

KARNATAKA LOKAYUKTA

NO: UPLOK-2/DE -1101/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 30.10.2021**:: ENQUIRY REPORT ::****:: Present ::****(PUSHPAVATHI.V)****Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**Sub: Departmental Inquiry against
Sri.Kenchappa.U., Assistant Executive
Engineer KRIDL Sub Division, Honnali,
Davanagere District - reg.Ref: 1. G.O.No. ಗ್ರಾಅಪ 18 ಕಗ್ರಾಮೂ 2017 ದಿ: 23.8.2017 .
2.Nomination Order No: UPLOK-2/DE -
1101/2017 Bangalore dated: 13.11.2017 of
Hon'ble Upalokayukta-2
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This Departmental Inquiry is initiated against Sri.Kenchappa.U., Assistant Executive Engineer KRIDL Sub Division, Honnali, Davanagere District (hereinafter referred to as the Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 13.11.2017 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO.

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3. Additional Registrar of Enquiries-9 has issued the Articles of charges to the DGO, enclosing 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 in support of the charges and called him to appear before the Enquiry Officer and to submit written statement of defence.

4. The Article of charges issued by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

ಆಸನೌ ಆದ ನೀವು -

ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ ಹರಪನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಹಿಕ್ಕಿಂಗೇ ಗ್ರಾಮದಲ್ಲಿ ಹೊಂದಿರುವ 26 ಎಕರೆ 46 ಸೆಂಟ್ಸ್ ಕೃಷಿ ಜಮೀನು ನಿಮ್ಮ ತಂದೆಗೆ ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಿರುವ ಆಸ್ತಿಯಾಗಿರುತ್ತದೆ. ದಿ.4/10/1996 ರಂದು ದಾವಣಗೆರೆಯಲ್ಲಿ ನಿವೇಶನವನ್ನು ನಿಮ್ಮ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಖರೀದಿಸಿದ್ದು, ಸದರಿ ಜಾಗದಲ್ಲಿ ಶಿವ ಕೋ-ಆಪರೇಟಿವ ಬ್ಯಾಂಕ್, ದಾವಣಗೆರೆ ಇಲ್ಲಿ ಸಾಲ ಪಡೆದು 2 ಮಳಿಗೆಗಳನ್ನು ನಿರ್ಮಿಸಿ ಬಾಡಿಗೆಗೆ ನೀಡಿರುತ್ತೀರಿ. ದಾವಣಗೆರೆಯ ಇನ್ನೊಂದು ನಿವೇಶನವನ್ನು ನಿಮ್ಮ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಖರೀದಿಸಿ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರ್‌ನಿಂದ ರೂ.20 ಲಕ್ಷ ಸಾಲ ಪಡೆದು ಕೃಷಿಯಿಂದ ಬಂದ ಆದಾಯದಿಂದ ಮತ್ತು ವೇತನದ ಉಳಿತಾಯದಿಂದ ಮನೆಯನ್ನು ನಿರ್ಮಿಸಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತೀರಿ. ದಾವಣಗೆರೆಯ ಡೋರ್ ನಂ.1197/66 ರಲ್ಲಿ ನಿಮ್ಮ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ನಿವೇಶನ ಖರೀದಿಸಿ ಸೆಂಟ್ರಲ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಇಂಡಿಯಾ ಮಂಡಿಪೇಟೆ ಶಾಖೆಯಿಂದ ರೂ.12 ಲಕ್ಷ ಸಾಲ ಪಡೆದು, ಕೈಸಾಲ, ಕೃಷಿ ಆದಾಯ ಮತ್ತು ವೇತನದ ಉಳಿತಾಯದಿಂದ ಮನೆಯನ್ನು ನಿರ್ಮಿಸಿರುತ್ತೀರೆಂದು. ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕಿನ ಕಕ್ಕರಗೊಳ್ಳ ಗ್ರಾಮದ ಸ.ನಂ.157 ರಲ್ಲಿ 3 ಎಕರೆ 12 ಗುಂಟೆ ಮತ್ತು

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ಸ.ನಂ.157 ರಲ್ಲಿ 3 ಎಕರೆ ಜಮೀನು ನಿಮ್ಮ ಪತ್ನಿಗೆ ಅವರ ತಂದೆಯಿಂದ ಪಾಲುವಿಭಾಗದ ಮೂಲಕ ಬಂದಿರುತ್ತದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತೀರಿ. ನಿವು ಪ್ರತಿ ವರ್ಷವೂ ಆಸ್ತಿ ಮತ್ತು ದಾಯಿತ್ವದ ವಿವರಗಳನ್ನು ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ಸಲ್ಲಿಸುತ್ತಾ ಬಂದಿರುತ್ತೀರೆಂದು ತಿಳಿಸಿರುತ್ತೀರಿ. ಇಲಾಖಾ ಅನುಮತಿ ಪಡೆದುಕೊಳ್ಳುವ ಬಗ್ಗೆ ನಿಮಗೆ ಮಾಹಿತಿ ಇರಲಿಲ್ಲ ಮೇಲಾಧಿಕಾರಿಗಳು ಯಾವುದೇ ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡದೇ ಇರುವುದರಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆದುಕೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಹೇಳಿರುತ್ತೀರಿ.

7) ನಿವು ನಿಮ್ಮ ಹೆಸರಿನಲ್ಲಿ ಮತ್ತು ನಿಮ್ಮ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಸ್ವತ್ತು ಮತ್ತು ಜಮೀನುಗಳನ್ನು ಖರೀದಿ ಮಾಡಲು ಇಲಾಖಾ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲವೆಂದು ಕಂಡುಬರುತ್ತದೆ. ನಿವು ಬೇರೆಬೇರೆ ಬ್ಯಾಂಕ್‌ಗಳಿಂದ ಸುಮಾರು ರೂ.35 ಲಕ್ಷ ಸಾಲ ಹಾಗೂ ಕೆಲವು ಕೈಸಾಲಗಳನ್ನು ಪಡೆದಿರುತ್ತೇನೆಂದು ತಿಳಿಸಿದ್ದು, ಆದರೆ ಅವುಗಳನ್ನು ಯಾವ ಆದಾಯದ ಮೂಲದಿಂದ ಮರುಪಾವತಿ ಮಾಡಿರುತ್ತೇನೆ ಎನ್ನುವುದು ತಿಳಿಸಿರುವುದಿಲ್ಲ.

8) ಮೇಲಿನ ಅಂಶಗಳನ್ನು ಗಮನಿಸಿದಾಗ, ನಿವು ಮನೆಯನ್ನು ಕಟ್ಟುವಾಗ ಮತ್ತು ಆಸ್ತಿ/ಸ್ವತ್ತುಗಳನ್ನು ಖರೀದಿಸುವಾಗ, ಆದಾಯದ ಮೂಲವನ್ನು ಬಹಿರಂಗ ಪಡಿಸದೆ ಮತ್ತು ಇಲಾಖಾ ಅನುಮತಿಯನ್ನು ಪಡೆಯದೆ ಕೆ.ಸಿ.ಎಸ್.ಆರ್.ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿರುವುದು ನಿಮ್ಮ ದುರ್ನಡತೆಯನ್ನು ತೋರಿಸುತ್ತದೆ. ಆ ಕಾರಣ ನಿವು ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತೀರಿ.

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

5. The DGO appeared on 5.1.2018 before this inquiry authority in pursuance to the service of the Article of charges.

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

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7. The DGO has submitted written statement and prayed to drop the charge leveled against them.

8. The disciplinary authority has examined the Investigating officer Sri. Manjunath.K. Gangal, the then Police Inspector, Karnataka Lokayukta Davanagere as PW.1, Dr.R.Raju, Managing Director, KRIDL Bengaluru as PW.2 and Sri. Jayaprakash .A., DRE-1 Karnataka Lokayukta Bengaluru as PW-3 and got marked documents **Ex.P-1 to ExP-8**

9. The second oral statement of DGO has been recorded. At the stage of recording defence evidence. The counsel for DGO has filed a memo dated: 1.9.2021 along with final order passed by Hon'ble High court in writ petition No. 7869/2018. The order portion at page No. 6 para No. 4,5,6, & 7 reads as under;

“4.Following the aforesaid order, the impugned order of the State Government and Annexure-F bearing No. Gra Aa Pa :18: Kagramu: 2017, Bengaluru dated: 23.8.2017, is quashed. Consequently, the articles of charges bearing No. UPLOK-2/D.E/1101/2017/ ARE-9 dated: 29.11.2017 issued by the forth respondent vide annexure-G is also quashed.

5.In the circumstances, the 1st respondent / State shall transmit the report received under section 12(3) of the Karnataka Lokayukta Act to the Managing Director of the 2nd respondent forthwith.

6.On receipt of the aforesaid report, the Managing Director of the 2nd respondent/Disciplinary Authority is at liberty to appoint the Enquiry Officer for conducting the enquiry against the petitioner herein in accordance

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with law and having regard to the insertion of Rules 96A to the C & R Rules of the fourth respondent.

7.All contentions raised by both sides on merits of the allegations against the petitioner herein are kept open to be raised at an appropriate time before appropriate authorities. This writ petition is allowed-in-part and disposed of with the aforesaid terms."

10. On 22.10.2021 fresh Government order No. ಕೆ.ಆರ್.ಐ.ಡಿಎಲ್/ಆಡಳಿತ/ಲೋಕಾಯುಕ್ತ/ಬಿಡಿ-4371/2021-22 (ಇಎ) ದಿ: 7.10.2021 is received from the Managing Director, KRIDL, Bengaluru. He has initiated disciplinary proceedings against DGO Shri. Kenchappa U., Assistant Executive Engineer KRIDL Sub Division, Honnali, Davanagere District and entrusted the inquiry to the Hon'ble Upalokayukta under Rule 96-A of KRIDL Cadre and Requirement Rules, 1996.

11. Steps will be taken to send the file to the Hon'ble Registrar, Karnataka Lokayukta to issue nomination order.

12. Hence, the present inquiry proceedings do not survive for consideration. So, this disciplinary proceedings against DGO Sri. Kenchappa.U in this case (No.UPLOK-2/D.E/1101/2017) is discontinued and inquiry is closed.

13. Hence, report is submitted to Hon'ble Upalokayukta for further action.

*Pushpa V
30.10.2021*

(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

List of Additional documents

1	G.O.No. ಗ್ರಾಅಪ 18 ಕಗ್ರಾಢೂ 2017 ದಿ: 23.8.2017
2	Nomination Order No: UPLOK-2/DE - 1101/2017 Bangalore dated: 13.11.2017 of Hon'ble Upalokayukta-2
3	Final order passed by Hon'ble High court in writ petition No. 7869/2018 xerox
4	fresh Government order No. ಕೆ.ಆರ್.ಐ.ಡಿಎಲ್/ಆಡಳಿತ/ಲೋಕಾಯುಕ್ತ/ಬಿಡಿ-4371/2021-22 (ಇಎ) ದಿ: 7.10.2021 from Managing Director, KRIDL, Bengaluru,

Pushpa V 30.10.2021
(PUSHPAVÁTHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.1101/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 04.11.2021.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Kenchappa.U.,
Assistant Executive Engineer, KRIDL Sub-division,
Honnali, Davanagere District - reg.

Ref:- 1) Government Order No. RDP 18 KRA 2017
Dated 23.08.2017.

2) Nomination order No. UPLOK-2/DE.1101/2017
dated 13.11.2017 of Upalokayukta, State of
Karnataka.

3) Inquiry report dated 30.10.2021 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru.

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The Government by its order dated 23.08.2017 initiated the disciplinary proceedings against Sri Kenchappa.U., Assistant Executive Engineer, KRIDL Sub-division, Honnali, Davanagere District, [hereinafter referred to as Delinquent Government official, for short as 'DGO' ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE.1101/2017 dated 13.11.2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The Inquiry Officer (Additional Registrar of Enquiries- 9) has submitted that, during the pendency of enquiry, the DGO filed Writ petition No.7869/2018 before Hon'ble High Court of Karnataka and the Hon'ble High Court by its order dated 19.08.2021, has quashed the entrustment of enquiry and consequent article of charges framed against the DGO with liberty to the Disciplinary Authority to appoint the Enquiry Officer in accordance with law and having regard to the insertion of Rule 96A to the C&R Rules of KRIDL.

4. Therefore, in view of the order passed by the Hon'ble High Court of Karnataka in W.P.No. 7869/2018, the enquiry initiated against DGO Sri Kenchappa.U., Assistant Executive



Engineer, KRIDL Sub-division, Honnali, Davanagere District,  
stands closed.

*B.S. Patil 04/11/21*  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*

