

KARNATAKA LOKAYUKTA

NO.UPLOK-1/DE/86/2021/ARE-19

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 22/03/2022.


:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against:
Shri. Arjun Hanumant Badiger, Executive
Engineer, Rural Drinking Water and
Sanitary Division, Zilla Panchayath,
Dharwad - reg.

Ref: 1. Government Order No. ಗ್ರಾಅಪ 50 ಇಎನ್‌ಕೂ,
2021, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 26/05/2021.

2. Nomination Order No. UPLOK-
1/DE/86/2021, Bengaluru dated
08/07/2021.

1. The Departmental Enquiry is initiated against Shri. Arjun Hanumanth Badiger, Executive Engineer, Rural Drinking Water and Sanitary Division, Zilla Panchayath, Dharwad (hereinafter referred to as the Dclinquent Government Official, in short DGO). Hon'ble Upalokayukta took up suo-moto investigation U/s 7 of The


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Karnataka Lokayukta Act, 1984, against the DGO for having purchased 3 immovable properties without obtaining permission from competent authority, for having purchased 4 movable properties without reporting the same in the assets and liabilities statements and obtained 2 loans without prior permission from competent authority. On perusal of copies of sale deeds, bank statement of accounts, building map, transport department's register of extracts and the charge sheet with respect to disproportionate assets and improper conducting of duties, and other documents, Hon'ble Upalokayukta found prima-facie case and forwarded Report dated 16/04/2021 u/s 12(3) of The Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against the DGO. The Government by its order dated 26/05/2021 under Rule, 14-A of K.C.S. (CCA) Rules, entrusted the matter to Hon'ble Upalokayukta.

2. Hon'ble Upalokayukta by order dated 08/07/2021, nominated this ARE to conduct enquiry Notice of Articles of Charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. The notice was served and noted in order sheet on 01/10/2021 and the DGO prayed for time on ground of ill-health, But, even after granting time, the DGO did not appear and on 15/11/2021, he was placed Exparte.


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3. The Articles of charge framed is as follows:

On 05/03/2001 you have purchased a site in your name bearing plot no.12 measuring 3200 sq. mts. situated at Shivagiri, Dharwad for a sum of Rs. 3,90,000/- which came to be registered as document no. 3689/2000-01 without obtaining permission from competent authority and have not intimated, violating R.23(2) of K.C.S. (Conduct) Rules, 1966.

On 22/09/1999 you have purchased a site in your name bearing plot no.103 in survey no. 94 measuring 40 X 50 ft, situated at Shekaroja area, Kalaburgi for a sum of Rs. 20,000/- which came to be registered as document no.3920/1999-2000 without obtaining permission from competent authority and have not intimated, violating R.23(2) of K.C.S. (Conduct) Rules, 1966.

In the year 2007 you have constructed building on plot no.12 measuring 3200 sq. mts. situated at Shivagiri, Dharwad valuing Rs. 54,46,201/- without obtaining permission from competent authority and have not intimated, violating R.23(2) of K.C.S. (Conduct) Rules, 1966.

On 21/10/2009 your wife Smt. Suman Badiger had purchased a vehicle in her name i.e. Bolero Jeep bearing no. KA-19 P-9072 for Rs.

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4,91,000/-and also had purchased two wheeler vehicle in her name i.e, Kinetic Nova Model bearing no. KA 25 V 1031 for Rs. 37,268/- on 27-02-2004 and you have not reported the same, violating R.23(3) of K.C.S. (Conduct) Rules, 1966.

On 10/05/2003 you have purchased in your wife's name a two wheeler, Hero Honda bearing no. KA 25 U 1473 for Rs. 39,939/- and you have not reported the same, violating R.23(3) of K.C.S. (Conduct) Rules, 1966.

On 06/09/2014 your daughter Akshatha Badiger has purchased in her name a two wheeler, Honda Activa bearing no. KA 25 EZ 1505 for Rs. 48,826/- and you have not reported the same, violating R.23(3) of K.C.S. (Conduct) Rules, 1966.

As per the Bank Statement furnished by the Branch Manager, Syndicate Bank, Dharwad in relation to loan A/c. No. 12057220000909 you have raised a loan of Rs.33,500/- on 01/10/2004 without permission from competent authority and you have not intimated, violating R.21(4) of Karnataka Civil Services (Conduct) Rules, 1966.

As per the Bank Statement furnished by the Branch Manager, SBI Bank, Dharwad in relation to loan A/c. No. 30013496454 you have raised


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loan of Rs.8,41,000/- on 01/04/2012 without permission from competent authority and you have not intimated, violating R.21(4) of Karnataka Civil Services (Conduct) Rules, 1966.

Thereby, you are guilty of misconduct, dereliction of duty, acts unbecoming of a Government Servant and not maintaining absolute integrity, violating R.3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966.

4. The Statement of Imputations of misconduct framed by AR(E)-19 against the Delinquent Government Official is as follows :

A suo-moto investigation was taken up under Section 7 read with section 9 of The Karnataka Lokayukta Act, 1984, against the D.G.O. on the basis of the material/copy of Charge sheet placed by the S.P, Karnataka Lokayukta, Dharwad District in Cr.No.03/2015 of Karnataka Lokayukta Police Station, Dharwad.

Crime Number 3/2015 of Dharwad Lokayukta Police Station was registered against the D.G.O., on the basis of information that he had amassed wealth disproportionate to his known sources of income. The S.P, Karnataka Lokayukta Police, Dharwad,


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after investigation has filed a charge sheet before the Special Judge Court, Dharwad.

On perusal of the charge sheet materials submitted by the Karnataka Lokayukta Police Dharwad, it is disclosed that the D.G.O. has joined Government service as Asst. Engineer, at PHE Mechanical Division, Venkateshwara Nagar, Kalburgi on 11/12/1987. On registration of the above case the D.G.O., the Investigation Officer has taken 11/12/1987 to 09/04/2015 as check period for calculation of assets acquired, expenses incurred and income derived by the D.G.O.

The details of assets acquired by the D.G.O. during the period from 11/12/1987 to 09/04/2015, are as follows:-

- i) On 05/03/2001 the D.G.O. had purchased a site in his name bearing plot no.12 measuring 3200 sq. mts. situated at Shivagiri, Dharwad for a sum of Rs. 3,90,000/- which came to be registered as document no. 3689/2000-01.
- ii) On 22/09/1999 the D.G.O. had purchased a site in his name bearing plot no.103 in survey no. 94 measuring 40 X 50



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ft, situated at Shekaroja area, Kalaburgi for a sum of Rs. 20,000/- which came to be registered as document no.3920/1999-2000.

In relation to the above purchase of immovable properties stated in paragraphs 4(i) & (ii), the D.G.O. had not obtained prior permission from the prescribed authority and also not intimated the acquisition/sale of properties, as mandated under Rule 23(2) of the Karnataka Civil Services (Conduct) Rules, 1966. The D.G.O. has also not intimated the sources of income for purchase of the immovable properties during the relevant years.

In the year 2007 the D.G.O. had constructed building on plot no.12 measuring 3200 sq. mts. situated at Shivagiri, Dharwad valuing Rs. 54,46,201/-. For the said construction the D.G.O. had neither obtained permission from the prescribed authority nor reported such construction alongwith the source of the amount spent towards such construction as required under Rule 23 of Karnataka Civil Services (Conduct) Rules, 1966.

As per the Bank Statement furnished by the Branch Manager, Syndicate Bank, Dharwad in relation to loan A/c. No. 12057220000909 the


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D.G.O. had raised a loan of Rs.33,500/- on 01/10/2004. The D.G.O. did not obtain permission from the prescribed authority for raising the loan and also not intimated the raising of loan to the Prescribed Authority, for purchase of car as required under Rule 21(4) of the Karnataka Civil Services (Conduct) Rules, 1966.

As per the Bank Statement furnished by the Branch Manager, SBI Bank, Dharwad in relation to loan A/c. No. 30013496454 the D.G.O. had raised loan of Rs.8,41,000/- on 01/04/2012. The D.G.O. did not obtain permission from the prescribed authority for raising the loan and also not intimated the raising of loan to the Prescribed Authority, for purchase of car as required under Rule 21(4) of the Karnataka Civil Services (Conduct) Rules, 1966.

It further disclosed from the charge sheet materials that, during search operation in the resident of D.G.O. the gold articles weighing 693 grams worth Rs. 13,81,000/-, silver articles weighing 1706 grams worth Rs. 51,000/- were found and it was ascertain that the D.G.O. did not lawfully account for the same.

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On 21/10/2009 the D.G.O's wife Smt. Suman Badiger had purchased a vehicle in her name i.e. Bolero Jeep bearing no. KA-19 P-9072 for Rs. 4,91,000/-and also had purchased two wheeler vehicle in her name i.e, Kinetic Nova Model bearing no. KA 25 V 1031 for Rs. 37,268/- on 27-02-2004.

On 10/05/2003 the D.G.O. have purchased in your wife's name a two wheeler of Hero Honda model bearing no. KA 25 U 1473 for Rs. 39,939/-.

On 06/09/2014 the D.G.O's daughter Akshatha Badiger had purchased in her name a two wheeler of Honda Activa Model bearing no. KA 25 EZ 1505 for Rs. 48,826/-.

In relation to purchase/acquiring of the movable properties as stated in paras 11 to 14 the D.G.O. has not reported to the competent authority as per Rule 23(3) of KCS (Conduct) Rules 1966.

In view of the above, the D.G.O. being a Government servant has committed misconduct under Rule 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966 by not maintaining absolute integrity, devotion to duty and acted in a manner

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unbecoming of a Government Servant and violated Rules 21(4), 23(2) and 23(3) of the Karnataka Civil Services (Conduct) Rules, 1966. Therefore notice was issued to the D.G.O. alongwith observation note with a direction to show cause as to why recommendation should not be made to the competent authority for initiating disciplinary proceedings against him in accordance with law.

The observation note dated 25/9/2020 was duly served on the D.G.O. Accordingly, the D.G.O. has submitted comments dated 22/10/2020.

The D.G.O. has contended that he had not violated any of the provisions of Conduct Rules. It is his defence that the properties mentioned at Sl. No. 8 & 9 were reported to the prescribed authority and on its verification the transactions over the said properties have been ratified by it through letter dated 12/07/2013. The copy of the said letter is perused and it is seen that except the construction made by the D.G.O. in the year 2007, no other transactions appears to have been considered by it. Therefore the purchase of properties mentioned at Sl. No. 6 & 7 of the observation notes have not been


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ratified by it. This defense of D.G.O. in relation to the properties mentioned above cannot be accepted.

The D.G.O. has further contended that loan mentioned at Sl. No. 10 & 11 of the observation notes have been ratified by the prescribed authority through letter dated 12/07/2013. Therefore there lies no fault on his part. However a perusal of the said letter from this point of view also does not specify any details of loans nor does it refer to it explicitly. Therefore this defense of the D.G.O. also cannot be accepted.

So far as gold and silver ornaments are concerned, the D.G.O. had contended that some of it is acquired by him through his ancestors and some portion is acquired by his wife. The D.G.O. had also contended that he had declared those assets in his statement of assets and liabilities for the year 1988-89. On perusal of the details as contained therein it is noticed that the fact of D.G.O's wife having separate income and acquisition of those properties out of it are to be proved by the D.G.O. So far as declaration of gold worth 1 kg and silver worth 2 kgs are concerned, it is relevant to note that the I.O. had found only 693 grams of gold and 1,706 grams of

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silver during search operation in this case. Therefore the D.G.O. ought to have accounted for the remaining gold and silver as per his declaration in the year 1988-89. On his failure to offer acceptable explanation in that regard, the only inference that could be drawn is that the D.G.O. had declared more weight of valuables than in his possession in the year 1988-89. Therefore the defence of the D.G.O. is to be established during the course of a detailed enquiry.

So far as details mentioned at Sl. No. 14 to 17 of observation notes are concerned, the D.G.O. has contended that those were acquisitions made out of the income of his wife and daughter as well as savings from his income. It is needless to point out that the said aspects are also required to be established by him during the course of a detailed enquiry as mentioned above. Therefore the defence of the D.G.O. cannot be accepted at this stage.

The D.G.O. has requested this authority to direct the jurisdictional Police Officials of this institution at Dharwad to return some of the documents missing from his home after the raid was conducted there. It is germane to note that the


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D.G.O. has not furnished any description of the documents which he alleges to be missing of his residence after the raid in this case was conducted. Moreover documents, if any, seized would be reported to the Hon'ble Special Court where the D.G.O. is facing trial for commission of offence under the provisions of Prevention of Corruption Act. Therefore the D.G.O. may make appropriate application in accordance with law in order to secure those records. Thus no directions can be issued by this authority as prayed for by the D.G.O.


It is significant to note that, the matter under investigation in the present complaint pertains to the non-compliance of mandatory provisions of KCS (Conduct) Rules-1966 and not with respect to the acquisition of disproportionate assets by the D.G.O. The only aspect under consideration in this case is as to whether the D.G.O. has acquired or disposed properties (both movable and immovable) by following with Rule 23 of the rules mentioned above.

It is relevant to point out that, as per the provisions appended to Rule 23(2) & (3) of KCS (Conduct) Rules 1966, the D.G.O. is cast with a burden to establish that his family members had their own funds which are distinct from the funds of


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his income so as to claim exemption from securing previous sanction from or previous intimation to the prescribed authority under the said rule. The D.G.O. has not only failed in substantiating existence of distinct funds with his wife but also failed in furnishing records where he has reported such acquisition. Therefore, the defence raised by the D.G.O. cannot be accepted at this stage and documents, if any, on his behalf are to be appreciated in the departmental enquiry. Examination of the defence of the D.G.O. in light of the material placed on record by way of charge-sheet, prima-facie shows misconduct on the part of D.G.O. as defined in Rule 3(1)(i) to (iii) of KCS (Conduct) Rules-1966, in that the D.G.O. has not maintained absolute integrity, devotion to duty and has acted in a manner unbecoming of Government servant and violated rules 21(4), 23(2) and 23(3) of KCS (Conduct) Rules, 1966.

Since, said facts and materials on record prima-facie show that you-D.G.O. has committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, now, acting under Section 12(3) of the Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings


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against you-D.G.O. to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. In turn Competent Authority entrusted the enquiry to this institution vide reference No-1 and Hon'ble Upalokayukta nominated the enquiry authority to conduct enquiry and report vide reference No-2. Hence, the Charge.

5. On 16/02/2022, it is noted about DGO sending his written statement and documents by post. He has admitted about the purchases, in the written statement, but denied that he has not stated in Asset and Liability statement, and stated that he had filed application for permission for purchases.

6. The points that arise for consideration are as follows:

(1) Whether the disciplinary authority proves that the DGO has purchased 3 immovable properties, obtained 2 loans without prior permission and knowledge from competent authority and purchased 4 movable properties and did not report the same in Asset and Liability statements, and thereby, has violated Rule 23(2)(3) and Rule 21(4) of Karnataka Civil Services (Conduct) Rules, 1966 ?.

(2)What findings ?


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7. (a) The disciplinary authority has examined 1 witness and has got 9 documents exhibited.

(b) The DGO remained Exparte and has not cross-examined PW1, and has not lead any evidence.

8. Heard Learning Presenting Officer, and perused all documents.

9. The answers to the above points are:

(1) In the **Affirmative**.

(2) As per final findings, for the following.

:: REASONS ::

10. (a) **Point No.1:-** The investigating Officer, Shri. Shankar Mallikarjunappa Ragi, PW1 has deposed that from 27/04/2016, he carried over further investigation in this matter with respect to disproportionate assets of DGO. On 06/05/2016, he got the valuation of the building in Plot No. 12 done through A.E.E., PWD, Dharwad. The attested copies of documents of Plot No.12 is got marked as Ex.P1. Ex.P1 shows Plot No.12 in Revenue Sy. No. 130 measuring 6 guntas 8 annas in Dharwad was purchased by DGO on 03/05/2001 for Rs. 3,90,000/-, but stamp duty is paid on Government Valuation of Rs.7,18,000/-. The valuation

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report of house in Plot No.12, rate of depreciation are got marked as Exp2. Exp2 shows the building is RCC structure, double storey building, the valuation of which after depreciation comes to Rs.54,46,201.03. The said building number is 10879/B/17 in said Plot No.12 and stands in the name of DGO. The documents pertaining to Plot No.103 measuring 40'X50' in Survey No.94 in Shekaroja, Gulbarga are got marked as Exp4. Exp4 shows that this Plot was purchased by DGO on 22/10/1999 for Rs.20,000/-.

(b) PW1 has further deposed that he has collected documents of Bolero Jeep, KA 19 P 9072. The same are got marked as Exp3. PW1 has further stated that, Exp3 does not show the name of DGO or his wife. But he states that, in Exp6, which is lease agreement pertaining to said vehicle, it is shown that DGO's wife Suman Badiger has let the said vehicle on monthly rent of Rs.20,000/- to Jala Samvardane Yojana Sanga Haveri. He has also stated that said DGO's wife also purchased another vehicle, which is two wheeler, Kinetic Nova bearing No. KA 25 U 1031 for Rs. 37,268/- on 27/02/2004. The DGO purchased Hero Honda Motorcycle bearing No. KA 25 U 1473 for Rs.39,939/-. The DGO also purchased Honda Activa Scooter bearing No KA 25 EZ 1505 on 06/09/2014 for Rs.48,826/- in name of his daughter, Akshatha Badiger. The documents of all the above 3 two-wheelers are got marked as Exp8.


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(c) PW1 had further deposed that DGO obtained 2 loans without prior permission, one from SBI Dharwad for Rs.8,41,000/- and another from Syndicate Bank, Dharwad for Rs. 33,500/- and documents pertaining to same are got marked as Ex.P.7 and 5 respectively. Ex.P.5 shows DGO obtained loan on 1.10.04 and closed on 02.03.07, Ex.P.7 shows the loan of Rs. 8,41,000/- was housing loan and outstanding balance as on 30.09.2015 was Rs. 2,31,485/-. PW1 has further stated that the DGO obtained these loans and purchased the above mentioned 2 plots and constructed house in plot No.12 without prior permission from competent superior officer/authority, and has violated the provisions of K.C.S. (Conduct) Rules, 1966. The xerox copy of chargesheet with respect to disproportionate assets and improper conducting work U/s 13(1)(c)(d)(e) R/w 13(2) of Prevention of Corruption Act, 1988, is got marked as Ex.P.9.

(d) The DGO having remained exparte has not cross examined PW-1 which amounts to admission and in his written statement sent by post, has not denied the purchases of above properties or for having obtained the said loan. He has stated that he has shown the same in the Assets and Liability Statements and moved application for permission. He has not stated that he was granted permission, By his written statement, even if considered

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as true, it makes out that he did not obtain previous sanction from competent authority over the purchases of said 2 immovable properties and construction of house and 2 loans, which is violation of Rule 23(2) and 21(4) of K.C.S. (Conduct) Rules, 1966. Even the xerox copies of Assets and Liability statement from 2005-2014 sent by post by DGO alongwith written statement does not show disclosure of the above 4 vehicles, which again clearly shows violation of Rule 23(3) of K.C.S. (conduct) Rules 1966. One answer to charge No.1 in page No.1 of Annexure-I, in the written statement sent by post by DGO., for better appreciation, is reproduced, which reads as hereunder:

Para No	Article of Charges	Written Statement Submitted	Remarks
1	On 05-03-2001 you have purchased a site in your name bearing Plot No.12 Measuring 2300 Sq.Mtrs situated at Shivagiri, Dharwad for a sum of Rs. 39,000/- which came to be registered as document No.3689/2000-01 without obtaining permission from Competent Authority and have not intimated, violating R.23(2) of K.C.S (Conduct) Rules	I submit that the Plot No.12, Saptapur, Dharwad was purchased by me out of Salary Savings. I have been appointed as an Engineer Trainee in Hyderabad Unit in May 1985 before joining as Assistant Engineer in PWD. I have earned an amount of Rs. 2,50,000-00	


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	1966.	and the same was shown in the Assets and Liabilities statement for the year 2000-2001. Hence not violated KCSR Rule 23(2) of Conduct Rules 1966.	
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This gives a clear picture of the violation committed by DGO, after having joined service in May 1985. In last page number 29 of his written statement, DGO has shown that, he has retired on 30.09.2021.

11. The relevant provision R.21(4), R.23(2)(3) of K.C.S. (Conduct) Rules, 1966, are also reproduced for better appreciation of law, with respect to previous sanction, disclosure about movable properties, and the same reads as hereunder.

R.21(4)(i) No Government Servant shall [except with the previous sanction of the Government and] save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business either himself or through any member of his family or any other person acting on his behalf:-

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(a) Lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Government Servant may give to, or accept from, a relative or personal friend, a purely temporary loan of [and amount not exceeding his six months emoluments] free of interest, or operate, a credit account with a *bona fide* tradesman or make an advance of pay to his private employee.

R.23(2) No Government Servant [or any member of his family] shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government Servant if any such transaction is.-

A handwritten signature in blue ink, followed by the date 22/3/22.

- (i) **With a person having official dealings with the Government Servant; or**
- (ii) **Otherwise than through a regular or reputed dealer:**

[Provided further that nothing in this sub-rule shall apply to the transactions entered into by a member of the family of the Government servant out of his or her own funds (including gifts, inheritance, etc.), as distinct from the funds of the Government servant himself/herself, in his or her own name and in his or her own right.]

R.23(3) Every Government Servant shall report to the prescribed authority every transaction concerning movable property owned or held by him [or any member of his family] either in his own name or in the name of a member of his family, if the value of such property exceeds [the monthly basic salary of the Government Servant]:

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is.-

- (i) **With a person having official dealings with the Government Servant; or**

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(ii) **Otherwise than through a regular or reputed dealer:**


[Provided further that nothing in this sub-rule shall apply to the transactions entered into by a member of the family of the Government servant out of his or her own funds (including gifts, inheritance, etc.,) as distinct from the funds of the Government servant himself/herself, in his or her own name and in his or her own right.]

12. By all this evidence of PW1, Ex.P1 to 9, including the written statement signed by DGO and the Assets and Liabilities statements sent by DGO shows that DGO has violated R21(4), R23(2)(3) of KCS (Conduct) Rules, 1966 this ARE finds that the disciplinary authority has proved the charges against this DGO. Accordingly, this point is answered in the **Affirmative**.

13. **Point No.2:-** For the aforesaid reasons this Additional Registrar (Enquiries) proceeds to record the following:

FINDINGS

The disciplinary authority has proved the charges against the DGO.


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Submitted to Hon'ble Upalokayukta for kind approval,
and necessary action in the matter.

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(SACHIN KAUSHIK R.N.)

Additional Registrar (Enquiries-19),
Karnataka Lokayukta,
Bangalore.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/86/2021/ARE-19

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **25/03/2022**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Arjun Hanumant Badiger, Executive Engineer,
Rural Drinking Water and Sanitation Sub Division,
Dharwad – Reg.

- Ref:- 1) Govt. Order No.ಗ್ರಾಅಪ 50 ಇಎನ್‌ಕ್ಯೂ 2021, Bengaluru dated
26/5/2021.
- 2) Nomination order No.UPLOK-1/DE/86/2021,
Bengaluru dated 8/7/2021 of Upalokayukta-1, State
of Karnataka, Bengaluru
- 3) Inquiry Report dated 22/3/2022 of Additional
Registrar of Enquiries-19, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 26/5/2021 initiated the disciplinary proceedings against Sri Arjun Hanumant Badiger, Executive Engineer, Rural Drinking Water and Sanitation Sub Division, 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/86/2021, Bengaluru dated 8/7/2021 nominated Additional Registrar of Enquiries-19, 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 charges framed against the DGO Sri Arjun Hanumanl Badiger, Executive Engineer, Rural Drinking Water and Sanitation Sub Division, Dharwad was to the effect that;

(i) On 5/3/2001 DGO has purchased a site at No.12, measuring 3200 Sq. meters at Shivagiri, Dharwad for a sum of Rs.3,90,000/- without obtaining prior permission from the prescribed authority and also has not intimated the same to the prescribed authority;

(ii) On 22/9/1999, the DGO purchased a site bearing No.103 in Sy. No.94 measuring 40x50 feet situated at Shekaroja area, Kalaburagi for a sum of Rs.20,000/- without obtaining prior permission from the prescribed authority and also has not intimated the same to the prescribed authority;

(iii) In the year 2007, the DGO has constructed a building on plot No.12 measuring 3200 sq. meters at Shivagiri, Dharwad by spending an amount of Rs.54,46,201/- without obtaining prior permission from the prescribed authority and also has not intimated the same to the prescribed authority;

(iv) On 21/10/2009, the wife of the DGO has purchased a Boloro jeep bearing No. KA 19 P 9072 for a sum of Rs.4,91,000/- and two wheeler Kinetic Nova bearing No. KA 25 V 1032 for Rs.37,268/-. The DGO has not intimated the purchase of the above vehicles by his wife to the prescribed authority;

(v) On 10/5/2003, the DGO has purchased a Hero Honda two wheeler No. KA 25 U 1473 in his wife's

name for a sum of Rs.39,939/-. The DGO has not intimated the purchase of the above vehicles by his wife to the prescribed authority;

(vi) On 6/9/2014, the daughter of the DGO Kum. Akshatha Badiger has purchased a Honda Activa two wheeler bearing No. KA 25 EX 1505 for a sum of Rs.48,826/-. The DGO has not intimated the purchase of the above vehicles by his wife to the prescribed authority;

(vii) The DGO had raised loan of Rs.33,500/- on 1/10/2004 from Syndicate Bank, Dharwad and the DGO had not intimated the same to the prescribed authority;

(viii) The DGO had raised loan of Rs.8,41,000/- on 1/4/2012 from State Bank of India, Dharwad without obtaining permission from the prescribed authority and he has not intimated the same to the prescribed authority;

Thus, the DGO has violated Rule 21(4) and 23(1) and (2) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-19) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri Arjun Hanumant Badiger, Executive Engineer, Rural Drinking Water and Sanitation Sub Division, Dharwad.

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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. The reply dated 2/2/2022 to the Articles of Charges submitted by DGO shows that he has retired from service.

7. Having regard to the nature of charge proved against DGO Sri Arjun Hanumant Badiger, Executive Engineer, Rural Drinking Water and Sanitation Sub Division, Dharwad, it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO Sri Arjun Hanumant Badiger for a period of 5 years.

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

Connected records are enclosed herewith.

 25/3/22

(JUSTICE B.S.PATIL)

Upalokayukta,
State of Karnataka,
Bengaluru