dated 27.08.2014.
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Government, by its Order dated 08.07.2014, initiated the disciplinary proceedings against Sriyuths: (1) B.K. Basavalinganagowda, Asst. Executive Engineer, Panchayathraj Engineering Sub-division, Baindur, Udupi District; (2) K.V.

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Malathesha, Block Engineer, Baindur Gram Panchayath, Kundapur Taluk, Udupi District; and 3) Chandrabillava, Panchayath Development Officer, Kavradi Gram Panchayath, Kundapur Taluk, Udupi District [hereinafter referred to as the Delinquent Government Officials 1 to 3 respectively, for short 'DGOs 1 to 3'] and entrusted the departmental inquiry to this Institution. This Institution, by nomination order dated 27.08.2014, nominated the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, to conduct the departmental inquiry against the DGOs for the alleged charge of misconduct alleged to have been committed by them.

2. The Inquiry Officer has submitted his report dated 12.01.2017 inter alia holding that, the Disciplinary Authority has 'proved' the charge of misconduct alleged against DGOs 1 to 3.

3. The charges levelled against DGOs 1 to 3 were that, while DGO1 was working as Asst. Executive Engineer, Panchayathraj Engineering Sub-division, Baindur, Udupi District; DGO2

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was working as Block Engineer, Baindur Gram Panchayath, Kundapur Taluk, Udupi District; and DGO3 was working Panchayath Development Officer, Kavradi Gram Panchayath, Kundapur Taluk, Udupi District, had without making spot inspection of the school playground for development and without making proper estimation, included the cost of development in the estimation to the tune of Rs.99,999/- and made payment of Rs.50,000/- to the contractor which did not become useful and caused loss to the exchequer of the Government. Thereby, DGOs 1 to 3 failed to maintain absolute integrity, devotion to duty and rendered themselves as unbecoming of Government servants and committed misconduct within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

4. In order to prove the charge of misconduct, Disciplinary Authority has examined PW1, the Investigating Officer, who conducted the investigation, whereas, DGOs 1 & 3 got themselves examined as DWs1 & 2 respectively.

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5. The Inquiry Officer has found that, the DGO1 being the Asst. Executive Engineer in charge of development of playground and DGOs 2 & 3 being the Block Engineer and Panchayath Development Officer respectively, without making the spot inspection of the playground, prepared the estimate and caused loss to the tune of Rs.50,000/- by making the payment to the contractor which did not become useful. Though there was no need for dumping the mud over the playground, despite that they spent the money unnecessarily which did not become fruitful and useful for the playground.

6. The Inquiry Officer, on detailed consideration, has given his finding stating that, DGOs 1 to 3 were negligent and had committed dereliction of duty in not executing the work and thereby, they are guilt of causing loss to the Government to the tune of Rs.50,000/-.

7. The Inquiry Officer has also found that, DGO2 - Shri K.V. Malathesha, Block Engineer, Baindur Gram Panchayath,

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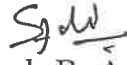
Kundapur Taluk, Udupi District, was appointed on contract basis and was not a Government servant and as such, no action could be initiated against him and accordingly, has held that DGOs 1 & 3 are responsible for the loss caused to the State's Exchequer. Accordingly, he has given his findings.

8. Hence, having regard to the findings of the Inquiry Officer, and also having regard to the nature and gravity of the misconduct alleged against DGOs 1 & 3, it is hereby recommended to the Government that, the DGO1 - *Shri B.K. Basavalinganagowda, Assistant Executive Engineer, Panchayathraj Engineering Sub-division, Baindur, Udupi District*, and DGO3 - *Shri Chandrabillava, Panchayath Development Officer, Kavradi Gram Panchayath, Kundapur Taluk, Udupi District* be punished with the penalty of '*reduction to a lower stage in the time scale, but does not bar to earn increments if any during the period of reduction to lower stage*' in exercise of powers under Rule 8(iv-a) of Karnataka Civil Service (Classification, Control, and Appeal) Rules, 1957.

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9. Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed herewith.

 13/1/17.
(Justice Subhash B. Adi)
Upalokayukta,
State of Karnataka.

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