

**KARNATAKA LOKAYUKTA**

No. UPLOK-1/DE-868/2017/ARE-15.

M.S. Building,  
Dr. B.R.Ambedkar Road,  
Bangalore-560 001,  
Date:18-03-2022.**:: ENQUIRY REPORT ::**

**Sub:-** Departmental Inquiry against Sri V. Narayanaswamy, Lecturer in History, Sri Sharada Pre-University College, Byatarayanapura, Mysore Road, Bengaluru - reg.

**Ref :-** 1) Government Order No:ED 89 DGD 2017, Bengaluru, dt:05.06.2017.

2) Nomination Order No:UPLOK-1/DE/868/2017 dt:10.07.2017 of Hon'ble Upalokayukta-1, Bengaluru.

\*\*\*\*\*

The Departmental Enquiry is initiated against Sri V. Narayanaswamy, Lecturer in History, Sri Sharada Pre-University College, Byatarayanapura, Mysore Road, Bengaluru (hereinafter referred to as the Delinquent Government Official, in short D.G.O).

2. In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta-1 vide Order cited at reference No.2, has nominated Additional Registrar of

Enquiries-4 to frame Articles of Charge and to conduct enquiry against aforesaid D.G.O.

3. The complainant, Sri.Govindraju has lodged a complaint before this Institution on 08.01.2016 against the D.G.O stating that, being the Public Servant while working in the said capacity participated in politics by getting elected as a member of the Zilla Panchayath, Bangalore Rural District, during the year 2010 and served in such a capacity as a member of Zilla Panchayath, Bangalore Rural District for a period of 5 years from 2010-15 and during the said period also worked as President of Zilla Panchayath, Bangalore Rural for a period of 20 months.

4. Hon'ble Upalokayukta on perusal of materials on record sent a Report dt:19.4.2017 u/s. 12(3) of Karnataka Lokayukta Act, 1984 to Government to initiate disciplinary proceedings against the D.G.O. The Competent Authority by Order dt:05.06.2017 entrusted the matter to Hon'ble Upalokayukta. In turn, Hon'ble Upalokayukta has nominated ARE-4 as Enquiry Officer.

5. In pursuance of the nomination order, Articles of Charge with Statement of Imputations of Misconduct,

list of witnesses and documents were prepared and served upon the D.G.O.

6. The Articles of Charge as framed by A.R.E-4 is as follows :

*2. That, you-Sri V. Narayanaswamy, Lecturer in History, Sri Sharada Pre-University College, Byatarayanapura, Mysore Road, Bengaluru, being the Public Servant while working in the said capacity contested elections and got elected as Member of the Zilla Panchayath, Bangalore Rural District, during the year 2010 and served in such a capacity as a member of Zilla Panchayath, Bangalore Rural District for a period of 5 years from 2010-15 and during the said period also worked as a President of Zilla Panchayath, Bangalore Rural for a period of 20 months. Thereby you-DGO knowingly being a Public Servant cannot take part in the politics and associate with any political parties or any organization involved in the politics and can contest election during the tenure of the said public Service has violating the conduct rules participated in such a capacity as a Member and President of Zilla Panchayath, Bangalore Rural district, and thereby acted in a manner of unbecoming of a Public Servant and thereby*

*committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.*

7. The Statement of Imputations of Misconduct as framed by ARE-4 is as follows :

3. *On the basis of a complaint filed by Dr. M.S. Govindaraju, s/o late Siddegowda, No.10, D Cross, Byatarayanapura New Extension, Mysore Road, Bengaluru-560026 (hereinafter referred as 'complainant') against you-DGO an investigation was taken up u/S 9 of the Karnataka Lokayukta Act 1984, by invoking powers vested u/S 7(2) of the said Act.*

**4. The Brief facts of the case are as follows:**

1) Sri B.K. Jayaram, secretary, Sri Sharada Vidya Peeta, Byatarayanapura, Mysore Road, Bengaluru, 2) President-Sri Sharada Vidya Peeta, Byatarayanapura, Mysore Road, Bengaluru and 3) Director-Sri Sharada Vidya Peeta, Byatarayanapura, Mysore road, Bengaluru, are collecting Rs. 1 to 2 lakhs from the teaching and non-teaching staff of their degree college for approval of their post to get grant-in-aid from the Government. The degree college

is not given grant-in-aid by the Government. They have decided to collect 10 to 15 lakhs from each staff and have already collected 1 to 2 lakhs.

2) No General Body Meetings are being held from the year 2004 and are not conducting elections. False documents are being submitted to the authorities. The members who have won the elections 15 years back are still holding the post of Directors. They are also nominating their relatives as Directors.

3) The buildings are being constructed by collecting donations from MLA, MP, Corporators and others. The deposit of Rs. 12 lakhs at BCC Bank is withdrawn and misused.

4) One you-DGO Lecturer in History is not working at PU College (Aided) for the last 10 years. You has been elected as Zilla Panchayath Member and also is Chairman of Zilla Panchayat. In spite of it you-DGO receiving salary from the College. You-DGO allowed to sign the attendance once in 2-3 months and one Ravi is working as Lecturer in your place.

Hence, has prayed to take action against you-DGO.

5. The matter was referred to ADGP, KLA, Bengaluru for investigation, Superintendent of Police, City Division, KLA, Bengaluru has submitted report dated: 01/02/2017 along with report of I.O. Sri T.V. Raju, Police Inspector dated: 27/01/2017 stating that the allegations are not substantiated.

6. In the report it is stated that the allegations of collecting money in the guise of getting grant-in-aid to the degree college is not substantiated. Further the allegation that General Body Meeting has not been held for the last 15 years is also not substantiated. The I.O. has produced statements of the Officials denying collection of such money from them. Also has produced the documents showing conducting of General Body Meeting from the year 2008-09 up to the year 2014-15, along with audit reports. Therefore, the allegations of demanding money and non-conducting of General Body Meeting is not substantiated.

7. I.O. has reported that you-DGO elected as Member of Zilla Panchayat, Bengaluru Rural District during the year 2010 up to 2015. But you-DGO has not received any salary as Member of Zilla Panchayath. You-DGO received only Honorarium.

8. In view of the report of I.O., you-DGO was impleaded and comments were called from you-DGO.

9. You-DGO has submitted your comments dated: 04/04/2017 admitting you-DGO was elected as a member of Zilla Panchayath, Bengaluru Rural District for the period from the year 2010. You-DGO worked as the President of Zilla Pandchayath for 20 months from Oct-2012. During the said period you-DGO obtained permission from the Managing Committee and also has applied leave while attending the functions/meetings of Zilla Panchayath. You-DGO also stated that as per schedule, you worked as Lecturer at Shri Sharada Pre-University College, Byatarayanapura, Mysore Road, Bengaluru. By contending that you have received only honorarium during your period as Member/President of Zilla Panchayath has denied the allegation that one Ravi was working as an alternative in your place. Hence, prayed to drop from the proceedings.

10. You-DGO being the Lecturer in History working at Shri. Sharada Pre-University College has clearly admitted that you-DGO was elected as member of Zilla Panchayath and has also served as

its President for a period of 20 months. During the said period it is stated that you-DGO had worked as History Lecturer at Shri. Sharada Pre-University College. But no public servant can take part in politics, associate yourself with any political party or any organization involved in politics and can contest election during your service. Violation of the same amounts to misconduct. Therefore, you-DGO being the lecturer in history of an aided institution is admittedly elected as member of Zilla Panchayath, Bengaluru rural and served as its President for a period of 20 months during the year 2010 to 2015 which amounts to misconduct on the part of public servant.

11. In view of the above findings the comments of you-DGO and the report of ADGP, Karnataka Lokayukta, Bangalore, cannot be accepted at this stage.

12. The above facts are supported by the material on record show that you-DGO, being a Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of public servant and thereby



*committed misconduct and made yourself liable for disciplinary action.*

13. *In the light of the documents collected during the course of investigation, there are prima-facie materials showing that you-DGO has committed misconduct.*

14. *Since said facts and material on record prima-facie show that you-DGO 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 against you-DGO 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 entrust the enquiry to this institution vide ref (1) and Hon'ble Upalokayukta nominated the enquiry authority to conduct enquiry and report vide ref (2). Hence, the Charge.*

8. The Article of charge was duly served and D.G.O had appeared before ARE-4 on 11.09.2017 and his First Oral Statement was recorded. The D.G.O has pleaded not guilty.

9. In his Written Statement, the D.G.O. has denied that he had received salary by signing the Attendance Register without discharging duty as Lecturer. He was not holding Office of Profit and as he was appointed by the Management of the College and not by the Government and therefore he cannot be equated on the same footing. The matter has become infructuous as D.G.O. has taken voluntary retirement on 31.3.2018. Complaint is filed only regarding Maladministration of the College and irregularities and the Complainant does not have any person animosity against D.G.O. He had taken prior permission from the concerned to contest the elections and he has not committed dereliction of duty. He has admitted of received salary from the College for the number of days he was working as Lecturer and during his tenure as Member in Zilla Panchayath, he had only Honorarium but not any salary. Since he is retired, the enquiry proceedings cannot be continued. Allegations made against him are all false.

10. In order to prove the charge against the D.G.O., the Disciplinary Authority has examined the Complainant as PW.1, the Investigating Officer as PW.2 and Scrutiny Officer as PW.3. In all 10 documents came to be marked as Ex.P1 to P10.

Though D.G.O. had submitted during his Second Oral Statement that he will examine him and adduced defence evidence, he has not adduced any evidence, oral or documentary, even though sufficient opportunity was given.

11. Heard both sides. Perused the material on record.

12. Under the above facts and circumstances, the points that arise for consideration are as follows:

(i) Whether the Disciplinary Authority proves that the D.G.O/V.Narayanswamy being a Public Servant/Lecturer in History, in Sri Sharada Pre-University College(Aided), Byatarayanapura, Bengaluru held Office of Profit as an elected Member of the Zilla Panchayath, Bangalore Rural District, and during the period 2010 and 2015 he had received Honorarium and thereby committed misconduct, dereliction of duty, acted in a manner unbecoming of Public Servant and not maintained absolute integrity, violating R.3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966?

(2) What Finding?

13. The answers to the above points are :

i) In the Affirmative.

ii) As per final finding,

for the following;

### REASONS

14. **Point No.1:-** The D.G.O. is facing this enquiry on the allegations that he was holding "Office of Profit" whilst on rolls of Sri Sharada P.U. College, Byatarayanapura, Bengaluru working as Lecturer in History. His colleague Dr.M.S.Govindaraju, Professor in the same College is the Complainant. Initially complaint was given against 3 persons namely 1)Sri.B.K.Jayaraj, Secretary, Sri Sharada Vidya Peetha, 2)The President, Sri Sharada Vidya Peetha and 3)The Director, Sri Sharada Vidya Peetha. D.G.O. was impleaded as Respondent No.4 in the complaint at a later stage.

15. As the Competent Authority has entrusted the matter for enquiry against D.G.O./V.Narayanaswamy only, the allegations made against him and the relevant evidence only is taken up for discussion/appreciation. It was alleged in the complaint that the D.G.O., being Lecturer in History is not discharging his duty for the past 10 years as he is active in politics being elected as Zilla

Panchayath Member and also served as President, Zilla Panchayath. It was also alleged in the complaint that D.G.O. would visit the College once in 2-3 months and signed the Attendance Register and drew salary though he held the aforesaid office of profit.

16. Sri Sharada P.U. College, Byatarayanapura, Bengaluru is admittedly an Aided Institution run by Sri Sharada Vidyapeetha. As per the list of documents furnished by the D.G.O. on 12.8.2021 (*he has not adduced oral evidence*) he had submitted an Application to the Management on 1.11.2005 seeking permission to contest Zilla Panchayath election to be held on 23.12.2005(Document No.3). The said Application was forwarded by the Management ie., Sri Sharada Vidyapeetha to the Deputy Director, Pre University Education Department, Bengaluru and by letter dt:21.11.2005, permission was granted to the D.G.O. to contest the election with a rider that the day to day education and cultural activities of the Institution should not be affected (**Document No.5**).

17. **Rule 25 of Karnataka Pre University Education (Academic, Registration, Administration and Grant-in-aid etc.) Rules, 2006** prescribes the *Code of Conduct for Employees of Aided and Un-Aided Pre*

University Colleges. **Rule 25(3)** makes it clear that any Employee taking part in politics or elections in any manner will amount to misconduct. This provision is also similar to **Rule 5(1) of Karnataka Civil Services (Conduct) Rules, 1966** reads as follows:

**5. Taking part in politics and election :**

**(1)** No Public Servant shall be a member of or be otherwise associated with, any political party or any organization which takes part in politics **nor shall he take part** in, subscribe in aid of, or assist in any other manner, any political movement or activity. ...

Further **Rule 5(4)** states as follows:

**(4)** No Public Servant shall canvass or otherwise interfere with or use his influence in connection with or **take part in an election** to any legislature or **local authority**.

(Highlighted by me)

18. As observed above D.G.O. was working as a Lecturer in an Aided Institution and was Public Servant. As per the above rule, he was prohibited from taking part

in any election, Legislature or Local Authority, however permission was given to him at the level of Deputy Director, Pre University Education Department, Bengaluru. The D.G.O. did not tender resignation before submitting his Application seeking leave to contest. The Management of Sri Sharada Vidyapeetha or Deputy Director, Pre University Education Department, Bengaluru did not seek his resignation. They allowed him to be on the rolls of the College and permitted him to draw salary , perhaps UGC scale, even though they had knowledge that he was subsequently elected to Zilla Panchayath and was a Member and President of Bangalore Rural Zilla Panchayath.

19. Subsequently, the Joint Director, PU Education Department, on the basis of recommendation made by the College Management had permitted the D.G.O. to take voluntary retirement w.e.f. 31.3.2018 (Document No.1). Though this Enquiry was pending before this Institution and D.G.O. had put his first appearance before ARE-4 on 11.9.2017, the said fact was not brought to the notice of the Joint Director, PU Education Department either by him or by the College Management and due to that reason it is opined in Document No.1 that D.G.O. is permitted to take voluntary retirement as there is no Enquiry pending against him. The above facts and circumstances clearly

reflect that the College Management stood by the D.G.O. from the date of his Application to contest Zilla Panchayath election in 2005 till he took voluntary retirement in the year 2018 and paid him salary every month for a period of 13 years.

20. PW.1/Govindaraju M.S., and PW.2/ T.V.Raju were cross-examined by the Counsel for D.G.O. PW.3/ Sri Onkarmurthy/ Scrutiny Officer was examined on behalf of Disciplinary Authority on 2.2.2021. Adjournment sought by the Counsel for D.G.O. to cross-examine PW.3/Sri Onkarmurthy came to be rejected and his cross-examination was taken as Nil. On 16.2.2021, Second Oral Statement of D.G.O. was recorded. At that time he had expressed his intention to examine him and adduce defence evidence. However, he has not adduced any evidence despite giving sufficient opportunity. On 16.8.2021 the Counsel for D.G.O. had filed Application u/s 311 of CRPC along with list of 12 documents, which was taken on record. Taking note of the suggestions put during the cross-examination of PWs.1 and 2 and the documents furnished by the D.G.O. in support of his Arguments and also the facts averred and admitted in his comments submitted to this Institution, the following facts are not in dispute:



- The D.G.O. was appointed as Lecturer in History in Sri Sharada PU College, Byatarayanapura, which was managed by Sri Sharada Vidyapeetha ;
- On 1.11.2005, D.G.O. submitted request letter to the Principal, Sri Sharada PU College, Byatarayanapura seeking permission to contest Zilla Panchayath elections which was to be held on 23.12.2005;
- On 5.11.2005 the Secretary, Sri Sharada Vidyapeetha had granted permission to the D.G.O. to contest the election subject to the condition that the date to day cultural and education activities of the Institution should not be affected;
- D.G.O. was elected as Zilla Panchayath Member, Bengaluru Rural District and also served as President Zilla Panchayath, Bengaluru Rural District from 2010 to 2015;
- D.G.O. abstained from his duty as Lecturer in History from 9.11.2005, however he continued to receive the salary from the Institute ;
- D.G.O. had not withdrawn salary or other such emoluments as Member/President of Zilla Panchayath, Bengaluru Rural District

**but received 'Honorarium' between 2010 and 2015;**

21. The Registrar of Societies, Zone-4, Bengaluru Urban District had enquired into the allegations made by the Complainant against the D.G.O. and the College Management and in his report dt:23.12.2017, which is marked as **Ex.P10**, the following observation is made at page 6 of the report as far as the allegation made against the D.G.O. :

“---ಶ್ರೀ ನಾರಾಯಣಸ್ವಾಮಿ ರವರು ಜಿಲ್ಲಾ ಪಂಚಾಯ್ತು ನಡವಳಿಯಲ್ಲಿ ಸಂಸ್ಥೆಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿ ವೇತನ ಪಡೆದಿರುವುದು ಕಾನೂನುಬಾಹಿರ ಕಾರಣ ಶ್ರೀ.ಬಿ.ಕೆ. ಜಯರಾಮ್ ರವರು ಸಂಘದ ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿದ ಅವಧಿಯಲ್ಲಿ ನಡೆದಿರುತ್ತದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀ.ಬಿ.ಕೆ.ಜಯರಾಮ್ ರವರ ಅವಧಿಯಲ್ಲಿ ಶ್ರೀ ನಾರಾಯಣಸ್ವಾಮಿ ರವರಿಗೆ ನೀಡಿದ ವೇತನವನ್ನು ಕೂಡಲೆ ಸಂಘಕ್ಕೆ ಕರ್ನಾಟಕ ಸಂಘಗಳ ಕಾಯ್ದೆ 1960 ಕಲಂ 26 ರಂತೆ ವಸೂಲಿ ಮಾಡಲು ಕ್ರಮವಿಡತಕ್ಕದ್ದು -----.”

It is not clear whether the said amount was realized from the Secretary of Sri Sharada Vidyapeetha.

22. The complaint was referred to the Karnataka Lokayukta Police Wing, Bengaluru for investigation and one Sri T.V.Raju, Police Inspector had submitted a report dt:27.1.2017 stating that allegations made in the complaint are not substantiated. This Police Officer was

examined as PW.2 and the Inspection Report which he had submitted came to be marked as Ex.P9. However, in the said report, it was confirmed that the D.G.O. was an elected Member of Bengaluru Rural District Zilla Panchayath and also served as President, Zilla Panchayath, Bengaluru Rural District between 2010 and 2015 and *drew Honorarium, but not any salary or other benefits*. His Report is silent regarding D.G.O. receiving salary from the College during the above period.

23. From the aforesaid facts and evidence, it is evident that D.G.O. continued to draw salary and other benefits from the College attached to his post of Lecturer in History. He also admittedly received '*Honorarium*' between 2010 and 2015 when he was Member and President of Zilla Panchayath, Bengaluru Rural District. In the background of the above admitted facts, I am of the opinion that there is no necessity to appreciate the oral evidence of the Complainant, who was examined as PW.1. It would be sufficient to give a finding whether receiving '*Honorarium*' by the D.G.O. as Member and President of Zilla Panchayath, Bengaluru Rural District whilst on the rolls of Sri Sharada PU College, Byatarayanapura as Lecturer in History, amounts to holding of 'Office of Profit'.

24. In the case of ***Jaya Bhachan V/s Union of India and others (2006) 5 SCC 266*** Hon'ble Supreme Court at ***para 6*** of the judgment has held as follows :

“An office of profit is an office capable of yielding a profit or pecuniary gain. Holding an office under the Central or State Government, to which some pay, salary emolument, remuneration or non-compensatory allowance is attached, is ‘holding an office of profit’. The question whether a person holds an office of profit is required to be interpreted in a realistic manner. Nature of the payment must be considered as matter of substance rather than of form. Nomenclature is not important. In fact, mere use of the word ‘Honorarium’, cannot take the payment out of the purview of profit, if there is pecuniary gain for the recipient.....”.

25. Further at ***para 11*** of the Judgment, the Apex Court has observed as follows:

“Where the office carries with it certain emoluments or the order of appointment states that the person appointed is entitled to certain emoluments, then it will be an office of profit,

even if the holder of the office choose not to receive/draw such emoluments. What is relevant is whether pecuniary gain is "receivable" in regard to the office and not whether pecuniary gain is, in fact, received or received negligibly".

26. In view of the above ratio of the Hon'ble Supreme Court, it has to be invariably and irresistibly held that the D.G.O. being a Public Servant, drew salary and other emoluments as Lecturer in History and had simultaneously held Office of Profit by drawing Honorarium and thereby committed misconduct as charged.

27. As observed above it is clear from the documents submitted by the D.G.O. on 12.8.2021, that he has taken voluntary retirement as Lecturer and the Management of Sri Sharada Vidyapeetha, Byatarayanapura, Bengaluru had forwarded his request letters dt 31.3.2017 and 23.3.2018 to the Joint Director, Pre-University Education Department who had approved the same with effect from 31.3.2018. Be that as it may, the D.G.O. was a Public Servant as on the date of the complaint and was gainfully employed as Lecturer in History and after contesting Zilla Panchayath elections,

he had held Office of Profit by drawing 'Honorarium' between 2010 and 2015. In other words, after getting permission to contest the Zilla Panchayath election in the year 2005, he actively remained in politics and at the same time on the rolls of Sri Sharada Vidyapeetha PU College, Bengaluru till he took voluntary retirement, against Rule 5(1) and 5(4) of Karnataka Civil Services (Conduct) Rules, 1966.


28. The D.G.O. did not step into the witness box to give evidence to disbelieve or disprove the case of the Disciplinary Authority. Since, he has himself admitted of receiving Honorarium between 2010 to 2015 and has taken voluntary retirement w.e.f. 31.3.2018, this A.R.E. finds that Disciplinary Authority has proved the charges against the D.G.O./Sri V.Narayanaswamy beyond probability. Therefore, this point is answered in the **Affirmative**.

29. **Point No.2** : In view of the reasons assigned and finding given to Point No.1 the following is made:

**:: FINDING ::**

The Disciplinary Authority has proved the charges against the D.G.O.

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

  
**(C.CHANDRA SEKHAR)**  
 Additional Registrar of Enquiries-15,  
 Karnataka Lokayukta,  
 Bengaluru.

**:: ANNEXURES ::**

**1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:**

PW1	Sri.Govindaraju, BDA Layout, Bengaluru dt:17.01.2019
PW2	Sri.T.V. Raju, Police Inspector, Karnataka Lokayukta, Bengaluru dt:17.6.2019
PW3	Sri.Onkarmurthy, the then Scrutiny Officer, Karnataka Lokayukta, Bengaluru dt:02.02.2021

**2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:**

NIL
-----

**3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:**

Ex.P1&2 Ex.P1(a)& 2(a)	Copy of Complaint Form No.1 and 2 Signatures of PW.1
Ex.P3 Ex.P3(a)	Copy of Complaint Signature of PW.1
Ex.P4	Copy of documents enclosed to the complaint

Ex.P5	Copy of letter dt:11.01.2016
Ex.P6	Copy of Enquiry Report
Ex.P7	Copy of letter dt:10.8.2016
Ex.P8	Statement of PW.2 dt:30.8.2016
Ex.P9	Copy of Enquiry Report of Police Inspector, Bengaluru City Division, Bengaluru
Ex.P9(a)	Signature
Ex.P10	Copy of notice dt:23.12.2017

4. **LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:**

NIL

*Chandra Sekhar*  
18/3/22

**(C.CHANDRA SEKHAR)**

Additional Registrar of Enquiries-15,  
Karnataka Lokayukta,  
Bengaluru.



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/868/2017/ARE-15

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

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
Sri V. Narayanaswamy, Lecturer in History, Sri  
Sharada Pre-University College, Byatarayanapura,  
Mysuru Road, Bengaluru – Reg.

- Ref:- 1) Govt. Order No. ED 89 DGD 2017, Bengaluru dated  
5/6/2017.
- 2) Nomination order No.UPLOK-1/DE/868/2017,  
Bengaluru dated 10/7/2017 of Upalokayukta-1,  
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 18/3/2022 of Additional  
Registrar of Enquiries-15, Karnataka Lokayukta,  
Bengaluru

-----

The Government by its order dated 5/6/2017 initiated the disciplinary proceedings against Sri V. Narayanaswamy, Lecturer in History, Sri Sharada Pre-University College (Aided), Byatarayanapura, Mysuru Road, Bengaluru (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/868/2017, Bengaluru dated 10/7/2017 nominated Additional Registrar of Enquiries-4, 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 2/11/2018, the Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The charge framed against the DGO was to the effect that the DGO being a public servant working in the capacity of Lecturer in History, Sri Sharada Pre-University College, (Aided), Byatarayanapura, Bengaluru had contested election to Zilla Panchayath and got elected as Member of Zilla Panchayath, Bengaluru Rural District during the year 2010 and served in that capacity as a Member of Zilla Panchayath, Bengaluru Rural District for a period of 5 years from 2010 to 2015 and received honorarium. During the said period he also functioned as President of Zilla Panchayath, Bengaluru Rural District for a period of 20 months. Thereby, the DGO knowing that a public servant cannot take part in politics and associate with any political parties or any organization involved in politics and cannot contest election during the tenure of the said public service has violated the Conduct Rules by participating in the elections of Zilla Panchayath, Bengaluru Rural District. Thus the DGO has committed misconduct.
4. The Inquiry Officer (Additional Registrar of Enquiries-15) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri V. Narayanaswamy, Lecturer in History, Sri Sharada Pre-University College, Byatarayanapura, Mysuru Road, Bengaluru.
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. Hence, it is hereby recommended to the Government to accept the report of Inquiry Officer.
6. The inquiry officer has reported that the DGO had submitted a request for voluntary retirement from service on 31/3/2017 and on 23/3/2018 to the Joint Director of Pre-University Education.

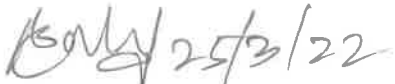
The Joint Director has granted approval for taking voluntary retirement from service to the DGO with effect from 31/3/2018.

7. The charge that while serving as a Lecturer in History at Sri Sharada Pre-University College, Byatarayanapura, Mysuru Road, Bengaluru, the DGO has contested, got elected and held the office of profit as an elected Member of the Zilla Panchayath, Bengaluru Rural District for a period of 5 years from 2010 to 2015 and also held the post of President of Zilla Panchayath, Bengaluru Rural District for a period of 20 months and received honorarium during the said period contrary to law is proved.

8. The DGO was not entitled to continue as a public servant from the date of his election as member of Zilla Panchayath. However, he has continued as such and drawn salary. Subsequently, the DGO has taken voluntary retirement from service with effect from 31/3/2018. Therefore, it is hereby recommended to the Government for imposing penalty of recovering the entire salary and allowances paid to the DGO from the date of his election as member of Zilla Panchayath, Bengaluru Rural District and also to recover the entire pensionary benefits and monthly pension already paid to him. He shall not be entitled for payment of any pension hereafterwards.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka,  
Bengaluru

