

KARNATAKA LOKAYUKTA

No.Uplok-2/DE/106/2017/ARE-13

M.S. Building,
Dr.B.R. Ambedkar Road,
Bangalore-560001,
Date: 26/08/2019.**: Present:****Patil MohanKumar Bhimanagouda**
Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental enquiry against,1) Sri.K. Vijay, Panchayath Development
Officer, Naduru Grama Panchayath,
Sira Taluk, Tumkur District.2) Sri.B. Thimmarayappa, the then
Executive Officer, Taluk Panchayath,
Sira Taluk, Tumkur District.3) Sri. Chikkadasappa, the then Assistant
Executive Engineer, PWD Sub-Division,
Sira, Tumkur District (now retired
Executive Engineer) reg.**Ref :** 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BD/7616/2015/ARLO-2,
dated: 21/09/2016.2) Govt Order No. ಲೋಕ 304 ಸೇವಾ 2016,
Bengaluru dated:18/11/2016.3) Govt Order No. ಗ್ರಾಅಪ 219 ವಿಸೇಷ 2016.
Bengaluru dated:30/11/2016 and
Corrigendum dated 16/01/2017.

4) Nomination Order No.UPLOK-2/DE
/106/2017, Bengaluru, Dated
23/01/2017.

1. This departmental enquiry is directed against 1) Sri.K. Vijay, Panchayath Development Officer, Naduru Grama Panchayth, Sira Taluk, Tumkur District, 2) Sri.B. Thimmarayappa, the then Executive Officer, Taluk Panchayath, Sira Taluk, Tumkur District and 3) Sri. Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-Division, Sira, Tumkur District (now retired Executive Engineer)(herein after referred to as the Delinquent Government Officials in short "DGOs" respectively).
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, the Hon'ble Upa Lokayukta-2, vide order dated 23/01/2017 cited above at reference-3, 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. 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 Article 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.

4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta Dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.

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

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

6. ನೀವು-1 ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಶ್ರೀ.ಕೆ. ವಿಜಯ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ನಾದೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, 2) ಶ್ರೀ.ಬಿ. ತಿಮ್ಮರಾಯಪ್ಪ, ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಶಿರಾ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಮತ್ತು 3) ಶ್ರೀ. ಚಿಕ್ಕದಾಸಪ್ಪ, ಹಿಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳಜಲ ಸಾರಿಗೆ ಇಲಾಖೆ, ಉಪವಿಭಾಗ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, (ಪ್ರಸ್ತುತ ನಿವೃತ್ತ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು) ಆದ ನೀವುಗಳು, ತುಮಕೂರು ಜಿಲ್ಲೆ, ಶಿರಾ ತಾಲ್ಲೂಕಿನ ಉದ್ಧರಾಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.499/3 ರ ವ್ಯಾಪ್ತಿಯ ರಸ್ತೆಯ ಪಕ್ಕದಲ್ಲಿ ಅನಧಿಕೃತವಾಗಿ ಇಟ್ಟಿರುವ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯ ಮತ್ತು ದುರ್ನಡತೆವೆಸಗಿದ್ದು, ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ವರ್ತಿಸಿರುತ್ತೀರಿ. ನೀವು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮಗಳ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು

ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್ ಕಾಂಡೆಕ್ಟ್)

7. ಶ್ರೀ.ಜಿ. ಸಂಜೀವಶೆಟ್ಟಿ ಬನ್ ಶಿರಾ ಗೋವಿಂದ ರಾಜು ಉದ್ಧರಾಮನಹಳ್ಳಿ, ನಾದೂರು ಅಂಚೆ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ “ ದೂರುದಾರರು” ಎಂದು ಸಂಬೋಧಿಸಲಾಗುವ) ರವರು ದೂರನ್ನು ಈ ಸಂಸ್ಥೆಗೆ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

8. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶಿರಾ ತಾಲ್ಲೂಕು ಉದ್ಧರಾಮನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲ ಕೆಲವು ಜನರು ರಸ್ತೆ ಹಾಗೂ ಸಾರ್ವಜನಿಕ ಸ್ಥಳಗಳನ್ನು ಅತಿಕ್ರಮಿಸಿ ಸುಮಾರು 5 ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳನ್ನು ಇಟ್ಟು ಸಾರ್ವಜನಿಕರಿಗೆ ಓಡಾಡಲು ತೊಂದರೆ ಮಾಡಿರುತ್ತಾರೆಂದು, ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ನಿಮಗೆ ನಿಮ್ಮನ್ನು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ವಿನಂತಿಸಿದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ 1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ಅತಿಕ್ರಮಿಸಿದ ಅಂಗಡಿಗಳನ್ನು ಸ್ಥಳಾಂತರಿಸಬೇಕೆಂದು ದೂರು ಸಲ್ಲಿಸಿದ್ದರು.

9. ನೀವು-1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಮಾನ್ಯ ತಹಶೀಲ್ದಾರ್ ಶಿರಾ ರವರ ವರದಿಯ ಪ್ರಕಾರ ಈ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳು 3 ಗುಂಟೆಯ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಗೆ ಸೇರಿದ ಗ್ರಾವೆಲ್ ಫಿಟ್ ಪ್ರದೇಶದಲ್ಲ ಇರುತ್ತದೆ ಅಂತ ಮಾಹಿತಿ ನೀಡಿ ತಿಳಿಸಿರುತ್ತೀರಿ.

10. ನೀವು-2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿಯ ಅಂಶಗಳನ್ನು ಅಳವಡಿಸಿಕೊಂಡಿರುತ್ತೀರಿ.

11. ನೀವು-3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಈ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳು ತಾತ್ಕಾಲಿಕವಾಗಿದ್ದು ರಸ್ತೆ ಮಧ್ಯೆ ಭಾಗದಿಂದ 25 ಮೀ., ಅಂತರ ಬಿಟ್ಟು ಇಟ್ಟುಕೊಂಡಿರುತ್ತಾರೆಂದು, ಈ ತಾತ್ಕಾಲಿಕ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳಿಗೆ ಎನ್.ಓ.ಸಿ ಯನ್ನು ನೀಡಿರುವುದಿಲ್ಲವೆಂದು, ಈ ತಾತ್ಕಾಲಿಕ ಅಂಗಡಿಗಳನ್ನು ತೆರವುಗೊಳಿಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಇರುವುದೆಂದು ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತೀರಿ.

12. ದೂರುದಾರರು ಅವರ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ 1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ರಾಜಕಾರಣಿಗಳ ಒತ್ತಡದ ಮೇರೆಗೆ ಹಾಗೂ ಹಣದ ಆಸೆಗೆ ಒಬ್ಬರ ಮೇಲೆ ಒಬ್ಬರು ಗುಬಿ ಕೂರಿಸುತ್ತಾ ಕಳೆದ ಒಂದು ವರ್ಷದಿಂದ ಸಬೂಬು ಹೇಳುತ್ತಾ ಬಂದಿರುತ್ತಾರೆಂದು, ಆದ್ದರಿಂದ, ಈ ಬಗ್ಗೆ ಕೂಲಂಕುಷ ಪರಿಶೀಲನೆ ನ್ಯಾಯ ದೊರಕಿಸಿಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಂಡಿದ್ದರು.

13. ಕಡತ ಹಾಗೂ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ಅ) ಸಾರ್ವಜನಿಕರು ಉದ್ಧರಾಮನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ರಸ್ತೆ ಪಕ್ಕದಲ್ಲಿ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳನ್ನು ಇಟ್ಟು ಸುಗಮ ಸಂಚಾರಕ್ಕೆ ತೊಂದರೆವುಂಟು ಮಾಡಿದ್ದಾರೆಂದು ಆಪಾದಿಸಿದ್ದು, ನೀವು-1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅವರು ಈ ತಾತ್ಕಾಲಿಕ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳು ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ ಸ್ಥಳದಲ್ಲಿ ಇಟ್ಟಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಈ ವಿಷಯವನ್ನು ನೀವು-2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ. ನೀವು-3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಹ ತಾತ್ಕಾಲಿಕ ಅಂಗಡಿಗಳು ಸಾರ್ವಜನಿಕ ಸ್ಥಳದಲ್ಲಿ ಅತಿಕ್ರಮಿಸಿರುವುದನ್ನು ಒಪ್ಪಿಕೊಂಡಿದ್ದು, ಆದರೆ ಇವುಗಳನ್ನು ಸ್ಥಳಾಂತರಿಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ನಿಮಗೆ-1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಮಾತ್ರ ಇರುತ್ತದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಆ) ಈ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ನೀವುಗಳು-1 ಮತ್ತು 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಒಂದೇ ಇಲಾಖೆ ವ್ಯಾಪ್ತಿಗೆ ಬರುತ್ತಿದ್ದು, ಆದರೆ ನೀವು-3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ ವ್ಯಾಪ್ತಿಗೆ ಬರುತ್ತಾರೆ. ಸದರಿ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳನ್ನು ಉದ್ಧರಾಮನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲ ಇಟ್ಟಿರುವುದರಿಂದ ಇದನ್ನು ತಹಶೀಲ್ದಾರ್ ರವರು ಮೋಜಣಿ ಇಲಾಖೆಯಿಂದ ಮೋಜಣಿ ಮಾಡಿ ನೀಡಿದ ವರದಿ ಪ್ರಕಾರ ಅದು ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವ್ಯಾಪ್ತಿಗೆ ಬರುತ್ತದೆ. ಆದ್ದರಿಂದ, ಈ ಎಲ್ಲಾ ನೀವುಗಳು-1 ರಿಂದ 3ನೇ ಎದುರುದಾರರು ನಿಮ್ಮ ಜವಾಬ್ದಾರಿಯಿಂದ ನುಣುಚಿಕೊಳ್ಳಲು ಒಬ್ಬರ ಮೇಲೆ ಒಬ್ಬರು ಜವಾಬ್ದಾರಿಯನ್ನು ಹೊರಸುತ್ತಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಆದರೆ ಯಾವೊಬ್ಬರು ನೀವು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಮಸ್ಯೆಗಳಿಗೆ ಸ್ಪಂದಿಸದಿರುವುದು ದಿಟವಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ, ನೀವು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಗ್ರಾಮದ ಜನರು ಸಾರ್ವಜನಿಕ ಆಸ್ತಿಯನ್ನು ಅತಿಕ್ರಮಿಸಿ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಯನ್ನು ಇಟ್ಟಿದ್ದರೂ ಸಹ ಆ ಬಗ್ಗೆ ದೂರು ಬಂದರೂ ಯಾವುದೇ ಕ್ರಮಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯದಲ್ಲ ನಿರ್ಲಕ್ಷ್ಯತೆ ವಹಿಸಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

14. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಮತ್ತು ನಿಮ್ಮ-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನೀಡಿರುವ ಉತ್ತರಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ನಿಮ್ಮಗಳ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈ ಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

15. ಈ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡಾಗ, ನೀವು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ನಿಮ್ಮಗಳ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೇ, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುತ್ತೀರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

16. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, 1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ನೀವು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ 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 ನಿಮ್ಮ- 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿನಾಂಕ 31/03/2015 ರಂದು ಈಗಾಗಲೇ ನಿವೃತ್ತಿ ಹೊಂದಿರುವುದರಿಂದ, ಕೆಸಿಎಸ್ಆರ್ ನಿಯಮ 214(2)(ಬಿ)(1) ರ ಅಡಿ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಅನುಮತಿಯನ್ನು ನೀಡಿ ಹಾಗೂ ನಿಮ್ಮ-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದು ಮತ್ತು ಎರಡರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

17. DGOs No-1 and 2 appeared before this Enquiry Authority on 15/05/2017 and on the same day their First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO No-3 appeared before this Enquiry Authority on 23/08/2017 and on the same day his First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGOs No-1 to 3 pleaded not guilty and claimed to hold an enquiry. Subsequently the DGOs No-1 to 3 filed their written statement 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.

18. In order to substantiate the charge, the Disciplinary Authority examined one witness as PW-1 and got marked the documents at Ex.P-1 to P-3 and closed the evidence.

19. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGOs No-1 to 3 was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein they have submitted that, the witnesses have deposed falsely against them. The DGOs No-1 to 3 got themselves examined as DW-1 to DW-3 and produced the documents at Ex.D-1 to D-6 and closed their side. Since the DGOs No-1 to 3 got themselves examined as DW-1 to DW-3, the questioning of the DGOs No-1 to 3 as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 was dispensed.

20. When the case was posted for submission of written brief, the Advocate for DGOs No-1 to 3 submitted written brief and in addition the arguments submitted by him was heard and the Presenting Officer submitted his oral arguments.

21. Upon consideration of the charge leveled against the DGOs No-1 to 3, the evidence led by the Disciplinary Authority and DGOs No-1

to 3 by way of oral and documentary evidence and their written brief/submissions, the point that arises for my consideration is as under:

Point No-1) Whether the Disciplinary Authority has satisfactorily proved that, when the DGO No.1 Sri. K. Vijay, was working as Panchayath Development Officer, Naduru Grama Panchayath, Sira Taluk, Tumkur District, the DGO No-2 Sri.B. Thimmarayappa, was working as the Executive Officer, Taluk Panchayath, Sira Taluk, Tumkur District and DGO No- 3 Sri. Chikkadasappa, was working as the Assistant Executive Engineer, PWD Sub-Division, Sira, Tumkur District, the complainant Sri. G. Sanjeeva Shetty S/o Sira Govindaraju resident of Uddaramanahalli, Taluk Sira, District Tumkur had approached the DGO No-1 to 3 to remove the illegal encroachments i.e the unauthorized road side shops erected on Uddaramanahalli road in R.S.No.499/3 of Uddaramanahalli Village, the DGO No-1 to 3 did not take any concrete action to remove the unauthorized road side shops erected by the side of Uddaramanahalli road, the DGO No-1 to 3 went on passing the buck on

one another and did not take any action to remove the unauthorized road side shops 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.

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

:: REASONS ::

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

The complainant by name Sri.G. Sanjeev Shetty S/o Sira Govindaraju has lodged the complaint and Form No-I and II as per Ex.P-1 and P-3. The complainant has been examined as PW-1 and he has reiterated the facts stated in the complaint. PW-1 states that, in the year 2012 he has purchased one site in Uddaramanahalli and he has constructed a house and the residing in it. In the road leading to his house, some persons have illegally erected road side shops by the side of the road and they have blocked the road leading to his house.

106/17

24. PW-1 further states that, the DGO No-1 was the Panchayath Development Officer of Naduru Grama Panchayath and Uddaramanahalli village comes under Naduru Grama Panchayath. The DGO No-2 was the Executive Officer, Taluka Panchayath Sira, District Tumkur and the DGO No-3 was the Assistant Executive Engineer, PWD, Sira Sub Division. Though he approached the DGO No-1 to 3 several times and requested them to remove the unauthorized road side shops, they have not taken any action. Hence, he was constrained to file this complaint before this institution. The complaint is at Ex.P-1, Form No-I is at Ex.P-2 and Form No-II is at Ex.P-3. He has identified his signatures on Ex.P-1 to P-3.

25. PW-1 has been cross examined by the Advocate for DGO No-1 to 3. In the cross examination two photographs have been produced and marked as Ex.D-1 and D-2. In the cross examination the witness has admitted that, the unauthorized shops have been removed and it is seen in Ex.D-1 and D-2.

26. On the other hand the DGO No-1 to 3 have got themselves examined as DW-1 to 3 and produced the documents at Ex.D-1 to D-6. The DGO No-1 Sri. Vijay, the Panchayath Development Officer has been examined as DW-1. He states that, he has worked as PDO from 07/09/2014 to 08/09/2015. The complainant has alleged that, some people have encroached the road of Uddaramanahalli and

they have opened five shops in the encroach portion. DW-1 further states that, he has written a letter to the Tahasildar, Sira, to identify the jurisdiction of the department under whom the land comes. DW-1 further states that, the surveyor has surveyed the land on 21/10/2015 and he has given a report that, the said land is a gravel pit belonging to PWD. PW-1 in his cross examination has admitted these facts and also the fact that, he also owned one of the shops. He further states that, a civil suit was pending and status quo order was passed. He submits that, the shops have been removed on 07/12/2018 and he has not committed any misconduct.

27. In support of his contention he has produced two documents at Ex.D-3 and D-4. Ex.D-3 is the letter addressed by the DGO No-1 to the Taluka Executive Officer, Taluka Panchayath Sira dated 04/11/2014. On perusal of this letter, he has requested his higher authorities to request the Learned Tahasildar to conduct survey of the disputed land. He has further stated that, thereafter necessary action can be taken by the concerned department. Ex.D-4 is the letter of Learned Tahasildar, Sira Taluka addressed to the Panchayath Development Officer, Naduru Taluk Sira dated 29/12/2015. On careful perusal of this letter, the Learned Tahasildar has sent the survey report and sketch map for having surveyed the land bearing Sy.No.499/3. The encroached portion is shown in green colour and it is stated that, the land belongs to PWD

106/17

and it is a gravel pit. DW-1 states that, he has not committed any misconduct and hence, he prays for exonerating him.

28. The DGO No-2 Sri. B. Thimmarayappa has got himself examined as DW-2. He states that, he has worked as Executive Officer, Taluka Panchayath, Sira from 07/09/2014 to 08/09/2015. The complainant has alleged that, some persons have encroached the road on Uddaramanahalli road and erected illegal petty shops. He further states that, he had directed the DGO No-1 to inspect the said land and submit the report. The Learned Tahasildar has conducted the survey and the said land belongs to PWD Department. DW-2 further states that, the complainant in his cross examination has admitted that, one of the illegal shops was owned by him. He further states that, a civil suit was pending and status quo order was passed. He further states that, all the shops have been removed on 07/12/2018 and he has produced the necessary documents. DW-2 states that, he has not committed any misconduct and hence, he prays for exonerating him.

29. DW-2 in support of his contention has produced one document at Ex.D-5. On perusal of this document it is observed that, it is letter written by the Executive Officer, Taluka Panchayath, Sira to the Chief Executive Officer, Zilla Panchayath, Tumkur dated 27/12/2018. The Taluka Executive Officer, Taluka Panchayath,

Sira has intimated to his higher authority that, the unauthorized shops on Uddaramanahalli road have been removed.

30. The DGO No-3 has got himself examined as DW-3. He states that, he was working as Assistant Executive Engineer, PWD, Sira Sub Division from 30/06/2014 to 28/03/2015. He further states that, the complainant has admitted in his cross examination that, out of the five encroached petty shops, he owned one shop. This witness also states that, a civil suit was pending. The unauthorized shops have been removed on 07/12/2018. He further submits he has not committed any misconduct and hence, he prays for exonerating him.

31. DW-3 in support of his contention has produced the documents at Ex.D-6. On perusal of these documents, it is observed that, it is the letter of Assistant Executive Engineer, PWD Sub Division, Sira addressed to Executive Engineer, PWD, Madhugiri Division dated 15/12/2018. He has intimated about the action taken i.e removal of unauthorized shops erected on the Uddaramanahalli road. Along with said letter, he has produced the mahazar copy and photographs. In the photographs the demolition of the unauthorized shops is seen.

32. The Learned Presenting Officer has canvassed his arguments that, though the complainant had approached the DGO No-1 to 3,

they have not taken any action and they have just passed on the buck on one another and they have committed misconduct. On the other hand, the Advocate for DGO No-1 to 3 has canvassed his arguments that, the DGO No-1 to 3 have first identified in whose jurisdiction the land falls i.e whether the land falls in the jurisdiction of Grama Panchayath or the land falls within the jurisdictions of PWD. After the Learned Tahasildar, Sira conducted the survey, it was found that, the land was gravel pit falling under the jurisdiction of PWD. Thereafter the PWD authorities i.e DGO No-3 has taken prompt action and removed the unauthorized petty shops on Uddaramanahalli road.

33. I have carefully gone through the oral and documentary evidence adduced by both the sides. The arguments canvassed by the advocate for DGO No-1 to 3 cannot be accepted. It is pertinent note that, the complainant has filed the complaint before the Hon'ble Lokayukta on 24/01/2015. Before filing the complaint, he had approached the DGO No-1 to 3 to remove the unauthorized petty shops erected on Uddaramanahalli road. However, DGO No-1 to 3 have not taken any action when the complainant had approached them. The complainant being fed up with the inaction of the DGO No-1 to 3, he has approached Hon'ble Lokayukta on 24/01/2015. It is pertinent to note that, the complaint was registered and comments of DGO No-1 to 3 came to be called for. The matter came to be registered in Compt/Uplok/7616/2015. Thereafter notices were

issued to DGO No-1 to 3 and their comments were called for. The DGO No-1 to 3 have woken up only after receiving notice from this office. Thereafter they have approached the Learned Tahasildar and got the land surveyed. The Learned Tahasildar has got the land surveyed and submitted his report along with the technical sketch map prepared by the Taluka Surveyor, Sira on 29/12/2015. It is observed that, the complaint was filed before this institution on 24/01/2015. The DGO No-1 to 3 have pursued the matter only after the complaint was registered in this office in complaint bearing Compt/Uplok/7616/2015. Thereafter they have approached the Learned Tahasildar, Sira, who has inturn appointed the Taluka Surveyor to conduct the survey. The survey has been conducted and report has been submitted only on 29/12/2015. The action has been initiated by the DGO No-1 to 3 only after the complaint was lodged before this authority on 24/01/2015. The Learned Tahasildar has conducted the survey after 11 months on 29/12/2015.

34. On careful perusal of the 12(3) report and the evidence of complainant, it is observed that, the survey work has been carried on 29/12/2015 and thereafter the petty shops have been vacated on 07/12/2018. It is pertinent to note that, the complaint was filed by the complainant on 24/01/2015. He had approached the DGO No-1 to 3 prior to 24/01/2015. However, the DGO No-1 to 3 have not taken any action until the complaint was filed before this institution. After the lapse of 11 months from the date of lodging of the

complaint, the DGO No-1 to 3 have got the land surveyed. Even after lodging of this complaint, the DGO No-1 to 3 have taken 11 months to identify the property i.e whether the land falls within the jurisdiction of Grama Panchayath or PWD. It is pertinent to note that, the petty shops have been removed on 07/12/2018 i.e nearly after four years from the date of lodging the complaint. DW-1 to 3 in their evidence have tried to submit that, a civil suit was pending and status quo order was in force. However, DW-1 to 3 have not produced any documents to show that, a suit was pending against them and any interim order was passed against them. The DGO No-1 to 3 have not produced any documents like plaint, written statement, any interim or final order etc., hence, this contention of DW-1 to 3 cannot be accepted.

35. On careful perusal of the oral and documentary evidence of the Disciplinary Authority, I am of the opinion that, the inaction on the part of DGO No-1 to 3 is quiet clear. The DGO Nos-1 to 3 have not taken any action when the complainant first approached them. They have woken up when comments were called for by this institution. They have got the survey work done on 29/12/2015 i.e after the lapse of 11 months from the date of filing the complaint. Even after the land was found to be the gravel pit of PWD, the DGOs have not taken any prompt action immediately. The unauthorized petty shops have been removed only on 07/12/2018 i.e after the lapse of four years. This conduct of the DGO No-1 to 3 clearly goes

to show that, they have not taken any action when the complainant approached them. They have woke up only after complaint was lodged and comments were called for from this institution. On careful perusal of the evidence, I am of the opinion that, the DGO No-1 to 3 have went on passing the buck on one another and they have not taken any concrete action until the complainant approached this institution. The DGO No-1 to 3 have not taken any immediate steps to identify the land, as to in whose jurisdiction the lands falls. The DGO No-1 to 3 have got the land surveyed only after complaint was lodged before this institution. This conduct of the DGO No-1 to 3 shows that, they have committed dereliction of duty which amounts to misconduct.


36. For the reasons stated above the DGOs No-1 to 3, being the Government/Public Servants have 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 charge leveled against the DGOs 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. K. Vijay, Panchayath Development Officer, Naduru Grama Panchayath, Sira Taluk, Tumkur District, DGO No- 2 Sri.B. Thimmarayappa, the then Executive Officer, Taluk Panchayath, Sira Taluk, Tumkur District and DGO No-3 Sri. Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-Division, Sira, Tumkur District (now retired Executive Engineer).

37. This report is submitted to Hon'ble Upa Lokayukta-2 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 26th day of August 2019



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

ANNEXURES

Witness examined on behalf of the Disciplinary Authority	
PW-1: Sri. G. Sanjeev Shetty (Original)	
Witness examined on behalf of the	Defence
DW-1 : Sri. Vijay K (Original)	
DW-2 : Sri. Thimmarayappa B (Original)	
DW-3 : Sri. Chikkadasappa (Original)	
Documents marked on behalf of the Disciplinary Authority	
Ex.P-1: Complaint (Original)	
Ex.P-1(a) : Signature of the complainant.	
Ex.P-2 : Form No-I (Original)	
Ex.P-2(a) : Signature of the complainant.	
Ex. P-3 : Form No-II (Original)	
Ex.P-3(a) : Signature of the complainant.	
Documents marked on behalf of the DGOs	
Ex.D-1: Photograph (Original)	
Ex.D-2: Photograph (Original)	
Ex.D-3: The letter addressed by the DGO No-1 to the Taluka Executive Officer, Taluka Panchayath, Sira dated 04/11/2014(Original)	
Ex.D-4: The letter of Learned Tahasildar, Sira Taluka addressed to the Panchayath Development Officer, Naduru Taluk Sira dated 29/12/2015 (Attested copies)	
Ex.D-5: The letter written by the Executive Officer, Taluka Panchayath, Sira to the Chief Executive Officer, Zilla Panchayath, Tumkur dated 27/12/2018 (Attested Copies)	

Ex.D-6: The letter of Assistant Executive Engineer, PWD, sub division, Sira addressed to Executive Engineer, PWD, Madugiri division dated 15/12/2018, page no. 96-105 xerox copies, page no.106 attested copy.

Dated this the 26th day of August 2019


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



KARNATAKA LOKAYUKTA

No. Uplok-2/DE/106/2017/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 28.08.2019.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri K.Vijay, Panchayath Development Officer, Naduru Grama Panchayath, Sira Taluk, Tumkur District, (2) Sri B.Thimmarayappa, Executive Officer, Sira Taluk Panchayath, and (3) Sri Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-division, Sira Taluk, Tumkur District - reg.

Ref:- 1) Government Order No. (1) PWD 304 SEV 2016 dated 18.11.2016 (2) RDP 219 VSB 2016 dated 30.11.2016 and Corrigendum dt.16.1.2017.

2) Nomination order No. Uplok-2/DE/106/2017 dated 23.01.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 26.08.2019 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its orders dated 18.11.2016, 30.11.2016 and Corrigendum dt.16.1.2017, initiated the disciplinary proceedings against (1) Shri K.Vijay, Panchayath Development Officer, Naduru Grama Panchayath, Sira Taluk, Tumkur District, (2) Sri B.Thimmarayappa, Executive Officer, Sira Taluk Panchayath, and (3)

Sri Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-division, Sira Taluk, Tumkur District [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 to 3' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. Uplok-2/DE/106/2017 dated 23.01.2017 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Nomination Order No. UPLOK-1&/DE/Transfers/2018 dated 06.08.2018, nominated Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to continue departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.



106/17

3. The DGO 1 Shri K.Vijay, Panchayath Development Officer, Naduru Grama Panchayath, Sira Taluk, Tumkur District, (2) Sri B.Thimmarayappa, Executive Officer, Sira Taluk Panchayath, and (3) Sri Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-division, Sira Taluk, Tumkur District, were tried for the following charges:-

“ನೀವು-1 ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಶ್ರೀ.ಕೆ. ವಿಜಯ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ನಾದೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, 2) ಶ್ರೀ.ಬಿ. ತಿಮ್ಮರಾಯಪ್ಪ, ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಶಿರಾ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಮತ್ತು 3) ಶ್ರೀ. ಚಿಕ್ಕದಾಸಪ್ಪ, ಹಿಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳಜಲ ಸಾರಿಗೆ ಇಲಾಖೆ, ಉಪವಿಭಾಗ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, (ಪ್ರಸ್ತುತ ನಿವೃತ್ತ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು) ಆದ ನೀವುಗಳು, ತುಮಕೂರು ಜಿಲ್ಲೆ, ಶಿರಾ ತಾಲ್ಲೂಕಿನ ಉದ್ಧರಾಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.499/3 ರ ವ್ಯಾಪ್ತಿಯ ರಸ್ತೆಯ ಪಕ್ಕದಲ್ಲಿ ಅನಧಿಕೃತವಾಗಿ ಇಟ್ಟಿರುವ ಪೆಟ್ಟಿಗೆ ಅಂಗಡಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯ ಮತ್ತು ದುರ್ನಡತೆವೆಸಗಿದ್ದು, ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ವರ್ತಿಸಿರುತ್ತೀರಿ. ನೀವು-1 ರಿಂದ 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮಗಳ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.”

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 charge framed against the DGO-1 Shri K.Vijay, Panchayath Development Officer, Naduru Grama Panchayath, Sira Taluk, Tumkur District, DGO 2 Sri B.Thimmarayappa, Executive Officer, Sira Taluk Panchayath, and DGO 3 Sri Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-division, Sira Taluk, Tumkur District.

5. On re-consideration of report of inquiry, 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 Inquiry Officer.

6. As per the First Oral Statement furnished by the Inquiry Officer,

- i) DGO 1 Shri K.Vijay, is due for retirement on 31.10.2044;
- ii) DGO 2 Sri B.Thimmarayappa, is due for retirement on 31.07.2039; and
- iii) DGO 3 Sri Chikkadasappa, has retired from service on 31.03.2015.

7. Having regard to the nature of charge '*proved*' against DGO 1 - Shri K.Vijay, Panchayath Development Officer, Naduru


106/17

Grama Panchayath, Sira Taluk, Tumkur District, DGO 2 Sri B.Thimmarayappa, Executive Officer, Sira Taluk Panchayath, and DGO 3 Sri Chikkadasappa, the then Assistant Executive Engineer, PWD Sub-division, Sira Taluk, Tumkur District,

- i) it is hereby recommended to the Government to impose penalty of 'withholding 2 annual increments payable to DGO 1 Shri K.Vijay with cumulative effect;
- ii) it is hereby recommended to the Government to impose penalty of 'withholding 2 annual increments payable to DGO 2 Sri B.Thimmarayappa, with cumulative effect; and
- iii) it is hereby recommended to the Government to impose penalty of 'withholding 05%(five) of pension payable to DGO 3 Sri Chikkadasappa, for a period of five years.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 28/8

