

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/987/2017/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 20th December, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shri Abdul Razaak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District-reg.

Ref: 1) Government Order No.ಇಡಿ 219 ಪಿಎಂಸಿ 2017, Bengaluru, dated: 26/07/2017.

2) Corrigendum Order No.ಇಡಿ 219 ಪಿಎಂಸಿ 2017, Bengaluru, dated: 28/08/2017.

3) Nomination Order No.UPLOK-1/DE/987/2017, Bengaluru, dated: 05/09/2017 of Upalokayukta, State of Karnataka, Bengaluru.

4) Inquiry Report dated: 16/12/2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 26/07/2017 and 28/08/2017 initiated the disciplinary proceedings against Shri Abdul Razaak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir

District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/987/2017, Bengaluru, dated: 05/09/2017 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.
3. The DGO, Shri Abdul Razaak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District was tried for the following charges:

ANNEXURE-1
CHARGE

You-Sri Abdul Razaak Nalathawada while working as Head Master, Government Higher Primary School, Malagathi, Surapura taluk, Yadgir district was responsible for the following:

- (a) The construction of rooms sanctioned during 2005-06 and completed during 2012-13. The ceiling of two rooms constructed for the school are not in even level and they are of uneven level and sagging. The concrete beams are also not straight and they are irregular in size.
- (b) The construction of ceiling of two rooms has been carried out without skilled and technical supervision.

✓

- (c) The iron rods of beams were protruding and visible and the required cover for the ceiling was not provided.

Thereby you DGO has failed to take proper action and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services(Conduct) Rules, 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Proved' the charges leveled against DGO, Shri Abdul Razaak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District.
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO, the Disciplinary Authority has examined two witnesses i.e., PW-1 and PW-2 and Ex. P-1 to P-12 documents were got marked.
6. 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. Therefore, it is hereby recommended to the Government to accept the report of the Inquiry Officer.



7. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO, Shri Abdul Razaak has retired from service on 28/02/2014.
8. Having regard to the nature of charge '**Proved**' against DGO, Shri Abdul Razaak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO, Shri Abdul Razaak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District for a period of 5 years".

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

Connected records are enclosed herewith.

20/12/22

(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA LOKAYUKTA

No: Uplok-1/DE/987/2017/ARE-8

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Dated: 16/12/2022

ENQUIRY REPORT

Present : Rajashekar.V.Patil
Addl. Registrar of Enquiries-8,
Karnataka Lokayukta,
Bengaluru.

Sub:-The departmental enquiry against Sri. Abdul Razak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District - reg.

Ref:- 1) Report U/Sec 12(3) of the Karnataka Lokayuktha Act, 1984, in Complt/Uplok/GLB/2552/2013/ARE-5, dtd.10/03/2017.
2) Government Order No.ಇಡಿ/219/ಪಿಎಂಸಿ/2017, ಬೆಂಗಳೂರು, dtd.26/07/2017.
3) Nomination Order No.UPLOK-1/DE-987/2017, Bangalore, dtd.05/09/2017.

Present Departmental Enquiry is initiated on the basis of the complaint lodged by Sri. Srinivasa Dori S/o Mahadevappa, President, Agriculture Seva Sahakara Sanga, Malagatti, Surapura Taluk, Yadgir District, (herein after

Rajashakar V Patil
16/12/2022

referred as 'Complainant') against Sri. Abdul Razak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District, and three others (herein after referred to as the Delinquent Government Official in short 'DGO').

2. Brief allegations made in the complaint are that:

Complainant Srinivasa r/o Malagatti village, Surapura Taluk, Yadagir District, had lodged a complaint alleging that DGO was working as Head-Master of Higher primary school at Malagatti and Government had sanctioned constructions of rooms at school building in 2005-06 by releasing the funds and same were completed in the year 2012-13. And they were of substandard and not worthy of dwelling in and the life of the children was in danger if the classes were continued to be engaged in the said building.

On the basis of the said complaint preliminary investigation was taken up and complaint was referred to TAC of Lokayuktha wing to investigate the case to Assistant Executive Engineer I.O. of TAC Lokayuktha, and submitted his report on 03/03/2016.

3. An investigation was undertaken by invoking Section 7 (2) of the Karnataka Lokayuktha Act, DGO submitted his comments. Based on the allegations of the

D. Srinivasa
16/11/16

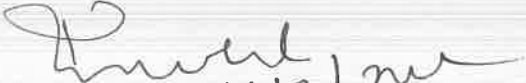
complaint and preliminary notes, Hon'ble Upa-Lokayktha had sent the report U/Sec. 12(3) of Karnataka Lokayuktha Act on 10/03/2017 as per Ref. No.Complt /Uplok-1/GLB/2552/2013/ARE-5, Dtd.10/03/17.

4. The Competent Authority/State Government after verifying the materials accorded permission and entrusted the enquiry by issuing notification as per Ref.No.2 Government Order No. ಇಡಿ/219/ಪಿಎಂಸಿ/2017, ಬೆಂಗಳೂರು, dtd.26/07/2017.
5. Hon'ble Lokayuktha nominated ARE-8 as per Ref. No.3- Order No. No.UPLOK-1/DE/987/2018, Bangalore, dtd.05/09/2017.
6. On the basis of the nomination, Article of Charge was prepared under 11(3) of KCSR & CCA Rules and concerned DGO.

ANNEXURE No.I
CHARGE

You - Sri Abdul Razaak Nalathawada while working as Head Master, Government Higher Primary School, Malagathi, Surapura taluk, Yadgir district was responsible for the following;

- (a)The construction of rooms sanctioned during 2005-06 and completed during 2012-13. The ceiling of two rooms constructed for the school are not in even level


16/12/2017

and they are of uneven level and sagging. The concrete beams are also not straight and they are irregular in size.

(b) The construction of ceiling of two rooms has been carried out without skilled and technical supervision.

(c) The iron rods of beams were protruding and visible and the required cover for the ceiling was not provided.

thereby you DGO has failed to take proper action and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services(Conduct) Rules, 1966.

ANNEXURE No.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

1. A complaint was filed by Sri Srinivasa Dori s/o Mahadevappa, President, Agriculture Seva Sahakara Sangha, Malagatti, Surapura Taluk, Yadgir District (hereinafter referred as 'Complainant' for short) against Sri Abdul Razaak Nalathawada, Head Master, Government Higher Primary School, Malagathi, Surapura Taluk, Yadgir district (herein after referred to as 'Respondent') alleging that the construction of toilet in Government Higher Primary School, Malagatti is sub-standard and also ceiling of the two rooms of the said

[Handwritten signature]
16/12/16

school is in dilapidated condition and it may collapse any time, thereby the Respondent has committed misconduct, investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. After the complaint was taken up, report was sought from B.E.O., Surpur and Dy.S.P., Lokayukta, Yadgir on the complaint. B.E.O. submitted report dt.19-04-2014 stating that he had visited the school and obtained check list and report from Block Engineer, Block Engineer submitted his report dt.25-03-2014 stating that the construction of rooms and toilet is of good standard. Dy.S.P. in his report dt.26-05-2014 has submitted that the rooms constructed are of good standard and the allegations made in the complaint are not substantiated.
3. Thereafter, Hon'ble Upalokayukta referred the complaint to the Technical Audit Cell of Karnataka Lokayukta for investigation and report and the investigating officer of Technical Audit Cell Assistant Executive Engineer-V, TAC, Lokayukta (herein after referred to as "I.O.") submitted his report dt.03-03-2016 as follows;
 - (a) The construction of rooms sanction during 2005-06 and completed during 2012-13. The ceiling of two rooms constructed for the school are not even and sagging. Concrete beams are also not straight and they are irregular in size.

P. S. Rao
28/1/2016

- (b) The construction of ceiling of two rooms has been carried out without skilled and technical supervision.
- (c) The iron rods of beams were protruding and visible and the required cover for the ceiling was not provided.
- (d) The officers responsible for the construction of said two rooms are; (1) Sri Abdul Razak Nallathawad, Retd. Head Master, Government Primary School, Malagatti (2) Bannappa Ammapura, the then President, SDMC, Surapura Taluk (3) Veeresh S Avaji Gowdar, Block Engineer, SSA and (4) Sri Mohammed Miyan, Block Engineer, SSA. Respondents 2 to 4 have been impleaded as Respondents on the complaint.
4. Thereafter, comments were called from all the four Respondents referred to above, and the comments submitted by Respondents 2 to 4 are not acceptable to drop the proceedings against them. Respondent no.1 has not submitted comments though he has been served through TAC.
5. Since the said facts and materials on record prima facie show that Respondents no.1 to 4 have committed misconduct Under Rule 3(1) of K.C.S. (Conduct) Rules 1966. Therefore the conduct of the above mentioned officers is unbecoming of public servants and amounts to grave official misconduct. Therefore, it is necessary to initiate

[Handwritten signature]
6/1/27

disciplinary proceedings against those officers, as they, being public servants, have failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a public/Government servants and thereby committed official misconduct.

Since the facts and materials on record prima facie show that the DGO Nos.1 to 4 have failed to maintain absolute devotion to duty under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation was made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate Disciplinary Proceedings against the DGO No.1 under Rule 14-A of K.C.S. (CCA) Rules, 1957 and to entrust the enquiry to this Authority and recommendation was take to take action against Respondent No.2 to 4 in accordance with law Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO -1 and entrusted the enquiry U/R 214(2)(b)(i) of K.C.S.R. to the Hon'ble Lokayukta under Rule 14-A of KCS(CCA) Rules. Hence, the charge.

7. Summons was issued along with copy of Article of Charges, DGO appeared through AH advocate. In the mean time challenged the proceedings of D.E. in

Rulaw
18/1/18

A.N.No.6869/2017 before KSAT and same came to be dismissed on 23/07/2021 with the approval of the Hon'ble Lokayuktha and the proceedings were continued. Adv. for DGO and DGO were absent, their Written Statement was taken as not filed and case was posted for enquiry. P.O. examined complainant as PW.1 and got marked Ex.P.1 to Ex.P.7. Executive Engineer/I.O. examined as PW.2 got through him Ex.P.8 to Ex.P.12 were got marked. Further cross examination of PW.1 and PW.2 was taken as Nil, since DGO remained absent SOS could not be recorded and his evidence was taken as nil and representing the advocate remained absent throughout the proceedings. Arguments of P.O. was heard and case was posted for report.

8. Following point arise for my consideration;

Whether the Charge leveled against DGO Sri. Abdul Razak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District, is proved by the Disciplinary Authority?

9. My answer to the above point is in the '**Affirmative**' for the following:

Abdul Razak
16/11/21

REASONS

10. P.O. in order to substantiate the allegations made in the complaint has examined complainant as PW.1 and has stated that DGO was working as Head Master in Government school of Malagatti. During that period in the year 2006 and 2007 an amount of Rs. 4,63,000/- was granted from the Government to construct two rooms with the school building. Construction of two rooms was completed in the year 2013 then on inspection it was found that the construction of room building was of substandard, cement concrete was of substandard quality and entire construction was not as per the estimation approved by the superiors. And the construction was weak; it could fall at any time endangering the life of children studying in the school. In this regard, he filed grievances before superiors of Education authority BEO, DDPI etc. when they did not take any action, he lodged complaint before Lokayuktha and he has got marked his complaint Ex.P.1 and Ex.P.2, paper publication at Ex.P.3, complaint lodged before BEO at Ex.P.4, another complaint lodged before D.D.P.I. at Ex.P.5. Complaint lodged before Commissioner of Education Department is marked at Ex.P.6 and Ex.P.7 is the mahazar conducted by Lokayuktha officials. Further he has stated that he has lodged criminal complaint before Kembavi Police Station.

Rulaw
16/11/2017

11. Evidence of PW.1 has remained unrebutted as the advocate for DGO AH was absent and there were no representations DGO in person.

12. Further to substantiate the claim and to prove the allegation P.O. has examined PW.2 E.E. attached to Lokayuktha, TAC Department. He has stated that as per the instruction of the C.E. of Lokayuktha Bangalore, he took up the investigation and inspected the disputed school building rooms after giving notice to DDPI and Education Department officials and conducted technical examination of the quality of the construction of rooms and toilets and submitted his report at Ex.P.8. In his report he has stated that ceiling put up to the rooms was not in the sustainable straight level and not as per measurement and specifications mentioned in the records. Further the said rooms were not constructed by qualified building contractor and the steel rods forming part of the roof were exposed and construction of toilets was incomplete. In total he was of the opinion that the construction of the said rooms and building was of substandard.

13. In support of the oral evidence of PW.1 and PW.2, the report submitted by PW.2 is marked at Ex.P.8, and it is mentioned in detail about the substandard work carried out by the DGO by utilizing the funds and also

Handwritten signature
15/12/17

misusing the same. Further he has conducted spot mahazar marked at Ex.P.7 and close perusal of the entire records clearly manifest that DGO has not carried out the construction works as per the specifications and quality.

14. It is relevant to note that the evidence of PW.1 and 2 has remained unrebutted and they have not been cross examined as DGO and his advocate have remained absent throughout the proceedings.

15. Considering the substantial evidence of PW.1 and technical expert PW.2 and that the evidence of PW.1 and 2 have remained unrebutted. Relying on the evidence placed before enquiry authority that of PW.1 and 2 and Ex.P1 to Ex.P.8, this authority is inclined to hold that the allegations made against DGO is established.

16. In view of the elaborate discussion made above, this enquiry authority is constrained to hold that, the charge framed against DGO is established. In the result above Point is answered in the '**Affirmative**' and I proceed to record the following;

Handwritten signature
16/10/2017

FINDINGS

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Official Sri. Abdul Razak, Nalathawada, the then Head Master, Government Higher Primary School, Malagatti, Surapura Taluk, Yadgir District.

Submitted to Hon'ble Upa-Lokayuktha, Karnataka Lokayukta, Bengaluru for further action in the matter.


(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8
Karnataka Lokayukta, Bengaluru.

ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW1	Sri. Srinivasa S/o Mahadevappa, aged about 67 years, r/o Malagatti village, Surapura Taluk, Dtd.04/07/2022. (original)
PW.2	Sri. S. Shreikant S/o P. Singaiah, aged about 69 years, Executive Engineer (retired) r/o Bangalore, dtd:10/08/2022

2. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P.1	Form No.1- complaint submitted before Hon'ble
--------	---


16/11/2022

Ex.P.1(a)	Lokayuktha by the complainant-PW1.(Original) Signature of PW.1
Ex.P2	Form-II (complainant's Affidavit) submitted to Lokayuktha (Original copy)
Ex.P.2(a)	Signature of PW.1
Ex.P.3	Paper publication
Ex.P. 4	Complaint submitted to B.E.O. Surapura Taluk dtd. 17/09/2012 (xerox copy)
Ex.P.5	Complaint submitted to D.E.P.I. Yadagiri District, dtd. 19/12/2012 (xerox copy)
Ex.P.6	Complaint submitted to Commissioner, Education Department, Bangalore, Dtd. 31/07/2013 (xerox copy)
Ex.P.7	Spot Mahazar
Ex.P.7(a)	Signature of PW.2
Ex.P.8	Report submitted by E.E. Lokayuktha, dtd.03/03/2016. (original copy) (pages No.73 to 83)
Ex.P.8(a)	Signature of PW.2
Ex.P.9	Kattada Nirmana Kypidi
Ex.P.10	Photographs
Ex.P.11	CD
Ex.P.12	Letter submitted by BEO, Surapura Taluk, Yadagiri District to E.E. Karnataka Lokayuktha, Bangalore. (Documents relating to construction of two school rooms at Govt. Higher Primary School, Malagatti village. Dtd.04/02/2016. (original copy) (pages 143 to 203)


(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bengaluru.

