

KARNATAKA - LOKAYUKTA

BEFORE ADDITIONAL REGISTRAR (ENQUIRIES -10)

PRESENT :

SMT. H.G. NAGARATHNA, B.A., L.L.B.
 ADDITIONAL REGISTRAR ENQUIRIES-10,
 M.S. BUILDING,
 KARNATAKA LOKAYUKTA,
 BANGALORE - 560 001.

DEPARTMENTAL ENQUIRY NO. UPLOK-1/DE/634/2016/ARE-10

COMPLAINANT	SRI. KUMAR ERANNA DHARAPPANAVAR
DISCIPLINARY AUTHORITY	GOVERNMENT OF KARNATAKA, RURAL DEVELOPMENT AND PANCHAYATH RAJ DEPARTMENT (Through the Presenting Officer)
V/s	
DELINQUENT GOVERNMENT OFFICIAL	1. Sri. R.V. Nidoni, (exparte) The then Executive Officer, Taluk Panchayath, Belagavi, Belagavi District Driver (presently retired). 2. Sri. Vilas Raj, Panchayath Development Officer, Kakati Grama Panchayath, Belagavi Taluk, Belagavi District. (DGO-1 exparte & DGO-2 represented by Sri. N.M. Bhat, Advocate).

Subject : Departmental Inquiry against DGOs as
noted in the cause title -reg.

Reference/s : 1. Report u/S 12(3) of the Karnataka
Lokayukta Act, 1984 in
Compt/Uplok/BGM/1111/2006/ARE-5
dt. 26.09.2016.
2. Government Order No. ಗ್ರಾಅಪ 204 ವಿಸೇಜ 2016
Bengaluru dated 09.11.2016.
3. Nomination Order No. Uplok-1/DE/634/
2016 Bengaluru dt. 24.11.2016 of Hon'ble
Upalokayukta-1.

- i. Nature of the Case : Departmental Enquiry
- ii. Provision of law under which article of charge framed : 3 (1) of Karnataka Civil Services (Conduct) Rules, 1966.
- iii. Date of Submission of report : 23rd **July** 2019.

-: DEPARTMENTAL - ENQUIRY - REPORT :-

1. This is the departmental enquiry initiated and held against DGOs 1 and 2 as the complainant by name Sri. *Kumar Irranna Dharappanavar* has filed a complaint in Lokayukta Office, against the Delinquent Government Officials-1 and 2 alleging **dereliction of duty/misconduct.**
2. **Comments** of DGOs-1 and 2 were called on the report of Investigation Officer and Unsatisfied with the comments submitted by DGOs, a **Report** was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the **Government Order** (G.O.) dated 09.11.2016 authorizing Hon'ble Upalokayukta-1 to hold an enquiry as per reference No. 2.
3. In pursuance of the Government Order, **nomination order** was issued by Hon'ble Upalokayukta-1 on 24.11.2016 authorizing ARE-10 to frame Article of Charge against DGOs-1 and 2 and to hold an

enquiry to find out truth and to submit a report as per reference No. 3.

4. Accordingly, **article of charge** framed/prepared under Rule 11(3) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and was sent to the Delinquent Government Officials on 15.02.2017.

5. The article of **charge** and the statement of imputations of misconduct framed/prepared and leveled against the DGOs-1 and 2 is **reproduced as here under :-**

ANNEXURE NO. 1
CHARGE

5(1) That, you DGO - (1) Sri. R.V. **Nidoni**, the then Executive Officer, Taluk Panchayath, Belagavi, Belagavi District and you DGO (2) Sri. **Vilas Raj**, Panchayath Development Officer, Kakati Gram Panchayath, Belagavi Taluk, Belagavi District, have committed the following **dereliction of duty/misconduct:-**

5(2)(i) There is water problem in Lakshminagar, 1st Cross. Though there are two bore wells, there is no sufficient water in the bore wells.

5(2)(ii) There are no proper roads in Lakshminagar, 1st Cross.

5(2)(iii) The drains constructed in Ward No. 4 and 5 of Lakshminagar, 1st Cross, are damaged and drains have been constructed in the middle of the road which is unscientific and the water is not flowing properly in the drains and the water flowing from the drains is collected in the pits which are by the side of drains and the dirty water is stagnated in the pits.

5(2)(iv) Garbage has been thrown wherever possible at Lakshminagar, 1st Cross and it is not cleaned.

5(2)(v) No works have been taken up from 2010-11 from Gram Panchayath or other Departments at Lakshminagar, 1st Cross.

5(2)(vi) C.D. construction work has been taken up during 2010-11, but C.D. has been constructed at a cost of Rs. 25,000/- only near the house of Harikale, Lakshminagar, 1st Cross and

5(2)(vii) The works undertaken are already damaged.

5(3) Thus, you DGOs 1 and 2, being Government/public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO. II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

5(4) On the basis of the complaint filed by Sri. Kumar Irranna Dharappanavar, Laxmi Nagar, 1st Cross, Kakati, Belgaum against the (1) Chairman and Secretary, Members of Gram Panchayath, Kakati (2) Executive Officer, Taluk Panchayath, Belgaum and (3) The Chief Executive Officer, Zilla Panchayath, Belgaum alleging misconduct, an investigation was taken up after invoking Section 9 of the Karnataka Lokayukta Act, 1984.

5(5) According to the complainant : -
There is no water supply to the residents of Lakshminagar of Kakati and there is also no road, gutter and bulbs for the

electric poles for the residents of Lakshminagar.

5(6) Report was called for from the Superintendent of Police, Karnataka Lokayukta, Belgaum. Investigation has been conducted by Police Inspector, Lokayukta, Belgaum (I.O. for short) and S.P. has submitted the report of I.O. dt. 30.4.2014.

5(7) Report of the I.O. is that :-

(i) There is water problem in Lakshminagar, 1st Cross. Though there are two bore wells, there is no sufficient water in the bore wells.

(ii) There are no proper roads in Lakshminagar, 1st Cross.

(iii) The drains constructed in Ward No. 4 and 5 of Lakshminagar, 1st Cross, are damaged and drains have been constructed in the middle of the road which is unscientific and the water is not flowing properly in the drains and the water flowing from the drains is collected in the pits which are by the side of drains

and the dirty water is stagnated in the pits.

(iv) Garbage has been thrown wherever possible at Lakshminagar, 1st Cross and it is not cleaned.

(v) No works have been taken up from 2010-11 from Gram Panchayath or other Departments at Lakshminagar, 1st Cross.

(vi) C.D. construction work has been taken up during 2010-11, but C.D. has been constructed at a cost of Rs. 25,000/- only near the house of Harikale, Lakshminagar, 1st Cross.

(vii) Works undertaken are already damaged.

5(8) Copy of the report of the I.O. was sent to the Executive Officer of Belgaum Taluk Panchayath and PDO of Kakati Gram Panchayath for their reply.

5(9) Executive Officer --DGO 1 has submitted copy of letter dt. 30.8.2014 written to PDO, to furnish the information on the report of the I.O. PDO has submitted the reply. Sri.Vilas Raj,

PDO, Kakati Gram Panchayath is impleaded as DGO-2.

5(10) The report of the I.O. which prima facie disclose that :-

(i) There is water problem in Lakshminagar, 1st Cross and it is not yet solved.

(ii) The roads are not proper.

(iii) The drains constructed in Ward No. 4 and 5 of Lakshminagar, 1st Cross, are already damaged and drains have been constructed in the middle of the road which is unscientific.

(iv) No works have been taken up since 2010-11 from Gram Panchayath in Lakshminagar, 1st Cross.

(v) Work of C.D. construction is not yet completed.

(vi) Works undertaken are already damaged.

5(11) In view of the facts stated above and the material on record, reply of the DGOs have not been

found satisfactory to drop the proceedings. The facts supported by the material on record show that the DGOs, being Government servants, have failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of Government servants and thereby, committed misconduct and made themselves liable for disciplinary action.

5(12) Since the said facts and material on record prima-facie show that the DGOs 1 and 2 have committed misconduct as per Rule 3(1) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957.

5(13) In turn, Competent Authority initiated disciplinary proceedings against DGOs 1 and 2 and entrusted the enquiry to this Institution and

Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and to submit a report. Hence, the above said **charge**.

6. The aforesaid '**article of charge**' served upon the DGOs-1 and 2 and they appeared before this enquiry authority and their **first oral statement** under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. The DGOs-1 and 2 have pleaded not guilty and claimed to be enquired about the charge.
7. The DGOs-1 and 2 have filed their **written defense statement** by denying the allegation and stated that they have not committed misconduct.
8. The DGOs-1 and 2 have been given an opportunity by this Enquiry Authority for verification/inspection of records/documents and for discoveries, if any.
9. DGO-1 Sri. R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi, from 10.04.2017, 07.06.2017. 05.08.2017 did not present and kept absent. Hence, DGO-1 is placed *exparte* and on further hearing date/s also, DGO did not appear.
10. *In this enquiry*, to establish the *charge* against DGOs-1 & 2, the presenting officer has examined Sri. L. Kumar Eranna Dharappanavar (Complainant) as **PW-1** and

Sri. Ragjavendra N Jawa;dar. (Police Inspector, Lokayukta, Belgaum and Investigation Officer) and got marked, in all, 16 documents as Ex P-1 to 16 on behalf of Disciplinary Authority.

11. After the closure of the evidence of the Disciplinary Authority, *second oral statement* of DGOs-1 & 2 as per Rule 11(16) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 recorded. **DGO-1 is placed exparte** and DGO-2 has submitted that he will examine himself. Accordingly, the delinquent government official-2 Sri. Vilas Raj is examined himself as DW-1 and in all 3 documents have been got marked Ex. D-1 to 3 and closed their side. As such, the *questionnaire* of DGO-2 u/R 11(18) of KCS (CCA) Rules, 1957 *dispensed with* as he examined himself.
12. The learned Advocate/defense assistants appearing for DGOs-1 & 2 have filed *written brief* and I have heard learned Presenting Officer and Advocate/defense assistant.
13. *Now*, the points that emerge for my consideration and conclusion are *as follows* :

1 : *Whether the charges against DGOs-1 & 2 as noted at para No. 5(2)(i) to (vii) of the report is*

proved by the Disciplinary Authority through its presenting officer?

2 : *What finding / conclusion ?*

14. I have heard and carefully perused the enquiry papers and analyzed and appreciated the oral and documentary evidence placed on record.

15. My findings on aforesaid points are as under:-

POINT No. 1 AGAINST DGO-1 : IN THE AFFIRMATIVE
POINT No. 1 AGAINST DGO-2 : IN THE NEGATIVE
POINT No.2 : As per my
FINDING/CONCLUSION

for the following

*** REASONS ***

16. **POINT NO. 1** : *It is the case of the Disciplinary Authority that DGO-1 Sri. R.V. Nidoni being Executive Officer in Taluk Panchayath, Belgavi and DGO-2 Sri. Vilas Raj, being Panchayath Development Officer in Kakati Gram Panchayath, Belagavi Taluk, District, have committed dereliction of duty amounting to misconduct as mentioned in the charge at para 5(2)(i) to 5(2)(vii) of the report.*

17. *In order to prove the charge leveled against DGOs-1 and 2, the presenting officer has examined 2 witness and got marked 16 documents and closed the side.*
18. *Now, I shall proceed to appreciate and analyze the oral and documentary evidence of the disciplinary authority viz.,(PW1, PW2 and Ex P1 to 16) which are as follows:-*
19. PW-1 SRI. KUMAR ERANNA DHARAPPANAVAR (complainant) he *deposes that, in Kakati gram panchayath Lakshminagara there was no proper drainage, there was water problem in Lakshminagar, basic amenities are not provided, Garbage is not cleared regularly and Roads were not proper. Therefore, he and his villagers have lodged the complaint to Lokayukta along with form no.1 and 2 as per Ex. P-1 to 3.*
20. *PW-1 further deposes that, Subsequently through his advocate he has produced the following documents/photos:- photos and estimates. Photos, Estimate regarding road from the house of Siddappa Bajantri to the house of Thopagere, Photographs, Copy of the estimate in respect of kakati village Lakshminagara, 1st cross drainage works, Photographs, Copy of estimate in respect of drainage work at Lakshminagara, Photographs, Copy of estimate in respect of drainage work from the house of Bagabana to the*

house of Babulalkhan Pathan, Photographs as per Ex. P -4 to 12.

21. pw-2 SRI. RAGHAVENDRA B HAWALDAR, (Police Inspector, Lokayukta, Belgaum & Investigation Officer) he deposed that, on 05.02.2014 this complaint was referred to him from Superintendent of Police, Karnataka Lokayukta, Belgaum to conduct the investigation and to submit a report and on 23.04.2014 he had visited Kakati village and at that time DGO-2 and then Panchayath Development Officer Smt. Usha S and others are also accompanied him and on inspection of the spot he found that, there was water problem in Lakshminagar Ist cross, though there are 2 bore wells and there is no sufficient water in the bore wells and water will come about 5 to 10 minutes.
22. *PW-2 further deposed that*, there are no proper roads in Lakshminagar Ist Cross. The drains were constructed in Ward No. 4 & 5 of Lakshminagar Ist Cross, but they were damaged and blocked without flow of water and dirty water was stagnated in the pits and the drains formed were unscientific and the garbage had been thrown where ever it is possible at Lakshminagar Ist Cross and it was not cleaned. DGO-2 and others told me that in the year 2010-11 from Grama Panchayath, in ward No.4 of Lakshminagar only one cross drainage work was taken up at the cost of Rs. 25,000/- near the house of Sri. Hari Kale. C.D, drains and roads were damaged. At the time of my spot inspection he had taken 18 colour photos as per Ex. P-13.

23. *PW-2 says that*, he has also recorded the statements of 1) Kumar I.D. (complainant) 2) Sri. Arun Kumar K (Advocate) 3) Sri. Vilasraj (DGO-2) 4) Smt. Usha S (then PDO) 5) Sri. Abdul Rehaman B 6) Abdul Kasim Sab K 7) Meerasab FK and 8) Ayub UB as per Ex. P-14. Accordingly, he has submitted Investigation Report dated 30.04.2014 as per Ex. P-15 and report of Superintendent of Police, Lokayukta, Belgaum dated 3.5.2015 is at Ex P-16. In his opinion, the concerned officials who were working during that period are responsible for the same.
24. *In the cross-examination of PW-1* made by learned defense assistants appearing for DGOs-2, *I find that* no worth mentioning points are elicited in favour of DGOs/defense, to discredit/disbelieve the deposition.
25. It is the case of DGOs-1 and 2/Defense *that* they did not commit any misconduct.
26. *In this regard*, DGO-2 Sri. Vilas Raj, Panchayath Development Officer, Kakati Gram Panchayath, Belagavi Taluk, is examined himself as DW-1 by filing affidavit evidence and stated by reiterating his defense case.
27. *In so far as argument/s in this enquiry is concerned*, the learned presenting officer has submitted that PWs-1 and 2 is examined and Ex. P-1 to P-16 have

been got marked and on the basis of the same, affirmative finding can be given as *charges proved*.

28. *Per contra*, the learned Advocate/defense assistant appearing for DGOs have *filed written brief*.
29. *Having heard* and on careful perusal and appreciation of oral and documentary evidence of disciplinary authority placed on record, *it is obviously clear that* the disciplinary authority has placed sufficient and satisfactory oral and documentary evidence to prove its case/enquiry against the DGO-1 as per the standard of preponderance of probabilities to warrant my finding on the charge against DGO-1 in the affirmative as *proved*.
30. *On perusal of depositions of PW-1 Sri. Kumar Eranna Dharappanavar and PW-2 Sri. Raghavendra B Hawaldar*, it can be seen that PW-1 being the complainant and PW-2 being Police Inspector, Lokayukta, Belgaum and Investigation Officer have fully supported the case of disciplinary authority.
31. *It is significant to note that* nothing worth mentioning points are elicited from the depositions of PW-1 & 2, by the learned defense assistant appearing for Delinquent Government Official-2. As such, the depositions of PW-1 & 2 are worthy of acceptance, believable and reliable.

32. *It is relevant to note that* the depositions of PW-1 & 2 is consistent, corroborative and same are fortified by the relevant documents Ex. P-1 to P-16 to the extent as noted above.
33. I find, no substance and considerable force in the line of argument/contention taken by the DGO1 in the Written Brief.
34. *It is significant to note that* nothing worth mentioning points are elicited from the evidence/depositions of PW-1 & 2 by the Advocate/learned defense assistant appearing for Delinquent Government Official-2. As *such*, the depositions of PW-1 & 2 is worthy of acceptance, believable and reliable against DGOs-1 and *in my considered opinion*, those are devoid of merits and unacceptable.
35. Now, let us scrutiny the documentary and oral evidence whether the DGOs-1 and 2 have failed to perform their duties to maintain the proper sanitation, supply of water and also to put up the electric poles in the Lakshminagar, Kakati village. The evidence PW-1 is similar as his complaint that Ex. P-1 to 3 is marked is stick on to his evidence as per contents of the complaint that DGOs were failed to provide proper civic amenities like proper drainage, proper water facilities and civic amenities and the garbages were scattered here and there and no action by the DGOs.

36. DGO-1 was placed *ex parte* and in the cross-examination of PW-1 it is clear that during the year 2006 DGO-2 who is a Panchayath Development Officer Sri. Vilas Raj was not working in Kakati Gram Panchayath. The complainant lodged by the complainant was dated 20.03.2006 as per Ex. P-2 the cause of action arose as on 20.03.2006. Therefore, I will discuss the role of this DGO-2.
37. On perusal of Ex. P-4 the photos of this part clearly demonstrates that no proper maintenance of road and garbage was put up here and there, it discloses that occupants of the said area are residing in unhygienic condition which effects the human health and cause for so many diseases and also in the said resident area will be effected by this unhygienic maintenance by the competent authority. Ex. P-5 is the road construction work estimated cost, order of the Kakati village for the year 2010-11. The general report and particulars of construction of the work done by the then PDO with the counter signature of President, Gram Panchayath states that, the Government has sanctioned 10 Lakhs rupees for the construction of road from Lakshminagar Ist cross to Siddappa Bajantri house to Thopagera house.
38. Ex P -6 demonstrate the road construction work was under progress and Ex P-7 and 8 in respect of formation of drainage, estimation costs for road

drainage, photos displaying the construction of drainage, and also with regard to the construction of drainage. On perusal of these photos compared with Ex P-5 totally the condition was worst. But, thereafter, in the year 2010-11 the Government has sanctioned amount for construction of road, drainage in the said locality i.e. Lakshminagar of Kakati village. It seems that, after the complaint before this authority a huge development were made in the said area as alleged in the complaint.

39. Therefore, it establishes that DGO-1 the then Executive Officer, was failed to take notice of all these factors during his official period and left the village drainage, garbage, road as it is, which cause the harm to the public health and sanitation. Therefore, DGO-1 is a responsible officer, failed to take action against the said haphazard atmosphere of the locality, thereby he has committed dereliction of duty amounting to misconduct.
40. As I discussed earlier, now coming to the role of DGO-2 is concerned, the date of complaint against (1) Chairman (2) Secretary and other members, filed by the complainant is on 20.03.2006 as per Ex. P-1 to 3. On perusal of the Written Statement of DGO-2 he joined Government service on 05.04.2010. Investigation Officer has opined that concerned officials who were working during that period are

responsible for the same. DGO-2 has made his effort for construction of road. Ex. P -5 to 12 are all pertains to 2010-11 and 2011-12 period. These documents are established DGO-2 who took the charge as a PDO of Kakati village in the year 2012 did the work under the government schemes called as M.G. scheme.

41. On perusal of Ex. D-1 the DGO-2 Sri. Vilas Raj, the then PDO had assumed the charge of Kakati village of Gram Panchayath on 27.06.2012. Ex. D-2 work allotment order by the Government to the Panchayath Development Officer dated 04.01.2012. In the said Ex. D-2 in Gram Panchayath Grade-1 and 2 allotment of duties in serial No.2 it states that, the panchayath Secretary has to maintain the street lights, drinking water tanks and electricity maintenance. Ex. D-3 the photo discloses the road was formed as 24.02.2017 about 2 year back and the road seems to be fine road, drainage is over, water facility seems to be good in front of a Green compound gate opposite public tap is fixed and it shows that the Lakshminagar, Kakati village road is of a good road and it also crystal and clear that because of the complaint lodged by the before this Hon'ble authority the Lakshmi Nagar kakati village people are enjoying the good road, sanitation and street light. Hence, I am of the considerable opinion that, complaint was filed in the year 2006 and DGO-2 joined Government service on 05.04.2010 and as per Ex. DGO-1 office order dated

27.06.2012 he is directed to report in Kakati Gram Panchayath. Hence, the charges leveled against DGO-2 Sri. Vilas Raj, Panchayath Development Officer, Kakati Gram Panchayath, Belagavi Taluk, Belagavi District, is **not proved**.

- 42 So far as DGO-2 is concerned, as on the date of lodging of the complaint he was not at all working in the said Lakshminagar, Kakati village, Therefore, liability cannot be fixed against DGO-2. However, since 2010-11, 2011-12 good progress work were done as seen from the photos with regard to the formation of roads, sanitation, water facility, garbage removal and drainage work.
43. *Moreover*, on bare reading of Ex. D-1 to D-3 relied by DGO-2, Ex. D-1 Executive Officer, Taluk Panchayath Office, Belgaum, order dated 27.06.2012 DGO-2 Sri. Vilas Raj, Panchayath Development Officer, Byluru Gram Panchayath, Khanapur Taluk was directed to report as Panchayath Development Officer of Kakathi Grama Panchayath in the existing post.
44. *On careful analysis* and appreciation of oral and documentary evidence placed on record, it is *manifestly clear* that the depositions of PW-1 and 2 is fully corroborated, consistent and fortified by relevant exhibits/documents and the same are

inspiring confidence of this enquiry authority to rely and to act upon against DGO-1 and there is nothing brought on record to disbelieve the same. *In my considered view*, the case of Disciplinary Authority is *acceptable against DGO-1*.

45. *For the reasons stated above* and observations made in the light of depositions of PW-1 and 2 and DW-1, relevant documents and provision of law and under the given set of facts and circumstances of this enquiry, I have arrived at *inevitable conclusion to hold that*, the Disciplinary Authority through its Presenting Officer is **successful** in proving the *charge* framed and leveled against DGO-1 *up to* the standard of preponderance of probabilities and to the satisfaction of this enquiry authority, to record my finding in the affirmative as *proved*.
46. POINT NO.2 : *In view of* my finding on point No. 1, for foregoing reasons and discussions, I proceed to submit the enquiry report *as under against DGO-1 and DGO-2*

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: ENQUIRY - REPORT :

- i. *From* the oral and documentary evidence and materials placed on record, I hold and record my findings *that* the Delinquent Government Official-1

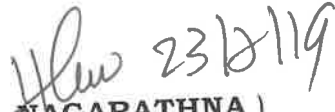
Sri. **R.V. Nidoni**, the then Executive Officer, Taluk Panchayath, Belgavi, Belgavi District (**exparte**) has *failed* to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government servant and **he is found guilty of misconduct** under Rule 3(1) of Karnataka Civil Service (Conduct) Rules, 1966 and against DGO-2 Sri. **Vilas Raj**, Panchayath Development Officer, Kakati Grama Panchayath, Belgavi Taluk, Belgavi District, has **Not failed** to maintain absolute integrity and devotion to duty and **Not** committed an act which is unbecoming of a Government servant and he is *found Not guilty* of misconduct under Rule 3(1) of Karnataka Civil Service (Conduct) Rules, 1966

- ii. *Accordingly*, I hold and record my findings on the *charges i.e. para 5(2)(i) to (vii)* of the report, leveled by the disciplinary authority

against Delinquent Government Officials-1 as **Proved** and the charges against DGO-2 is **Not proved.**

iii Hence, this Enquiry Report is submitted/placed before Hon'ble Upalokayukta-1 for kind consideration.

Dated 23rd July 2019.


(**H.G. NAGARATHNA**)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore.

Date : 23.07.2019
Place : Bangalore.

::ANNEXURE::I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

- PW-1 :- Sri. Kumar Eranna Dharappanavar
(Complainant)
PW-2 :- Sri. Raghavendra B Hawaldar, (Police
Inspector, Lokayukta, Belgaum &
Investigation Officer)

II. LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DISCIPLINARY AUTHORITY :

- Ex.P-1 : Complaint
Ex.P-2 : Form No. I (complaint) dated
20.03.2006
- Ex.P-3 : Form No. II (Affidavit) dated
20.03.2006
- Ex.P-4 : Photos and estimates(2 sheets).
Ex.P-5 : Estimate regarding road from the
house of Siddappa Bajantri to the
house of Thopagere (3 sheets).
- Ex. P-6 : photographs (2 sheets).
Ex. P-7 : Copy of the estimate in respect of
Kakathi Village Lakshminagara,
1st Crss drainage work (4 sheets).
- Ex. P-8 : Photographs (2 shets)
Ex. P-9 : Copy of estimate in respect of
drainage work at Lakshminagara
(4 sheets).
- Ex. P-10 : Photographs (2 sheets)
Ex. P-11 : Copy of estimate in respect of
drainage work from the house of
Bagabana to the house of
Babulalkhan pathan (5 sheets).
- Ex.P-12 : Photographs (2 sheets).
Ex.P-13 : 18 colour photos of spot inspection
by Investigation Officer.
- Ex. P-14 : Statements of (1) Kumar I.D. (2)
Sri. Arun Kumar (3) Sri. Vilasraj
(4) Smt. Usha S (then PDO
(5) Sri. Abdul Rehaman B
(6) Sri. Abdul Kasim Sab K
(7) Meerasab FK and (8) Ayub UB.
- Ex. P-15 : Investigation Report dated
30.04.2014.

Ex. P-16 : Report of Supdt. of Police,
Lokayukta, Belgaum dated
03.05.2015.

III. LIST OF WITNESS/S EXAMINED ON BEHALF OF
DGO/DEFENSE

DW-1 : Sri. Vilas Raj
(Panchayath Development Officer/DGO-2)

IV LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF
OF DGO/DEFENSE:

Ex. D-1 : True Copy of Office order dated
27.06.2012
Ex. D-2 : True copy of proceedings of
Government dated 3.3.2014
(regarding powers and functions
of PDO)
Ex. D-3 : Two colour photos

H.G. Nagarathna
(**H.G. NAGARATHNA**)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore.

Date : 23.07.2019
Place : Bangalore.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/634/2016/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 25/07/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi Taluk, Belagavi District;
- 2) Sri Vilas Raj, Panchayath Development Officer, Kakati Grama Panchayath, Belagavi Taluk, Belagavi District – Reg.

- Ref:- 1) Government Order No. ಸ್ರಾಅಪ 204 ಎಸೇಬಿ 2016, Bengaluru dated 9/11/2016
- 2) Nomination order No.UPLOK-1/DE/634/2016, Bengaluru dated 24/11/2016 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 23/7/2019 of Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 9/11/2016, initiated the disciplinary proceedings against (1) Sri R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi Taluk, Belagavi and (2) Sri Vilas Raj, Panchayath Development Officer, Kakathi Grama Panchayath, Belagavi Taluk (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 & DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/634/2016, Bengaluru dated 24/11/2016 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the

Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi Taluk, Belagavi and DGO-2 Sri Vilas Raj, Panchayath Development Officer, Kakati Grama Panchayath, Belagavi Taluk were tried for the following charges:-

“That you, DGO- (1) Sri R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi, Belagavi District and you DGO (2) Sri Vilas Raj, Panchayath Development Officer, Kakati Gram Panchayath, Belagavi Taluk, Belagavi District have committed the following dereliction of duty/ misconduct:-

(i) There is water problem in Lakshminagar, 1st Cross. Though there are two bore wells, there is no sufficient water in the bore wells.

(ii) There are no proper roads in Lakshminagar, 1st Cross.

(iii) The drains constructed in Ward No.4 and 5 of Lakshminagar, 1st Cross are damaged and drains have been constructed in the middle of the road which is unscientific and the water is not flowing properly in the drains and the water flowing from the drains is collected in the pits which are by the side of drains and the dirty water is stagnated in the pits.

(iv) Garbage has been thrown where possible at Lakshminagar, 1st Cross and it is not cleaned.

- (v) No works have been taken up from 2010-11 from Gram Panchayath or other departments at Lakshminagar, 1st Cross.
- (vi) C.D. Construction work has been taken up during 2010-11, but C.D has been constructed at a cost of ₹25,000/- only near the house of Harikale, Lakshminagar, 1st cross; and
- (vii) The works undertaken are already damaged.


Thus, you DGOs 1 and 2 being Government/public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government Servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO-1 Sri R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi Taluk, Belagavi. The Disciplinary Authority has failed to prove the above charges against DGO-2 Sri Vilas Raj, Panchayath Development Officer, Kakathi Grama Panchayath, Belagavi Taluk.

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 DGO-1, he is due to retire from service on 31/5/2023.
7. It is hereby recommended to Government to accept the report of inquiry officer and to exonerate DGO-2 Sri Vilas Raj, Panchayath Development Officer, Kakathi Grama Panchayath, Belagavi Taluk of the charges against him.
8. Having regard to the nature of charges proved against DGO-1 Sri R.V.Nidoni, it is hereby recommended to the Government for imposing penalty of withholding two annual increments payable to DGO-2 Sri R.V. Nidoni, the then Executive Officer, Taluk Panchayath, Belagavi Taluk, Belagavi with cumulative effect.
9. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


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