



KARNATAKA LOKAYUKTA

No. Lok/ARE-11/Enq-484/2013

Multi-storeyed Building,  
Dr.B.R. Ambedkar Veedhi,  
Bengaluru, dt.08.10.2015.

RECOMMENDATION

Sub: Departmental Enquiry against Sriyuths:

- (1) Nagaraj D. Nayak, Junior Engineer (Special Grade), the then Asst. Executive Engineer, PWD Sub-division, Siddapura (presently working as Asst. Engineer in National Highways, Honnavara);
- (2) Aravind Kanagil, the then Executive Engineer, PWD Division, Karwar, U.K. Dist. (presently working as Superintending Engineer, National Highways Circle, Dharwad); and
- (3) Bheema Nayak, the then Asst. Engineer, PWD Sub-division, Siddapura (presently working at PWD, Sagara, Shivamogga District) - reg.

Ref: 1. Government Order No. ಲೋಇ 356 ಸೇಇವಿ 2013  
dated 26.11.2013.

2. Nomination Order No. LOK/INQ/14-A/  
484/2013 dated 07.12.2013 .

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By order dt. 26.11.2013, the Government initiated the disciplinary proceedings against Sriyuths: (1) Nagaraj D.

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Nayak, Junior Engineer (Special Grade), the then Asst. Executive Engineer, PWD Sub-division, Siddapura (presently working as Asst. Engineer in National Highways, Honnavara); (2) Aravind Kanagil, the then Executive Engineer, PWD Division, Karwar, U.K. Dist. (presently working as Superintending Engineer, National Highways Circle, Dharwad); and (3) Bheema Nayak, the then Asst. Engineer, PWD Sub-division, Siddapura (presently working at PWD, Sagara, Shivamogga District) (hereinafter referred to as the Delinquent Government Officials 1 to 3 respectively, for short 'DGOs 1 to 3') and entrusted the disciplinary inquiry to this Institution. This Institution, by nomination order dated 07.12.2013, nominated the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to conduct the departmental inquiry against the DGO for the alleged charge of misconduct alleged to have been committed by them.

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3. The Inquiry Officer, after completing the departmental inquiry has submitted a report dt.03.10.2015 inter alia holding that the charge of misconduct alleged against the DGOs 1 & 3 has been proved by the Disciplinary Authority. However, the charge of misconduct alleged against DGO2 is held 'not proved'.

4. The charge of misconduct alleged against the DGOs 1 to 3 was that, one Shri Sripada Heggade claiming to be the President of Siddi Vinayaka Raitha Abhivridhi Para Horata Kriya Samithi, Hullunde village, Siddapur Taluk, Uttara Kannada District (hereinafter referred to as 'the complainant'), had filed a complaint before this Institution alleging execution of sub-standard work by the Executive Engineer. It was further alleged that, he had filed 10 complaints against them and no action was taken. In this regard, the Lokayukta Institution had directed the Technical Audit Cell (TAC) of Karnataka Lokayukta to conduct local inspection and submit a report. The TAC, Karnataka Lokayukta, after conducting the inspection,

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has submitted a report inter alia holding that the allegation made in the complaint against the DGOs are prima facie true. Hence, the DGOs 1 to 3 failed to maintain absolute integrity; devotion to duty and acted in a manner unbecoming Government servants. The act of the DGOs is misconduct within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

5. The Disciplinary Authority, in support of its charge of misconduct, has examined 3 witnesses. PW1 is the Complainant and PWs 2 & 3 are the Investigating Officers.

6. The evidence adduced by the Disciplinary Authority partially proves the charge of misconduct in so far as the DGOs 1 & 3 are concerned. The evidence adduced by the Disciplinary Authority does not prove the charge of misconduct in so far as the DGO2 is concerned.

7. The Inquiry Officer after considering the entire evidence in detail has given a finding holding that, the charge of

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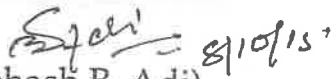
misconduct alleged against DGOs1 and 3 is proved' and the charge of misconduct against DGO2 is 'not proved' by the Disciplinary Authority. Even on re-consideration of the findings of the Inquiry Officer and the evidence adduced therein, I do not find any justifiable reason to differ with the said findings.

8. Accordingly, it is hereby recommended to the Government that the DGO1 & 3 - *Shri Nagaraj D. Nayak, Junior Engineer (Special Grade), the then Asst. Executive Engineer, PWD Sub-division, Siddapura (presently working as Asst. Engineer in National Highways, Honnavara); and Shri Bheema Nayak, the then Asst. Engineer, PWD Sub-division, Siddapura (presently working at PWD, Sagara, Shivamogga District) respectively be punished with penalty of "withholding of three annual increments perpetually"* in exercise of powers under Rule 8(iii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957 and the disciplinary proceedings against DGO2 - *Shri Aravind Kanagil, the then Executive Engineer,*

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PWD Division, Karwar, U.K. Dist. (presently working as  
Superintending Engineer, National Highways Circle, Dharwad) be  
'dropped' as 'not proved'

9. Action taken in the matter is to be intimated to this  
Authority. Connected records are enclosed here with.

  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.