

KARNATAKA LOKAYUKTA

No: Lok/ARE-10/Enq-100/2012

Dated: 11-7-2014

RECOMMENDATION

Sub: Departmental Enquiry against

Sri G.H.Katimani, the then Deputy
Director, Department of Pre-University
Education, Chitradurga and
Sri K.S.Prakash, FDA, o/o Deputy
Director. Dept. of
Pre-University Education, Chitradurga

1. Government Order No. ED 67 DGW 2012
Dt.29-02-2012
2. Nomination Order No.LOK/INQ/14-
A/100/ 2012 Bangalore Dated: 03-03-
2012 & dt.14-03-2014 of Hon'ble
Upalokayukta.

In pursuance of the report sent by this Institution U/S 12(3) of the Karnataka Lokayukta Act to the Government on 06-02-2012, the Government by order dt.29-02-2012 initiated disciplinary proceedings against Sri G.H.Katimani, then Deputy Director, Department of Pre-University Education, Chitradurga and Sri K.S.Prakash, First Division Assistant, office of the Deputy Director, Department of Pre-University Education, Chitradurga (herein after referred to as DGO-1 and 2 respectively) and entrusted the departmental enquiry to this institution.

2. By Nomination Orders dt.03-03-2013 and 14-03-2014, Enquiry Officer was nominated to conduct a departmental

enquiry against both the DGO-1 and 2. The Enquiry Officer after conducting the enquiry, has submitted a report dt.08-07-2014 inter-alia holding that the charge of mis-conduct alleged against the DGO-1 and 2 is proved.

Brief background of the case:

3. One Sri K.Nagaraj s/o Ningappa of Kashipura, Holalkere tq. Chitradurga District was working as Lecturer in Kashipura Govt. Junior College, he had filed a complaint before Lokayukta Police, Chitradurga District alleging that, DGO-1 and 2, for correcting the 'Leave without pay' into 'Casual', or 'Earned' or 'Commuted Leave' as the complainant had leave to his credit, DGO-2 demanded ₹ 6000/- from the complainant. DGO-2 stated that, DGO-1 required to be paid ₹ 5000/- and ₹ 1000/- for himself i.e. DGO-2.

4. The Lokayukta Police registered the case for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of Prevention of Corruption Act, 1988 and conducted trap after observing all pre-trap formalities. In the trap, DGO-2 found receiving ₹ 6000/- to do the official favour in discharging of his official duty.

5. On the basis of the report of the Police, suo-moto enquiry was initiated by this institution U/S 7(2) of the Karnataka Lokayukta Act against DGO-1 & 2. On completing the enquiry, a report as required U/S 12(3) of the Karnataka Lokayukta Act was sent to the Govt. for initiation of

disciplinary proceedings against DGO-1 and 2 and also for entrustment of the departmental enquiry to this institution. The State Government initiated disciplinary proceedings and entrusted departmental Enquiry to this institution.

6. Before the Enquiry Officer, complainant was examined as PW-1 and in his statement, he has re-iterated the allegations made against DGO-1 and 2 of demanding and receiving bribe amount. Evidence of PW-1 is supported by the evidence of PW-2, the shadow witness who had accompanied PW-1 to the office of DGO-2, he has stated that he saw the DGO-2 demanding and receiving the bribe amount on his behalf and on behalf of DGO-1 from the complainant. This is also supported by the evidence of PW-3 the Panch Witness and I.O. PW-4.

7. Though, the DGO has taken a defense that, DGO-2 brought a cover and gave it to him stating that it is given by PW-1, he claims that he had neither demanded nor accepted bribe amount. The evidence of DW-1 and the witnesses DW-2 is not supported by any material, in turn their evidence also supports the charge alleged against them.

8. The Enquiry Officer on proper consideration of the entire material and the evidence on record, has rightly held that the charge against DGO-1 and 2 is held proved. I find no reason to dis-agree with the said finding.

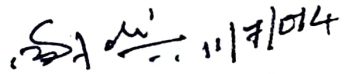
9. Since the charge alleged against DGO-1 and 2 being

demanding and accepting of bribe to do official favour which is a serious mis-conduct, I do not find any justifiable ground to recommend the punishment lesser than that of dismissal from service U/R 8(viii) of Karnataka Civil Service (CC&A) Rules.

10. Hence, I hereby recommend the Disciplinary Authority to impose major penalty of removal of DGO-2 Sri K.S.Prakash, First Division Assistant, o/o Deputy Director, Department of Pre-University Education, Chitradurga from service in terms of provision of Rule 8(vii) of the KCS (CCA) rules, 1957, however, so far as DGO-1 Sri G.H.Kattimani, the then Deputy Director, Department of Pre-University Education, Chitradurga is concerned, since he has already retired, the punishment of dismissal from service cannot be recommended, however, the mis-conduct being serious one, it is recommended that 30% of the pensionary benefit be denied permanently U/S 214 of Karnataka Civil Service Rules, without reducing the same below the minimum prescribed.

Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed here with.


(JUSTICE SUBHASH B ADI)
UPALOKAYUKTA
STATE OF KARNATAKA