

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/717/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 09-04-2019.

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)**

**Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental enquiry against Sri T.Parasappa,
Chief Officer- Town Municipal Council of
Lingasugur in the Raichur district - reg.

Ref: 1) Government Order Noನ೨೩ 115 ಡಿಎಂಕೆ 2016
ಬೆಂಗಳೂರು, 07/12/2016.

2) Nomination Order No: UPLOK-1/DE/
717/2016 Dated: 14/12/2016 of Hon'ble
Upalokayukta, Bengaluru.

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This Departmental Enquiry is initiated against Sri T.Parasappa, Chief Officer- Town Municipal Council of Lingasugur in the Raichur district (hereinafter referred to as the Delinquent Government Official for short "DGO").

In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 14/12/2016 cited above at reference No.2 has Nominated Addl. Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of



documents proposed to be relied on in support of the charges. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

The Article of charges framed by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

Smt. Sharanamma w/o Basavarajappa Sajja is the legal heir of her husband Sri Basavarajappa Sajjan, who died on 25.05.2009, had a site bearing Municipal Assessment No.2-13/36/31 situated in Lingasugur APMC yard, without prior notice and knowledge to her, you-changed (transfer) the khata of said site to the name of Sri Sharanabasava s/o Basavaraj Sajjan on 3.3.10, thereby committed misconduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

ANNEXURE-II
STATEMENT OF IMPUTATION OF MISCONDUCT:

On the basis of complaint filed by Smt. Sharanamma w/o Basavarajappa Sajja, Gowlipura, Near old APMC at Lingasugur, Raichur district, (hereinafter referred to as 'complainant' for short) against Sri T. Parasappa, Chief Officer, Town Municipal Council, Lingasugur, Rainchur district (hereinafter referred to as "DGO") alleging that the you have committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

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2. Comments were called for from you-DGO and you-DGO have submitted comments stating that you-DGO have admitted that you-DGO changed the khata of said property in the name of Sri Sharanabasava S/o Basavarajappa Sajjan on the application of said Sri Sharanabasava since no objections were filed by anybody in spite of service of notice. When called for you-DGO to produce the copy of notice served on the complainant, you-DGO have reported that the records are burnt on 31.10.2010 in fire accident to record room of TMC at Lingasugur and, to show it, sent a copy of FIR dated 1.11.10.

3. A careful consideration of the material on record with the procedure for change of khatha of property situated within the limits of Municipality shows that:-

- i) You-DGO have changed the khatha of site without any notice of the death of complainant's husband- the tax payee of the said site, though required u/s 111(2) of Karnataka Municipalities Act, 1964;
- ii) You-DGO had not called for Sri Sharanabasava s/o Basavaraj Sajjan to produce the death certificate and genealogical tree of deceased tax payee on record namely, Sri Basavarajappa s/o Rachappa Sajjan;
- iii) Before changing the khatha, you-DGO had not ascertained as to whether the applicant is the sole surviving legal heir of Sri Basavarajappa Sajjan.

4. In view of the above, you-DGO had not been found convincing to drop the proceedings.

5. Therefore, there is prima facie material to hold you-DGO is guilty of dereliction of duty and misconduct as per rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966 and under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules 1957. Hence, the charge.

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The DGOs have appeared on 12/4/2017 before this enquiry authority in pursuance to the service of the Article of charges.

Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.

The DGO has submitted written statement is that,

He has specifically denied the charge and statement of imputations of misconduct. Further stated that he was dismissed from the service w.e.f., 15/12/2011 vide order No. ಪೌನಿ/ವಿಚಾರಣೆ/ಗುವಿ/ಸಿಆರ್/11/2008-09 ದಿ: 15/12/2011. Since he was not a government servant from that date onwards the KCS (CCA) Rules 1957 is not applicable to him till he is reinstated in service. Further he submitted that, he cannot be dismissed for a second time. In view of the above he requested to drop further proceedings as the provision of KCS (CCA) Rules, 1957 including 14-A are not applicable to him.

The disciplinary authority has examined the complainant Smt.Sharanamma w/o Basavarajappa Sajjan, Gowlipura, Near old APMC at Lingasugur, Raichur district as Pw.1. and Ex.P1 to 5 are got marked. The DGO has not examined any witnesses and not got marked any documents.

The DGO has filed written brief. Heard the submissions of the disciplinary authority and DGO's side. I answer the above charge in ^{affirmative} **NEGATIVE** for the following ;

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REASONS

3) 3) It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGO.

4) The disciplinary authority has examined the complainant Smt. Sharanamma w/o Basavarajappa Sajjan, Gowlipura, Near old APMC at Lingasugur, Raichur district as Pw.1. and Ex.P1 to 5 are got marked. The DGO has not examined any witnesses and not got marked any documents. Pw.1 deposed in her chief examination that the DGO was working as a Chief Officer, Lingasguru, TMC. 20 year back her husband purchased the site No.31 in APMC Yard Lingasguru. 9 years back her husband died. The DGO without giving any notice to her the khata of the said site and shops in the name of Sharanappa s/o Basappa who was working in her house. Further she deposed that her husband and herself had no issues. Further deposed that the said Sharanappa s/o Basappa is not their son. For that she has filed the complaint before the Lokayukta office against the DGO. The DGO has not examined any witness and not produced any documents. Except order of his dismissal as per the GO No. ಪೌನಿ/ವಿಚಾರಣೆ/ಗುವಿ/ಸಿಆರ್/11/2008-09 ದಿ: 15/12/2011 in respect of charge proved regarding misappropriation of amount of Rs.4,83,866/- when he was working a Chief Officer, TMC, Kustagi in the year 2006-07.

5) The Ex.P1 and 2 are the complaint form No.I&II dated 19/9/2013. Ex.P3 is the documents produced by the

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complainant (10 sheets). Ex.P4 is the letter dated 10/5/2014 written by the complainant along with documents (7 sheets). Ex.P5 is the letter dated 11/7/2014 written by the complainant along with documents (5 sheets).

- 6) Perused the evidence of Pw.1 and Ex.P1 to 5 along with written statement and written brief of the DGO. The DGO has not disputed the fact that he was working as a Chief Officer, TMC, Lingasgur the Ex.P4 page 64 is the copy of the application filed by the Pw.1 before the DGO the then Chief Officer, Lingasguru on 12/10/2011 for change the khata of the said site No.31 and property No.2-13-36/31 and also disputed the khata changed by the DGO in the name of Sharanabasav s/o Basavaraj. In the said application she has clearly stated that her husband and herself have no any issues and said Sharanabasava is not their son. She also produced the Ex.P4 page 65 ie., trading license transferred to her name after the death of her husband through the resolution passed by the APMC^v Committee Lingasguru. The Pw.1 has produced Ex.P5 page 73 G-tree of her family. As per the said document they have no issues. Ex.P5 page 74 copy of the APL card in respect of the Pw.1. Ex.P5 page 76 copy of the affidavit of the Pw.1.
- 7) The Ex.P3 page 50-57 is the copy of the sale deed as per the said sale deed husband of the Pw.1 Basavaraj s/o Rachappa Sajjan purchased alleged site No.31 in APMC Yard, Lingasguru. There is no doubt the said property
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belongs to her husband, Ex.P3 page 58 is the value added tax registration certificate issued by the Asst. Commissioner, Commercial Tax Office, Sindhanur in the name of Pw.1 on 31/12/12 in respect of the shop running by her in the said property. The Ex.P3 page 60 is the form No.3 issued by the Chief Officer, TMC, Lingasguru on 28/11/2011. As per the said document the khata of the said property changed in the name of Sharanabasav s/o Basavaraj Sajjan in the year 2009 as per the said document, notice issued by the TMC, Lingasguru on 19/6/2009 and 24/12/2009 before passed the mutation order. For the same the DGO was not produced any documents to show that notice was given to the Pw.1 before changed the khata in the name of Sharanabasav s/o Basavaraj Sajjan. The DGO has not disputed the fact that he was working as Chief Officer, TMC, Lingasguru in the year 2009 and changed the khata of the said property in the name of Sharanabasav s/o Basavaraj Sajjan. The Ex.P3 page 62 is the copy of the death certificate of Basavarajappa s/o Rachappa Sajjan who was the husband of Pw.1. As per the said document husband of the Pw.1 died on 25/5/2009. As per Ex.P3 page 61 the then Chief Officer, TMC, Lingasguru issued an endorsement dated 12/12/2011 to Pw.1. As per the said document the original records in respect of the property of Pw.1 were burned out due to electric shock. As per Ex.P4 page 68-70 the then Chief Officer, Lingasguru who was working as Chief Officer after the DGO transferred has issued 3 notices dated 21/10/2011, 11/11/2011 and 7/12/2011

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to the said Sharanabasav s/o Basavaraj Sajjan. In the said notice Chief Officer called the said Sharanabasav s/o Basavaraj to produce the documents to show on what basis the khata of the said property stands in his name. The above said all documents and evidence of the Pw.1 clearly reveal that the DGO without issuing the notice to the Pw.1 who is the wife of the deceased Basavarajappa Sajjan the owner of the property changed the khata of the said property in the name of Sharanabasav s/o Basavaraj Sajjan without any document to show that he was the son of Basavaraj Sajjan s/o Rachappa Sajjan or he was the beneficiary under deed like gift deed or will executed by the said Basavaraj Sajjan. There is no material from the side of the DGO to disprove the charge leveled against him. But the DGO has produced G.O. ಪೌನಿ/ವಿಚಾರಣೆ/ಗುವ/ಸಿಆರ್/11/2008-09 ದ: 15/12/2011 (page 28-31). As per the said G.O dated 15/12/2011 another disciplinary enquiry No.ಕಂದಾಯ/ಸಿಬ್ಬಂದಿ/28 2010-11 ದ: 10/11/2010 initiated against the DGO in respect of misappropriation of amount when he was working as Chief Officer, Kustagi, TMC. In the result of the same as per the above said G.O the DGO was dismissed from the service but, the said case is different case from present case. But, the DGO has not produced any documents to show that whether he was preferred an appeal against the said G.O or not. Thereby, the disciplinary authority succeeded to prove the charge leveled in the present case against DGO.

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- 8) In the above said facts and circumstances, charge leveled against the DGO is proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

Pw.1	Smt.Sharanamma w/o Basavarajappa Sajja, Gowlipura, Near old APMC at Lingasugur, Raichur district dated 1/8/2018 (Original)
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ii) List of Documents marked on behalf of Disciplinary Authority.

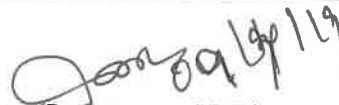
Ex.P1&2 Ex.P1(a)2(a)	Complaint form No.I&II dated 19/9/2013 Signature
Ex.P3	Documents produced by the complainant
Ex.P4	Letter dated 10/5/2014 written by the complainant along with documents
Ex.P5	Letter dated 11/7/2014 written by the complainant along with documents

iii) List of witnesses examined on behalf of DGO.

Dw.1	NIL
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iv) List of documents marked on behalf of DGO

Ex.D1	NIL
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(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: UPLOK-1/DE/717/2016/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 11/04/2019

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri T.Parasappa, the then Chief Officer, Town
Municipal Council, Lingasugur, Raichur District – Reg.

Ref:- 1) Government Order No.ಸಅಇ 115 ಡಿಎಂಕೆ 2016 Bengaluru
dated 7/12/2016.

2) Nomination order No.UPLOK-1/DE/717/2016,
Bengaluru dated 14/12/2016 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 9/4/2019 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 7/12/2016, initiated the disciplinary proceedings against Sri T.Parasappa, Chief Officer, Town Municipal Council, Lingasugur, Raichur 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/717/2016, Bengaluru dated 14/12/2016 nominated Additional Registrar of Enquiries-9, 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 T.Parasappa, the then Chief Officer, Town Municipal Council, Lingasugur, Raichur District was tried for the following charge:-

“Smt. Sharanamma W/o. Basavarajappa Sajjan is the legal heir of her husband Sri Basavarappa Sajjan, who died on 25/5/2009, had a site bearing Municipal Assessment No.2-13/36/31 situated in Lingasugur APMC yard, without prior notice and knowledge to her, you – changed (transfer) the katha of said site to the name of Sri Sharanabasava S/o. Basavaraj Sajjan on 3/3/2010, thereby committed misconduct as enumerated U/R. 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri T.Parasappa, the then Chief Officer, Town Municipal Council, Lingasugur, Raichur 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 was due to retire from service on 31/5/2023 in the normal course.

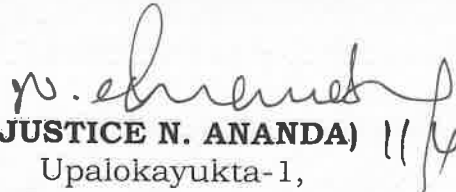
7. As per the report of the Inquiry Officer, the DGO was dismissed from service vide Order No. ಪೊನಿ/ವಿಚಾರಣೆ/ಗುವಿ/ಸಿಆರ್/11/2008-09

dated 15/12/2011 of the Commissioner of Municipal Administration, Bengaluru.

8. Having regard to the nature of charge proved against DGO Sri T.Parasappa, it is hereby recommended to the Government for imposing penalty of withholding two annual increments payable to DGO Sri T.Parasappa, the then Chief Officer, Town Municipal Council, Lingasugur, Raichur District, with cumulative effect, if DGO has been reinstated into service. If the DGO has not been reinstated into service, this recommendation shall be treated as redundant.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 11/12
Upalokayukta-1,
State of Karnataka,
Bengaluru

