

**KARNATAKA LOKAYUKTA**

No.Uplok-1/DE/641/2017/ARE-10

M.S. Building  
Dr.B.R. Ambedkar Road  
Bangalore-560 001  
Date: 21/4/2018

**ENQUIRY REPORT**

**Present :** Sri. S. Gopalappa  
Additional Registrar of Enquiries-10  
Karnataka Lokayukta  
Bangalore

**Sub:** Departmental Inquiry against :-  
Sri. Chandrashekhar, Assistant Director of Fisheries  
(Grade-2), Bhatkal, Uttar Kannada District-reg.,

**Ref:** 1. Report u/S 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BGM/834/2015/ARE-6  
dt. 9.3.2017  
2. Govt. Order No. ಪಸಂಮೀ 50 ವೀಇಸೇ 2017 Bangalore  
dt. 3.05.2017  
3. Nomination order No. Uplok-1/DE/641/2017  
Bangalore dt. 11.5.2017 of Hon'ble Upalokayukta-1

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1. On the basis of the complaint filed by Sri. Kumar Venkataramana Moger R/o Uttara Kannada District against the DGO alleging misconduct, an investigation was taken up. The complaint was referred to the TAC in Karnataka Lokayukta for investigation and report. The Deputy Controller Accounts in TAC (hereinafter referred to as Investigating Officer, I.O. for short) has submitted the report after investigation.

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the GO dt. 3.5.2017 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO, nomination was issued by Hon'ble Upalokayukta on 11.5.2017 authorizing ARE-10 to hold enquiry and report as per reference No. 3.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGO on 14.6.2017.

**ANNEXURE NO. 1**  
**CHARGE**

4. That, you DGO Sri. Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttar Kannada District, being Member Secretary of the committee constituted under the Chairmanship of local MLA of Bhatkal as per Government Order 14.12.2011 for extending the financial help under the Special Unit Scheme and Tribal Sub Scheme 2014-15, has clearly violated condition No. 13 of annexure III of Government Order dt. 27.11.2014 by not insisting for selecting the candidates by lottery system among the 194+28 eligible applicants and instead had joined hands with the Chairman/local MLA permitting to select the beneficiaries of his choice out of otherwise eligible applicants.

Further, you DGO has also failed to make a report to the Government against the impermissible resolution dt 5.12.2014 passed by the committee selecting the beneficiaries of the choice of the Chairman of the committee in violation of the Government order.

Thus you DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant 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. On the complaint filed by Sri. Kumar Venkataramana Moger-Belke Post, Bhatkal Taluk in Uttara Kannada District (hereinafter referred to as complainant for short) against Sri. Chandrashekhar, Assistant Director of Fisheries (Grade-2), in the office of Fisheries, Bhatkal in Uttar Kannada District alleging that he, being a public/Government servant has committed misconduct, an investigation has been taken up u/S 9 of the Karnataka Lokayukta Act, 1984.

6. According to the complainant:

- i. The Government had introduced a scheme during 2014-15 under Special Unit scheme for extending financial benefit to the tune of 90% to 45 and 15 fishermen belonging to SC and ST respectively to purchase FRP Gilnet fishing boat, net and OBM by availing bank loan for the difference amount.
- ii. About 200 applications were submitted seeking benefit. The committee under the chairmanship of Bhatkal, MLA in which the DGO Asst. Director of Fisheries was member/Secretary, had selected 45 of SC and 15 of ST persons as beneficiaries and

financial assistance was extended to them to purchase the boats.

- iii. Among 45 selected under SC category 32 (list A1 enclosed to complaint) were not poor and were rich and some have even availed benefit under 'Sandhya Suraksha' scheme. Among 15 ST category (list A2 enclosed to complaint) had no experience of fishermen and were selected accepting false certificates as fishermen produced by them.
- iv. The DGO is responsible for selection of persons under SC and ST category named in the list A1 and A2.
7. The records were sent to TAC in Karnataka Lokayukta for investigation and report. Deputy Controller Accounts in TAC (hereinafter referred to as investigation officer, I.O. for short) in TAC has submitted investigation report as follows: -
  - i. The IO had addressed letter dated 2.7.2015 to the DGO (by name) then working as Assistant Director Fisheries (Grade II) Bhatkal to make available all the records relating to selection of beneficiaries under the special unit scheme 2014-15. In response the DGO vide his letter dated. 16.7.2015 had submitted the details of selection process undertaken and all the records relating to the said process.
  - ii. The Government vide G.O. No. "ಆದೇಶ ಸಂಖ್ಯೆ : ಪಸನೀ 204 ನಿಇಯೋ 2011 ಬೆಂಗಳೂರು ದಿ. 14.12.2011" (Flag A) had constituted committee for selecting beneficiaries under special unit scheme and Tribal sub scheme, under the chairmanship of local MLA, Tahsildar, Taluk Social Welfare Officer, Taluka Backward Classes and Minorities

Extension Officer as members and Assistant Director of Fisheries Grade (II) of the Taluka as member secretary.

- iii. The Government had issued G.O. “ಆದೇಶ ಸಂಖ್ಯೆ : ಪಸಂನೀ 61 ನಿಇಯೋ 2011 ಬೆಂಗಲೂರು ದಿ. 27.11.2014” (Flag B). The guidelines required to be followed in the committee in the selection process are enumerated in the annexure III (Flag B1). Clause 13 under the heading of “Terms and Conditions” in annexure III (Flag B1) specifically provide that in case more applications are received than the required number of beneficiaries to be selected, the beneficiaries shall have to be selected by lottery system.
- iv. The proceedings of the committee for selecting the beneficiaries was held on 5.12.2014 (proceedings at Flag C) show that for selecting the 45 beneficiaries of SC category 194 applications were received and where as for selecting 15 beneficiaries under ST category 28 applications were issued.
- v. During the proceedings of the meeting though it was bought to the notice about the condition in the Government Order dated 27.11.2014 for adopting lottery system as there was more applicants than number of beneficiaries to be selected, the members including the DGO accepted the suggestion of the MLA, Chairman, that he would select all the beneficiaries and accordingly the Chairman/MLA selected 60 beneficiaries under the scheme. The orders dated 14.1.2015 extending the benefits to 45 beneficiaries under SC category and 15 beneficiaries under ST category are at Flag D and E and annexures enclosed to Flag D and E are at Flag D1 and E1.

8. The DGO has submitted the comments in response to the notice dated. 2.7.2015 of IO in TAC wherein he has stated that the procedure adopted in selecting the beneficiaries and had made available all relevant records including the Government orders and proceedings of the committee dt. 5.12.2014.
9. A careful consideration of the material on record shows that :-

The DGO Sri. Chandrashekar being Member Secretary of the committee constituted under the Chairmanship of local MLA of Bhatkal as per Government Order 14.12.2011 for selecting the eligible beneficiaries for extending the financial help under the Chairmanship of local MLA of Bhatkal as per Government order 14.12.2011 for selecting the eligible beneficiaries for extending the financial help under the Special Unit Scheme and Tribal Sub Scheme 2014-15, had clearly violated condition No. 13 of annexure III of Government Order dt. 27.11.2014 by not insisting for selecting the candidates by lottery system among the 194+28 eligible applicants and instead had joined hands with the Chairman/local MLA permitting to select the beneficiaries of his choice out of otherwise eligible applicants. Further, the DGO had also failed to make a report to the Government against the impermissible resolution dt 5.12.2014 passed by the committee selecting the beneficiaries of the choice of the Chairman of the committee in violation of the Government order. The said commission and omission on the part of the DGO fall within the purview of misconduct enumerated in Rule 3(I)(i)(ii) of KCS (Conduct) Rules.

10. In view of the facts stated above and the material on record, comments of the DGO has not been found satisfactory to drop the proceedings. The facts supported by the material on record show that the DGO, being a Government servant, has failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of a Government servant and thereby committed misconduct and made himself liable for disciplinary action.

11. Since the said facts and material on record prima-facie show that the DGO has 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 against the DGO and entrust the enquiry to this Authority Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry to this Institution and Hon'ble Upalokayukta nominated this enquiry Authority to conduct enquiry and report. Hence, this charge.

12. The said article of charge was served on the DGO on 28.6.2017. DGO appeared before the enquiry officer and his first oral statement under Rule 11(9) was recorded. DGO has denied the said charges.

13. DGO has filed his written statement denying all the allegations. He further submits that the State Government vide order dt. 14.12.2011 has constituted a committee under the Chairmanship of local MLA and 4 members; in which he was the Member Secretary for selecting the eligible beneficiaries for extending the financial help

under the special unit scheme for SC and ST categories. Subsequently the State Government issued an order dt. 27.11.2014, under which certain guidelines were prescribed to be followed in the selection process. Clause 13 under the heading of terms and conditions that in case more applications are received than the required number of beneficiaries to be selected, the beneficiaries shall have to be selected by lottery system. During the year 2014-15, about 200 applications were submitted seeking the benefit under the scheme. That, among 200 applications, 45 applicants are selected under SC category and 15 applicants are selected under ST category and availed the benefit under Sandhya Suraksha Scheme. The Deputy Director of Fisheries, Karwar vide order dt. 14.1.2015 has accepted the list of beneficiaries submitted by him. The selection committee constituted as per the G.O. dt. 14.12.2011 was strictly followed and the selection process was completed under the Chairmanship of local MLA of Bhatkal. Admittedly the committee is consisting of their members along with the Chairman of local MLA. The entire selection process was in accordance with law and in accordance with the G.O. and the same selection proceedings was approved by the Deputy Director of Fisheries, Karwar. When such being the state of affairs, that one Mr. Kumar Venkataramana Moger, unselected candidate has filed a false complaint before Upalokayukta on 27.2.2015 alleging certain illegalities has been committed in the matter of selection of beneficiaries in violation of Condition No. 13 of the G.O dt. 27.11.2014 and at the same time, similar complaint was also filed before the Government by the said complainant on 9.2.2015. Thereafter the complainant has filed an application before Upalokayukta on 22.6.2015 withdrawing the complaint. The State Government vide order dt. 14.8.2015 has transferred him to



Kundapura, Udupi as a result, office order came to be issued by the Director of Fisheries on 14.8.2015. That on 4.9.2015 he relieved from duties and handed over the charge to the Asst. Director of Fisheries, Honnavar. Sri M.S. Vaidya, MLA, Bhatkal has raised this issue in the Assembly on 9.7.2015 vide question No. 955. The Hon'ble Minister has replied to the question which in supports his defence that the taluk level select committee constituted during 2008-09 is still existing and the selection by lottery has not brought to the notice of the Government. When the complaint was filed before the State Government alleging that there was a misappropriation by selecting the ineligible under the scheme SEP/TSP. That, after examining the same and by looking into the records, the State Government has dropped the proceedings vide letter dt. 5.10.2015 which has been communicated to the Director of Fisheries. In Uttara Kannada District, Udupi District and Dakshina Kannada District none of the committees of respective taluks have followed the lottery system as contemplated under Clause 13 of the G.O. dt. 27.11.2014; and on the other hand, selection was held by the selection committee constituted by the Government vide order dt. 14.12.2011. All the beneficiaries under the list viz., 45 SC category and 15 ST categories are concerned, the benefit has been extended after verification of records to the genuine candidates. He has not committed any misconduct. Hence prays to exonerate from the charges.

14. On behalf of the Disciplinary Authority, PWs 1 and 2 are examined and Ex P 1 to P 18 are marked. After the closure of the evidence of the Disciplinary Authority, second oral statement of DGO u/R 11(16) was recorded. DGO submitted that he has defence evidence. DGO examined himself as DW1 and got marked Ex D 1 to

20. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defence assistant for DGO filed their written brief and they were also heard orally.

15. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

16. My answers to the above points are as follows:

Point No. 1 : In the affirmative.

Point no. 2 : As per final order for the following ;

### **REASONS**

17. **Point no. 1** : The complainant who is examined as PW1 has deposed that during the year 2014 DGO was working as officer in Fishery Department in Bhatkal. About 200 people had applied for subsidy in Fishery Department but benefits were not given to all the persons. Therefore, he lodged the complaint to Lokayukta office along with form no.1 to 2 as per Ex.P.1 to 3 with documents. Further PW1 has deposed that DGO is the responsible officer to making payment to the beneficiaries.

18. In the cross examination, PW1 has deposed that he has studied upto 10<sup>th</sup> Standard. He belongs to SC community. He was also one of

the applicant. He was not aware who were the members of the committee. After filing this complaint, he came to know there is a committee to select the beneficiaries. He admits that except SC & ST no other person were selected as beneficiaries. He admits that before filing this complaint he has given a complaint to Fishery Department of Government of Karnataka.

19. Further PW1 admits that at Fishery Department also, he was enquired on the same irregularities. He admits that after enquiry he came to know that no irregularities were committed. He admits that after recording his statement enquiry was closed in Fishery Department. Ex P -1 , Ex P 4 & 5 are in his own hand writing. He does not know the contents of Ex P -6. He admits that subsequently he has given application to this office stating that he is withdrawing the complaint voluntarily for the reasons that there was no irregularities.

20. Further PW1 has deposed that counting the number of boats, he has alleged that crores of Rupees is misused. But he has not collected any document. He admits that he was not selected as a beneficiary therefore he has filed this complaint. Since 12 years he is working as fisher man in Bhatkal. He admits that the lottery system is not followed in South Canara and North Canara Districts.

21. The I.O. who is examined as PW2 has deposed that on 30.6.2016, he received the investigation of this case and perused the compliant and available documents in the file. He has perused the G.O. dated 14.12.2011 and 27.11.2014. According to condition No.13, the fisheries department officials have to give vide publication,

call for the applications from eligible persons and have to select the beneficiaries through lottery according to the numbers of beneficiaries fixed in the scheme.

22. Further PW2 has deposed that the MLA is the Chairman of the selection committee. But the beneficiaries were not selected in the lottery system. All the selected beneficiaries are the members of fisheries co-operative society. This fact was not reported to the Government. On 5.12.2014, the beneficiaries were selected and list was approved by the selection committee. The DGO is responsible officer for not reporting matter to the government. Sri.Venkataramana Durgappa Mogera Heble found in Sl.No.11 in Ex P -9 is working as Head Master in Government School. After completion of investigation, he has submitted his report Ex P-18.

23. In the cross examination, PW2 admits that the president and members of the committee have the power to select the beneficiaries. He admits that the DGO is member secretary of the committee. He denies that the DGO has no power in selection of beneficiaries. DGO has to enlighten the president and members about the government guidelines. He has perused the proceedings dt:5.12.2014. He admits that the DGO has brought to the notice of the committee that the beneficiaries are to be selected through the lottery system.

24. Further PW2 admits that the committee without accepting the suggestion of the DGO has selected beneficiaries. He admits that the Regional Deputy Director of Fisheries has the power to approve the beneficiaries list. He admits that the DGO has only the power to forward the beneficiaries list selected by the committee to Regional

Deputy Director of Fisheries. He admits that according to the covering letters, the DGO has forwarded the beneficiaries list to Regional Deputy Director of Fisheries.

25. Further PW2 has deposed he does not know that complainant also has submitted the representation to the government and therefore the list of beneficiaries is not acted upon. He does not know that on 5.10.2015 Under Secretary to Government, Fisheries Department has written a letter to Secretary to Government, Fisheries Department stating that the DGO has not committed any misconduct. He admits that in Ex P -18, he has opined that the allegations against DGO are not established. He has not enquired by visiting the school to show whether Venkataramanappa Durgappa Mogere He bale is working as a teacher or not.

26. Further PW2 has deposed that he does not know that Block Education Officer, Bhatkala has written a letter to Assistant Director of Fisheries, Bhatkala on 9.1.2018 stating that Venkataramanappa Durgappa Mogere He bale is not working as a teacher in government primary school in Bhatkala. He denies that the DGO has not committed any misconduct and false charges are made against DGO.

27. The DGO who got examined himself as DW 1 has deposed that he has served as Asst. Director of Fisheries in Bhatkal Uttar Kannada District in between the period from 2012 to 2015 and at present working at Kundapura Udupi District. DW 1 has further deposed that the State Government vide order dt. 14.12.2011 has constituted a committee under the Chairmanship of local MLA and 4 members; in which he was the Member Secretary for selecting the eligible

beneficiaries for extending the financial help under the special unit scheme for SC and ST categories. Subsequently the State Government issued an order dt. 27.11.2014, under which certain guidelines were prescribed to be followed in the selection process.

28. Further DW1 has deposed that Clause 13 under the heading of terms and conditions that in case more applications are received than the required number of beneficiaries to be selected, the beneficiaries shall have to be selected by lottery system. During the year 2014-15, about 200 applications were submitted seeking the benefit under the scheme. That, among 200 applications, 45 applicants are selected under SC category and 15 applicants are selected under ST category and availed the benefit under Scheme.

29. Further DW1 has deposed that the Deputy Director of Fisheries, Karwar vide order dt. 14.1.2015 has accepted the list of beneficiaries submitted by him. The selection committee constituted as per the G.O. dt. 14.12.2011 has strictly followed and the selection process was completed under the Chairmanship of local MLA of Bhatkal. Admittedly the committee is consisting of their members along with the Chairman of local MLA.

30. Further DW1 has deposed that the entire selection process was in accordance with law and in accordance with the G.O. and the same selection proceedings was approved by the Deputy Director of Fisheries, Karwar. When such being the state of affairs, that one Mr. Kumar Venkataramana Moger, unselected candidate has filed a false complaint before Upalokayukta on 27.2.2015 alleging certain illegalities has been committed in the matter of selection of

beneficiaries in violation of Condition No. 13 of the G.O dt. 27.11.2014 and at the same time, similar complaint was also filed before the Government by the said complainant on 9.2.2015.

31. Further DW1 has deposed that thereafter the complainant has filed an application before Upalokayukta on 22.6.2015 withdrawing the complaint. Thereafter he received a letter dt. 2.7.2015 wherein he was called upon to submit his reply. After receipt of the same, a comprehensive reply was filed by him on 16.7.2015 along with documents requesting to drop further proceedings.

32. Further DW1 has deposed that the State Government vide order dt. 14.8.2015 has transferred him to Kundapura, Udupi as a result, office order came to be issued by the Director of Fisheries on 14.8.2015. That on 4.9.2015 he relieved from duties and handed over the charge to the Asst. Director of Fisheries, Honnavar. Sri M.S. Vaidya, MLA, Bhatkal has raised this issue in the Assembly on 9.7.2015 vide question No. 955. The Hon'ble Minister has replied to the question which in supports his defence that the taluk level select committee constituted during 2008-09 is still existing and the selection by lottery has not brought to the notice of the Government.

33. Further DW1 has deposed that when the complaint was filed before the State Government alleging that there was a misappropriation by selecting the ineligible under the scheme SEP/TSP. That, after examining the same and by looking into the records, the State Government has dropped the proceedings vide letter dt. 5.10.2015 which has been communicated to the Director of Fisheries.

34. Further DW1 has deposed that in Uttara Kannada District, Udupi District and Dakshina Kannada District none of the committees of respective taluks have followed the lottery system as contemplated under Clause 13 of the G.O. dt. 27.11.2014; and on the other hand, selection was held by the selection committee constituted by the Government vide order dt. 14.12.2011. All the beneficiaries under the list viz., 45 SC category and 15 ST categories are concerned, the benefit has been extended after verification of records to the genuine candidates. He has not committed any misconduct. Hence prays to exonerate from the charges.

35. In the cross examination, DW 1 admits that MLA is the chairman of selecting committee and he is the member secretary. He admits that according to the government order, beneficiaries were to be selected in lottery system. He denies that he has not followed the government order while selecting the beneficiaries. He admits that on 5.12.2014, the resolution was passed. He denies that he has not taken the approval from the government for the resolution dt:5.12.2014. He denies that he has not enlightened the selecting committee regarding ineligible candidates.

36. As per the copies of the Government proceedings Ex P 12, the beneficiaries are to be selected in lottery system after giving a vide publication. But the copy of resolution Ex P 13 shows the committee headed by Member of Legislative Assembly gave the entire power to MLA to select all the beneficiaries. Without following the lottery system, the MLA alone selected the beneficiaries.



37. The DGO admits that the MLA is the Chairman of the selecting committee and he is the Member Secretary. He admits that according to the Government Order, the beneficiaries were to be selected in lottery system. On 5.12.2014, the resolution was passed and the entire power was given to MLA to select the beneficiaries instead of lottery system. Even after passing the resolution, the matter was not brought to the notice of Government regarding the impermissible resolution.

38. The oral and documentary evidence on record clearly show that the DGO being a Member Secretary of the committee constituted under the Chairmanship of local MLA of Bhatkal as per Government Order 14.12.2011 for selecting the eligible beneficiaries to extend the financial help under the Special Unit Scheme and Tribal Sub Scheme 2014-15, has clearly violated condition No. 13 of annexure III of Government Order dt. 27.10.2014 (by typographical error the date is mentioned as 27.11.2014 in AOC) by not insisting for selecting the candidates by lottery system among the 194+28 eligible applicants and instead had joined hands with the Chairman/local MLA permitting to select the beneficiaries of his choice out of otherwise eligible applicants. The DGO has also failed to make a report to the Government against the impermissible resolution dt. 5.12.2014 passed by the committee selecting the beneficiaries of the choice of the Chairman of the committee in violation of the Government order.

Thereby the DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant as

enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966. Hence, I proceed to answer point No. 1 in the affirmative.

39. **Point No. 2** : For the reasons discussed above, I proceed to pass the following ;

**ORDER**

Disciplinary Authority has proved the charges as framed against DGO Sri. Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttar Kannada District.

Hence, this report is submitted to Hon'ble Upalokayukta I for kind consideration.

Dated this the 21<sup>st</sup> April, 2018

(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore

**ANNEXURES**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 :- Sri. Kumara  
PW-2 :- Sri. T. Lakshmaiah

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

DW-1:- Sri. Chandrasekhar

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

- Ex.P-1 : Complaint dt. 27.2.2015  
 Ex.P-2 : Form No. I dt. 27.2.2015  
 Ex.P-3 : Form No. II dt. 27.2.2015  
 Ex.P-4 : List of beneficiaries  
 Ex P-5 : List of beneficiaries  
 Ex.P-6 : Rejoinder dt. 6.4.2015  
 Ex P 7 : Government order dt. 14.12.2011 of Under Secretary to Government, Fisheries Department.  
 Ex P 8 : Meeting notice dt. 28.11.2014 of Fisheries Department.  
 Ex P 9 : Resolution dt. 5.12.2014  
 Ex P 10 : Beneficiaries list  
 Ex.P-11 : G.O. dt. 14.12.2011 of the Under Secretary to Government, Fisheries Department  
 Ex.P-12 : G.O. dt. 27.11.2014 of the Under Secretary to Government, Fisheries Department  
 Ex.P-13 : Resolution dt. 5.12.2014  
 Ex.P-14 : Fisheries Department proceedings dt. 14.1.2015  
 Ex P-15 : List of beneficiaries  
 Ex.P-16 : Fisheries Department proceedings dt. 14.1.2015  
 Ex P 17 : List of Beneficiaries  
 Ex P 18 : Report dt. 17.2.2017 of Sri. Laxmaiah T., Dy.Controller, TAC, KLA, Bangalore

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

- Ex.D-1 : Proceedings dt. 5.12.2014  
 Ex.D-2 : Letter dt. 8.12.2014 of Asst. Director of Fisheries, Grade II, Bhatkal  
 Ex.D-3 : Proceedings dt. 14.1.2015 of Fisheries Department  
 Ex.D-4 : Documents produced by the beneficiaries  
 Ex.D-5 : GO dt:14.12.2011 of Fisheries Department  
 Ex.D-6 : GO dt:27.11.2014 of Fisheries Department  
 Ex.D-7 : Resolution dt. 3.12.2014 of Byndur Constituency  
 Ex.D-8 : Resolution dt. 8.12.2014 of Bhatkal constituency  
 Ex.D-9 : Resolution dt. 4.12.2014 of Udupi Constituency  
 Ex.D-10 : Answer to marked question by Government  
 Ex.D-11 : Committee resolution dt. 22.12.2014  
 Ex.D-12 : Committee resolution dt. 2.12.2014  
 Ex.D-13 : Committee resolution dt. 22.12.2014  
 Ex.D-14 : Committee resolution dt. 29.12.2014  
 Ex.D-15 : Committee resolution dt. 24.12.2014  
 Ex.D-16 : Committee resolution dt. 5.12.2014  
 Ex.D-17 : Committee resolution dt. 1.12.2014

- Ex.D-18 : Charge List dt. 4.9.2015 of Asst. Director of Fisheries, Grade 2, Bhatkal
- Ex.D-19 : Application of Sri. Kumar Venkataramana Mogera dt. 9.2.2015
- Ex.D-20 : Letter dt. 5.10.2015 of Under Secretary to Government, Fisheries Department.

Dated this the 21<sup>st</sup> April 2018

(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/641/2017/ ARE-10

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 24/04/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri Chandrashekhar,  
Assistant Director of Fisheries (Grade-2), Bhatkal,  
Uttara Kannada District – Reg.

Ref:- 1) Government Order No.ಪಸಂಮೀ 50 ಮೇಷಸೇ 2017  
Bengaluru dated 3/5/2017

2) Nomination order No.UPLOK-1/DE/641/2017,  
Bengaluru dated 11/5/2017 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Report dated 21/4/2018 of Additional Registrar of  
Enquiries-10, Karnataka Lokayukta, Bengaluru

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The Government by its Order dated 3/5/2017, initiated the disciplinary proceedings against Sri Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttara Kannada District, (hereinafter referred to as Delinquent Government Official, for short as **'DGO**) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/641/2017, Bengaluru dated 11/5/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttara Kannada District was tried for the following charges:-

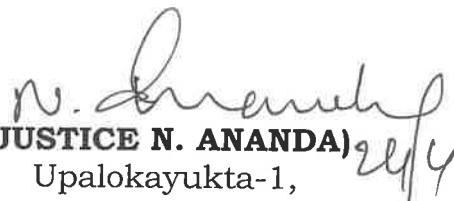
“That, you DGO Sri Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttar Kannada District, being Member Secretary of the Committee constituted under the Chairmanship of local MLA of Bhatkal as per Government Order 14.12.2001 for extending financial help under the Special Unit Scheme and Tribal Sub Scheme 2014-15, has clearly violated condition No.13 of Annexure III of Government order dt. 27.11.2014 by not insisting for selecting the candidates by lottery system among the 194+28 eligible Applicants and instead had joined hands with the Chairman/local MLA permitting to select the beneficiaries of his choice out of otherwise eligible Applicants.

Further, you DGO has also failed to make a report to the Government against the impermissible resolution dt. 5.12.2014 passed by the Committee selecting the beneficiaries of the choice of the Chairman of the Committee in violation of the Government order.

Thus, you DGO being a Government Servant/ Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government Servant 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 Sri Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttara Kannada District.
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, he is due to retire from service on 31/5/2040.
7. Having regard to the nature of charge proved against DGO Sri Chandrashekhar, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Chandrashekhar, Assistant Director of Fisheries (Grade-2), Bhatkal, Uttara Kannada District with cumulative effect and also deferring the promotion of DGO Sri Chandrashekhar by four years, whenever he becomes due for promotion.
8. 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

