

**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/88/2015/ARE-13

M.S. Building,  
Dr. B.R.Ambedkar Road,  
Bangalore-56001,  
Date: 27/09/2019.**: Present:****Patil MohanKumar Bhimanagouda**  
Additional Registrar Enquiries-13,  
Karnataka Lokayukta,  
Bangalore.**:: ENQUIRY REPORT ::**

- Sub:-** Departmental Enquiry against,
1. Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi.
  2. Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi and
  3. Sri K.B Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi (now retired).

- Ref :** 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BGM-1187/2013/ARLO-1, dated.29/11/2014.
- 2) Govt. Order No.UDD 147 DMK 2014, Bengaluru, dated:03/02/2015.
- 3) Govt. Order No.UDD 147 DMK 2014, Bengaluru, Corrigendum dated 12/02/2015.

- 4) Govt. Order No.UDD 147 DMK 2014,  
Bengaluru, Corrigendum dated  
26/03/2016.
- 5) Nomination Order No.UPLOK-1/  
DE/88/2015, Bengaluru dated  
21/02/2015.

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1. This Departmental Enquiry is directed against 1. Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi. 2. Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi and 3 Sri. K.B Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi (now retired) (herein after referred to as the Delinquent Government Officials in short "DGOs").
2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2 to 4, the Hon'ble Upa Lokayukta-1, vide order dated:21/02/2015 cited above at reference-5, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGOs. The Additional Registrar Enquires-4 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents

proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charges. Copies of same were issued to the DGOs calling upon them to appear before this Authority and to submit written statement of their defence. The AOC was duly served on the DGOs No-1 to 3, initially they appeared and their FOS was recorded. However, later on they remained absent and hence they were placed Ex-parte.

4. As per order of Hon'ble UPLOK-1 & 2/DE/Transfers/2018 dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.

5. The Articles of Charges framed by ARE-4 against the DGO is as below:

**ಅನುಬಂಧ-1**  
**ದೋಷಾರೋಪಣೆ**

6. ನಿಮ್ಮ ಪೈಕಿ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರದ ಶ್ರೀ ಕೆ.ಬಿ. ಕೊಳದೂರ, ಹಿಂದಿನ ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕ, 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎನ್.ಜಿ. ಪಟ್ಟದಕಲ್ಲು, ಹಿಂದಿನ ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕ, ಮುಂಡರಗಿ ಪುರಸಭೆಯವರು ಅಂದಿನ ಮುಂಡರಗಿ ಪುರಸಭೆ ಮುಖ್ಯಾಧಿಕಾರಿ (ಹಾಲ ನಿವೃತ್ತ) ಶ್ರೀ.ವಿನೇಶ್ ರವರ ಒತ್ತಡಕ್ಕೆ ಮಣಿದು 2010-11 ರಲ್ಲಿ ಮುಂಡರಗಿ ಪುರಸಭೆಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವಾಗ ಪುರಸಭೆ ಸದಸ್ಯ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರ ಬನ್ ಶೇಕ್ಡಿ ಆಗದ ಮುಂಡರಗಿ ಕಂದಾಯ ಸರ್ವೆ ನಂ.9 ರಲ್ಲಿ ರಚಿಸಿದ 50 X 250 ಅಡಿ ಅಳತೆಯ ಜಾಗಕ್ಕೆ ಅಕ್ರಮವಾಗಿ ಟಿ.ಎಂ.ಸಿ ನಂ.900/ಎನ್/5 ಎಂದು ನಂಬರ್ ನೀಡಿದ್ದು, ಆ ರೀತಿ ಕೊಟ್ಟ ಆಸ್ತಿ ಸಂಖ್ಯೆಯನ್ನು ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸದೇ ಇದ್ದು, ನಂತರ ಆ ಖಾಲಿ ಜಾಗದ ಪೈಕಿ 50 X 70 ಅಡಿ ಜಾಗದಲ್ಲ ಶ್ರೀ ಎಂ.ಜಿ ವಡವಟ್ಟಿಯವರು

ಕಟ್ಟಡ ಫಾರಂ ಹೌಸಿಗೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಸಿ.ಎನ್. ಬಾರ್ಕೇರ ರವರು ಕಾನೂನುಬಾಹಿರವಾಗಿ ಟಿ.ಎಂ.ಸಿ 9ಎ/8ಎ ಎಂದು ನಂಬರ್ ನೀಡಿದ್ದು, ಸದರಿ ಕೊಟ್ಟ ಆಸ್ತಿ ಸಂಖ್ಯೆಯನ್ನಾಧರಿಸಿ ಶ್ರೀ ವಿನೇಕರ್, ಅಂದಿನ ಮುಂಡರಗಿ ಪುರಸಭೆ ಮುಖ್ಯಾಧಿಕಾರಿ ಕಟ್ಟಡ ಕಟ್ಟಲು ಪರವಾನಿಗೆ ಕೊಡಲು ಅನುಕೂಲವಾಗುವಂತೆ, ನೀವು 1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರೆಂದು ಆಪಾದಿಸುತ್ತೇನೆ.

### ಅನುಬಂಧ-2

#### ದೋಷಾರೋಪಣೆಯ ವಿವರ

( ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್ )

7. ನಮ್ಮ ಸಂಸ್ಥೆಗೆ ಬಂದ ಅನಾಮಧೇಯ ದೂರಿನ ಮೇಲೆ ತನಿಖೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಗದಗ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರಿಗೆ (ಇನ್ನು ಮುಂದೆ "ತನಿಖಾಧಿಕಾರಿ" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರಿಗೆ ಕಳಿಸಿ, ಅವರು ತನಿಖೆ ಕೈಗೊಂಡು, ಕಳುಹಿಸಿದ ವರದಿ ಮತ್ತು ದಾಖಲೆಗಳ ಆಧಾರದ ಮೇಲೆ, ಕಲಂ 7(2) ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಅಡಿಯ ಅಧಿಕಾರದಡಿ 1 ಮತ್ತು 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೇಲೆ ತನಿಖೆಗೆ ಕ್ರಮ ಕೈಗೊಂಡಿದ್ದಿದೆ.

8. ತನಿಖಾಧಿಕಾರಿಯವರ ವರದಿಯ ಪ್ರಕಾರ:-

ಅ) ಮುಂಡರಗಿ ಪುರಸಭೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರು ಮುಂಡರಗಿ ಟೌನ್‌ನಲ್ಲಿ ತಮ್ಮ ಸರ್ವೆ ನಂ.9ರ 3.04 ಎಕರೆ ಜಮೀನನ್ನು ಕೃಷಿಯೇತರ ಜಮೀನನ್ನಾಗಿ ಪರಿವರ್ತಿಸದೆ, ಸದರಿ ಜಮೀನಿನಲ್ಲಿ 50 X 250 ಜಾಗದಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟಿಸಿದ್ದು, ಸದರಿ ಕಟ್ಟಡಕ್ಕೆ ಶ್ರೀ ಜಿ.ಸಿ. ವಿನೇಕರ್,

ಮುಖ್ಯಾಧಿಕಾರಿ ಯವರ ಒತ್ತಾಯದ ಮೇರೆಗೆ 2 ಮತ್ತು 3 ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಖಾತಾ ಸಂಖ್ಯೆ.900/ಎನ್/5 ಎಂದು ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ಅ) ಶ್ರೀ ಜೆ.ಸಿ. ವಿನೆಕರ್ ರವರು ಇದರಲ್ಲಿ ನೇರವಾಗಿ ಭಾಗಿಯಾಗದಿದ್ದರೂ, ಅದನ್ನು ತಮ್ಮ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸದೆ, ಪರೋಕ್ಷವಾಗಿ ಸದರಿ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರಿಗೆ ಸಹಾಯ ಮಾಡಿರುತ್ತಾರೆ.

ಇ) 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸದರಿ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿ ಇವರು 50 X 70 ಅಡಿ ಜಾಗದಲ್ಲಿ ಕಟ್ಟಿಸಿದ ಫಾರಂ ಪೌಸ್‌ಗೆ ಅಕ್ರಮವಾಗಿ ಟಿಎಂಸಿ ಸಂಖ್ಯೆ. 9ಎ/8ಎ ಎಂದು ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ಈ) ಟಿಎಂಸಿ ಸಂಖ್ಯೆಯನ್ನು ಪಡೆದ ನಂತರ ಸದರಿಯವರು ಅದನ್ನು ಬೇರೆಯವರಿಗೆ ಮಾರಿ ಅಕ್ರಮ ಲಾಭವನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ.

ಉ) ಶ್ರೀ ಜೆ.ಸಿ. ವಿನೆಕರ್ ರವರು ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿ ಯವರು ಕಟ್ಟಿಸಿದ ಮನೆಯ ನಕ್ಷೆಯನ್ನು ಅಕ್ರಮವಾಗಿ ಅನುಮೋದಿಸಿ, ಮನೆಯನ್ನು ಕಟ್ಟಲು ಸದರಿ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರಿಗೆ ಕಾನೂನುಬಾಹಿರವಾಗಿ ಪರವಾನಿಗೆಯನ್ನು ಸಹ ಕೊಟ್ಟಿರುತ್ತಾರೆ.

9. ತನಿಖಾಧಿಕಾರಿಯವರ ವರದಿಯನ್ನು ಅಲ್ಲಗಳೆದು 1 ರಿಂದ 3 ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅದಲ್ಲದೇ 2 ಮತ್ತು 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಸದರಿ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರು ಪುರಸಭೆಯಿಂದ ಪರವಾನಿಗೆಯನ್ನು ಪಡೆಯದೆ ತಮ್ಮ ರಿ.ಸರ್ವೆ ನಂ.9ರ ಕೃಷಿ ಜಮೀನಿನಲ್ಲಿ ಮನೆಯನ್ನು ಕಟ್ಟಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಮನೆಗೆ ಟಿಎಂಸಿ ಸಂಖ್ಯೆಯನ್ನು ಕೊಡುವಂತೆ ಸದರಿ ಸದಸ್ಯರು ಮತ್ತು ಪುರಸಭೆಯ ಆಡಳಿತ ವರ್ಗದವರು ಒತ್ತಾಯ ಮಾಡಿದ್ದರಿಂದ, ಸದರಿ ಆಸ್ತಿಗೆ ಟಿಎಂಸಿ ಸಂಖ್ಯೆಯನ್ನು ಕೊಡುವಂತೆ ಸದರಿ ಸದಸ್ಯರು ಮತ್ತು ಪುರಸಭೆಯ ಆಡಳಿತ ವರ್ಗದವರು ಒತ್ತಾಯ ಮಾಡಿದ್ದರಿಂದ, ಸದರಿ ಆಸ್ತಿಗೆ ಟಿಎಂಸಿ ಸಂಖ್ಯೆಯನ್ನು ಕೊಟ್ಟಿದ್ದು

ಹೇಳುತ್ತಾರೆ. ಹಾಗೆಯೇ 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ, 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸದರಿ 50 X 70 ಅಡಿ ಜಾಗದ ಕಟ್ಟಡಕ್ಕೆ 9ಎ/8ಎ ಎಂಬ ಟೆಂಡರ್ ಸಂಖ್ಯೆಯನ್ನು ಮತ್ತು 50 X 250 ಕಟ್ಟಡಕ್ಕೆ 900/ಎನ್/5 ಎಂದು ಟೆಂಡರ್ ಸಂಖ್ಯೆಯನ್ನು ಕ್ರಮವಾಗಿ ವಾರ್ಡ್ ನಂ.1 ರ 1ನೇ ಪುಸ್ತಕದ 4ನೇ ಪುಟದಲ್ಲ ಮತ್ತು ವಾರ್ಡ್ ನಂ.1 ರ 3ನೇ ಪುಸ್ತಕದ 115 ರ ಪುಟದಲ್ಲ ಅಕ್ರಮವಾಗಿ ನಮೂದಿಸಿರುತ್ತಾರೆ ಎಂದು ಹೇಳುತ್ತಾರೆ.

10. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ:-

ಅ) ಮುಂಡರಗಿ ಪುರಸಭೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಜಿ ವಡವಟ್ಟಿಯವರು ತಮ್ಮ ಕೃಷಿ ಜಮೀನು ರಿ.ಸರ್ವೆ ನಂ.9ನ್ನು ಜನ್ ಶೇಕ್ರಿ ಮಾಡಿಸದೇ, 1 ಮತ್ತು 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬೆಂಬಲದಿಂದ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟಿಸಿದ್ದು,

ಆ) ಶ್ರೀ ಜಿ.ಸಿ. ವಿನೇಕರ್ ರವರ ಒತ್ತಾಯದ ಮೇರೆಗೆ 2 ಮತ್ತು 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸದರಿ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರು ಕಟ್ಟಿಸಿದ 50 X 250 ಅಡಿ ಕಟ್ಟಡಕ್ಕೆ ಕಾನೂನುಬಾಹಿರವಾಗಿ ಖಾತಾ ಸಂಖ್ಯೆಯನ್ನು ಕೊಟ್ಟಿದ್ದು,

ಇ) ಶ್ರೀ ಜಿ.ಸಿ. ವಿನೇಕರ್ ರವರು 2 ಮತ್ತು 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೊಟ್ಟ ಖಾತಾ ಸಂಖ್ಯೆಯನ್ನು ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸಿಲ್ಲ.

ಈ) 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸದರಿ ಪುರಸಭೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿ ಇವರು 50 X 70 ಅಡಿ ಜಾಗದಲ್ಲ ಅಕ್ರಮವಾಗಿ ಕಟ್ಟಿದ ಫಾರಂ ಹೌಸ್‌ಗೆ ಕಾನೂನುಬಾಹಿರವಾಗಿ ಟೆಂಡರ್ ಸಂಖ್ಯೆಯನ್ನು 9ಎ/8ಎ ಎಂದು ಕೊಟ್ಟಿದ್ದು,

ಉ) ಶ್ರೀ ಜಿ.ಸಿ. ವಿನೆಕರ್ ರವರು ಸದರಿ ಸದಸ್ಯರು ಕೊಟ್ಟಂತಹ ನಕ್ಷೆಯನ್ನು ಅನುಮೋದಿಸಿ, ಅಕ್ರಮವಾಗಿ ಕಟ್ಟಡ ಕಟ್ಟಲು ಪರವಾನಿಗೆ ಕೊಟ್ಟದ್ದು.

11. ಆದುದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನೀಡಿರುವ ಉತ್ತರಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಅವರುಗಳ ವಿರುದ್ಧದ ನಡವಳಿಗಳನ್ನು ಕೈ ಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣಗಳನ್ನು ತೋರಿಸಿರುವುದಿಲ್ಲ ಎಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

12. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966 ರ 3 (1)(i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

13. The name of DGO No-3 was wrongly mentioned as Sri B.K. Koladur. The Corrigendum of Government Order No.UDD 147 DMK 2014 Bengaluru, dated 26/03/2016 was received by this office and the name of DGO No-3 was corrected as Sri K.B. Koladur. Necessary

corrections have been made in the AOC. The AOC was duly served on the DGO No-1 to 3. Initially they appeared and their FOS was recorded. The DGOs pleaded not guilty and claimed to hold an enquiry. The DGOs No-1 to 3 filed their written statements of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that they have committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly they prayed for exonerating them from the charges framed in this case. However, later on they remained absent and hence they were placed Ex-parte. Since the DGOs No-1 to 3 later on remained Ex-parte, the question of recording SOS, defence evidence and Questionnaire does not arise.

14. In order to substantiate the charge, the Disciplinary Authority examined one witness as PW-1 got marked the documents at Ex.P-1 to P-4 and closed the their side. Since the DGOs No-1 to 3 remained Ex-parte, the question of recording SOS, defence evidence and questionnaire as provided U/Rule 11(9), 11(16), 11(17) and Rule 11(18) of Karnataka Civil Services (CC & A) Rules 1957 does not arise.

15. Upon consideration of the charge leveled against the DGOs No-1 to 3, the evidence led by the Disciplinary Authority by way of oral and documentary evidence, the only point that arises for my consideration is as under:



**Point No-1) Whether the Disciplinary Authority has satisfactorily proved that, the DGO No-1 Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi, DGO No-2 Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi and DGO No-3 Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi, the DGO No-2 and 3 colluded with the Town Municipal Council Member Sri M.G. Waddatti and illegally gave the TMC Numbers to the plots created in agricultural land bearing Sy.No.9 measuring 3 acres 04 guntas, situated on Shirol road of Mundaragi Town, though the agricultural land was not converted into non-agricultural land and gave TMC Number bearing No.900/N/5 for plot measuring 50 x 250 Sq.feet and also gave TMC Number 9A/8A in the same agricultural land measuring 50 x 70 Sq.feet and Sri Vinekar, the then Chief Officer of Town Municipality Mundaragi issued construction permission and illegally permitted the owners to construct**

*the houses in the said plots and the DGO No-1 who was aware of this illegality did not inform the higher authorities of the illegality and illegally gave TMC numbers to the agricultural land, though the land was not converted into non-agricultural land and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

16. My finding on the above point is held in “**Affirmative**” for the following:

**:: REASONS ::**

17. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The office of the Hon’ble Lokayukta had received an anonymous complaint alleging illegality committed by the DGOs with regard to giving TMC numbers in agricultural land bearing Sy.No.9 of Mundaragi Town. The anonymous complaint was marked as Ex.P-2. The document was marked through the I.O/ PW-1. On careful of

the complaint, the anonymous complainant has alleged that, several persons in Mundaragi Town have colluded with Town Municipal Council officials i.e DGOs No-1 to 3 and they have illegally got the TMC numbers to the plots illegally created in agricultural land. The anonymous complainant has further alleged that, the agricultural lands have not been converted into non-agricultural lands and illegally layouts have been created. He further alleges that, the DGOs No-1 to 3 have illegally given plot numbers i.e TMC numbers to the said plots. Based upon the said TMC numbers, the owners of agricultural land have obtained construction permission illegally and constructed houses in the said plots by colluding with DGOs No-1 to 3.

18. The Hon'ble Lokayukta referred the matter for investigation to CW-1 Sri Ganapathi S/o Ramaraya Patil, who was the Dy.S.P in Lokayukta office, Gadag. The I.O/CW-1 has conducted the investigation and submitted his report to this office.

19. The Investigation Officer has been examined as PW-1. He states that, from August 2008 to February 2013 he has worked as Dy.S.P in Lokayukta office, Gadag. On 28/02/2012 the Hon'ble Lokayukta directed him to conduct investigation on the anonymous complaint received by this office. The allegations were with regard to agricultural lands which were not converted into non-agricultural lands situated within the limits of Mundaragi Town Municipality.

PW-1 further states that, the agricultural lands were not converted into non-agricultural lands and they were illegally given Municipal numbers and construction permissions. He further states that, one Sri M.G. Waddatti is the owner of agricultural land situated on Sri Thontada Siddalinga Swamy Math to Shirol road. He further states that, the said Sri M.G. Waddatti is the member of Mundaragi Town Panchayath and he has illegally created a layout in his agricultural land though the land was not converted into non-agricultural land. He further states that, the said Sri M.G. Waddatti has by colluding with the DGOs and Sri J.C. Vinekar, the then Chief Officer, Town Municipal Council, Mundaragi has illegally created layout, illegally obtained TMC numbers to the plots, illegally obtained construction permission and constructed houses in agricultural land.

20. PW-1 further states that, Sri M.G Waddatti is the owner of agricultural land bearing Sy.No.9 measuring 3 acres 04 guntas situated on Shirol road of Mundaragi Town. In the Town Municipal Council register of Mundaragi Town Panchayath, the DGOs have given TMC number 9A/8A for the plot measuring 50 x 70 Sq.feet. He further submits that, illegally a house has been constructed in the said site. The owner has even paid the taxes under the self assessment scheme for the year 2010-11. He further submits that, the owner of the plot has on 10/06/2010 submitted his self Assessment for a building claiming it to be 11 years old and he has paid the taxes. The DGO No-3 Sri K.B. Koladur has colluded with

the owner and got the plot entered in the TMC register and TMC number was given. The owner of plot bearing TMC number 9A/8A has illegally sold the said plot on 07/02/2011 to Sri Chennaveerappa Kanavalli for a valuable consideration of Rs. 7,11,000/-. They have got the sale deed duly registered in the office of Sub Registrar, Mundaragi. He further states that, based upon the registered sale deed, the purchaser has got the khatha transferred in his name. However the town Municipality has not given any construction permission.

21. PW-1 further states that, on careful perusal of the documents, the then Chief Officer Sri J.C. Vinekar and DGO No- 3 Sri K.B. Koladur who was looking after the revenue section have illegally entered the plots in the TMC register and issued TMC numbers to the agricultural land. PW-1 has as further observed that, the DGO No-2 and 3 have misused their official position to allot TMC numbers. He has further observed that, the Chief Officer J.C. Vinekar along with DGO No-2 and 3 have given TMC number to another plot bearing No.TMC 900/N/5. The DGOs not only have issued the TMC numbers, they have also issued construction permission to construct the houses. The I.O has also met the Tahasildar, Mundaragi and Learned Tahasildar has also stated that, the land was not converted into non-agricultural land.

22. PW-1 further states that, on careful perusal of the property register extract maintained by the Town Municipal Council, Mundaragi, in the same agricultural land another plot was created and TMC number was given bearing No.900/N/5 for the plot measuring 50 x 250 Sq.feet. This plot is also situated in the agricultural land owned by Sri M.G. Waddatti.
23. PW-1 further states that, DGO No-1 Sri. Barakera is also indirectly involved in these acts. Though the DGO No-1 was aware of having allotted TMC numbers to agricultural land and though the land was not converted into non-agricultural land, he has not brought this fact to the notice of higher authorities.
24. PW-1 further states that, the DGOs No-1 to 3 are responsible for illegally giving TMC numbers to agricultural land, even though the said land was not converted into non-agricultural land. He further submits that, he has submitted his report and it has been marked Ex.P-1. The copy of anonymous letter is marked as Ex.P-2.
25. The documents furnished by the Chief Officer, TMC Mundaragi to the I.O have been commonly marked as Ex.P-3. I have carefully gone through the documents at Ex.P-3, which consist of tax paid receipt, self assessment, tax details, construction permission granted in favour of Sri M.G. Waddatti dated 23/03/2011, office note in which the license fee is calculated at Rs.1910/-, application

for construction of building submitted by M.G.Waddatti, construction permission, FORM FOR SUPERVISION i.e schedule No-II, approved plans, TMC register extract of site bearing TMC No.900/N/5, standing in the name of M.G. Waddatti.

26. PW-1 has also produced the RTC extract of agricultural land bearing Sy.No.9 of Mundaragi Town. On perusal of this document, it is observed that, the agricultural land is standing in the name of M.G. Waddatti. From perusal of this document it is quite clear that, the land is agricultural land and it has not been converted into non-agricultural land.

27. PW-1 has also produced the license fee receipt to show that, Sri M.G.Waddatti has paid the license fee of Rs.1910/- and obtained the construction permission. He has also produced the office note of TMC Mundaragi in respect of plot No.9A/8A standing in the name of Sri Chennaveerappa S/o Eshwarappa Kanavalli. On perusal of this document, it is observed that, the land owner Sri M.G. Waddatti has sold plot no. 9A/8A to Sri.Chennaveerappa. Accordingly the name of purchaser has been entered in the property tax register. PW-1 has also produced the xerox copy of the sale deed executed by M.G. Waddatti in favour of Chennaveerappa S/o Eshwarappa Kanavalli. On perusal of this document, it is observed that, Sri M.G. Waddatti has illegally sold the agricultural land as non-agricultural

land in favour of Chennaveerappa Kanavalli and he has also obtained TMC number for the said plot illegally.

28. The evidence of PW-1 has totally remained unchallenged because initially the DGOs No-1 to 3 appeared, but later on they remained absent and hence, they were placed Ex-parte.

29. I have carefully gone through the oral and documentary evidence adduced by the Disciplinary Authority. A anonymous complaint was received by this office that, the agricultural lands in Mundaragi TMC limits were illegally shown as non-agricultural lands, plots were created and buildings were constructed in the agricultural lands. Accordingly the complaint was referred for investigation to the Dy.S.P, Karnataka Lokayukta, Gadag. The Dy.S.P Sri G.R. Patil has conducted the investigation and he has filed his report as per Ex.P-1. Along with his report he has produced the documents pertaining to the land of Sri M.G. Waddatti which have been commonly marked as Ex.P-3. He has also produced the documents furnished by the Chief Officer, TMC Mundaragi, which have been commonly marked as Ex.P-4.

30. I have carefully gone through the report of the I.O at Ex.P-1 and the documents at Ex.P-3 and P-4. On careful perusal of the documents, oral evidence of PW-1 and the documentary evidence at Ex.P-1 to P-4, it is observed that, one Sri M.G. Waddatti is the owner



of land bearing Sy.No.9 measuring 3 acres 04 guntas, which is an agricultural land. However, on careful perusal of the documents produced by the I.O at Ex.P-3 and P-4 and his report at Ex.P-1, it is observed that, land bearing Sy.No.9 of Mundaragi town measuring 3 acres 04 guntas is an agricultural land and it is not converted into non-agricultural land. Hence, the land has to be used only for agricultural purpose. However, on perusal of the documents at Ex.P-3 and P-4, it is observed that, the DGOs No-1 to 3 have illegally given TMC numbers to two plots. The first plot is plot bearing TMC No.900/N/5 measuring 50 x 250 sq.feet. The second plot is plot bearing TMC No. 9A/8A measuring 50 x 70 sq.feet. It is pertinent to note that, the DGOs No-1 to 3 have colluded with the owner Sri M.G. Waddatti and issued the TMC numbers to agricultural land which is not permissible under law. The DGOs No-1 to 3 have received the self assessment tax, license fee for the construction of the building and issued construction permission for agricultural land, which is totally illegal. The land has not been converted into non- agricultural land. The owner of the land has to approach the revenue authorities and surrender 50% of the land to the Government for civic amenities and then only the land is converted into non - agricultural land. However the owner of the land has not got the land converted into non-agricultural land and he has illegally formed sites in the said land and obtained TMC numbers by colluding with the TMC officials i.e the DGOs No-1 to 3. The DGO No-2 Sri N.J. Pattadakallu was the Chief Officer, the DGO No-1

C.N. Barakera was the FDA and DGO No-3 Sri K.B. Koladur was the SDA. The DGO No-2 was the head of TMC Mundaragi and DGO No- 1 and 3 are the persons attending the files pertaining to issue of TMC Numbers to the sites formed in non agricultural land. The DGOs No-1 to 3 by colluding with the owner of the agricultural land bearing Sy.No.9 have issued TMC numbers to the sites created illegally in the said land. PW-1 has conducted a detailed investigation and he has submitted his report as per Ex.P-1.

31. PW-1 in his oral evidence has categorically stated that, the DGO No-1 to 3 have colluded with the owner of the land Sri M.G. Waddatti and issued TMC numbers to agricultural lands which is totally illegal.

32. The agricultural land has to be converted into non-agricultural land by the competent revenue authorities. The owner of the land has to surrender 50% of the land for civil amenities i.e roads, drainage etc., and then only his remaining 50% of the land will be converted into non agricultural land. Thereafter he has to get his layout approved by the Town Planning Authority. The DGOs No-1 to 3 first ought to have verified whether the agricultural land has been converted into non-agricultural land. Admittedly the land has not been converted into non agricultural land. The DGOs No-1 to 3 have colluded with the owner and illegally given TMC numbers and

construction permission to the plots created in agricultural land which is illegal.

33. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority, I am of the opinion that, the Disciplinary Authority has proved that, the DGOs No-1 to 3 have committed misconduct by giving TMC Numbers to the sites illegally created in agricultural land. The DGOs No-1 to 3 have also issued construction permission for constructing the houses in agricultural lands which is also illegal. Hence, on careful perusal of the report of PW-1 at Ex.P-1, the oral evidence of PW-1 and the documents at Ex.P-3 and P-4, I am of the opinion that, the Disciplinary Authority has proved that, the DGOs No-1 to 3 have committed mis conduct by giving TMC numbers to the sites illegally formed in agricultural land.

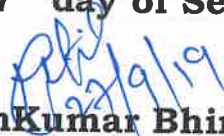
34. For the reasons stated above the DGOs No-1 to 3, being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charges leveled against the DGO No-1 to 3 are established. Hence, I answer point No.1 in the "**Affirmative**".

**:: ORDER ::**

***The Disciplinary Authority has proved the charge against the DGO No-1 Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi, DGO No-2 Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi and DGO No-3 Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi (now retired).***

35. This report is submitted to Hon'ble Upa Lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

**Dated this the 27<sup>th</sup> day of September 2019**

  
**(Patil Mohan Kumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore

### ANNEXURE

<b>Witness examined on behalf of the Disciplinary Authority</b>
<b>PW-1:</b> Sri Ganapathi Patil (Original)
<b>Witness examined on behalf of the DGO</b>
<b>Nil</b>
<b>Documents marked on behalf of the Disciplinary Authority</b>
<b>Ex.P-1:</b> Report of I.O (Original)
<b>Ex.P-2:</b> The copy of anonymous complaint (Xerox copies)
<b>Ex. P-3:</b> The documents pertaining to the land of Sri M.G. Waddatti (Xerox copies)
<b>Ex. P-4:</b> The documents furnished by the Chief Office, TMC, Mundaragi (Xerox copies)
<b>Documents marked on behalf of the DGO</b>
<b>Nil</b>

**Dated this the 27<sup>th</sup> day of September 2019**

  
**(Patil MohanKumar Bhimanagouda)**  
 Additional Registrar Enquiries-13  
 Karnataka Lokayukta  
 Bangalore



**GOVERNMENT OF KARNATAKA****KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/88/2015/ARE-13

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 01/10/2019

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- (1) Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundargi, Gadag District.
- (2) Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi, Gadag District.
- (3) Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi, Gadag District (now retired).

Ref:-1) Government Order No. ಸಆಇ 147 ಡಿಎಂಕೆ 2014 Bengaluru dated 03/02/2015 and its Corrigendums dated 12/02/2015 and 26/03/2016

- 2) Nomination order No.UPLOK-1/DE/88/2015 Bengaluru dated 21/02/2015 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 27/09/2019 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 03/02/2015 read with its Corrigendums dated 12/02/2015 and 26/03/2016 initiated the disciplinary proceedings against (1) Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi, Gadag District; (2) Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi, Gadag District and (3) Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi, Gadag District (now retired) (hereinafter referred to as Delinquent Government Officials 1 to 3 for short as 'DGO-1, DGO-2 and DGO-3 respectively') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/88/2015 dated 21/02/2015 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them. Subsequently by Order No.UPLOK-1&2/DE/Transfers/2018 dated 06/08/2018 the Additional Registrar of Enquiries-13 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGOs 1 to 3.

3. The DGO-1 Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi, Gadag District; DGO-2 Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi, Gadag District (now retired) and DGO-3 Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi, Gadag District (now retired) were tried for the following charge:-

ನಿಮ್ಮ ಪೈಕಿ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಕೆ.ಬಿ.ಕೊಳದೂರ, ಹಿಂದಿನ ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕ, 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎನ್.ಜಿ. ಪಟ್ಟದಕಲ್ಲು, ಹಿಂದಿನ ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕ, ಮುಂಡರಗಿ ಪುರಸಭೆಯವರು ಅಂದಿನ ಮುಂಡರಗಿ ಪುರಸಭೆ ಮುಖ್ಯಾಧಿಕಾರಿ (ಹಾಲಿ ನಿವೃತ್ತ), ಶ್ರೀ ವಿನೇಶ್ ರವರ ಒತ್ತಡಕ್ಕೆ ಮಣೆದು 2010-11ರಲ್ಲಿ ಮುಂಡರಗಿ ಪುರಸಭೆಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವಾಗ ಪುರಸಭೆ ಸದಸ್ಯ ಎಂ.ಜಿ.ವಡವಟ್ಟಿಯವರ ಬಿನ್ ಶೇತ್ರಿ ಆಗದ ಮುಂಡರಗಿ ಕಂದಾಯ ಸರ್ವೆ ನಂ.9ರಲ್ಲಿ ರಚಿಸಿದ 50 x 250 ಅಡಿ ಅಳತೆಯ ಜಾಗಕ್ಕೆ ಅಕ್ರಮವಾಗಿ ಟಿ.ಎಂ.ಸಿ ನಂ.900/ಎನ್/5 ಎಂದು ನಂಬರ್ ನೀಡಿದ್ದು, ಆ ರೀತಿ ಕೊಟ್ಟ ಆಸ್ತಿ ಸಂಖ್ಯೆಯನ್ನು ಮೇಲಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸದೇ ಇದ್ದು, ನಂತರ ಆ ಖಾಲಿ ಜಾಗದ ಪೈಕಿ 50 x 70 ಅಡಿ ಜಾಗದಲ್ಲಿ ಶ್ರೀ ಎಂ.ಜಿ. ವಡವಟ್ಟಿಯವರು ಕಟ್ಟಿದ ಫಾರಂ ಹೌಸಿಗೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಸಿ.ಎನ್.ಬಾರ್ಕೇರ ರವರು ಕಾನೂನುಬಾಹಿರವಾಗಿ ಟಿ.ಎಂ.ಸಿ. 9ಎ/8ಎ ಎಂದು ನಂಬರ್ ನೀಡಿದ್ದು, ಸದರಿ ಕೊಟ್ಟ ಆಸ್ತಿ ಸಂಖ್ಯೆಯನ್ನಾಧರಿಸಿ ಶ್ರೀ ವಿನೇಶ್, ಅಂದಿನ ಮುಂಡರಗಿ ಪುರಸಭೆ ಮುಖ್ಯಾಧಿಕಾರಿ ಕಟ್ಟಡ ಕಟ್ಟಲು ಪರವಾನಿಗೆ



ಕೊಡಲು ಅನುಕೂಲವಾಗುವಂತೆ, ನೀವು 1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರೆಂದು ಆಪಾದಿಸುತ್ತೇನೆ.

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against DGO-1 Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundaragi, Gadag District; DGO-2 Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi, Gadag District (now retired) and DGO-3 Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi, Gadag District (now retired).

5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.


6. As per the First Oral Statement submitted by DGOs 1 to 3;
- i) DGO-1 Sri C.N. Barakera is due to retire from service on 31/05/2044.
  - ii) DGO-2 Sri N.J. Pattadakallu has retired from service on 30/04/2015 (during the pendency of inquiry).
  - iii) DGO-3 Sri K.B. Koladur has retired from service on 31/05/2014.

7. Having regard to the nature of charge proved against DGO-1 Sri C.N. Barakera; DGO-2 Sri N.J. Pattadakallu and DGO-3 Sri K.B. Koladur;

- i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri C.N. Barakera, First Division Assistant, Town Municipal Council, Mundargi, Gadag District with cumulative effect and also for deferring the promotion of DGO-1 Sri C.N. Barkera by four years, whenever he becomes due for promotion;
- ii) it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-2 Sri N.J. Pattadakallu, Chief Officer, Town Municipal Council, Mundaragi, Gadag District (now retired) for a period of 10 years;
- iii) it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-3 Sri K.B. Koladur, the then Second Division Assistant, Town Municipal Council, Mundaragi, Gadag District (now retired) for a period of 10 years.

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

Connected records are enclosed herewith.

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