

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/1152/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 22.2.2023

:: ENQUIRY REPORT ::**:: Present ::****(S.GOPALAPPA)**

**I/c Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against (1) Sri.S.Jagadish,
the then Tahasildar, Shikaripura Taluk,
Presently retired and (2) **Sri.Annappa,**
Surveyor, Shikaripura Taluk - reg.

Ref: 1. G.O.No. RD 125 ADE 2016 dated:
17.10.2017.
2.Nomination Order No: UPLOK-
2/DE/1152/2017 Bangalore dated:
8.12.2017 of Hon'ble Upalokayukta-2

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This Departmental Inquiry is initiated against (1) Sri.S.Jagadish, the then Tahasildar, Shikaripura Taluk, Presently retired and (2) **Sri.Annappa, Surveyor, Shikaripura Taluk** (hereinafter referred to as the Delinquent Government Official for short "**DGO- 1 and 2 respectively**").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 8.12.2017 cited above at reference No.2 has nominated Additional Registrar of

Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the 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 in support of the charges.

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

ANNEXURE-1
CHARGE

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ ನಂ.1

2. ಆಸನೌ ಆದ ನೀವು -

ದೂರುದಾರರು ಸೇನೆಯಿಂದ ಸ್ವಯಂ ನಿವೃತ್ತಿಪಡೆದು ಪ್ರಸ್ತುತ ಶಿಕಾರಿಪುರ ತಾಲೂಕಿನಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ. ಕಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದ ಸ ನಂ.109 ಮತ್ತು 111 ರಲ್ಲಿ ನಿವೃತ್ತಿ ಸೈನಿಕರ ಕೋಟಾದಡಿ ಜಮೀನನ್ನು ಮಂಜೂರು ಮಾಡಿಕೊಡುವಂತೆ ನಿಮ್ಮ ಕಛೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು ನೀವು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ ಬದಲಾಗಿ ಸದರಿ ಜಮೀನುಗಳು ಖರಾಬು ಜಮೀನುಗಳಾಗಿದ್ದು ಆ ಜಮೀನುಗಳ ಅಕ್ಕಪಕ್ಕದ ಜಮೀನುಗಳ ಮಾಲೀಕರು ಒತ್ತುವರಿ ಮಾಡಿರುತ್ತಾರೆ ಮತ್ತು ಆ ಜಮೀನನ್ನು ಮಂಜೂರುಮಾಡಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದೀರಿ. ಆದರೆ ನಿವೃತ್ತ ಸೈನಿಕರಿಗೆ ನಿವೃತ್ತಿ ಸೈನಿಕರ ಕೋಟಾದಡಿ ಜಮೀನು ಮಂಜೂರು ಮಾಡುವ ಬಗ್ಗೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದ್ದರೂ ಸಹ ನೀವು ನಿರ್ಲಕ್ಷ್ಯವಹಿಸಿದ್ದೀರಿ ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ಜಮೀನು ಮಂಜೂರು ಮಾಡಲು ಸಾಧ್ಯವಾಗದಿದ್ದಲ್ಲಿ ಬೇಕರೆ ಕಡೆ ಸರ್ಕಾರಿ ಜಮೀನನ್ನು ದೂರುದಾರರಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸದೇ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

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

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ಶಿಕಾರಿಪುರ ತಾಲೂಕ್ ಕಪ್ಪನಹಳ್ಳಿ ಕ್ಯಾಂಪ್‌ನ ನಿವಾಸಿಯಾದ ಶ್ರೀ ಆರ್. ನಾಗೇಂದ್ರ ಬಿನ್ ಆರ್. ಸುಬ್ಬಯ್ಯ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ಶಿಕಾರಿಪುರ ತಾಲೂಕ್ ಕಛೇರಿಯ 1) ಶ್ರೀ. ಜಗದೀಶ್. ಎಸ್., ತಹಶೀಲ್‌ದಾರರು(ಪ್ರಸ್ತುತ ನಿವೃತ್ತ), ಮತ್ತು 2) ಶ್ರೀ ಅಣ್ಣಪ್ಪ, ತಾಲೂಕು ಸರ್ವೆಯರ್, ಶಿಕಾರಿಪುರ ತಾಲೂಕು, ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಸನೌ 1 ಮತ್ತು 2 ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ)

ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ :- ದೂರುದಾರರು ಭಾರತೀಯ ಅರೆ ಸೇನೆಯಲ್ಲಿ 24 ವರ್ಷಗಳ ಸೇವೆ ಸಲ್ಲಿಸಿ, ಸ್ವಯಂ ನಿವೃತ್ತಿ ಪಡೆದು ತನ್ನ ಸ್ವಗ್ರಾಮವಾದ ಕಪ್ಪನಹಳ್ಳಿ ಕ್ಯಾಂಪ್‌ಗೆ ಹಿಂದಿರುಗಿರುತ್ತೇನೆ. ಸರ್ಕಾರವು ಸೇನೆಯಲ್ಲಿ ಸೇವೆ ಸಲ್ಲಿಸಿ ಹಿಂದಿರುಗಿದ ಮಾಜಿ ಸೈನಿಕರಿಗೆ ಸರ್ಕಾರಿ ಜಮೀನು ಖಾಲಿ ಇದ್ದಲ್ಲಿ ಅಲಾಟ್ ಮಾಡಿಕೊಳ್ಳುವುದರ ಕಾನೂನಿನ ಪ್ರಕಾರ ತಾನು ಸರ್ವೆ ನಂ.109/ಪಿ ಯಲ್ಲಿಯ 3 ಎಕರೆ 20 ಗುಂಟೆ ಜಮೀನನ್ನು 1ನೇ ಆಸನೌ ರವರಿಗೆ ತೋರಿಸಿ, ಅದನ್ನು ಸಾಗುವಳಿ ಮಾಡಲು ಅನುವು ಮಾಡಿಕೊಡಬೇಕೆಂದು ಎಲ್ಲಾ ದಾಖಲೆಗಳ ಸಮೇತ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೇನೆ. ಆದರೆ, ಆಸನೌ 1 ಮತ್ತು 2 ರವರು ಸಾಗು ಮಾಡಲು ಅಳತೆ ಮಾಡಿಕೊಟ್ಟಿಲ್ಲ.

ದೂರಿಗೆ ಆಸನೌ ರವರಿಂದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ, 1ನೇ ಆಸನೌ ರವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ -

ದೂರುದಾರರು ಶಿಕಾರಿಪುರ ತಾಲೂಕು ಕಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.109 ಮತ್ತು 111 ರಲ್ಲಿ ನಿವೃತ್ತ ಸೈನಿಕರ ಖೋಟಾದಲ್ಲಿ ಜಮೀನು ಮಂಜೂರಾತಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಜಮೀನಿನ ಪಹಣಿಯಲ್ಲಿ ವಿಸ್ತೀರ್ಣ 3 ಎಕರೆ 12 ಗುಂಟೆ ಜಮೀನಿದ್ದು, ಆ ಪ್ರದೇಶದಲ್ಲಿ ಕುಮದ್ವತಿ ಹಳ್ಳಿ ಇರುವುದರಿಂದ ಆ ಜಮೀನು ಖರಾಬ್ ಜಮೀನಾಗಿ ದಾಖಲಾಗಿದೆ. ಆ ಪ್ರದೇಶದ ಆಜುಬಾಜು ರೈತರು ಸಹ ಒತ್ತುವರಿ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿದೆ. ಸದರಿ ಜಮೀನು ಖರಾಬ್ ಜಮೀನಾಗಿ ವಿಂಗಡಿಸಿರುವುದರಿಂದ ಮಂಜೂರಾತಿಗೆ ಅವಕಾಶವಿಲ್ಲ. ಆದರೂ ಸಹ ಸದರಿ ಜಮೀನನ್ನು ಅಳತೆ ಮಾಡಿ, ವರದಿ ನೀಡಲು ಸರ್ವೆಯರ್‌ರವರಿಗೆ ಆದೇಶಿಸಲಾಗಿದ್ದು, ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕಡತ ತಾಲೂಕ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿದೆ. ಆದ್ದರಿಂದ, ತಮ್ಮದು ಯಾವುದೇ ಕರ್ತವ್ಯಲೋಪ ಇಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ.

ಆಸನೌ 2 ರವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ -

ದೂರುದಾರರು 1ನೇ ಆಸನೌ ರವರಿಗೆ ಸದರಿ ಜಮೀನುಗಳ ಮಂಜೂರಾತಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, 1ನೇ ಆಸನೌ ರವರ ಆದೇಶದ ಮೇರೆಗೆ ಅಳತೆ ಕಾರ್ಯ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಲು ದಿ: 11/9/2013 ರಂದು ಅಳತೆ ಕಾರ್ಯ ಮಾಡಲು ಭೇಟಿ ನೀಡಿದ್ದು, ಆ ಸ್ಥಳದ ಆಜುಬಾಜುದಾರರು ಸದರಿ ಆಸ್ತಿಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿದ್ದು, ಅಳತೆ ಮಾಡಲು ಅಡೆತಡೆ ಮಾಡಿದ್ದಾರೆ. ಈ ಬಗ್ಗೆ 1ನೇ ಆಸನೌ ರವರದಿ ಸಲ್ಲಿಸಿದ್ದು, ಭೂ ಮಂಜೂರಾತಿಯು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು ಮತ್ತು ಸರ್ಕಾರಕ್ಕೆ ಬಿಟ್ಟ ವಿಷಯವಾಗಿದ್ದು, ಇದರಲ್ಲಿ ತನ್ನದು ಯಾವುದೇ ಕರ್ತವ್ಯ ಲೋಪ ಇಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ.

ಆಸನೌ ರವರ ಆಕ್ಷೇಪಣೆಗಳಿಗೆ ದೂರುದಾರರಿಂದ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಕೇಳಲಾಗಿ,

ದೂರುದಾರರು ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ -

ಸದರಿ ಜಮೀನನ್ನು ಮಂಜೂರಾತಿ ಮಾಡಿಸಿಕೊಡುವ ಬಗ್ಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ದಿ: 11/9/2013ರಂದು ಅಳತೆ ಮಾಡಿ, ಸರ್ವೆಯರ್‌ರವರು ಆ ಸಂದರ್ಭದಲ್ಲಿ ಆಜುಬಾಜುದಾರರು ತಕರಾರು ಮಾಡಿ, ದಾಖಲೆಗಳನ್ನು ಪಡೆದುಕೊಂಡು ನಂತರ ಯಾವ ಆಮಿಷಕ್ಕೊಳಗಾದರೂ ಎಂಬುದು ತನಗೆ ಗೊತ್ತಿಲ್ಲ. ಶಿವಮೊಗ್ಗ

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಮತ್ತು ಸಾಗರ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು ಈ ಬಗ್ಗೆ ಆದೇಶ ನೀಡಿದ್ದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ.

ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ ;

ದೂರುದಾರರು ಸೇನೆಯಿಂದ ಸ್ವಯಂ ನಿವೃತ್ತಿ ಪಡೆದು ಪ್ರಸ್ತುತ ಶಿಕಾರಿಪುರ ತಾಲೂಕಿನಲ್ಲಿ ವಾಸವಾಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ನಂತರ, ಕಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.109 ಮತ್ತು IIIರಲ್ಲಿ ನಿವೃತ್ತಿ ಸೈನಿಕರ ಖೋಟಾದಡಿ ಜಮೀನನ್ನು ಮಂಜೂರು ಮಾಡಿಕೊಂಡುವಂತೆ ಆಸನೌ ರವರ ಕಛೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಆಸನೌ ರವರು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ. ಬದಲಾಗಿ, ಸದರಿ ಜಮೀನುಗಳು ಖರಾಬ್ ಜಮೀನುಗಳಾಗಿದ್ದು, ಆ ಜಮೀನುಗಳ ಅಕ್ಕಪಕ್ಕದ ಜಮೀನಿನ ಮಾಲೀಕರು ಒತ್ತುವರಿ ಮಾಡಿರುತ್ತಾರೆ ಮತ್ತು ಆ ಜಮೀನನ್ನು ಮಂಜೂರು ಮಾಡಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೆ, ನಿವೃತ್ತ ಸೈನಿಕರಿಗೆ ನಿವೃತ್ತಿ ಸೈನಿಕರ ಖೋಟಾದಡಿ ಜಮೀನು ಮಂಜೂರು ಮಾಡಿಕೊಡುವ ಬಗ್ಗೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದ್ದರೂ ಸಹ ಆಸನೌ ರವರು ನಿರ್ಲಕ್ಷ್ಯ ವಹಿಸಿದ್ದಾರೆ. ಒಂದು ವೇಳೆ ದೂರುದಾರರು ಕೋರಿರುವ ಸರ್ವೆ ನಂ.109 ಮತ್ತು IIIರಲ್ಲಿ ಜಮೀನು ಮಂಜೂರು ಮಾಡಲು ಸಾಧ್ಯವಾಗದಿದ್ದಲ್ಲಿ, ಬೇರೆ ಕಡೆ ಯಾವುದಾದರೂ ಸರ್ಕಾರಿ ಜಮೀನನ್ನು ದೂರುದಾರರಿಗೆ ಮಂಜೂರು ಮಾಡಬಹುದಿತ್ತು, ಆದರೆ ಆಸನೌ ರವರು ಅನಾವಶ್ಯಕವಾಗಿ ದೂರುದಾರರಿಗೆ ಜಮೀನನ್ನು ಮಂಜೂರು ಮಾಡದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದೆ.

ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಮತ್ತು ಆಸನೌ 1 ಮತ್ತು 2 ರವರು ನೀಡಿರುವ ಉತ್ತರಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಆಸನೌ ರವರು ತಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ ಸಮಂಜಸ/ ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

ಆಸನೌ-1 ಮತ್ತು 2ರವರು 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-1 ಮತ್ತು 2ರವರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ 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.

5. The Article of charge was issued to the DGOs calling upon them to appear before this authority and to submit written statement.

6. The DGOs appeared before this inquiry authority in pursuance to the service of the Article of charges. In FOS plea of the DGOs have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, DGO-2 submitted written statement.

7. DGO-2 in his written statement stated that he was working in Shikaripura Taluk office as 2nd division surveyor. The complainant Sri. Nagendra is retired from defence service and he has filed application for grant of land under Ex-serviceman quota. The then Tahasildar has orally ordered to carry out the survey work in Shikaripura taluk, Kasaba Hobli, Kappanahalli village, survey no. 109 and 111.

Further stated that at the time of survey the villagers and the complainant were present at the place. The residents of Kappanahalli village Sri.Ajithbabu, Raju and Narasimhaiah, were present at the place when the measurement work started, they filed a dispute and obstructed the measurement work. Apart from scolding they started fighting. The content has been published in the local newspaper. Hence he could not carry out the measurement work. He has submitted a report to the Tahsildar on date: 10-09-2013 regarding the incident that took place and have submitted his report requesting him to provide police protection to carry out the measurement work.

Further stated that there was no direction from the Tahasildar and it was not possible, him to measure the said land. He does not have power to allot the land. He had not committed dereliction of duty. With these grounds, he prayed to drop the charges leveled against him.

8. At the stage of submitting written statement of DGO-1, DGO No. 1 has filed an application No. 2628/2018 of Hon'ble KSAT and had obtained stay.

9. Against the order passed in Application No. 2628/2018 filed by DGO no. 1 CLC has opined that it is fit to be challenged and writ petition is filed. Hence findings against DGO-1 is awaited.

10. The disciplinary authority has examined complainant Sri.R.Nagendra, S/o R.Subbaiah Ex-Serviceman, Kappanahalli, Shikaripura as PW.1, and got marked documents as **Ex.P-1 to ExP-6**.

11. Thereafter, second oral statement of DGO-2 was recorded. Opportunity was provided to DGO-2 to adduce evidence and DGO -2 Sri.Annappa, Surveyor, Shikaripura Taluk has got examined himself as DW-1 and got marked documents as **Ex.D-1 to Ex.D-3**.

12. Heard the submissions of Presenting Officer and DGO-2 submitted his written arguments. Perused the entire records. The only point that arise for my consideration is:

1. Whether the Disciplinary Authority proves the charge framed against the DGO-2 ?

My finding on the above point is in **AFFIRMATIVE** for the following:

REASONS

13. According to PW-1 in the year 2008 he completed his service in the defence. Thereafter he started living in his native place Kappanahalli along with his family consisting of his wife, two children, mother, younger brother, wife of his younger brother, their two children and widow of his another younger brother and her children they are living in a joint family. They have no property to the family.

14. Out of his pension he has to maintain the family. Therefore he submitted an application for grant of government land under Ex-serviceman quota in Sy. No. 109 and 111. In the year 2012 and in the year 2013 the file was sent to the surveyor to measure the property. Along with surveyor, he had been to survey work. At that time

people who had gathered their assaulted himself and surveyor. Surveyor not lodged police complaint. But he submitted requisition to the Tahasildar . The land was not granted to him. No steps were taken to grant the land. Therefore he submitted a representation to Deputy commissioner. The Deputy commissioner directed the Tahasildar to take steps. Insipite of it steps were not taken. At that time DGO-1 was the Tahasildar and DGO-2 was the surveyor. Therefore he has lodged the complaint as per Ex.P-1 to Ex.P-3 along with copy of application Ex.P-4. Copy of discharge certificate Ex.P-5 copy of the letter of Deputy commissioner Ex.P-6.

15. In the cross examination PW-1 has deposed that he presented the application in dispatch section for grant of land. After filing the application he had met the Tahasildar. Tahasildar informed that he received a latter from Deputy commissioner and he will send to the surveyor. PW-1 has deposed it may be true that the surveyor has no authority to grant the land. PW-1 has voluntarily deposed that the surveyor has not submitted copy of report to the Tahasildar. At the time of conducting survey the people assaulted himself and surveyor. But the surveyor has not lodged the police complaint. The Tahasildar also has not taken any steps. PW-1 admits that the DGO-2 has submitted report to Tahasildar. But it was not in writing.

16. According to DW-1/DGO-2 from the year 2003-2021 he worked as surveyor in Shikaripura and retired in December 2021. The complainant had submitted an application for grant of land under Ex-serviceman quota in Kappanahalli Sy. No. 109 and 111. Therefore the Tahasildar directed him to conduct survey of Kappanahalli sy.

No. 109 and 111 measuring 3.18 acres. When he went to conduct survey of Sy. No. 109 and 111, one Abhijith picked up the quarrel claiming that the property is belonging to him and tried to assault him. They threatened him to go back. They assaulted the complainant. Therefore he informed the matter to the Tahasildar. Tahasildar asked him to give a report and he has given a report. DW-1 has produced the copy of pahani Ex.D-1, copy of report Ex.D-2 and the endorsement Ex.D-3.

17. In the cross examination DW-1 admits that whenever he goes to conduct survey he will carry the documents. He admits that even when he went to conduct survey in Kappanahalli Sy. No. 109 and 111 he had carried the documents along with him. Before going to survey, he had not given notices to adjacent land owners. But he had given notice to the complainant. The complainant had not furnished the details of the adjacent land owners or the details of the persons who had possession over the property. Therefore notices were not given. He admits that in his office the documents pertaining to the owners and details of the persons who are in the possession of the properties were available. He admits that he had not carried the said details. For the suggestion that he had no impediment to give notices, DW-1 has deposed that it was not necessary.

18. Further according to DW-1 Kappanahalli survey Number is totally measuring 15.30 acres out of it 6 guntas is karabh land. DW-1 admits that according to RTC 3.21 acres is government banjaru (barrenly) land. It was mentioned only in the revenue records but not in the survey records. He was aware about this fact before going to

survey. In spite of it at the requested of complainant, he went along with the complainant. He has not verified the documents pertaining to the Sy. No. 111 because the documents were not available to him. He admits that in survey department the document pertaining to this survey number were available in survey department. He admits that in taluk office also the documents are available. He has not made effort to secure the documents, because the application was submitted for grant of land in Sy. No. 109 only.

19. DW-1 admits that according to application a requisition was given to grant land in Sy. No. 109 and 111. The Tahasildar had not given directions to conduct survey in both survey numbers. The application of complainant only was forwarded to him. He has not conducted survey in Sy. No. 111. When he was conducting survey in Sy. No. 109, quarrel took place. Therefore he has not conducted survey in Sy. No. 111. Sy. No. 111 is situated about 100 Ft., away from Sy. No. 109. DW-1 admits that Abhijith was no way concerned to Sy. No. 111. For the suggestion that nobody raised objections to survey No. 111, DW-1 has deposed that he has not conducted survey in Sy. No. 111. The complainant was bleeding from his nose. He had not come to measure the property in Sy. No. 111. Therefore he did not go. Nobody was present with him to conduct survey in Sy. No. 111. Therefore he did not go.

20. Further according to DW-1 he had informed the Tahasildar orally about the quarrel. The Tahasildar asked him to give it in writing, but he had not given it in writing. To avoid court proceedings, he did not give it in writing. He has not given any

complaint to police or Tahasildar in writing stating that when he went to do his official duty, one Abhijith assaulted the complainant who was assisting him. To avoid police station and court he has not lodged the complaint. He was scared of Abhijith therefore the police complaint was not lodged. For the suggestion that whether he has performed his entire duty afraid of Abhijith, DW-1 has deposed that in this case only he was scared of Abhijith.

21. DW-1 admits that afraid of Abhijith, he has not lodged the complaint to the Tahasildar or police in writing stating that he assaulted the complainant and obstructed to do his official duty. DW-1 has deposed that there was no official duty Abhijith claimed that he is cultivating property which was shown by the complainant. Abhijith informed that the property is standing in his khatha. He has not verified the documents of Abhijith. DW-1 admits that the complainant was entitled for 3.38 acres of land of Sy. No. 109 /P measuring 3 acres and 21 guntas and Sy. No. 111 measuring 17 guntas and requested for surveyor. Further DW-1 has denies the suggestions made by learned presenting officer.

22. Ex.P-4 is the copy of application submitted by the complainant for grant of land under Ex-serviceman quota in Sy. No. 109/P measuring 2.21 acres and Sy. No. 111 measuring 17 guntas totally measuring 3.38 acres situated in Kappanahalli village. As admitted by DW-1 complainant was entitled for grant of land measuring 3.38 acres under Ex-serviceman quota. Before going for survey notices were not given to the adjacent land owners or the persons who were claiming the possession of the property. The

documents are very much available in Survey department and also in the taluk office. In spite of it the complainant not made any efforts to secure the documents and to issue notices to the adjacent land holders. At one stretch DW-1 admits that he want to conduct Survey in Sy. No. 109 and 111 & at another stretch DW-1deposed that he want to conduct survey in Sy. No. 109 only and not in Sy. No. 111, in the application Ex.P-4 both of the survey numbers are clearly mentioned. In spite of it DW-1/DGO-2 has not conducted survey in both survey numbers.

23. Though the documents are available in survey department and Taluk office DW-1/DGO-2 not made any efforts to carry the documents along with him or to verify the documents to know who are the land holders. DGO-2 not made any efforts to conduct survey in Sy. No. 111.

24. According to PW-1 and DW-1 a quarrel took place near Sy. No. 109. But DGO-2 /DW-1 being a responsible officer not made any efforts to give complaint either to police or to the Tahasildar . DW-1 has clearly mentioned in his report Ex.D-2 that at the time of conducting survey one Sri.Abhijith caused obstruction. This obstruction is caused while DW-1 /DGO-2 was performing his official duty. In spite of it in the cross examination DW-1/DGO-2 has deposed that there was no official duty. The complainant submitted an application for grant of land under Ex-serviceman quota in Kappanahalli Sy. No. 109 and 111. But as discussed above DW-1/DGO-2 not taken steps in accordance with law and thereby committed dereliction of duty. If the property was not available for

grant of land DGO-2 or his higher authority would have made alternative arrangement to grant the land to complainant under Ex-serviceman quota. This is clear negligence on the part of DW-1 /DGO-2.

25. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges leveled against DGO-2. Hence, I proceed to record the following:-

FINDINGS

26. The Disciplinary Authority has proved the charge leveled against DGO-2.

27. The findings of the Hon'ble High court of Karnataka at Bengaluru is awaited in respect of DGO No.1. Hence, this report is submitted to Hon'ble Upalokayukta for further action. Further recommendation may be made to the competent authority to send compliance report under section 12(1) of Karnataka Lokayukta Act to show that steps taken to redress the grievance of the complainant.

28. The date of retirement of DGO No. 1 is 31.1.2015, DGO No. 2 is 20.1.2022.

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

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

PW.1	Sri.R.Nagendra, S/o R.Subbaiah Ex-Serviceman, Kappanahalli, Shikaripura original
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P 1	Ex.P-1 is the detailed complaint dated: 30.12.2014 filed by PW-1 in Karnataka Lokayukta Office
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form No. 1 and 2 filed by PW-1 in Karnataka Lokayukta office.
Ex.P-4	Ex.P-4 is the application filed by PW-1 in Tahasildar office
Ex.P-5	Ex.P-5 is the discharge certificate
Ex.P-6	Ex.P-6 is the letter dtd: 8.10.2013 from Additional Deputy commissioner, Shivamogga to Tahasildar Shikaripura

iii) List of witnesses examined on behalf of DGOs

DW-1	DGO -2 Sri.Annappa, Surveyor, Shikaripura Taluk original
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iv) **List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the pahani pertaining to Sy. No. 109
Ex.D-2	Ex.D-2 is the submission note from DGO-2 to Tahasildar
Ex.D-3	Ex.D-3 is the endorsement for submitting report in Tahasildar office.

(S.GOPALAPPA)
I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/1152/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 27.02.2023.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Annappa,(Retired), the then Surveyor, Shikaripura Taluk and another - reg.

Ref:- 1) Government Order No.RD 125 ADE 2016 dated 17.10.2017.

2) Nomination order No. UPLOK-2/DE/1152/2017 dated 08.12.2017 of Hon'ble Upalokayukta, State of Karnataka.

3) Inquiry report dated 22.02.2023 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

2-16/9/23

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The Government by its order dated 17.10.2017 initiated the disciplinary proceedings against Sri Annappa,(Retired), the then Surveyor, Shikaripura Taluk and another, [hereinafter referred to as Delinquent Government Officials, for short as ' DGO ' ] and entrusted the Departmental Inquiry to this Institution.

*L.*

2. This Institution by Nomination Order No. UPLOK-2/DE/1152/2017 dated 08.12.2017 nominated Additional Registrar of Enquiries-9, 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.

3. The DGOs were tried for the following charge:

“ಆಸನಾ ಆದ ನೀವು - ದೂರುದಾರರು ಸೇನೆಯಿಂದ ಸ್ವಯಂ ನಿವೃತ್ತಿಪಡೆದು ಪ್ರಸ್ತುತ ಶಿಕಾರಿಪುರ ತಾಲೂಕಿನಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ. ಕಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದ ಸ ನಂ.109 ಮತ್ತು 111 ರಲ್ಲಿ ನಿವೃತ್ತಿ ಸೈನಿಕರ ಕೋಟಾದಡಿ ಜಮೀನನ್ನು ಮಂಜೂರು ಮಾಡಿಕೊಡುವಂತೆ ನಿಮ್ಮ ಕಛೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು ನೀವು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ ಬದಲಾಗಿ ಸದರಿ ಜಮೀನುಗಳು ಖರಾಬು ಜಮೀನುಗಳಾಗಿದ್ದು ಆ ಜಮೀನುಗಳ ಅಕ್ಕಪಕ್ಕದ ಜಮೀನುಗಳ ಮಾಲೀಕರು ಒತ್ತುವರಿ ಮಾಡಿರುತ್ತಾರೆ ಮತ್ತು ಆ ಜಮೀನನ್ನು ಮಂಜೂರುಮಾಡಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದೀರಿ. ಆದರೆ ನಿವೃತ್ತ ಸೈನಿಕರಿಗೆ ನಿವೃತ್ತಿ ಸೈನಿಕರ ಕೋಟಾದಡಿ ಜಮೀನು ಮಂಜೂರು ಮಾಡುವ ಬಗ್ಗೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದ್ದರೂ ಸಹ ನೀವು ನಿರ್ಲಕ್ಷ್ಯವಹಿಸಿದ್ದೀರಿ ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ಜಮೀನು ಮಂಜೂರು ಮಾಡಲು ಸಾಧ್ಯವಾಗದಿದ್ದಲ್ಲಿ ಬೇರೆ ಕಡೆ ಸರ್ಕಾರಿ ಜಮೀನನ್ನು ದೂರುದಾರರಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸದೇ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

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 Disciplinary Authority has 'proved' the above

charge against the DGO Sri Annappa,(Retired), the then Surveyor,, Shikaripura Taluk.

5. Further, the Inquiry Officer has reported that on the application bearing No.2628/2018 filed by DGO Sri S.Jagadish, the Hon'ble KSAT vide its order dated 18.06.2020 has quashed the Govt. order and the subsequent Article of charges. Against the said order of KSAT, this Institution has filed Writ Petition before Hon'ble High Court of Karnataka which is pending consideration.

6. On perusal of the entire materials on record, in order to prove the misconduct of the DGO Sri Annappa, the Disciplinary Authority has examined one witness as PW-1 and got marked documents Ex. P-1 to P-6. The DGO Sri Annappa got examined himself as DW.1 and got marked Ex.D.1 to D.3 on his behalf. The entire evidence and the materials on record disclose that, DGO Sri Annappa has committed misconduct. Therefore, there is no reason to deviate from the opinion expressed by the Inquiry Officer. Hence, it is hereby



recommended to the Government to accept the report of Inquiry Officer.

7. As per the information furnished by the Enquiry Officer, DGO Sri Annappa has retired from service on 31.01.2022.

8. Having regard to the nature of charge proved against the DGO Sri Annappa and considering the totality of circumstances, it is hereby recommended to the Govt. to impose penalty of 'withholding 15% of pension payable to DGO Sri Annappa, for a period of five years'.

9. Further, action taken in respect of DGO Sri Jagadeesh will be intimated after disposal of the writ petition.

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

Connected records are enclosed herewith.



(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.