

KARNATAKA LOKAYUKTA

NO. LOK/ARE-1/ENQ-59/2012

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bangalore 560 001.

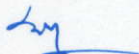
Dated: 26.07.2014.

Sub: Departmental Enquiry against Sri  
N.T.Prasanna Kumar – Sheristedar in  
the office of the Tahasildar of North  
Bangalore Taluk - reg.

Ref: Government Order No. RD 533 BMM  
2011 Bangalore dated 02.01.2012.

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In pursuance of the order referred to above, the Addl. Registrar of Enquiries (3) in our Institution (Karnataka Lokayukta) at Bangalore, was nominated as Enquiry Officer to frame charge, conduct enquiry and to submit report in the departmental enquiry proceedings initiated against Sri N.T.Prasanna Kumar – Sheristedar in the office of the Tahasildar of North Bangalore Taluk (who will be hereinafter referred to as Delinquent Government Officer i.e., 'DGO' for short), about his alleged misconduct. But, later on, by order dated 14.03.2014, the Addl. Registrar of Enquires (1) came to be nominated to continue, conduct enquiry and submit report in the said proceedings. Thus, enquiry was proceeded with and, after its conclusion, said Enquiry Officer made report of enquiry.

2) Charge in brief against the DGO is that, while working as Sheristedar in the office of the Tahasildar of North Bangalore Taluk, he had demanded and taken bribe of ₹ 25,000/- on 30.6.09 from Sri M.Rajanna (hereinafter referred to as 'complainant' for short), for sending the files of Smt.Radhamma w/o Rajanna and K.Ananthalakshmi w/o K.Janardhanappa respectively, relating to conversion of land measuring 19 guntas and 15 guntas of Sy.No.116/2 of Nagarur village in Bangalore North Taluk, for non-agricultural purpose with recommendation to the Deputy Commissioner of Bangalore and thereby committed misconduct attracting Rule 3(1) of KCS (Conduct) Rules, 1966. 

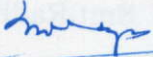
3) To prove the said charge, the Disciplinary Authority (hereinafter referred to as D.A. for short) has examined himself as PW-1 and got marked 5 documents. However, as the DGO was proceeded ex-parte, no evidence is on record for the DGO. On the basis of evidence available on record and after hearing argument for the DA, the enquiry officer made report dated 05.7.14 holding the charge as proved and submitted with records to me for consideration. Thus, the matter is before me.

4) PW-1 is complainant. He has supported the case of DA fully and his evidence is corroborated by the documents marked. In the absence of any evidence and defence set up by the DGO, except that a false case has been filed, the enquiry officer has no reason to disbelieve the case of DA. So also with me. Hence, after re-appreciation of material on record and agreeing with the reasons given by the enquiry officer with the finding given, I also hold the charge as proved.

5) Now comes for consideration the penalty to be recommended for imposition on the DGO. In view of the proviso, in such a case of proved grave misconduct, no penalty, other than the penalty mentioned in Rule 8 (vi) to (viii) of KCS (CCA) Rules, 1957, could be imposed, unless there are special and adequate reasons to impose some other penalty. But, in the present matter, I do not find any such special and/or adequate reason to recommend for imposition of some other penalty. So, in the facts and circumstances of the case, I feel that it would be appropriate to impose penalty of compulsory retirement of DGO from service as provided in Rule 8(vi) of said Rules. Accordingly, recommended for imposition of said penalty on the said DGO.

Action taken in the matter be intimated to this authority.

Connected records are enclosed.

  
(JUSTICE S.B. MAJAGE)  
Upalokayukta-1,  
Karnataka State,  
Bangalore.