

KARNATAKA - LOKAYUKTA

No. Uplok-1/DE/764/2017/ARE-12

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru-560 001
Date:30.08.2021**ENQUIRY REPORT****PRESENT :**SRI LEKKADAPPA JAMBIGI
ADDITIONAL REGISTRAR (ENQUIRIES)-12
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU - 560 001.**Subject :**

Departmental Inquiry against :

Sri. Mallikarjun M Harobidi, Assistant
Horticulture Officer, Watershed
Development Department, Dharwad
District-reg.,**References:**

1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/BGM/4450/2015/ARLO-1, dt.29.12.2016.
2. Government Order No.ತೋಷ 26 ತೋಷೇಪ 2017 dt:05.06.2017
3. Nomination Order No.Uplok-1/DE/764/2017 Bengaluru dt.13.06.2017 of Hon'ble Upalokayukta-1.
4. Order No.Uplok-1&2/DE/Transfers/2018 Bengaluru dated 6.8.2018

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1. This complaint is filed by Sri.Kallappa Dyamappa Hooli R/o Mishri Koti village, Kalaghatagi Taluk, Dharwad District (hereinafter referred to as the complainant for short) against Sri. Mallikarjun M Harobidi, Assistant Horticulture Officer, Watershed Development Department, Dharwad District (hereinafter referred to as DGO for short) in respect of dereliction of duty by the DGO.

2. On the basis of the complaint, comments were called from the DGO. DGO has filed the comments. By considering the same, 12(3) report has been submitted to the Government and on the basis of the said report, the Government was pleased to issue the Government Order authorizing Hon'ble Upalokayukta to hold an enquiry and to submit the report. On the basis of the said G.O., the nomination order has been issued to the ARE-7 and thereafter the matter is transferred to ARE-12.

3. On the basis of the said order, the Articles of charges were framed against DGO on 03.02.2018 and DGO received the Articles of charges. The First Oral Statement has been recorded by the Additional Registrar of Enquiries-7.

4. The articles of charge and the statement of imputations of misconduct prepared and leveled against the DGO are reproduced as here under :-

ANNEXURE-1
CHARGE

2 ಅ) ಆ.ಸ.ನೌ.ರ ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಎಂ. ಹಾರೋಬಡಿ ಆದ ನೀವು ಸಹಾಯಕ ತೋಟಗಾರಿಕೆ ಅಧಿಕಾರಿ ಆಗಿ ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಧಾರವಾಡ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಪ್ರತ್ಯೇಕ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮುಖ್ಯ ಕೂಲಿಗಾರರಿಗೆ ಹಣ ನೀಡಲಾದ ಬಗ್ಗೆ ದಾಖಲೆಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆ) ಮುಂದುವರೆದು, ಬಿತ್ತನೆ ಬೀಜ ಖರೀದಿ ಮತ್ತು ಸಸಿ ಖರೀದಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಇ-ಟೆಂಡರ್‌ನ್ನು ಕರ್ನಾಟಕ ಪಾರದರ್ಶಕ ಕಾಯ್ದೆ 2000 ಅನ್ವಯ ಕರೆದಿಲ್ಲ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಾರ್ಗಸೂಚಿಗಳಲ್ಲಿ ಸದರಿ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಿದ

ಕಾರ್ಮಿಕರಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಚೆಕ್ ಮೂಲಕ ನೀಡಬೇಕೆಂಬ ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ, ಸದರಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಚೆಕ್ ಮೂಲಕ ನೀಡಿರುವ ಬಗ್ಗೆ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಳು ನಿರ್ವಹಣೆಯಾಗಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಇಡದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಇ) ಮುಂದುವರೆದು, ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂ.1 ನಗದು ಪುಸ್ತಕದ ನಿರ್ವಹಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನೀಡಲಾದ ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿ ಹೇಳಿದಂತೆ ಪ್ರತಿಯೊಂದು ಖರ್ಚಿಗೂ ಸಹ ರಸೀದಿ, ವೋಚರ್‌ಗಳು ಮತ್ತು ಬಿಲ್‌ನ್ನು ಪಡೆಯಬೇಕೆಂಬ ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ ಈ ಬಗ್ಗೆ ಖರ್ಚು-ವೆಚ್ಚದ ವೋಚರ್‌ಗಳನ್ನು ಅಥವಾ ಬಿಲ್‌ಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಈ) ಮುಂದುವರೆದು, ಪ್ರತಿಯೊಂದು ಖರ್ಚಿಗೂ ಸಂಬಂಧಪಟ್ಟಂತೆ ನಗದು ಪುಸ್ತಕದಲ್ಲಿ ನಮೂದಿಸಿ ವೋಚರ್ ಸಂಖ್ಯೆಯನ್ನು ನೀಡಬೇಕಿದ್ದು, ಪ್ರತಿಯೊಂದು ಕಾಮಗಾರಿಗೂ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕೆಲಸದ ಅವಧಿ ಮುಖ್ಯ ಕೂಲಿಗಾರರ ಹೆಸರು, ಪಾವತಿಗೆ ಸಂಬಂಧಿಸಿದ ಅಳತೆ ಪ್ರಮಾಣ, ಕೂಲಿಯ ಜೊತೆ ಆಹಾರ-ಧಾನ್ಯದ ವಿತರಣೆಯಲ್ಲಿದ್ದ ಪ್ರತಿಯೊಂದು ವೋಚರ್‌ನಲ್ಲಿದ್ದ ವಿತರಿಸಿದ ಆಹಾರ-ಧಾನ್ಯದ ಪ್ರಮಾಣ ಮತ್ತು ಅದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚದ ಬಗ್ಗೆ ನಮೂದಿಸಬೇಕೆಂದು ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿದ್ದರೂ ಸಹ ಆ ರೀತಿ ನಮೂದಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಉ) ಮುಂದುವರೆದು, ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕಾಮಗಾರಿಗಳ ವೆಚ್ಚಗಳಿಗೆ ದಿನಕ್ಕೆ ರೂ.50,000/- ಗಳಿಗೂ ಮೇಲ್ಪಟ್ಟು ಯಾವುದೇ ಹಣವನ್ನು ಚೆಕ್ ಮೂಲಕ ನಗದೀಕರಿಸಬಾರದಾಗಿ ಆಯುಕ್ತರು, ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆರವರು ಸುತ್ತೋಲೆ ಹೊರಡಿಸಿದ್ದರೂ ಸಹ ಆಸನಾರರಾದ ನೀವು ಸದರಿ ಮಾರ್ಗಸೂಚಿಯನ್ನು ಪಾಲಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಊ) ಮುಂದುವರೆದು, ಜಲಾನಯನ ಸಮಿತಿಯ ಹಂತದ ಫಲಾನುಭವಿ/ಮುಖ್ಯ ಕೂಲಿಗಾರರಿಗೆ/ಯಂತ್ರದ ಮಾಲೀಕರಿಗೆ ಅಕೌಂಟ್ ಪೇಯಿ ಅಥವಾ ಪೇಟು ಆರ್ಡರ್ ಚೆಕ್ ಮೂಲಕ ಚೆಕ್ ಸ್ವೀಕೃತನ ಸಹಿಯನ್ನು ಚೆಕ್ ಹಿಂಭಾಗದಲ್ಲಿ ದೃಢೀಕರಿಸಿ ನೀಡುವ ಕ್ರಮ ಅನುಸರಿಸುವಂತೆ ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ ಅವುಗಳನ್ನು ಸರಿಯಾದ ರೀತಿ ಪಾಲಿಸದೇ ಹಾಗೂ ಎಲ್ಲಾ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರದ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

3. ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಎಂದು ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

4. ಶ್ರೀ.ಕಲ್ಲಪ್ಪ ದ್ಯಾಮಪ್ಪ ಹೂಲಿ, ಹೂಲಿಯವರ ಓಣಿ, ಮಿಶ್ರೀಕೋಟೆ, ಕಲಘಟಗಿ ತಾಲ್ಲೂಕು, ಧಾರವಾಡ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಎಂ. ಹಾರೋಬಡಿ, ಸಹಾಯಕ ತೋಟಗಾರಿಕೆ ಅಧಿಕಾರಿ, ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಧಾರವಾಡರವರ ವಿರುದ್ಧ ನೀಡಿದ ದೂರಿನನ್ವಯ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಿಕೊಂಡು ತನಿಖೆಯನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿತ್ತು.
5. ಪ್ರಕರಣದ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ: ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಜನವರಿ 2012ರಿಂದ 2014ರ ಅವಧಿಯಲ್ಲಿ ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಜಲಾನಯನ ಇಲಾಖೆ, ಕಲಘಟಗಿ ಇಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿದ್ದು, ಅವರ ಅಧಿಕಾರಾವಧಿಯಲ್ಲಿ ಭುವನೇಶ್ವರಿ ಜಲಾನಯನ ಸಮಿತಿ, ಬೆಲವಂತರ, ಕಲ್ಲೇಶ್ವರ ಜಲಾನಯನ ಸಮಿತಿ, ಬೀರವಳ್ಳಿ ಮಡಕೆಹೊನ್ನಳ್ಳಿ ಜಲಾನಯನ ಸಮಿತಿ, ಮುಕ್ಕಲ್ ಜಲಾನಯನ ಸಮಿತಿ, ಹಸರಿ ಕ್ರಾಂತಿ ಜಲಾನಯನ ಸಮಿತಿ, ತಾವರಗೇರಿ ಇಂತಹ ಹಲವಾರು ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಣೆ ಮಾಡಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಯಾವುದೇ ರೀತಿ ಇ-ಟೆಂಡರ್ ಕರೆಯದೇ, ಕೆಲವು ಕಾಮಗಾರಿಗಳನ್ನು ರೈತರ ಹೆಸರು ಮತ್ತು ಸರ್ವೆ ನಂಬರ್ ಇಲ್ಲದಿದ್ದರೂ ಸಹ ತಮ್ಮ ವಹಿಯಲ್ಲಿ ದಾಖಲೆಗಳನ್ನು ಸೃಷ್ಟಿಸಿಕೊಂಡು ಎಲ್ಲಾ ಸಮಿತಿಗಳಡಿಯಲ್ಲಿ ಸುಮಾರು ರೂ.78,70,045/-ರ ಅನುದಾನವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ. ನಿರ್ವಹಣೆ ಮಾಡಿದ ಎಲ್ಲಾ ಕಾಮಗಾರಿಗಳು ಸಹ ಕಳಪೆ ಕಾಮಗಾರಿಗಳಾಗಿವೆ. ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸರ್ಕಾರದ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದಾಗಿ ಆಪಾದಿಸಿದ್ದರು.
6. ದೂರಿನ ಮೇಲೆ ಆಸನೊರರಾದ ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿದ್ದು, ಅದರಂತೆ ಆಸನೊರರಾದ ನೀವು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿ, ಭುವನೇಶ್ವರಿ ಜಲಾನಯನ ಸಮಿತಿ, ಬೆಲವಂತರ ತೋಟಗಾರಿಕೆ ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕಿರುಚೀಲ ವಿತರಣೆ ಮಾಡಿದ ಬಗ್ಗೆ ಮಾರ್ಗಸೂಚಿಯನ್ವಯ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿದೆ. ಅದೇ ರೀತಿ ಸಂಬಂಧಪಟ್ಟ ಜಲಾನಯನ ಸಮಿತಿಗೆ ತರಕಾರಿ ಬೀಜಗಳನ್ನು ವಿತರಿಸಲಾಗಿದೆ. ಸದರಿ ಚೆಕ್‌ಗಳಿಗೆ ಖಜಾಂಜಿ ಹಾಗೂ ಜಲಾನಯನ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರು ಸಹಿ ಮಾಡಿ ವಿತರಿಸಲಾಗಿದೆ ಮತ್ತು ಬೀಜ ಹಾಗೂ ಗಿಡಗಳನ್ನು ಸಹ ವಿತರಿಸಲಾಗಿದೆ. ಸರ್ಕಾರದಿಂದ ಹೊರಡಿಸಲಾದ ಮಾರ್ಗಸೂಚಿಗಳಂತೆ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಲಾಗಿದ್ದು, ಪ್ರತಿ ಕಾಮಗಾರಿಗಳಿಗೂ ಸಹ ಎಂ.ಬಿ. ಪುಸ್ತಕದಲ್ಲಿ ನಮೂದಿಸಲಾಗಿದೆ ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಸದರಿ ಆಕ್ಷೇಪಣೆ ಸಮಂಜಸ ಮತ್ತು ಸಮಾಧಾನಕರವಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.
7. ಆಸನೊರರ ಆಕ್ಷೇಪಣೆಗೆ ದೂರುದಾರರು ಪ್ರತ್ಯುತ್ತರ ಸಲ್ಲಿಸಿ ದೂರಿನ ಅಂಶಗಳನ್ನೇ ಮನರುಚ್ಚರಿಸಿದ್ದಾರೆ.
8. ದೂರು ಹಾಗೂ ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಮೇಲ್ನೋಟಕ್ಕೆ ಆಸನೊರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ

ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾದ್ದರಿಂದ ಆಸನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಕ್ರಮ ಜರುಗಿಸಬಹುದಾಗಿದೆ ಎಂದು ಕಂಡುಬಂದಿರುತ್ತದೆ.

9. ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ ಆಸನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ, ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii)ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದೀರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3)ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ ಆಸನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎರ ಅಡಿಯಲ್ಲಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿತ್ತು. ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಆಸನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿ ಆದೇಶ ಮಾಡಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.

5. The aforesaid Articles of charges have been served on the DGO and he has appeared and denied the charges leveled against him. DGO has filed the written statement. In the enquiry to prove the case against the DGO, the presenting officer has examined two witnesses PWs 1 and 2 and they have marked Ex.P.1 to Ex.P.6. The Second oral statement of the DGO was recorded. DGO got examined himself as DW-1 and got marked Ex.D1 to Ex.D4. Heard arguments of the learned Presenting Officer and the defence counsel for DGO.

6. Now, the points that would arise for my consideration are;

1 : Whether the charge leveled

*against the DGO is proved by the
Disciplinary Authority?*

2 : *What order?*

7. My findings to the aforesaid points are as under :-

POINT No. 1 : Partly in the AFFIRMATIVE

POINT No. 2 : As per the final order for the following;

REASONS

8. **POINT NO. 1** : It is the case of the complainant that the DGO is working as the Assistant Horticulture Officer in the Watershed Development Department Dharwad. While executing the works under various schemes, no records have been kept by him regarding the payment of wages to the coolies. The process of e-tendering under the Karnataka Transparency Act, 2000 is not followed for purchase of seeds and nurseries and he has not followed the procedure/guidelines prescribed by the Competent Authority in not paying the coolies through cheques nor records are kept regarding the same.

9. Further it is alleged that as per the common circular No.I, cash book register has not been properly maintained. The expenses and receipts, vouchers and bills have not been obtained for each of the expenses

incurred. No number is given to the vouchers in the cash register nor the names of coolies, measurement book, expenses incurred for purchases towards food, seeds have been entered in the register. Though there is a circular not to withdraw the amount beyond Rs.50,000/- per day, DGO has failed to follow the said procedure. Further the guidelines prescribed that the beneficiaries, coolies, owners of machineries have to be paid through account payee cheques and take signatures of the beneficiaries at the back of the cheques. Hence these are the misconduct alleged against the DGO.

10. In the First Oral Statement, the DGO has denied the charges leveled against him. He has also filed the written statement. In the written statement the DGO contends that the allegations against him are vague in nature and they are not supported by any incidents nor statement of imputations to reveal specific allegations regarding the misconduct in each of the charges; the charge memo should be specific, particular and not vague. He denies the charges made against him as false and without any substance.

11. He has contended that the DGO was appointed as a treasurer of Gram Panchayath committee to take up the works under various schemes/projects; guidelines had been issued regarding the procedure and method

of payment to be made and the duties and responsibilities of the treasurer of Watershed Development Department; the complainant has not produced any documentary evidence in support of his allegations made in charge memo; even the I.O. has not conducted investigation u/S 9(3) of the Karnataka Lokayukta Act before issuing the charge memo. The investigation of the proceedings u/S 9(3) of the Karnataka Lokayukta Act and submitting report u/S 12(3) of the Karnataka Lokayukta Act were vitiated.

12. The DGO had approached the Hon'ble Tribunal in Application No.3652/2017 which came to be dismissed by the Tribunal on 13.7.2017 and as against the same, he approached the Hon'ble High Court of Karnataka at Dharwad in WP.No.103722/2018. The DGO contends that he has maintained all the relevant documents regarding payment to coolies through cash in the register maintained separately for that purpose. Hence the question of purchasing material through e-tender process does not arise as the guidelines for implementing the projects do not prescribe that e-tender has to be followed. Circular dt.21.2.2013 specifically says that the purchase upto Rs.1 lakh is permissible in each project and there is no need to purchase through e-tender under the Karnataka Transparency Act, 2000. The cash book receipts, vouchers, bills, for each of the expenses incurred have

been followed in terms of the circular. The circular speaks in respect of withdrawal of amount which should be Rs.50,000/- by cash everyday in each project. Hence the allegations in this regard are false. There is no prima facie case against the DGO. Hence on these grounds he prayed to drop the proceedings.

13. On the basis of the averments above, the parties are permitted to lead evidence. On behalf of Disciplinary Authority, the Disciplinary Authority has examined two witnesses as PWs 1 and 2 and they have marked Ex.P.1 to Ex.P.6. Thereafter the Second Oral Statement has been recorded wherein the DGO has denied the statements and he contends that the evidence given by the witnesses are all false and thereafter he has given evidence of himself as DW1 and he has marked Ex.D.1 to Ex.D.4. Heard arguments of both sides.

14. In the evidence of PW1 who is the complainant in this case he states that one Umesh Hadapad was working as the Assistant Agriculture Officer. The DGO was his superior officer. Umesh Hadapad was managing the agricultural lands and distribution of the saplings. He was also managing the payment to the farmers. From 2012 to 2014 the work was not completed. Hence in this regard he filed complaint before Lokayukta. Further he states that he did not

know the mode of calling tender. He filed complaint against 3 to 4 persons. Hence as the evidence of this witness is not specific, he was treated as hostile by the learned Presenting Officer and he has been cross examined.

15. The suggestions were put forth in respect of filing of the complaint against the DGO by making allegations. But he denied the said suggestions. Hence the evidence of this witness is not helpful in any way to prove the case of the Disciplinary Authority. The complainant states that he filed complaint against Umesh Hadapad. But he has not stated any allegation regarding the misconduct of the DGO.

16. PW2 is the scrutiny officer. In his evidence he states in respect of mode of scrutiny. The DGO was working as the Assistant Horticulture Officer from January 2007 to October 2014. He was entrusted with the work under Samagra Jala Nayana project under which the Bhuvaneshwari Jalanayana Samithi, Balavanthara, Kalmeshwara Jalanayana Samithi, Beeravalli, Madiki Honnalli Jalanayana Samithi, Mukkal Jalanayana Samithi, Hasiru Kranthi Jalanayana Samithis were working. Further he states that without calling e-tender, the work has been entrusted. Hence the amount of Rs.78,70,045/- has

been misused by the DGO. In this regard the complaint is filed.

17. Thereafter comments have been called for from the DGO. By considering the same, it is found that the cheques have been issued by the Treasurer and President of Jalanayana Samithi. He also distributed the seeds and saplings. Further he states that on scrutiny, the documents are not produced in respect of cheques nos.140737 to 140780. The tender is to be compulsorily called for the works as per the Karnataka Transparency Act, 2000. But it was not called for. There are no documents in respect of calling of e-tender. Even though there was a direction to take receipts, vouchers and the bills for each and every expenditure, they have not obtained and the same is not mentioned in the cash book.

18. The vouchers do not contain serial numbers even though there was direction to mention in the register in respect of names of labourers and the work turned out by them and the food articles distributed to them. It was not maintained. Further he states that it is the duty of the DGO to maintain the measurement book and final bills. Thereafter they have to pay bills to the workers and the same is not followed. Even though there was direction to issue cheques of more than Rs.50,000/-, the said direction was not followed by the

DGO. For making payment of the machinery bills, the account payee cheque is to be made. But this procedure is also not followed by the DGO. Hence in this regard 12(3) report has been submitted by him. Hence as per the evidence of PW2 he states there is dereliction of duty on the part of the DGO.

19. This witness is cross examined wherein it is elicited that there is 11 members committee in the Gram Panchayath consisting the President, Agriculture Officers, Horticulture Officers and according to their decision, the Jalanayana Samithi has to do the work. It is elicited that in the circular it is not mentioned that calling of the tender is not necessary. It is elicited that as per the circular, the President of Gram Panchayath is having the power to make financial payments and it is suggested that the DGO is not having power regarding the financial matter. But he denied the suggestion. There is suggestion that the reply of the DGO is not properly considered by Scrutiny Officer. But he denied the same. Further it is suggested that the Karnataka Transparency Act, 2000 is not applicable to the DGO. He denied the same. It is also suggested that the circular is not properly considered by the scrutiny officer. But he denied the same. Hence except putting suggestions nothing is elicited in the cross examination of the PW2.

20. To substantiate the case of defence side, the DGO examined himself as DW1 wherein in his evidence he has reiterated the averments of defence version. According to his contention, there are agricultural officer, Gram Panchayath President and 11 other persons in the Jalanayana Samithi. Under their guidance they have to work. He has produced Ex.D.1 which is the guidelines for the Jalanayana Samithi regarding distribution of seeds and saplings.

21. Further it is stated that there is no necessary to call for tender as there was no direction in the said circular. He states that upto Rs.1 lakh, he has got power to sanction and more than Rs.1 lakh work is to be done by calling the tender. In this regard he has produced Ex.D.2 circular. The District Jalanayana Samithi has to distribute the seeds and saplings through district technical committee and other nurseries. They have to obtain the certificate from them. In this regard there is circular at Ex.D.3. He states that as per the guidelines the seeds have been distributed by the officer of Jalanayana Samithi.

22. Further he states that he is not having the power to issue cheques to labourors and the cash book and vouchers of Jalanayana Samithi are to be maintained by the Treasurer and Treasurer is entitled to issue the

cheques. He states that during his period there was no payment of the amount of more than Rs.50,000/-. He is not having the power to issue cheques and draw the amount. Anyhow he has obtained 5 pass book of Jalanayana Samithi to show that the amount is not drawn for more than Rs.50,000/-. Hence as per his contention he is not having the power to issue the cheques and to make payment of the coolies and other expenses of Jalanayana Samithi. This witness is also cross examined by the learned Presenting Officer wherein the suggestions are put forth. But nothing was elicited in the Cross examination.

23. The Disciplinary Authority has produced Ex.P.1 to Ex.P.6. Ex P.1 to 3 are the form No.I, affidavit and complaint, Ex.P4 is the rejoinder. But the complainant has not supported the case of the Disciplinary Authority and Ex.P.5 is the circular in respect of the mode of accounts which are to be maintained by the IWMP. It is dated 21.2.2013. As per the circular, the maximum limit of Rs.50,000/- has been raised to Rs.1 lakh in respect of making of per day expenditure. It also discloses that one block estimate is to be prepared. In respect of payment of the amount to the labourers and also other expenditures the payment is to be made through account payee cheques. These are

the material aspects in respect of the present dispute in the said circular.

24. The DGO has produced Ex.D.1 which is the project implementation agency. It discloses that the Watershed Development team is to be formed in taluk level. The taluk agricultural officer is the head of the said Jalanayana Samithi and it consists of the Range Forest Officer, Asst. Horticulture Officer, Asst. Agriculture Officer and the social worker. Among them one should be a lady member. Hence by considering these aspects the DGO contends that there are some other officers. But they are not made as responsible for the act. It is only the DGO who has been selected for the said allegations. No doubt there may be some other officers who are the members of Jalanayana Samithi. But the allegation is in respect of the financial aspects which is to be maintained by the Jalanayana Samithi.

25. The DGO contends that there is a treasurer in the said Samithi and he is entitled to look after the financial matters of Jalanayana Samithi in respect of issuance of cheque payment of coolie to the workers and also distribution of saplings. The Gram Panchayath is having right to manage the affairs of Jalanayana Samithi. This aspect is narrated in Ex.D.1. The said circular itself speaks that among the Asst. Agriculture Officer, Asst. Horticulture Officer or Range

Forest Officer one is to be selected as the treasurer. Hence the circular itself goes to show that the present DGO being the Asst. Horticulture officer was managing the work of the Treasurer. Even though there is a separate post of treasurer that is to be looked into by the Asst. Horticulture Officer. No doubt the circular speaks that the Asst. Agriculture Officer or the Range Forest Officer are to be selected as Treasurer. But it is not the case of the DGO that he was not working as the Treasurer. He has not stated who was working as treasurer. Hence these aspects goes to show there is responsibility on the part of the DGO being Asst. Horticulture Officer to look after financial matter of Jalanayana Samithi.

26. No doubt the said Jalanayana Samithi is having committee i.e, President and other members but the committee has to decide the mode of the work. But the work is to be implemented through the DGO. Hence this aspect is clear from the documents produced by DGO himself at Ex.D.1.

27. The DGO contends that the treasurer is entitled to make payment of the cheque and to maintain the books of accounts and to maintain the registers and vouchers. But the oral circumstances in this case goes to show that the DGO being the Asst. Horticulture Officer has worked as Secretary of the Jalanayana

Samithi and as such it was his responsibility to maintain the books of accounts, vouchers and to follow the guidelines of the circular and it is his duty to call for tender.

28. It is his contention that he is entitled to make expenses upto Rs.1 lakh. That does not mean that he is entitled to make use of Government fund according to his whims and fancies. It is his contention that the Karnataka Transparency Act, 2000 is not applicable to the Jalanayana Samithi as separate circular has been issued. But the circular does not speak that there is no necessity to follow the Karnataka Transparency Act, 2000. It clearly speaks in respect of calling of tender and to allot the works.

29. Admittedly the tender was not called for by the DGO and there is no direction in the circular that the vouchers and the bills are not to be preserved. The vouchers and bills are compulsorily to be preserved for each and every expenditure. Even this aspect is narrated in the said circular. But the DGO contends that vouchers and bills are not produced as it is the duty of the Treasurer to maintain the same. Hence he wants to escape from his liability by saying that the Treasurer is entitled to look after all these aspects. But there is no treasurer in the committee and the circular speaks Horticulture officer is entitled to work as

treasurer. Hence under these circumstances the treasurer is responsible for the illegal activities narrated in the complaint is not acceptable.

30. The Scrutiny officer has stated in respect of the defects of the DGO in his conduct. It is the charge against the DGO that in respect of the purchase of the seeds and distribution of the saplings, e-tender is to be called for as per the Karnataka Transparency Act, 2000. The scrutiny officer has scrutinized this aspect and he has stated that the said procedure is not followed by the DGO. Even the DGO has contended that e-tender is not called for in this regard. No doubt the circular does not specifically states in respect of calling for e-tender. It states that the expenditure of amount below Rs.50,000/- can be made per day per scheme. In this regard the DGO has produced the pass books which disclose that he has not spent more than Rs.50,000/-. But so far as calling for e-tender there is a proof that the DGO has not followed this procedure.

31. The circular itself speaks that the vouchers and bills regarding the expenditure are to be maintained and they have to be accounted. But the DGO has not maintained any vouchers in respect of expenditures made by him. Even he has not collected the bills towards the expenditure. This aspect is stated by PW2

in his evidence. There is also direction in the circular that the numbers are to be given to the vouchers for the expenditures of the scheme. This aspect is also not followed by the DGO.

32. DGO has produced the circular which states that the expenditure per day of Rs.50,000/- has been enhanced to Rs.1 lakhs. In this regard he has produced the pass books wherein the pass book does not disclose that more than Rs.50,000/- amount has been drawn by the DGO. Further it disclose that in respect of payment of the amount to the labourors and also the owners of the machineries, the account payee cheque is to be issued. The Scrutiny Officer has stated that this procedure is not followed by the DGO. Hence the charges leveled in the charge sheet has been established by the evidence of PW2.

33. The DGO has contended that he is not the treasurer to look after all these aspects of the charges. It is the treasurer who has to look after the maintaining of the account books, vouchers, bills and giving the serial number to the vouchers and also taking signatures of beneficiaries in the back side of the cheque counter foil while issuing the cheques. But this argument is not acceptable because the DGO being the Asst. Horticulture Officer is entrusted with the duty of

Treasurer and as such it is his responsibility to maintain these aspects.

34. It is not the contention of the DGO that there is a separate treasurer apart from him in the said committee. The circular itself speaks that the Asst. Horticulture Officer is the treasurer and as such the DGO has failed to discharge his duties as per the circular of the scheme of the Jalanayana Samithi. Hence there is dereliction of duty on the part of the DGO and this aspect is established from the evidence of PW2. No doubt there is no proof in respect of making the expenditure of Rs.50,000/- per day per scheme as the pass book discloses regarding withdrawal of the amount is below Rs. 50,000/-. Hence except the charge in this regard, the other charges has been established by the Disciplinary Authority. Hence I answer point No. 1 partly in the affirmative.

35. **POINT NO. 2** : In view of my finding on point No. 1 and for the foregoing reasons, I proceed to record the following ;

: FINDINGS :

The Disciplinary Authority has proved the charges (అ), (ఆ), (ఇ), (ఈ) and (ఁ) except charge (ఁ) of the Articles of charges against the DGO -

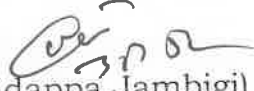


Sri. Mallikarjun M Harobidi, Assistant Horticulture Officer, Watershed Development Department, Dharwad District.

The Date of retirement of DGO is 31.07.2044.

This report is submitted to the Hon'ble Upalokayukta-1 in a sealed cover forthwith.

Dated this the 30th August, 2021


(Lekkadappa Jambigi)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

ANNEXURES

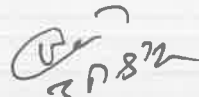
I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-

PW 1 : Sri. Kallappa Dyamappa Hooli
(Complainant)

PW 2 : Sri. D. Venkatappa (Scrutiny Officer)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

Ex.P.1 : Form No.I dt:17.12.2015
Ex.P.2 : Form No.II dt:16.12.2015
Ex.P.3 : Compliant dt: 17.12.2015
Ex.P.4 : Rejoinder dt:08.03.2016
Ex.P.5 : Circular dt:21.2.2013
Ex.P.6 : 12(3) Report dt: 29.12.2016


30/8/21


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

DW 1 : Sri. Mallikarjun Harobidi

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGO :

Ex.D.1 : Guidelines
Ex.D.2 : Circular dt:21.2.2013
Ex.D.3 : Circular dt: 27.3.2012
Ex.D.4 : Bank pass book extract

Dated this the 30th August, 2021


(Lekkadappa Jambigi)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/764/2017/ARE-12

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **31/08/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Mallikarjun M. Harobidi, Assistant Horticulture
Officer, Watershed Development Department, Dharwad
- Reg.

Ref:- 1) Govt. Order No. ತೋಇ 26 ತೋಸೇಸ 2017, Bengaluru dated
5/6/2017.

2) Nomination order No.UPLOK-1/DE/764/2017,
Bengaluru dated 13/6/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 30/8/2021 of Additional
Registrar of Enquiries-12, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 5/6/2017 initiated the disciplinary proceedings against Sri Mallikarjun M. Harobidi, Assistant Horticulture Officer, Watershed Development Department, Dharwad (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/764/2017 Bengaluru dated 13/6/2017 nominated Additional Registrar of Enquiries-7, 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. Subsequently, by Order No.UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of

Enquiries-12, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Sri Mallikarjun M. Harobidi, Assistant Horticulture Officer, Watershed Development Department, Dharwad was tried for the following charges:-

“2 ಅ) ಆ.ಸ.ನೌ.ರ ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಎಂ. ಹಾರೋಬಿಡಿ ಆದ ನೀವು ಸಹಾಯಕ ತೋಟಗಾರಿಕೆ ಅಧಿಕಾರಿ ಆಗಿ ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಧಾರವಾಡ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಪ್ರತ್ಯೇಕ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮುಖ್ಯ ಕೂಲಿಗಾರರಿಗೆ ಹಣ ನೀಡಲಾದ ಬಗ್ಗೆ ದಾಖಲೆಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆ) ಮುಂದುವರೆದು, ಬಿತ್ತನೆ ಬೀಜ ಖರೀದಿ ಮತ್ತು ಸಸಿ ಖರೀದಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಇ-ಟೆಂಡರ್‌ನ್ನು ಕರ್ನಾಟಕ ಪಾರದರ್ಶಕ ಕಾಯ್ದೆ 2000 ಅನ್ವಯ ಕರೆದಿಲ್ಲ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಾರ್ಗಸೂಚಿಗಳಲ್ಲಿ ಸದರಿ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಿದ ಕಾರ್ಮಿಕರಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಚೆಕ್ ಮೂಲಕ ನೀಡಬೇಕೆಂಬ ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ, ಸದರಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಚೆಕ್ ಮೂಲಕ ನೀಡಿರುವ ಬಗ್ಗೆ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಳು ನಿರ್ವಹಣೆಯಾಗಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಇಡದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಇ) ಮುಂದುವರೆದು, ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂ.1 ನಗದು ಪುಸ್ತಕದ ನಿರ್ವಹಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನೀಡಲಾದ ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿ ಹೇಳಿದಂತೆ ಪ್ರತಿಯೊಂದು ಖರ್ಚಿಗೂ ಸಹ ರಸೀದಿ, ವೋಚರ್‌ಗಳು ಮತ್ತು ಬಿಲ್‌ನ್ನು ಪಡೆಯಬೇಕೆಂಬ ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ ಈ ಬಗ್ಗೆ ಖರ್ಚು-ವೆಚ್ಚದ ವೋಚರ್‌ಗಳನ್ನು ಅಥವಾ ಬಿಲ್‌ಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಈ) ಮುಂದುವರೆದು, ಪ್ರತಿಯೊಂದು ಖರ್ಚಿಗೂ ಸಂಬಂಧಪಟ್ಟಂತೆ ನಗದು ಪುಸ್ತಕದಲ್ಲಿ ನಮೂದಿಸಿ ವೋಚರ್ ಸಂಖ್ಯೆಯನ್ನು ನೀಡಬೇಕಿದ್ದು, ಪ್ರತಿಯೊಂದು ಕಾಮಗಾರಿಗೂ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕೆಲಸದ ಅವಧಿ ಮುಖ್ಯ ಕೂಲಿಗಾರರ ಹೆಸರು, ಪಾವತಿಗೆ ಸಂಬಂಧಿಸಿದ ಅಳತೆ ಪ್ರಮಾಣ, ಕೂಲಿಯ ಜೊತೆ ಆಹಾರ-ಧಾನ್ಯದ ವಿತರಣೆಯಲ್ಲಿದ್ದ ಪ್ರತಿಯೊಂದು ವೋಚರ್‌ನಲ್ಲಿದ್ದ ವಿತರಿಸಿದ ಆಹಾರ-ಧಾನ್ಯದ ಪ್ರಮಾಣ ಮತ್ತು ಅದಕ್ಕೆ

ತಗಲುವ ವೆಚ್ಚದ ಬಗ್ಗೆ ನಮೂದಿಸಬೇಕೆಂದು ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿದ್ದರೂ ಸಹ ಆ ರೀತಿ ನಮೂದಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಉ) ಮುಂದುವರೆದು, ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕಾಮಗಾರಿಗಳ ವೆಚ್ಚಗಳಿಗೆ ದಿನಕ್ಕೆ ರೂ.50,000/- ಗಳಿಗೂ ಮೇಲ್ಪಟ್ಟು ಯಾವುದೇ ಹಣವನ್ನು ಚೆಕ್ ಮೂಲಕ ನಗದೀಕರಿಸಬಾರದಾಗಿ ಆಯುಕ್ತರು, ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆರವರು ಸುತ್ತೋಲೆ ಹೊರಡಿಸಿದ್ದರೂ ಸಹ ಆಸನೌರಾದ ನೀವು ಸದರಿ ಮಾರ್ಗಸೂಚಿಯನ್ನು ಪಾಲಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಊ) ಮುಂದುವರೆದು, ಜಲಾನಯನ ಸಮಿತಿಯ ಹಂತದ ಫಲಾನುಭವಿಗೆ/ಮುಖ್ಯ ಕೂಲಿಗಾರರಿಗೆ/ಯಂತ್ರದ ಮಾಲೀಕರಿಗೆ ಅಕೌಂಟ್ ಪೇಯಿ ಅಥವಾ ಪೇಟು ಆರ್ಡರ್ ಚೆಕ್ ಮೂಲಕ ಚೆಕ್ ಸ್ವೀಕೃತನ ಸಹಿಯನ್ನು ಚೆಕ್ ಹಿಂಭಾಗದಲ್ಲಿ ದೃಢೀಕರಿಸಿ ನೀಡುವ ಕ್ರಮ ಅನುಸರಿಸುವಂತೆ ನಿರ್ದೇಶನವಿದ್ದರೂ ಸಹ ಅವುಗಳನ್ನು ಸರಿಯಾದ ರೀತಿ ಪಾಲಿಸದೇ ಹಾಗೂ ಎಲ್ಲಾ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರದ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

3. ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಎಂದು ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.

4. The Inquiry Officer (Additional Registrar of Enquiries-12) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved charges (ಅ), (ಆ), (ಇ) (ಈ) & (ಉ) against DGO Sri Mallikarjun M. Harobidi, Assistant Horticulture Officer, Watershed Development Department, Dharwad and the Disciplinary Authority has failed to prove charge (ಉ) against DGO.

5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, 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 31/7/2044.
7. Having regard to the nature of charges proved against DGO Sri Mallikarjun M. Harobidi, Assistant Horticulture Officer, Watershed Development Department, Dharwad, it is hereby recommended to the Government for imposing penalty of withholding two annual increments payable to DGO Sri Mallikarjun M. Harobidi with cumulative effect.
8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

Only - 31/8/21

(JUSTICE B.S.PATIL)

Upalokayukta,
State of Karnataka,
Bengaluru