

KARNATAKA LOKAYUKTA

No: UPLOK-1/DE/336/2018/ARE-8

M.S.Building
Dr.B.R.Ambedkar Veedhi
Bengaluru - 560001
Dated:15/07/2023.**R E P O R T**

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

Sub: Departmental Enquiry against Sri.
Mallaiah B. Guttedar, Assistant
Teacher, Government Higher Primary
School, Koralli, Aland Taluk, Kalaburgi
District and President, Primary School
Teachers Association, Kalaburgi - reg.

Ref: 1. Report U/Sec 12(3) of the Karnataka
Lokayuktha Act 1984, in Compt/Uplok
/GLB/2346/2017/DRE-3, Dtd.08/03/2018.
2. Government Order No. ಇಡಿ 146 ಪಿಎಂಸಿ 2018,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/07/2018
3. Nomination Order No: Uplok-
1/DE/336/2018, Bengaluru, dated:
10/07/2018 of Hon'ble Uplokayukta.

Present Departmental Enquiry is initiated against
DGO on the basis of the complaint lodged by one Sri.
Vijayakumar N. Adaki, District President, Karnataka
Dalitha Sangharsh Samiti, Basava Nagar, Sedam,

Handwritten signature in blue ink: Uplok 15/7/2023

Kalaburgi District, (herein after referred as 'Complainant') against Sri. Mallaiah B. Guttedar, Assistant Teacher, Government Higher Primary School, Koralli, Aland Taluk, Kalaburgi District and President, Primary School Teachers Association, Kalaburgi, (hereinafter referred to as the Delinquent Government Official in short DGO).

2. Brief allegations made in the complaint are that:

One Sri. Vijayakumar N. Adaki, District President, Karnataka Dalitha Sangharsh Samiti, Basava Nagar, Sedam, Kalaburgi District, lodged a complaint before Lokayuktha alleging that DGO-Mallaiah B. Guttedar, ~~working as Assistant Teacher in Government Higher Primary School, Koralli, Alanda Taluk, Kalaburgi District,~~ was found to be irregular in attending to his duty and was remaining absent by providing various reasons other than attending monthly meeting or District Educational Meetings. Further he was unauthorized remaining absent and was attending other meetings and public grievance and was in habit of signing the attendance book later. Further he had committed misconduct by admitting the son Shrishila on two different schools for class I to IV i.e., one at Saraswathi Vidya Mandira, Higher Primary School, Mudhola and another at Government Higher Primary School, Konapura with dishonest intention for availing the Government benefits reserved for students.

Received 15/7

3. In this regard, an investigation was undertaken by invoking Section 9(3) of the Karnataka Lokayuktha Act and DGO was called for his comments and he filed his comments. Based on the allegations of the complaint and preliminary notes, Hon'ble Upa-Lokayuktha had sent the report U/Sec. 12(3) of Karnataka Lokayuktha Act on 07/05/2016 as per Ref. No.1-Compt/Uplok/GLB/2346/2017/DRE-3, dtd.08/03/2018.

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 146 ಪಿಎಂಸಿ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/07/2018, to the Lokayuktha.

5. Hon'ble Upalokayukta-2 nominated this Enquiry Officer i.e. Additional Registrar of Enquiries-8, of the office of Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGO as per the nomination order dated 10/07/2018. Accordingly Articles of Charge was prepared by Additional Registrar Enquires-8 against DGO and summons was sent to DGO along with the AOC.

Handwritten signature and date: 15/7/2018

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

1. You DGO while working as Assistant Teacher at Government Lower Primary School, Hooda(M), Sedam Taluk, Kalburgi District, have been irregular in attending to your duties and remained absent by showing various reasons other than monthly meetings or educational meetings. Further, you were also unauthorisedly remaining absent and were attending meetings and programmes and used to come and sign the Attendance book.

Secondly, you have admitted your son- Srishyla at the same time to two different schools for class I to IV i.e. one at Saraswathi Vidya Mandira, Higher Primary School, Mudhola and another at Government Higher Primary School, Konapura with a dishonest intention of availing Government facilities.

Thereby, you have committed dereliction of duty 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

Handwritten signature
7/5/21

misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

ANNEXURE No.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

1. An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri Vijaykumar N. Adaki, District President, Karnataka Dalitha Sangharsh Samiti, Basava Nagar, Sedam, Kalburgi District (hereinafter referred to as complainant for short) against Sri Mallaiaha B. Guttedar, Assistant Teacher, Government Primary School, Koralli, Aland Taluk, Kalburgi District and President in Primary School Teachers Association, Kalaburgi, (hereinafter referred to as 'respondent' for short).

2. The complainant alleges that the respondent being the President of Primary School Teachers Association, Kalaburgi is presently working as Assistant Teacher in Government Higher Primary School, Koralli, Alanda Taluk, Kalaburgi District. Previously he was working at Government Lower Primary School, Hooda (M), Sedam Taluk, Kalaburgi. During the said period he used to

Hebe
15/7/18

remain absent from his duties and was not regularly attending the classes.

Further has stated that he has admitted his two children i.e., Shrishaila & Mahesha at Government Higher Primary School, Konapura where he worked previously for the purpose of availing benefits from the Government. At the same time he has admitted his children to a private school i.e., at Saraswathi Vidhya Mandir, Higher Primary School, Mudhol. The Block Education Officer, Sedam has reported to his higher authorities to take action against the respondent. In spite of it no action has been taken against him. Therefore has prayed to take action against the respondent.

3. The complainant has produced copies of the representation given to the authorities of the education department & copies of the documents pertaining to school admission of children of the respondent. Also has produced copy of the attendance register of Government Lower Primary School, Hooda(M), Sedam Taluk for the months of June to September - 2012 to show that the respondent has not attended his duties regularly. He has also produced copies of movement register showing that the Head Master of School, Hooda (Adaki) has noted about the absence of the respondent for various reasons mentioned therein.

20
15/2

4. A report was called from Block Education Officer, Sedam who in turn has submitted had report 16/10/2017 along with the report of Sri Thimmareddy, Education Coordinator, office of Block Education Officer, Sedam, Kalburgi District. The report of Education Coordinator is as follows:

“ಶ್ರೀ ಮಲ್ಲಯ್ಯ, ಗುತ್ತೆದಾರ, ಸಹ ಶಿಕ್ಷಕರು ಹಾಗೂ ಅಧ್ಯಕ್ಷರು, ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಣ ಸಂಘ, ಕಲಬುರಗಿ ರವರು ದ್ವಿದಾಖಲಾತಿ ಮಂಡಿಸಿರುತ್ತಾರೆ ಎಂಬುದರ ಕುರಿತು ಸಂಬಂಧಿಸಿದ ಶಾಲೆಗಳಿಗೆ ಈ ಕೆಳಗಿನ ದಿನಾಂಕಗಳಂದು ಬೇಟೆ ನೀಡಿ ಈ ಕೆಳಗಿನಂತೆ ವರದಿ ನೀಡುತ್ತಿದ್ದೇನೆ.


ದಿನಾಂಕ: 18/08/2017 ರಂದು ಸರಸ್ವತಿ ವಿದ್ಯಾಮಂದಿರ, ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಮುದೋಳ ತಾಲ್ಲೂಕು, ಸೇಡಂಗಿ ಬೆಟೆಗೆ 0-30 ಗಂಟೆಗೆ ಬೇಟೆ ಕೊಟ್ಟು ಪ್ರವೇಶ ದಾಖಲಾತಿ ರಿಜಿಸ್ಟ್ರನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಗಿನಂತೆ ಕಂಡುಬಂದಿದೆ.

ವಿದ್ಯಾರ್ಥಿಯ ಹೆಸರು - ಶ್ರೀಶೈಲ
ತಂದೆಯ ಹೆಸರು - ಮಲ್ಲಯ್ಯ ಗುತ್ತೆದಾರ
ಜನ್ಮ ದಿನಾಂಕ - 09/04/2001
ದಾಖಲಾತಿ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ: 1620/2007-08, ದಿನಾಂಕ: 07/06/2001
ಅಭ್ಯಾಸ ಮಾಡಿದ ತರಗತಿಗಳು- 1ನೇ (2007-08), 5ನೇ (2011-12) ತರಗತಿ
ವರ್ಗಾವಣೆ ಪತ್ರ ನೀಡಿದ್ದು- 03/2012-13, ದಿನಾಂಕ: 07/06/2012.

ಈ ಮೇಲಿನ ಎಲ್ಲಾ ಅಂಶಗಳಿಗೆ ಪೂರಕವಾಗಿ ದಾಖಲಾತಿ ರಿಜಿಸ್ಟ್ರಿನ ದೃಢೀಕೃತ ನಕಲು ಪ್ರತಿ ಹಾಗೂ ವರ್ಗಾವಣೆ ಪತ್ರದ ನಕಲು ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ.

ಹಾಗೆಯೇ ದಿನಾಂಕ: 18/08/2017 ರಂದು ಮಧ್ಯಾಹ್ನ 12:30 ಗಂಟೆಗೆ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಕೋನಾಪುರ ಸೇಡಂಗಿ ಬೆಟೆ ಕೊಟ್ಟು ದಾಖಲಾತಿ ರಿಜಿಸ್ಟ್ರನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಗಿನಂತೆ ದಾಖಲಾತಿ ಮಾಡಿರುವ ಅಂಶಗಳು ಕಂಡುಬಂದಿದೆ.

ವಿದ್ಯಾರ್ಥಿಯ ಹೆಸರು - ಶ್ರೀಶೈಲ
ತಂದೆಯ ಹೆಸರು - ಮಲ್ಲಯ್ಯ
ದಾಖಲಾತಿ ಸಂಖ್ಯೆ - 2098/2007-08
ಜನ್ಮ ದಿನಾಂಕ - 01/06/2002
ವಿದ್ಯಾಭ್ಯಾಸ ಮಾಡಿದ ತರಗತಿಗಳು-1ನೇ ತರಗತಿಯಿಂದ 4ನೇ ಉತ್ತೀರ್ಣ
ದಾಖಲಾತಿ ದಿನಾಂಕ - 12/06/2007


15/7/17

ವರ್ಗಾವಣೆ ಪತ್ರ ನೀಡಿದ ದಿನಾಂಕ- 11/2011-12, ದಿನಾಂಕ: 14/06/2011
ಅಭ್ಯಾಸ ಮಾಡಿದ ವರ್ಷ - 2007-08 ರಿಂದ 2010-11 ರವರೆಗೆ

ಈ ಮೇಲಿನ ಅಂಶಗಳು ಇರುವ ದಾಖಲಾತಿ ರಿಜಿಸ್ಟರಿನ ದೃಢೀಕೃತ ನಕಲು ಪ್ರತಿಯನ್ನು ಇದರ ಜೊತೆಗೆ ಲಗತ್ತಿಸಿದೆ.

ಮೇಲಿನ ಎರಡು ಶಾಲೆಗಳಲ್ಲಿ 2007-08ರ ಶೈಕ್ಷಣಿಕ ವರ್ಷದಲ್ಲಿ 1ನೇ ತರಗತಿಗೆ ಪ್ರವೇಶವನ್ನು ಹೊಂದಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಎರಡು ಶಾಲೆಗಳನ್ನು ತರಗತಿಯಿಂದ ತರಗತಿಗೆ ಪ್ರತಿ ವರ್ಷ ಉತ್ತೀರ್ಣಗೊಳಿಸಿರುತ್ತಾರೆ ಎಂಬುದು ಕಂಡುಬರುತ್ತದೆ”.

5. On perusal of the report of Sri Thimmareddy, Education Coordinator it is found that the respondent has admitted his son Srishyla to Saraswathi Vidya Mandira, Higher Primary School, Mudhola for studying 1st to 5th standard and at the same time he has also admitted him to Government Higher Primary School, Konapura for 1st to 4th standard during the year 2007-08 to 2010-11 and thereby has committed misconduct.

The copy of the movement register produced by the said Education Coordinator along with his report show that the respondent is found to be irregular in attending the school and he is in the habit of attending various programmes.

6. On perusal of the copy of the attendance register extracts for the month of June to September-2012,

In the month of June-2012, the respondent has not attended the school on 06th, 19th, 20th, 21st, 23rd, 29th and 30th of June, 2012.

Handwritten signature and date
19/6

In the month of July-2012, the respondent has not attended the school on 07th, 09th, 17th, 20th and 31st of July, 2012.

In the month of August-2012, the respondent has not attended the school on 03rd, 07th (Afternoon), 08th, 10th, 11th, 18th (Afternoon), 23rd, 27th, 28th of August, 2012.

In the month of September-2012, the respondent has not attended the school on 5th, 6th (Afternoon), 07th, 14th of September, 2012.

Also the entries in the movement register extract produced by the Education Coordinator corresponds such absence of the respondent for various reasons. The said materials on record go to show that the respondent was irregular in attending his duties at Government Lower Primary School, Hooda (M), Sedam Taluk and thereby has committed misconduct.

7. Respondent has submitted his comments dated 22/11/2017 stating that there was family dispute with his wife. His wife had admitted his children at Saraswathi Vidya Mandira without his knowledge and the same was not intentional. By denying other allegations the respondent has sought to drop him from the proceedings. He has not produced any materials to show family dispute between the respondent and his wife.

Handwritten signature
15/7

He has produced copy of the circular dated 08/10/2009 issued by the Dy. Director, Public Instructions Department, Kalburgi wherein the office bearers of the Primary School Teachers Association have been permitted for attending the monthly meetings and other meetings with respect to discussions on education and to treat their absence as other office duty.

The materials on record show that the respondent has remained absent for various other reasons other than monthly/educational meetings. Therefore the comments of the respondent cannot be accepted at this stage.

~~There are prima-facie materials against the respondent with respect to the above said misconduct.~~

8. The facts and materials on record prima-facie show that, the respondent has committed misconduct as per Rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against **respondent- Sri Mallaiaha B. Guttedar**, Assistant Teacher, Government Primary School, Koralli, Aland Taluk, Kalburgi District and President in Primary School Teachers Association, Kalaburgi (**Date of Retirement: 30/04/2030**) and to



entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS (CCA) Rules. Hence, the charge.

7. Summons were served to DGO along with copy of Articles of Charge and directed to appear on 30/08/2018. DGO appeared through NSN Advocate and FOS was recorded. DGO has denied the charges, pleaded not guilty and claimed to be tried and sought time for filing objections/WS.

8. DGO has filed his objections/written statement denying the entire allegations made in the complaint and also AOC. Further contended that false allegations are made against them and he is falsely implicated. Further already departmental enquiry has been conducted against him and present D.E. proceeding are hit by Doctrine of Res-judicata. Hence, prays to drop the proceedings.

9. After receiving the objections/written statement, enquiry was proceeded with VOR was complied and enquiry was proceeded with.

Handwritten signature and date:
19/7

10. In order to prove the allegations made in the Article of Charges, the Disciplinary Authority has examined PW.1 and got marked Ex.P.1 to Ex.P.9 through PW.1 and closed their side. After closure of the Disciplinary Authority, DGO has produced the copy of stay order granted by KSAT Authority in A.N.No.884/2019 which came to be allowed on 05/10/2021. Further CLC Section of Lokayuktha intimated the Competent Authority about the decision of Lokayuktha office to note to challenge the impugned order of KSAT. Kalburgi. In view of the about said developments of facts, following point arise for my consideration;

Whether the Charge leveled against DGO- Sri. Mallaiah B. Guttedar, Assistant Teacher, Government Higher Primary School, Koralli, Aland Taluk, Kalaburgi District and President, Primary School Teachers Association, Kalaburgi, is proved by the Disciplinary Authority?

11. My answer to the above point is in the '**Negative**' for the following:

TP
liber
(16)2

REASONS

12. P.O. in order to substantiate the allegations made in the complaint has examined complainant as PW.1 at that time, proceeding of D.E. was challenged before KSAT at A.No.884/2019 and same was allowed on 05/10/2021. After-that, copy of the order of KSAT was sent to CLC opinion. Then KSAT order was challenged before Hon'ble High-Court of Karnataka, Kalburagi Bench, in W.P.No.202787/2022-(S-KAT) only with regard to imposition of cost of Rs.10,000/- dtd.05/10/2021 and confirmed the order of KSAT that the entrustment order and Article of Charges leveled against DGO are incorrect and not justified. Only in respect of imposition of cost of Rs.10,000/- on Lokayuktha institution was set aside. In this regard, then ARE-8 formed the opinion that the order passed in W.P.No.202787/2022 regarding merits of the dismissal of D.E., proceedings is not to be challenged before Hon'ble Supreme Court of India.

13. Same was submitted on 29/05/2023 and was approved by Hon'ble Uplokayuktha on 01/06/2023. Then the decision not to challenge before Hon'ble Supreme Court by filing Spl.Leave Petition is approved by Hon'ble Lokayuktha on 07/06/2023 and the decision has been informed to concerned Competent Authority. Again file of CLC was placed before subsequent successor

Handwritten signature and date: 05/11/2023

of ARE-8 with regard to give opinion about challenging the said impugned order passed in A.No.884/2019 disposed off on 05/10/2021 by KSAT, Kalburgi Bench and got the part portion of order that imposition of Rs.10,000/- cost on Lokayuktha institution be challenged. Same was placed before Hon'ble Lokayuktha for approval and it was approved on 10/07/2022 and same was challenged in W.P.No.202787/2022 (S-KAT) before Hon'ble High Court of Karnataka, Kalburgi Bench which came to be disposed on 08/12/2022, observing that "Writ Petition filed is allowed in part, observing the order dtd.05/10/2021 passed by KSAT in A.No.884/2019 is hereby quashed and set aside so far relating to imposition of cost of Rs.10,000/- on petitioner" i.e.,-(Lokayuktha institution). A.No.884/2019 remained sustained and justified as this institution put decision not to challenge the order by preferring Writ Petition. Subsequently regarding imposition of cost of Rs.10,000/- in the same order part of that order affect interest of Lokayuktha institution has opined in LOK/LC/KAT/663/2019. Accordingly further proceedings would be held against DGO is closed.

14. After receiving the file from CLC detail note was put up on 03/07/2023 mentioning the detail development of the facts of case, sought approval of the


P
25/11

Hon'ble Upalokayuktha to prepare a final report in this D.E. and same was approved by Hon'ble Upalokayuktha on 04/07/2023, since decision is taken not to challenge the impugned order passed by Hon'ble KSAT in A.No.884/2019, dtd.05/10/2021 by CLC further proceedings cannot be continued.

15. As the final decision has been taken that the order of the W.P.No.202787/2022 (S-KAT) before Hon'ble High Court of Karnataka, Kalburgi Bench, not required to be challenge before Hon'ble Supreme Court of India by filing Spl. Leave Petition relating to imposition of cost of Rs.10,000/- and as per the earlier opinion of ARE 8 not to challenge the order of Writ petition before Hon'ble Supreme Court of India, same was approved by Hon'ble Upalokayuktha and intimation was sent to Government on 09/06/2023.

16. Under these circumstances the present enquiry is required to be closed/dropped as D.E. cannot be proceeded with and appropriate information of data be sent to Competent Authority of DGO.

17. In the result, file is required to closed as it cannot be proceed with. Under the circumstances, I proceed to pass the following order;

A handwritten signature in blue ink, followed by the initials '05/7-'.

ORDER

DGO challenged the Entrustment order and AOC before the KSAT in A.No.884/2019. KSAT passed orders quashing the Entrustment order and AOC and imposed costs.

Hon'ble High Court in W.P.No.202787/2022 (S-KAT), Kalburgi bench by its order dated:08/12/2022 allowed the writ petition in part and quashed the entrustment order and AOC and set aside in so far as relating to costs. Later, Karnataka Lokayuktha Authority decided not to challenge the above said orders of Hon'ble High Court, Kalburgi Bench.

Hence, Disciplinary Enquiry against DGO-Sri. Mallaiah B. Guttedar, Assistant Teacher, Government Higher Primary School, Koralli, Aland Taluk, Kalaburgi District and President, Primary School Teachers Association, Kalaburgi, cannot be continued and this enquiry is treated as closed.

Submitted to His Lordship Hon'ble Upalokayukta for further action in the matter.


(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8
Karnataka Lokayukta, Bengaluru.



A N N E X U R E S


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

PW1	Sri. Vijayakumara S/o Narasappa, aged 37 years, r/o Sedam Taluk, dtd.31/12/2018. (original)
-----	---

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

Ex.P.1	Xerox copy of Transfer certificate from Sri. Kothala Basaveswara Bharateeya Shikshana Samithi, Sedam.
Ex.P2	True copy of Register of Admission from Head-Master, Government Higher Primary School, Konapura, Sedam Taluk.
Ex.P.3	True copy of Register of Admission from Head-Master, Saraswathi Vidya Mandira Higher Primary School, Mudhola, Sedam Taluk.
Ex.P. 4	Form No.1- complaint submitted before Hon'ble Lokayuktha by the complainant-PW1.(Original)
Ex.P.4(a)	Signature of PW.1
Ex.P.5	Form-II (complainant's Affidavit) submitted to Lokayuktha (Original copy)
Ex.P.5(a)	Signature of PW.1
Ex.P.6	Original letter from complainant/President of Karnataka Dalitha Sangharsha Samithi, Gulbarga.
Ex.P.6(a)	Signature of PW.1
Ex.P.7	Xerox copy of letter from complainant/President of Karnataka Dalitha Sangharsha Samithi, Gulbarga

	dtd.05/08/2017
Ex.P.8	Xerox copy of letter from District Committee, Gulbarga, dtd.22/06/2017
Ex.P.9	Xerox copies of documents attached to Ex.P.8 and its enclosures (pages 08 to 37)


(RAJASHAKAR.V.PATIL)
Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bengaluru.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-1/ಡಿಇ/336/2018/ಎ.ಆರ್.ಇ-8

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 31ನೇ ಜುಲೈ 2023.

-:: ಶಿಫಾರಸ್ಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಮಲ್ಲಯ್ಯ ಬಿ ಗುತ್ತೇದಾರ್, ಸಹ ಶಿಕ್ಷಕರು, ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಕೊರಳ್ಳಿ, ಅಳಂದ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ ಮತ್ತು ಅಧ್ಯಕ್ಷರು, ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕರ ಸಂಘ, ಕಲಬುರಗಿ ರವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 146 ಪಿಎಂಸಿ, 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/07/2018.
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-1/ಡಿಇ/336/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10/07/2018.
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-08, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 15/07/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 02/07/2018 ರಂತೆ ಶ್ರೀ ಮಲ್ಲಯ್ಯ ಬಿ ಗುತ್ತೇದಾರ್, ಸಹ ಶಿಕ್ಷಕರು, ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಕೊರಳ್ಳಿ, ಅಳಂದ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ ಮತ್ತು

ಅಧ್ಯಕ್ಷರು, ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕರ ಸಂಘ, ಕಲಬುರಗಿ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ಉಪನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪನಿರ್ದೇಶ-1/ಡಿಇ/336/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10/07/2018ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-8 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಮಲ್ಲಯ್ಯ ಬಿ ಗುತ್ತೇದಾರ್, ಸಹ ಶಿಕ್ಷಕರು, ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಕೊಪ್ಪಳ, ಅಳಂದ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ ಮತ್ತು ಅಧ್ಯಕ್ಷರು, ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕರ ಸಂಘ, ಕಲಬುರಗಿ ರವರ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE No.I **CHARGE**

You DGO while working as Assistant Teacher at Government Lower Primary School, Hooda(M), Sedam Taluk, Kalburgi District, have been irregular in attending to your duties and remained absent by showing various reasons other than monthly meetings or educational meetings. Further, you were also unauthorisedly remaining absent and were attending meetings and programmes and used to come and sign the Attendance book.

Secondly, you have admitted your son- Srishyla at the same time to two different schools for class I to IV i.e. one at Saraswathi Vidya Mandira, Higher Primary School, Mudhola and another at Government Higher Primary School, Konapura with a dishonest intention for availing Government benefits.

Thereby, you have committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the

L


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. ಆ.ಸ.ನೌಕರರು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಆಡಳಿತ ಮಂಡಳಿ, ಕಲಬುರಗಿ ಪೀಠದ ಮುಂದೆ ಅಪ್ಪಿಕೇಷನ್ ನಂ.884/2019 ಅನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಕರ್ನಾಟಕ ರಾಜ್ಯ ಆಡಳಿತ ಮಂಡಳಿ, ಕಲಬುರಗಿ ಪೀಠವು ಆ.ಸ.ನೌಕರರು ಸಲ್ಲಿಸಿರುವ ಅಪ್ಪಿಕೇಷನ್ ಸಂಖ್ಯೆ:884/2019 ಅನ್ನು ಅನುಮತಿಸಿ (allowed) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 146 ಪಿಎಂಸಿ 2018, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 02/07/2018 ಮತ್ತು ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿಯನ್ನು ರದ್ದುಗೊಳಿಸಿ ಆದೇಶಿಸಿದೆ.

5. ಕರ್ನಾಟಕ ರಾಜ್ಯ ಆಡಳಿತ ಮಂಡಳಿ, ಕಲಬುರಗಿ ಪೀಠವು ಅಪ್ಪಿಕೇಷನ್ ಸಂಖ್ಯೆ:884/2019ರಲ್ಲಿ ಮಾಡಿದ ಆದೇಶವನ್ನು ಗೌರವಾನ್ವಿತ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಡಬ್ಲ್ಯೂ.ಪಿ.ಸಂಖ್ಯೆ:202787/2022ರಲ್ಲಿ ಪ್ರಶ್ನಿಸಿದ್ದು, ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 146 ಪಿಎಂಸಿ 2018, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 02/07/2018 ಮತ್ತು ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿಯನ್ನು ರದ್ದುಗೊಳಿಸಿ ಆದೇಶಿಸಿದ್ದು, ಇದೊಂದು ಪ್ರಶ್ನಿಸಲು ಸೂಕ್ತವಾಗಿಲ್ಲದ ಪ್ರಕರಣ (not fit) ಎಂದು ತೀರ್ಮಾನಿಸಿರುವ ಪ್ರಯುಕ್ತ ಈ ವಿಚಾರಣೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲಾಗಿದೆ (closed) ಎಂದು ಪರಿಗಣಿಸಲಾಗುತ್ತಿದೆ.

ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.


(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಭಣೀಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ-1,
ಕರ್ನಾಟಕ ರಾಜ್ಯ.

