

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/1100/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 07-03-2019.

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)**

**Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental enquiry against 1) Dr. Sudhirchandra Sooda, Government Primary health Centre, Hosala Grama, Barakuru, Udupi taluk & district and 2) Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk, Udupi district - reg.

Ref: 1) Government Order No.HFW 117 MSA 2017 dated 31/10/2017.
2) Nomination Order No: UPLOK-2/DE/1100/2017 Dated: 31/10/2017 of Hon'ble Upalokayukta, Bengaluru.

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This Departmental Enquiry is initiated against 1) Dr. Sudhirchandra Sooda, Government Primary Health Centre, Hosala Grama, Barakuru, Udupi taluk & district and 2) Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk, Udupi district (hereinafter referred to as the Delinquent Government Official for short "DGO").

In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 31/10/2017 cited above at reference No.2 has Nominated Addl. Registrar of Enquiries-9 to frame the charges and to

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conduct the enquiry against the aforesaid DGO. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

The Article of charges framed by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

2. ಆಸನಾ ಆದ ನೀವು -

i) ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ನಿರ್ದೇಶನಾಲಯದಿಂದ ದಿ:28/03/2007 ರಂದು ಸುತ್ತೋಲೆಯನ್ನು ಹೊರಡಿಸಿದ್ದು, ಅದರಲ್ಲಿ anti rabies ಚುಚ್ಚುಮದ್ದುಗಳನ್ನು ಪಡೆಯುವ ಎಪಿಎಲ್ ವರ್ಗದವರಿಂದ ರೂ.100/- ಅನ್ನು users charge ಅಡಿಯಲ್ಲಿ ಸಂಗ್ರಹಿಸಲು ಹಾಗೂ ಬಿಪಿಎಲ್ ವರ್ಗದವರಿಗೆ ಎಲ್ಲ ಡೋಸ್‌ಗಳನ್ನು ಉಚಿತವಾಗಿ ನೀಡಲು ಸೂಚನೆ ನೀಡಲಾಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ (ಸದರಿ ಸುತ್ತೋಲೆಯನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆ). ಹಾಗೆಯೇ ದಿ:13/10/2014ರ ಸುತ್ತೋಲೆಯಲ್ಲಿ ರೇಬಿಸ್ ನಿರೋಧಕ ಚುಚ್ಚು ಮದ್ದನ್ನು ನೀಡುವಾಗ ಬಡತನ ರೇಖೆಗಿಂತ ಕೆಳಗಿನವರಿಗೂ (ಬಿಪಿಎಲ್) ಶುಲ್ಕ ಸಂಗ್ರಹಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಯವರ ಗಮನಕ್ಕೆ ದೂರು ಬಂದಿದ್ದು, ಈ ಬಗ್ಗೆ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಸಿಎಂಡಿ/ಸಿಬ್ಬಂದಿ/02/2006-07 ದಿ:10/05/2006ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಬಡತನ ರೇಖೆಗಿಂತ ಮೇಲಿನವರಿಗೆ ಮಾತ್ರ (ಎಪಿಎಲ್) ನಿಗದಿತ ಶುಲ್ಕ ಪಡೆಯಬೇಕಾಗಿದ್ದು, ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಬಡತನ ರೇಖೆಗಿಂತ ಕೆಳಗಿನ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಶುಲ್ಕ ವಸೂಲಿ ಮಾಡುವಂತಿಲ್ಲವೆಂದು ಆದೇಶ ಮಾಡಿರುವುದು ಕಂಡು

ಬಂದಿರುತ್ತದೆ. ಈ ಸುತ್ತೋಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಯಾವುದೇ ಕಾರಣಕ್ಕೂ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಬಿಪಿಎಲ್ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಶುಲ್ಕವನ್ನು ವಸೂಲು ಮಾಡುವಂತಿಲ್ಲವೆಂದು ಸ್ಪಷ್ಟ ಪಡುತ್ತದೆ. ಆಸನೌ-1 ರವರಾದ ನೀವು ರಕ್ಷಾ ಸಮಿತಿಯಲ್ಲಿ ಕೈಗೊಳ್ಳಲಾದ ತೀರ್ಮಾನದಂತೆ ರೂ.100/- ಅನ್ನು ಶುಲ್ಕವಾಗಿ ಪ್ರತಿ ಒಂದು ಚುಚ್ಚುಮದ್ದಿಗೆ ಪಡೆಯಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತೀರಿ. ಆದರೆ, ಸದರಿ ಸಮಿತಿಯ ನಡವಳಿಯ ಪ್ರತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಅದನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಬಿಪಿಎಲ್ ಎಂದು ನಮೂದಿಸಿರುವ ಆಕ್ಷರಗಳ ಮುಂದೆ ರೂ.50/- ಎಂದು ಇದ್ದ ಮೊತ್ತವನ್ನು ತಿದ್ದಿ ರೂ.100/- ಎಂದು ನಮೂದಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಇದಲ್ಲದೇ, ಸದರಿ ಸಮಿತಿಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದ ವ್ಯಕ್ತಿಗಳ ಪದನಾಮವನ್ನು ತೋರಿಸಿರುವುದಿಲ್ಲ.

ii) ಹಾಗೆಯೇ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿಗೆ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಹಣವನ್ನು ಸಂಗ್ರಹಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಯಾವುದೇ ಸರ್ಕಾರಿ ಆದೇಶಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ರಕ್ಷಾ ಸಮಿತಿಯ ರೂಪರೇಷೆಗಳು ಮತ್ತು ಅದರ ಕಾರ್ಯವೈಖರಿ ಬಗ್ಗೆ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಆರೋಗ್ಯ ಅಭಿಯಾನದಡಿಯಲ್ಲಿ ರಚಿಸಲಾಗಿರುವ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಸದರಿ ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಬಿಪಿಎಲ್ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಹಣ ಸಂಗ್ರಹಿಸುವ ಬಗ್ಗೆ ಅಧಿಕಾರನೀಡಿರುವ ಅಂಶಗಳು ಎಲ್ಲೂ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ಈ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ, ಆಸನೌ-1 ಆದ ನೀವು ದೂರುದಾರರಿಂದ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಹಣ ಸಂಗ್ರಹಿಸಿರುವುದು ಹಾಗೂ ಆಸನೌ-2 ಆದ ನೀವು ಈ ಬಗ್ಗೆ ಸರಿಯಾಗಿ ವರದಿ ನೀಡದೇ ಇರುವುದು ನಿಮ್ಮಗಳ ಕರ್ತವ್ಯಲೋಪವಾಗಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

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ANNEXURE-II
STATEMENT OF IMPUTATION OF MISCONDUCT:

3. ಪ್ರಕರಣದ ದೂರುದಾರರಾದ ಶ್ರೀ ಶಂಕರ್ ಅಲಿಯಾಸ್ ಶಂಕರ್ ಶಾಂತಿ ಇವರು ಈ ಸಂಸ್ಥೆಗೆ ದೂರೊಂದನ್ನು ಸಲ್ಲಿಸಿ, ತನಗೆ ದಿ:19/07/2014 ರಂದು ಬೀದಿ ನಾಯಿ ಕಚ್ಚಿದ ಕಾರಣ ಚಿಕಿತ್ಸೆಗಾಗಿ ಪ್ರಾಥಮಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರಕ್ಕೆ ಹೋದಾಗ, ಆ.ಸ.ನೌ-1ರವರು ನಾಯಿ ಕಚ್ಚಿರುವುದಕ್ಕೆ ಔಷಧಿ ಸರಬರಾಜಾಗಿರುವುದಿಲ್ಲವೆಂದು, ಅದನ್ನು ಖಾಸಗಿಯವರಿಂದ ಖರೀದಿಸಬೇಕಾಗಿರುವುದರಿಂದ, ಒಂದು ಚುಚ್ಚು ಮದ್ದಿಗೆ ರೂ.350/- ಸಂದಾಯ ಮಾಡಬೇಕೆಂದು ಹೇಳಿ, ಮೂರು ಚುಚ್ಚು ಮದ್ದಿಗೆ ರೂ.1050/- ಪಡೆದಿರುತ್ತಾರೆಂದು, ಈ ಬಗ್ಗೆ ಅನುಮಾನಗೊಂಡು ಚುಚ್ಚು ಮದ್ದಿನ ಬಾಟಲ್ ಅನ್ನು ಪರೀಕ್ಷಿಸಲಾಗಿ ಅದರ ಮೇಲೆ "Indirab, Rabies Vaccine, Bharath Bio tech Company, Karnataka Government. Not for sale" ಎಂದು ಬರೆದಿತ್ತೆಂದು, ಈ ಬಗ್ಗೆ ಬೆಲ್ಲಾ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ವಿಚಾರಿಸಲಾಗಿ ಬಿಪಿಎಲ್ ಕಾರ್ಡ್ ಉಳ್ಳವರಿಗೆ ಚಿಕಿತ್ಸೆ ಉಚಿತವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆಂದು, ಆದ್ದರಿಂದ, ತಾವು ಸದರಿ ಆರೋಗ್ಯ ಕೇಂದ್ರದಲ್ಲಿ ರೂ.5.00 ಅನ್ನು ಸಂದಾಯ ಮಾಡಿ ಪಡೆದಿದ್ದ ಚೀಟಿಯಲ್ಲಿ ಬಿಪಿಎಲ್ ಕಾರ್ಡ್ ಹೊಂದಿರುವ ಬಗ್ಗೆ ನಮೂದಿಸಲಾಗಿರುತ್ತದೆ ಎಂದು ಈ ಬಗ್ಗೆ ದಿ:31/07/2014 ರಂದು ಉಡುಪಿಯ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ದೂರು ನೀಡಿದಾಗ ಅವರು ಈ ಬಗ್ಗೆ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡುವಂತೆ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯವರಿಗೆ ಸೂಚಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ, ಆಸನೌ-2 ರನ್ನು ಪ್ರಾಥಮಿಕ ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ನಿಯೋಜಿಸಿದ್ದು, ಅದರಂತೆ, ಆಸನೌ-2 ರವರು ತನಿಖೆ ನಿರ್ವಹಿಸಿ ಸುಳ್ಳು ವರದಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಹಿಂದೆ ಸದರಿ ತನಿಖಾಧಿಕಾರಿಯವರು ಭ್ರಷ್ಟ ಅಧಿಕಾರಿ ಎಂದು ಬಾರ್ಕೂರು ಗ್ರಾಮದ ಜನರು ಪ್ರತಿಭಟನೆ ಮಾಡಿದ ಕಾರಣ, ಅವರನ್ನು ವರ್ಗಾವಣೆ ಮಾಡಲಾಗಿರುತ್ತದೆ. ಆಸನೌ ರವರಿಬ್ಬರು ದೂರುದಾರರಿಗೆ ಬೆದರಿಕೆವೊಡ್ಡಿ ದೂರುದಾರರ ಮೇಲೆಯೇ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆಂದು ದೂರುದಾರರು ತಿಳಿಸಿರುತ್ತಾರೆ. ಹಾಗೂ ಸದರಿ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ಕೋರಿರುತ್ತಾರೆ.

ಸದರಿ ದೂರಿನ ಆಧಾರದ ಮೇಲೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ತನಿಖೆಗೆ ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ.

4. ಸದರಿ ದೂರಿನ ಆಧಾರದ ಮೇಲೆ ಉಡುಪಿಯ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರಿಗೆ ತನಿಖೆಯನ್ನು ವಹಿಸಲಾಗಿದ್ದು, ಅದರಂತೆ, ತನಿಖಾಧಿಕಾರಿಯವರು ತಮ್ಮ ತನಿಖಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
5. ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರಿಂದ ವರದಿ ಬಂದಿದ್ದು, ಅದರಲ್ಲಿ ದೂರಿನಂಶಗಳು ಸಾಬೀತಾಗಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ತನಿಖಾ ವರದಿಯ ನಂತರ ಆಸನೌ ರವರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕರೆಯಲಾಗಿದ್ದು, ಆಸನೌ ರವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ.
6. ದೂರಿನಂಶಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರ ವರದಿಯನ್ನು ಹಾಗೂ ಹಾಜರುಪಡಿಸಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ, ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ನಿರ್ದೇಶನಾಲಯದಿಂದ ದಿ:28/03/2007 ರಂದು ಸುತ್ತೋಲೆಯನ್ನು ಹೊರಡಿಸಿದ್ದು, ಅದರಲ್ಲಿ anti rabies ಚುಚ್ಚುಮದ್ದುಗಳನ್ನು ಪಡೆಯುವ ಎಪಿಎಲ್ ವರ್ಗದವರಿಂದ ರೂ.100/- ಅನ್ನು users charge ಅಡಿಯಲ್ಲಿ ಸಂಗ್ರಹಿಸಲು ಹಾಗೂ ಬಿಪಿಎಲ್ ವರ್ಗದವರಿಗೆ ಎಲ್ಲ ಡೋಸ್‌ಗಳನ್ನು ಉಚಿತವಾಗಿ ನೀಡಲು ಸೂಚನೆ ನೀಡಲಾಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ (ಸದರಿ ಸುತ್ತೋಲೆಯನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆ). ಹಾಗೆಯೇ ದಿ:13/10/2014ರ ಸುತ್ತೋಲೆಯಲ್ಲಿ ರೇಬಿಸ್ ನಿರೋಧಕ ಚುಚ್ಚು ಮದ್ದನ್ನು ನೀಡುವಾಗ ಬಡತನ ರೇಖೆಗಿಂತ ಕೆಳಗಿನವರಿಗೂ (ಬಿಪಿಎಲ್) ಶುಲ್ಕ ಸಂಗ್ರಹಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಯವರ ಗಮನಕ್ಕೆ ದೂರು ಬಂದಿದ್ದು, ಈ ಬಗ್ಗೆ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಸಿಎಂಡಿ/ಸಿಬ್ಬಂದಿ/02/2006-07 ದಿ:10/05/2006ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಬಡತನ ರೇಖೆಗಿಂತ ಮೇಲಿನವರಿಗೆ ಮಾತ್ರ (ಎಪಿಎಲ್) ನಿಗದಿತ ಶುಲ್ಕ ಪಡೆಯಬೇಕಾಗಿದ್ದು, ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಬಡತನ ರೇಖೆಗಿಂತ ಕೆಳಗಿನ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಶುಲ್ಕ ವಸೂಲಿ ಮಾಡುವಂತಿಲ್ಲವೆಂದು ಆದೇಶ ಮಾಡಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ (ಸದರಿ ಸುತ್ತೋಲೆಯ ಪ್ರತಿಯನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆ). ಈ

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ಸುತ್ತೋಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಯಾವುದೇ ಕಾರಣಕ್ಕೂ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಬಿಪಿಎಲ್ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಶುಲ್ಕವನ್ನು ವಸೂಲು ಮಾಡುವಂತಿಲ್ಲವೆಂದು ಸ್ಪಷ್ಟ ಪಡುತ್ತದೆ. ಆಸನೌ ರವರು ರಕ್ಷಾ ಸಮಿತಿಯಲ್ಲಿ ಕೈಗೊಳ್ಳಲಾದ ತೀರ್ಮಾನದಂತೆ ರೂ.100/- ಅನ್ನು ಶುಲ್ಕವಾಗಿ ಪ್ರತಿ ಒಂದು ಚುಚ್ಚುಮದ್ದಿಗೆ ಪಡೆಯಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಆದರೆ, ಸದರಿ ಸಮಿತಿಯ ನಡವಳಿಯ ಪ್ರತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಅದನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಬಿಪಿಎಲ್ ಎಂದು ನಮೂದಿಸಿರುವ ಅಕ್ಷರಗಳ ಮುಂದೆ ರೂ.50/- ಎಂದು ಇದ್ದ ಮೊತ್ತವನ್ನು ತಿದ್ದಿ ರೂ.100/- ಎಂದು ನಮೂದಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಇದಲ್ಲದೇ, ಸದರಿ ಸಮಿತಿಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದ ವ್ಯಕ್ತಿಗಳ ಪದನಾಮವನ್ನು ತೋರಿಸಿರುವುದಿಲ್ಲ.

7. ಹಾಗೆಯೇ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿಗೆ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಹಣವನ್ನು ಸಂಗ್ರಹಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಯಾವುದೇ ಸರ್ಕಾರಿ ಆದೇಶಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ರಕ್ಷಾ ಸಮಿತಿಯ ರೂಪುರೇಷೆಗಳು ಮತ್ತು ಅದರ ಕಾರ್ಯವೈಖರಿ ಬಗ್ಗೆ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಆರೋಗ್ಯ ಅಭಿಯಾನದಡಿಯಲ್ಲಿ ರಚಿಸಲಾಗಿರುವ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಸದರಿ ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಬಿಪಿಎಲ್ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಹಣ ಸಂಗ್ರಹಿಸುವ ಬಗ್ಗೆ ಅಧಿಕಾರನೀಡಿರುವ ಅಂಶಗಳು ಎಲ್ಲೂ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ಈ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ, ಆಸನೌ-1 ರವರು ದೂರುದಾರರಿಂದ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಹಣ ಸಂಗ್ರಹಿಸಿರುವುದು ಹಾಗೂ ಆಸನೌ-2ರವರು ಈ ಬಗ್ಗೆ ಸರಿಯಾಗಿ ವರದಿ ನೀಡದೇ ಇರುವುದು ಅವರುಗಳ ಕರ್ತವ್ಯಲೋಪವಾಗಿರುತ್ತದೆ.

ಆಸನೌ ರವರು ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆ ತೋರಿಸಿ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮ 3(i) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದು, ಆಸನೌ ರವರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ



ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-9 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಈ ದೋಷಾರೋಪಣೆ.

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The DGOs have appeared on 31/1/2018 before this enquiry authority in pursuance to the service of the Article of charges.

Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.

The DGO-1 has submitted written statement is that,

An enquiry was already conducted by the Commissioner, Health and Family Welfare Department, Bangalore in respect of the present complaint i.e., he has collected the fee regarding the anti-rabies vaccine from the BPL cardholders. The Commissioner has closed the case by warning him. Further submitted that as per the government circular No.CMD/staff/02/2006-07 dated 10/5/2006 fee fixed Rs.100/- for the APL card holders and free for BPL cardholders in respect of anti-rabies vaccination. But, in the year 2008-09 increased number of patients gradually who were suffering from dog biting. But, supply of the anti-rabies vaccine by government was not sufficient. For that reason “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” was constituted as per the direction of the government. In the said committee the

9

president of the gram Panchayat and non-government association, member of the SC/ST Community and minority community, Sri Shakti Sangh, Women Association, head master of the concerned school, Anganwadi supervisor and Sr. Health Assistant are the members of the said committee. For the good intention to supply the anti-rabies vaccine to the needy persons in timely the said committee passed a resolution in December, 2009 and decided to collect the fee of Rs.200 for APL card holder and Rs.100/- to the BPL cardholder. In respect of very poor persons the decision of the concerned doctor is final whether collect the fee or supply the said vaccine freely. As per the said resolution he has collected the fee from the concerned party and said amount deposited to the bank account of the hospital. Further where needed the said vaccine was purchased from the private medical shop. Further he submitted that he has not created any document by overwrite in the said resolution. Further submitted that he has not collected Rs.300 per dose from the complainant Shankar Shanti in respect of said anti-rabies vaccine he has only collected Rs.100/- per dose and total amount of Rs.300/-, for the same he has issued the receipt. The collection of the fee of Rs.100/- per dose anti-rabies vaccine from the BPL cardholder is not his individual decision. The said decision is the decision of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” (Local Health Protection Committee). Further submitted that the complainant Shankar Shanti insist to issue cheque in his name which was issued in the name of his wife under Janani Suraksha Yojane but the DGO denied the same and issued the cheque in the name of his wife. At that time he torned the

9

cheque leaf and quarreled with Sr. Health Assistant. Further he has submitted that, District Health Officer appointed the DGO-2 as an Investigating Officer on the basis of complaint filed by the complainant. When the DGO-2 came to the hospital for inspection, at that time also the complainant quarreled with the said officer and obstructed her duty. For the same he has filed the complaint before the Bramhavar Police station. For that the complainant has filed the false complaint against him. Hence, the DGO has prayed to drop the charge leveled against him.

The DGO-2 has submitted her written statement is that,

As per the order No.JRO 175 : 24.14.15 dated 4/8/2014, she was present at Barkur primary health center as an investigating officer on 16/8/2014 on the basis of complaint filed by the present complainant Shankar Shanti before the district health officer regarding illegal collection of fees by the BPL cardholder for anti-rabies vaccine. Further she submitted that before that day she has informed to the complainant Shankar Shanti to appear before her in relation to his complaint. But, on that day the complainant Shankar Shanti came to the said primary health centre along with group of people and not co-operated regarding the investigation. But he has argued that no necessity to conduct an investigation by her. He has decided to conduct the investigation by the Lokayukta institution. Even though that she has tried to explain to him and continue the investigation as per direction of the DHO but he has not allowed her. Further the complainant abused her with shouting. For that

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she has stated before him, she has not conducted investigation and the same was intimated to the higher officer. After that she intimated the same to the higher officer through the telephone. As per their direction she has recorded the statement of the staffs of the said hospital and collected the copy of the concerned document and proceeding of Arogya Raksha Samiti and submitted her report to the DHO and requested to appoint any other office for investigating the matter.

Further she submitted that, from 2008 anti-rabies vaccine was not supplied by the government as per requirement in the said hospital. For that “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” passed the resolution to collect the minimum fee from the BPL and APL card holder to purchase the anti-rabies vaccine from the private shop. Further she submitted that due to the obstruction made by the complainant Shankar Shanti she has unable to submit complete report. Further she has submitted that, she has not submitted false report to help the DGO-1. But she has submitted her report along with documents and statement of the staffs of the said hospital to the DHO, Udupi. Hence, prayed to drop the charge leveled against her.

The disciplinary authority has examined the complainant Sri Shankar @ Shankar Shanti as Pw.1. Sri T. Nagesh Shetty, DSP, ACB, Chikmagaluru as Pw.2 and Ex.P1 to 14 are got marked. The DGOs themselves examined as Dw.1 and 2. Ex.D1 to 13 are got marked.

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The DGOs have submitted written brief. Heard the submissions of the disciplinary authority and the DGOs' side. I answer the above charge-i is leveled against the DGO-1 only that is answered as **AFFIRMATIVE** and charge-ii leveled against the DGO-1 and 2 that is **AFFIRMATIVE** in respect of DGO-1 and **NEGATIVE** in respect of the DGO-2 for the following ;

REASONS

- 3) 3) It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGO.
- 4) The disciplinary authority has examined the complainant Sri Shankar @ Shankar Shanti as Pw.1. Sri T. Nagesh Shetty, DSP, ACB, Chikmagalur as Pw.2 and Ex.P1 to 14 are got marked. The DGOs themselves examined as Dw.1 and 2. Ex.D1 to 13 are got marked. Pw.1 deposed in his chief examination that he has gone to the primary health center for taking anti-rabies vaccine due to he has sustained dog biting injury nearby his house. In the said hospital the DGO-1 told him that anti rabies vaccine not available in the hospital same may be purchased from the private medical store for that they have collected 350/- for dose. Further he deposed that on 19/7/14 has taken the anti rabies vaccine on payment of Rs.350/-. Further on 23/7/2014 also he has taken second dose vaccine on payment of Rs.350/-. Further on 26/7/2014 also he has taken third dose vaccine on payment of Rs.350/-. But, the DGO has issued the receipt only for Rs.100/- per dose. Further deposed that

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when he was gone to the said hospital on 31/7/2013 for taking fourth dose vaccine but he has no money, for that requested to the DGO he will pay the amount when he came to taking fifth dose vaccine. But the DGO-1 has not given anti rabies vaccine to him. Further he deposed that he has taken remaining dose anti rabies vaccin in the private hospital. After that, he made a complaint on 31/7/2014 before the Lokayukta office, Udupi. Further deposed that DHO directed to the DGO-2 to investigate the matter regarding his complaint for that the DGO-2 came to Barkuru primary health centre on 16/8/2014. On that day he has also present and gave information regarding the collection of fee from DGO-1. Further he deposed that, as per the circular of the health department no fee collected from the BPL card holder in respect of the anti rabies vaccine. Even though that the DGO-1 collected the fee from the BPL card holder. Further he deposed that even though the DGO-1 collected the fee of Rs.350/- from him per dose the DGO-2 stated in his report that the DGO-1 collected only Rs.100/- per dose and submitted the false report.

- 5) Pw.2 is the I.O., he deposed that he has recorded the statement of DGO-1, Staff Nurse Prema B. Pujari, Junior Health Assistant- Rekha Amin, Farmacist -Jayashri Shatagar on 24/9/2015 they are all stated that as per the order No.SPMU/LC/05/2009-10 dated 23/6/2009 of Nation Rural Health Campaign, Bangalore, in Barkuru primary health centre constituted the committee by name

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“ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ”. The said Raksha samiti passed a resolution on 18/12/2009 and decided to collect the fee of Rs.250/- from APL card holder and Rs.100/- from BPL card holder for anti rabies vaccine. As per the said resolution the DGO-1 has collected Rs.100/- from the complainant who is the BPL card holder. The said account maintained by the pharmacist Jayashri Shatagar. Further deposed that all the above said persons denied the facts that collected Rs.350/- per dose from the complainant.

- 6) Further deposed that on 28/9/2015 he has obtained the statement of the DGO-2. In her statement DGO-2 stated that as per the direction of the district health officer, she has conducted the investigation on 16/8/14. On that day the complainant was present along with 15 to 20 persons and obstructed to her duty. Further the DGO-2 stated in her statement, after the order of the DHO, Udupi 13/10/2014 no fee collected from the BPL card holder in respect of anti rabies vaccine. Further Pw.2 deposed that as per the records and receipts the DGO-1 collected Rs.100/- for each doses on 19/7/2014, 23/7/2014 and 26/7/2014 from the complainant and the said amount was deposited to the bank account. Further he deposed that as per the circular No.CMB/ARV/8/2005-06 dated 28/3/2007 of Health and Family Welfare Commissionerate, Government of Karnataka, Bangalore no fee collected from the BPL card holder in respect of anti rabies vaccine. But permitted to collect the fee from the APL card holder as users charge and further he deposed that there is no provision in the circular, order

92

No.SPMU/LC/05/2009-10 dated 23/6/2009 of Nation Rural Health Campaign, Bangalore to collect the fee or users charge from the BPL card holder. Further deposed that there are no documents found by him regarding collection of Rs.350/- for dose from the complainant.

- 7) The DGO-1 examined as Dw.1. He deposed in his evidence that he has collected Rs.100/- per dose from the complainant as per the resolution of the “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ”. The said amount used by the said committee for purchasing of anti rabies vaccine from the private medical store for the need of patients because the government supply is insufficient for patients. Further he has deposed that he has collected the fee with good intention and as per the resolution of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ”
- 8) DGO-2 has examined as Dw.2, she deposed that the district health officer Udupi appointed her as an Investigating officer regarding the complaint made by the Pw.1 for collection of fee from him in respect of anti rabies vaccine. Further she deposed that she has visited the primary health centre, Barkur on 16/8/2014. On that day the complainant came along with 15 to 20 members and not co-operated investigation, he obstructed to her duty. For that she has informed to her higher officer and then as per direction of the DHO she has recorded the statement of officials and collected the documents and submitted her report on 23/8/2014 for further action. Further she deposed that she has not submitted any false report to help the DGO-1.

9) Ex.P1 is the complaint dated 16/9/2014. Ex.P2 and 3 are the complaint form No.I&II. Ex.P4 is the document submitted by the complainant (page No.82-97). Ex.P5 is the rejoinder dated 15/4/2016 (page No.98-108). Ex.P6 is the document submitted by Pw.1 along with his rejoinder (page No.109-165). Ex.P7 is the report dated 4/12/2015 submitted by the Pw.2 (page 166-171). Ex.P8 is the statement dated 24/9/2015 of the DGO-1, Rekha Amin, Prema B. Pujari, Jayashri Shatagar before I.O. (page 172-177). Ex.P8(a) is the statement dated 28/9/2015 of DGO-2 before I.O. (page 178-179). Ex.9 is the circular No.PMU/LC/05/2009-10 dated 23/6/2009 of Commissionerate and National Rural health Campaign, Bangalore, Government of Karnataka (page 180-185). Ex.P10 is the circular GV/29/2014-15 dated 13/10/2014 District Health and Family Welfare department, Udupi (page 186). Ex.P11 is the resolution dated 18/12/2009, 20/10/2012, 31/7/2010, 8/11/2011 of "ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ" Barkur (page 187-195). Ex.P12 is the copy of the receipt dated 19/7/2014, 23/7/2014, 26/7/2014 issued by DGO-1. Ex.P13 is the outpatient receipt dated 19/7/2014, 23/7/2014, 26/7/2014 of Primary health centre, Barkur (page 197-200). Ex.P14 is the circular No.CMD/ARV/08/2005-06 dated 28/3/2007 of Health and Family Welfare Directorate, Bangalore page 201. Ex.D1 is the order dated 26/5/2017 of Commissioner, Health and family welfare department, Bangalore. Ex.D2 is the circular No.PMU/LC/05/2009-10 dated 23/6/2009 of Commissionerate and National Rural health Campaign,

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Bangalore, Government of Karnataka (page 203-208). Ex.D3 is the proceedings of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur (page 209-226). Ex.D4 is the details regarding the collection of fee from the patient in respect of anti rabies vaccination from 28/11/2008 to 16/1/2018 (page 227-258). Ex.D5 is the copy of the bank account statement of the primary health centre, Barkur. Ex.D6 is the details of anti rabies vaccination from 2008 to 2014(page 271-273). Ex.D7 is the counter receipt of the receipt issued to the Pw.1 on 19/7/2014, 23/7/2014, 26/7/2014 page 274-275). Ex.D8 is the requisition dated 4/2/2016 submitted by the President and Secretary of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” primary health centre, Barkur to the Chief Administrative Officer, Health and Family Welfare Department, Bangalore page 276-277). Ex.D9 is the copy of the cheque dated 1/1/2014 in the name of Purnima. Ex.P10 is the statement dated 1/1/2014 of Sr. Health Assistant Smt. Rajamma, Jr. Health Assistant Smt. Thresiamma Rebello, Jr. Health Assistant Smt. Monica D'soza (Page 279). Ex.D11 is the report dated 23/8/2014 submitted by the DGO-2 to the DHO, Udupi (page 280-282). Ex.D12 is the requisitions dated 19/6/2008 submitted by the local citizens of Barkur village to the President of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” primary health centre, Barkur. Ex.D13 is the requisitions dated 12/10/2009 submitted by the villagers of Hanehalli village to the President of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” primary health centre, Barkur.

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10) Perused the evidence of Pw.1, 2, Dw.1 and 2 along with above said documents and written brief submitted by the DGO. Charge-i) leveled against the DGO-1 and Charge-ii) leveled against the DGO-1 and 2.

11) **Charge-i** : This charge framed against the DGO-1 that DGO-1 as a Medical Officer of primary health centre Barkur. Collected of Rs.100/- from the BPL card holder as a user fee/fee in respect of anti rabies vaccine, even though the circular dated 28/3/2007 of Health and Family Welfare Directorate, Bangalore is to collect of Rs.100/- as user charge from the APL card holder and no free from the BPL card holder for anti vaccine. Further he has overwritten in the proceedings of the “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur in respect of amount mentioned regarding APL card holders and BPL card holders. Also not mentioned the designation of the person who signed in the said proceedings.

12) As per the evidence of Pw.1, 2 and Dw.1, there is no dispute regarding the fact that the Pw.1 complainant Shankar Shanti is the BPL card holder. Ex.P4 page 88 is the copy of the BPL card in respect of the family of the Pw.1. Further there is no dispute regarding the fact that the Pw.1 had received anti rabies vaccination in the primary health centre Barkur from DGO-1 on 19/7/2014, 23/7/2014 and 26/7/2014, for the same the DGO has issued the receipt of Rs.100/- in respect of said 3 dates. Ex.P4 page No.89 to 94 are the outpatient receipt and anti rabies vaccination receipt for respective dates which are

issued in the Barkuru health centre. The Ex.P6 page 115, is the circular dated 28/3/2007 of Health and Family Welfare Department, as per the said document the users charges collected from the APL card holder only, no fee collected from the BPL card holder.

- 13) The DGO-1 has taken defense that he has collected Rs.100/- from the Pw.1 in respect of each dose of anti rabies vaccine as per proceedings of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur dt 18/12/2009 ie., Ex.P6 page 114 and Ex.P11 page-187 -189. Perused the said document, in the said document there is an overwrite appears in respect of the amount mentioned after APL and BPL respectively as 200 and 100 in the place of 100 and 50 and further the designation of the persons have not mentioned who are put their signature in the said document. In support of these documents it is necessary to compare the Ex.D3 page-214-216. This document produced by the DGO-1 as the document Ex.P11 page No.187-189 and Ex.P6 page 114. Comparing the both documents which are the proceedings of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur dated 18/12/2009. It clears that in Ex. D3 page-214-216. The DGO-1 inserting the designation of the persons who put their signature in the said proceedings and also made correction in respect of the amount of Rs.100 and 50 as 200 and 100 after APL and BPL respectively. Further there is no clarification from the DGO regarding the said correction in respect of the amount and also the designation of the persons not mentioned in Ex.P6

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page-114 and Ex.P11 page 187-189. Further it clears that the DGO-1 included the designation of the persons who were signed in the above said resolution at the time of producing Ex.D3 before this authority. The Above said documents and evidence of Pw.1, 2 and Dw.1 reveals the DGO-1 has overwritten in the said proceeding in the place of 100 and 50 after APL and BPL respectively and also he has not mentioned the designation of the persons who put their signature of the said proceedings. Also collected Rs.100 per dose from the Pw.1 who is the BPL card holder. Thereby, disciplinary authority succeeded to prove the charge-i leveled against the DGO-1.

14) **Charge-ii)** This charge leveled against the DGO-1 and 2 as the DGO-1 collect the fee from the BPL card holder against the circular of the health and welfare department and has also collected the user fee from the BPL card holder, even though there is no guidelines to collect the fee from the BPL card holder in respect of anti rabies vaccine from the National Rural health Campaign, Bangalore. Further the DGO-2 as an I.O appointed by the DHO, Udupi has not submitted proper report.

15) As per the evidence of Pw.1, 2 and Dw.1, 2, there is no dispute regarding the fact that the Pw.1 complainant Shankar Shanti is the BPL card holder. Ex.P4 page 88 is the copy of the BPL card in respect of the family of the Pw.1. Further there is no dispute regarding the fact that the Pw.1 had received anti rabies vaccination in the primary health centre Barkur by DGO1 on 19/7/2014,

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23/7/2014 and 26/7/2014, for the same the DGO has issued the receipt of Rs.100/- in respect of said 3 dates. Ex.P4 page No.89 to 94 are the outpatient slip and anti rabies vaccine receipt for respective dates which are issued in the Barkuru primary health centre. The Ex.P6 page 115, is the circular dated 28/3/2007 of Health and Family Welfare Department. As per the said document the users charges collected from the APL card holder only, no fee collected from the BPL card holder.

- 16) The DGO-1 has taken defense that he has collected Rs.100/- from the Pw.1 in respect of each dose of anti rabies vaccine as per proceedings of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur dt 18/12/2009 ie., Ex.P6 page 114 and Ex.P11 page-187 -189. Ex.P6 page-135-159 is the guidelines issued by the national rural health campaign and health and family welfare department regarding the constitute “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” and its duty and function. Ex.D2 is the circular dated 23/6/2009 issued by the Commissionerate and Nation Rural health campaign, Bangalore page-203-208. Perused the said documents there is a guidelines regarding purchase of medicines from “ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” if any shortage of medicine in the concerned hospital from the grant which released by the Nation Rural Health Mission (NRHM). Also there is a guidelines regarding the resource accumulation ie., collect the fee from the users and collect the amount from the donors and grant from NRHM. There is no guidelines or provisions in the above said circular or guidelines

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regarding collection of users fee from the BPL card holder in respect of the anti rabies vaccine. Even though no guidelines from the Commissionerate and Nation Rural health campaign, Bangalore, “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur has made the proceedings regarding collection of users fee Rs.100/- from the PBL card holder patients. The DGO-1 is working as medical officer in the Barkur primary health centre since 1/1/2009 till now and further he is also one of the members of the said health protection committee. The said proceedings is against the Ex.P14 circular No.CMD: ARV :08:05-06 dated 28/3/2007. It is clear that the DGO-1 collected the fee of Rs.100/- for each doses from Pw.1 in respect of anti rabies vaccine on 19/7/2014, 23/7/2014 and 26/7/2014. Further the document produced by the DGO-1 ie., Ex.D1 in respect of the present complaint. As per the said document after institution of the present complaint and during the pendency of the present complaint the Commissioner, Health and Family Welfare Department received the explanation from the DGO-1 came to conclusion that the DGO-1 collected the fee from the BPL card holder in respect of the anti rabies vaccine is against the circulars of the said departments. Finally passed the order on 26/5/2017 and closed the case by warning the DGO-1, not to continue the same. This fact also shows that the DGO-1 has committed misconduct and dereliction of duty by collecting the fee from the BPL card holder against the circular. The DGO-1 produced Ex.D4 details regarding the collection of fee for anti rabies vaccine from APL and

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BPL card holder from 2007 to 16/1/2018. Perused the said document the DGO-1 collected the user fee from BPL card holder upto 18/8/2014 only. As per Ex.D5 said amount deposited to the bank account of the said hospital. The Ex.D6 details regarding government supply and private purchase of anti rabies vaccine since from 2008 to 2014. As per the said document government has not supplied the anti rabies vaccine in time and sufficient. Considering the above said all the DGO-1 collected the user fee from the BPL card holder against the circular ie., No.CMD/staff/02/2006-07 dated 10/5/2006 and Circular No.CMD/ARV/08/2005-06 dated 28/3/2007 of Health and Family Welfare Directorate, Bangalore ie., anti rabies vaccine supplied to the BPL card holder with free of cost. There is no material regarding misappropriation of nay amount by the DGO-1. Thereby disciplinary authority succeeded to prove the charge-ii leveled against the DGO-1.

- 17) The charge leveled against the DGO-2 is that, she has submitted the improper report to the DHO, Udupi to favour the DGO-1. Considering the evidence of Pw.2 the Investigating Officer and Dw.1 and 2. Ex.P4 page-87 letter dated 4/8/2014 of DHO, Udupi to the DGO-2 and Ex.P7 the report submitted by the Pw.2 along with Ex.P8 statement of the officials of Barkur primary health centre page-166-179. Ex.D11 report submitted by the DGO-2 dated 23/8/2014. As per the order of the District Health officer, Udupi the DGO-2 appointed as I.O and directed her

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to investigate the matter based on the complaint filed by the Pw.1 and submit the report. Pw.2 in his report not stated anything against the DGO-2. Further stated that the DGO-2 has visited primary health centre Barkur on 16/8/2014 for enquiry but at that time the Pw.1 appeared before her along with 15 to 20 members. This fact also admitted by Pw.1 in his evidence. As per the statement of officials recorded by the Pw.2 the Pw.1 has not co operate for investigating the matter by the DGO-2. For that the DGO-2 recorded the statement of the official of the hospital and submitted the report to the DHO, Udupi. DGO-2 also stated the same thing in Ex.D11 ie., report dated 23/8/2014. Further she has stated that the DGO-1 collected the Rs.100/- per dose of anti rabies vaccine from the Pw.1 on dated 19/7/2014, 23/7/2014 and 26/7/2014 totalrs.300/-. Further she stated that there is no evidence from the side of the Pw.1 regarding the allegation that the DGO-1 collected Rs.350/- per dose from Pw.1. The same facts stated by Pw.2 in his report as well as his evidence. Further DGO.2 has explained, in respect of the Pw.1 has made obstruction to make proper enquiry by her when she was visited to the hospital on 16/8/2014. On perusing the said report there is no fault appears on the part of the DGO-2. Hence, there is no sufficient and clear evidence to prove the fact that the DGO-2 not submitted proper report and she has submitted the report to favour the DGO-1. Thereby the disciplinary authority failed to prove the charge-ii against the DGO-2.

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18) The charge-i is leveled against the DGO-1 only that is proved against him and charge-ii leveled against the DGO-1 and 2 ie., proved only against the DGO-1 and not proved against the DGO-2.

19) In the above said facts and circumstances, charge-i is leveled against the DGO-1 only, that is proved against him and charge-ii leveled against the DGO-1 and 2 ie., proved only against the DGO-1 and not proved against the DGO-2. Hence, this report is submitted to Hon'ble Upalokayukta for further action.


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

Pw.1	Sri Shankar @ Shankar Shanti, Kachuru Gram, Barkur, Udupi dated 3/3/2018 (Original)
Pw.2	Sri T. Nagesh Shetty, DSP, ACB, Chikmagaluru dated 11/6/2018 (Original)

ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1	Complaint dated 16/9/2014
Ex.P1(a)	Signature
Ex.P2&3	Complaint form No.I&II dated 15/9/2014
Ex.P2(a)&3(a)	Signatures
Ex.P4	Document submitted by the complainant
Ex.P5	Rejoinder dated 15/4/2016
Ex.P5(a)	Signature
Ex.P6	Document submitted by Pw.1 along with his rejoinder

Ex.P7	Report dated 4/12/2015 submitted by the Pw.2
Ex.P7(a)	Signature
Ex.P8	Statement dated 24/9/2015 of the DGO-1, Rekha Amin, Prema B. Pujari, Jayashri Shatagar before I.O.
Ex.P8	Statement dated 28/9/2015 of DGO-2 before I.O.
Ex.P8(a)&(b)	Signature
Ex.P9	Circular No.PMU/LC/05/2009-10 dated 23/6/2009 of Commissionerate and National Rural Health Campaign, Bangalore, Government of Karnataka
Ex.P10	Circular GV/29/2014-15 dated 13/10/2014 District Health and family Welfare department, Udupi
Ex.P11	Resolution dated 18/12/2009, 20/10/2012, 31/7/2010, 8/11/2011 of "ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ" Barkur
Ex.P12	Copy of the receipt dated 19/7/2014, 23/7/2014, 26/7/2014 issued by DGO-1
Ex.P13	Outpatient receipt dated 19/7/2014, 23/7/2014, 26/7/2014 of Primary health centre, Barkur
Ex.P14	Circular No.CMD/ARV/08/2005-06 dated 28/3/2007 of Health and Family Welfare Directorate, Bangalore

iii) List of witnesses examined on behalf of DGO.

Dw.1	Dr. Sudhira Chandra Sooda, Government Primary health Centre, Hosala Grama, Barakuru, Udupi taluk & district dated 17/7/2018 (original)
Dw.2	Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk, Udupi district dated 17/7/2018 (original)

iv) List of documents marked on behalf of DGO

Ex.D1	Order dated 26/5/2017 of Commissioner, Health and family welfare department, Bangalore
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Ex.D2	Circular No.PMU/LC/05/2009-10 dated 23/6/2009 of Commissionarate and National Rural Health Campaign, Bangalore, Government of Karnataka
Ex.D3	Proceedings of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” Barkur
Ex.D4	Details regarding the collection of fee from the patient in respect of anti rabies vaccination from 28/11/2008 to 16/1/2018
Ex.D5	Copy of the bank account statement of the primary health centre, Barkur
Ex.D6	Details of anti rabies vaccination from 2008 to 2014
Ex.D7	Counter receipt of the receipt issued to the Pw.1 on 19/7/2014, 23/7/2014, 26/7/2014
Ex.D8	Requisition dated 4/2/2016 submitted by the President and Secretary of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” primary health centre, Barkur to the Chief Administrative Officer, Health and Family Welfare Department, Bangalore
Ex.D9	Copy of the cheque dated 1/1/2014 in the name of Purnima
Ex.D10	Statement dated 1/1/2014 of Sr. Health Assistant Smt. Rajamma, Jr. Health Assistant Smt. Thresiamma Rebello, Jr. Health Assistant Smt. Monica D'soza
Ex.D11	Report dated 23/8/2014 submitted by the DGO-2 to the DHO, Udupi
Ex.D12	Requisitions dated 19/6/2008 submitted by the local citizens of Barkur village to the President of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” primary health centre, Barkur
Ex.D13	Requisitions dated 12/10/2009 submitted by the villagers of Hanchalli village to the President of “ಸ್ಥಳೀಯ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿ” primary health centre, Barkur

(Lokappa N.R)
07/05/19

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/1100/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 11.03.2019

RECOMMENDATION

Sub:- Departmental inquiry against (1) Dr. Sudhirchandra Sooda, Medical Officer, Primary Health Centre, Hosala Village, Baarakooru, Udupi Taluk and District; and (2) Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk and District - reg.

- Ref:- 1) Government Order No. HFW 117 MSA 2017 dated 31.10.2017.
2) Nomination order No. UPLOK-2/DE/1100/2017 dated 09.11.2017 of Upalokayukta-2, State of Karnataka.
3) Inquiry report dated 07.03.2019 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 31.10.2017 initiated the disciplinary proceedings against (1) Dr. Sudhirchandra Sooda, Medical Officer, Primary Health Centre, Hosala Village, Baarakooru, Udupi Taluk and District; and (2) Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk and District [hereinafter referred to as Delinquent Government Officials 1 & 2, for short as 'DGOs 1 & 2'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/1100/2017 dated 09.11.2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO1 - Dr. Sudhirchandra Sooda, Medical Officer, Primary Health Centre, Hosala Village, Baarakooru, Udupi Taluk and District; and (2) Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk and District were tried for the following charge:-

“ಆಸನಾ ಆದ ನೀವು -

i) ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ನಿರ್ದೇಶನಾಲಯದಿಂದ ದಿ:28/03/2007 ರಂದು ಸುತ್ತೋಲೆಯನ್ನು ಹೊರಡಿಸಿದ್ದು, ಅದರಲ್ಲಿ anti rabies ಚುಚ್ಚುಮದ್ದುಗಳನ್ನು ಪಡೆಯುವ ಎಪಿಎಲ್ ವರ್ಗದವರಿಂದ ರೂ.100/- ಅನ್ನು users charge ಅಡಿಯಲ್ಲಿ ಸಂಗ್ರಹಿಸಲು ಹಾಗೂ ಬಿಪಿಎಲ್ ವರ್ಗದವರಿಗೆ ಎಲ್ಲ ಡೋಸ್‌ಗಳನ್ನು ಉಚಿತವಾಗಿ ನೀಡಲು ಸೂಚನೆ ನೀಡಲಾಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ (ಸದರಿ ಸುತ್ತೋಲೆಯನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆ). ಹಾಗೆಯೇ ದಿ:13/10/2014ರ ಸುತ್ತೋಲೆಯಲ್ಲಿ ರೇಬಿಸ್ ನಿರೋಧಕ ಚುಚ್ಚು ಮದ್ದನ್ನು ನೀಡುವಾಗ ಬಡತನ ರೇಖೆಗಿಂತ ಕೆಳಗಿನವರಿಗೂ (ಬಿಪಿಎಲ್) ಶುಲ್ಕ ಸಂಗ್ರಹಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಯವರ ಗಮನಕ್ಕೆ ದೂರು ಬಂದಿದ್ದು, ಈ ಬಗ್ಗೆ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಸಿಎಂಡಿ/ಸಿಬ್ಬಂದಿ/02/2006-07 ದಿ:10/05/2006ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಬಡತನ ರೇಖೆಗಿಂತ ಮೇಲಿನವರಿಗೆ ಮಾತ್ರ (ಎಪಿಎಲ್)

ನಿಗದಿತ ಶುಲ್ಕ ಪಡೆಯಬೇಕಾಗಿದ್ದು, ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಬಡತನ ರೇಖೆಗಿಂತ ಕೆಳಗಿನ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಶುಲ್ಕ ವಸೂಲಿ ಮಾಡುವಂತಿಲ್ಲವೆಂದು ಆದೇಶ ಮಾಡಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಈ ಸುತ್ತೋಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಯಾವುದೇ ಕಾರಣಕ್ಕೂ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಬಿಪಿಎಲ್ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಶುಲ್ಕವನ್ನು ವಸೂಲಿ ಮಾಡುವಂತಿಲ್ಲವೆಂದು ಸ್ಪಷ್ಟಪಡುತ್ತದೆ. ಆಸನೌ-1 ರವರಾದ ನೀವು ರಕ್ಷಾ ಸಮಿತಿಯಲ್ಲಿ ಕೈಗೊಳ್ಳಲಾದ ತೀರ್ಮಾನದಂತೆ ರೂ.100/- ಅನ್ನು ಶುಲ್ಕವಾಗಿ ಪ್ರತಿ ಒಂದು ಚುಚ್ಚುಮದ್ದಿಗೆ ಪಡೆಯಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತೀರಿ. ಆದರೆ, ಸದರಿ ಸಮಿತಿಯ ನಡವಳಿಯ ಪ್ರತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಅದನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಬಿಪಿಎಲ್ ಎಂದು ನಮೂದಿಸಿರುವ ಅಕ್ಷರಗಳ ಮುಂದೆ ರೂ.50/- ಎಂದು ಇದ್ದ ಮೊತ್ತವನ್ನು ತಿದ್ದಿ ರೂ.100/- ಎಂದು ನಮೂದಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಇದಲ್ಲದೇ, ಸದರಿ ಸಮಿತಿಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದ ವ್ಯಕ್ತಿಗಳ ಪದನಾಮವನ್ನು ತೋರಿಸಿರುವುದಿಲ್ಲ.

ii) ಹಾಗೆಯೇ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿಗೆ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಹಣವನ್ನು ಸಂಗ್ರಹಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಯಾವುದೇ ಸರ್ಕಾರಿ ಆದೇಶಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ರಕ್ಷಾ ಸಮಿತಿಯ ರೂಪುರೇಷೆಗಳು ಮತ್ತು ಅದರ ಕಾರ್ಯವೈಖರಿ ಬಗ್ಗೆ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಆರೋಗ್ಯ ಅಭಿಯಾನದಡಿಯಲ್ಲಿ ರಚಿಸಲಾಗಿರುವ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಸದರಿ ಮಾರ್ಗಸೂಚಿಯಲ್ಲಿ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಬಿಪಿಎಲ್ ವರ್ಗದ ರೋಗಿಗಳಿಂದ ಹಣ ಸಂಗ್ರಹಿಸುವ ಬಗ್ಗೆ ಅಧಿಕಾರನೀಡಿರುವ ಅಂಶಗಳು ಎಲ್ಲೂ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ಈ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ, ಆಸನೌ-1 ಆದ ನೀವು ದೂರುದಾರರಿಂದ anti rabies ಚುಚ್ಚುಮದ್ದಿಗೆ ಹಣ ಸಂಗ್ರಹಿಸಿರುವುದು ಹಾಗೂ ಆಸನೌ-2 ಆದ ನೀವು ಈ ಬಗ್ಗೆ ಸರಿಯಾಗಿ ವರದಿ ನೀಡದೇ ಇರುವುದು ನಿಮ್ಮಗಳ ಕರ್ತವ್ಯಲೋಪವಾಗಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ

ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ

3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, “the charge-i levelled against DGO1 only is ‘proved’ against him and charge-ii, levelled against DGOs1 & 2, is ‘proved’ only against DGO1 and ‘not proved’ against DGO2.”

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 regards DGO2 - Dr. Nagarathna Shastri, Taluk Medical Officer, Udupi Taluk and District, it is hereby recommended to the Government to ‘exonerate’ the DGO2 - Dr. Nagarathna Shastri of the aforesaid charge.

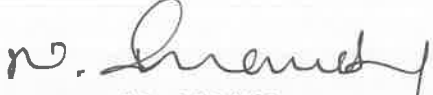
8. As per the First Oral Statement of DGO1 furnished by the Inquiry Officer, DGO1 - Dr. Sudhirchandra Sooda is due for retirement on 31.05.2021.

9. Having regard to the nature of charge ‘proved’ against DGO1 - Dr. Sudhirchandra Sooda, Medical Officer, Primary

Health Centre, Hosala Village, Baarakooru, Udupi Taluk and District, it is hereby recommended to the Government to impose penalty of "reducing the pay in the time scale of pay by four lower stages with cumulative effect on the DGO1 - Dr. Sudhirchandra Sooda."

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 11/3  
Upalokayukta,  
State of Karnataka.

