

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/1203/2017/ARE-13

M.S. Building,
Dr.B.R. Ambedkar Road,
Bangalore-56001
Date: 26/02/2021.**: Present:****Patil Mohankumar Bhimanagouda**
Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Sri. V.C. Narayanaswamy, Assistant
Teacher, Government Lower Primary
School, Aladahalli, Maluru Taluk,
Kolar District-reg.**Ref :-** 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BD/2083/2016/DRE-4,
dated:17/05/2017.2) Govt. Order No. ಇಡಿ 343 ಪಿಎಂಸಿ 2017,
ಬೆಂಗಳೂರು, dated:16/09/2017.3) Nomination Order No.UPLOK-2/DE/
1203/2017, Bengaluru, dated:
28/12/2017.

1. This departmental enquiry is directed against Sri. V.C. Narayanaswamy, Assistant Teacher, Government Lower Primary School, Aladahalli, Maluru Taluk, Kolar District (herein after referred to as the Delinquent Government Official in short "DGO").

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 : 28/12/2017 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 DGO. The Additional Registrar Enquiries-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charge. Copies of same were issued to the DGO calling upon him to appear before this authority and to submit written statement of his 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 Articles of Charge framed by ARE-4 against the DGO are as below:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

6. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ/ಶ್ರೀ. ವಿ.ಸಿ. ನಾರಾಯಣಸ್ವಾಮಿ, ಸಹ ಶಿಕ್ಷಕರು, ಸರ್ಕಾರಿ ಕಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಆಲದಳ್ಳಿ, ಮಾಲೂರು ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ಆದ ನೀವು ಈ ಕೆಳಕಂಡಂತೆ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

ಅ) ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಏಜೆಂಟ್‌ರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿ ಅಮಿಟೆಡ್/ಕಂಪನಿ ಕಡೆಯಿಂದ ಕಮಿಷನ್ ಹಣದ ಬಗ್ಗೆ ಮತ್ತು ನಿಮ್ಮ ಹೆಸರಿನಲ್ಲಿ, ಮಕ್ಕಳ ಹೆಸರಿನಲ್ಲಿ ಠೇವಣಿ ಮಾಡಿರುವ ಬಗ್ಗೆ ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯ ವರದಿ ಪಡೆಯಲು ಸದರಿ ಅಮಿಟೆಡ್ ಮುಚ್ಚಿರುವುದರಿಂದ ಸ್ಪಷ್ಟ ವರದಿ ಪಡೆಯಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ.

ಆ) ಹಾಗೂ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಶಿಕ್ಷಕರಾದ ನೀವು ಕೆಲಸ ನಿರ್ವಹಿಸಿದ ಬಗ್ಗೆ ಏಜೆಂಟರು/ಪಾಲಿಸಿದಾರರ ವಿಚಾರಣೆಯಿಂದ ಕಂಡು ಬಾರದೇ ಇದ್ದರೂ ಸಹ ನೀವು ಎಸ್.ಬಿ.ಐ., ಬ್ಯಾಂಕ್-31079489578ರ ಖಾತೆಗೆ 2011 ರಂದು ಒಂದು ಬಾರಿ ರೂ.3,000/-ಗಳು, 2012ನೇ ಸಾಲಿನಲ್ಲಿ 10 ಬಾರಿ ರೂ.1,79,363/-ಗಳು ಹಾಗೂ 2013ನೇ ಸಾಲಿನಲ್ಲಿ 10 ಬಾರಿ ರೂ.2,14,000/-ಗಳು ಒಟ್ಟು ರೂ.3,96,363/-ಗಳು ಹಣ ಜಮೆಗಾಗಿ ವಹಿವಾಟು ನಡೆದಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ ಬ್ಯಾಂಕ್ ಖಾತೆಯ ವಹಿವಾಟು ತಃಖ್ತೆ ಹಾಗೂ ಇತರೆ ದಾಖಲಾತಿಗಳ ಪರಿಶೀಲನೆಯಿಂದ ನೀವು ಶಾಲಾ ಅವಧಿಯಲ್ಲಿ ಹಾಗೂ ಶಾಲೆ ಮುಗಿದ ನಂತರ ಹಾಗೂ ರಜಾ ಸಮಯದಲ್ಲಿ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಅದರಂತೆ, ನೀವು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3) (i)

ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

7. ಶ್ರೀ ಡಿ.ಚೆನ್ನಪ್ಪ ಬನ್ ದೊಡ್ಡಪ್ಪ, ಎಲೆಕ್ಟ್ರಿಕಲ್ ಕಂಟ್ರಾಕ್ಟರ್ ಸೀನಪ್ಪ ಬಲ್ಲಂಗ್, ಆದರ್ಶ ನಗರ, ಮಾಲೂರು ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಸಂಖ್ಯಾಧಿಸಲಾಗುವ) ರವರು ದೂರನ್ನು ಈ ಸಂಸ್ಥೆಗೆ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

8. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಮಾಲೂರು ತಾಲ್ಲೂಕಿನ ಅರಸನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ಕಾರಿ ಕಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಯ ಶಿಕ್ಷಕರಾದ ನೀವು ಸರ್ಕಾರಿ ನೌಕರಿಯೊಂದಿಗೆ ಮಾಲೂರು ಟೌನ್‌ನಲ್ಲಿರುವ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಕಮೀಷನ್‌ಗಾಗಿ ಏಜೆಂಟ್‌ರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಾ ಲಾಭದಾಯಕ ಹುದ್ದೆಯಲ್ಲಿ ತೊಡಗಿಕೊಂಡು ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ ಮೋಸ ಮಾಡುತ್ತಿದ್ದಾರೆಂದು ಹಾಗೂ ಸದರಿ ಕಂಪೆನಿಯಲ್ಲಿ ಈಗ ಸುಮಾರು 15 ಲಕ್ಷ ಹಣವನ್ನು ಠೇವಣಿ ಮಾಡಿಸಿ, ತಿಂಗಳ ತಿಂಗಳ ಬಡ್ಡಿ ಪಡೆಯುತ್ತಿರುವುದಾಗಿ, ಸದರಿ ಹಣವನ್ನು ಮಗಳ ಹೆಸರಿನಲ್ಲಿ ಮತ್ತು ನಿಮ್ಮ ಹೆಸರಿನಲ್ಲಿ ಠೇವಣಿ ಮಾಡಿದ್ದು ಹಾಗೂ ಜನರ ಬಳಿ 25 ರಿಂದ 30 ಲಕ್ಷ ಹಣವನ್ನು ಏಜೆಂಟ್‌ರಾಗಿ ಠೇವಣಿ ಮಾಡಿಸಿ ಕಮೀಷನ್ ಪಡೆದು ಶಾಲೆಯ ಮಕ್ಕಳಿಗೆ ಮೋಸ ಮಾಡಲಾಗಿದೆ ಎಂದು ಆರೋಪಿಸಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದರು.

9. ಅನಂತರ ಸದರಿ ದೂರಿನ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಸದರಿ ಸಂಸ್ಥೆಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಕೋಲಾರ ಇವರಿಗೆ ವಹಿಸಿದ್ದು, ಸದರಿಯವರು ದೂರಿನ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಅವರ ಅಧೀನ ಅಧಿಕಾರಿಯಾದ ಶ್ರೀ ಎಂ.ಎಸ್. ಪವನ್ ಕುಮಾರ್, ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಕೋಲಾರ (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿ ಎಂದು ಸಂಖ್ಯಾಧಿಸಲಾಗುವುದು) ಇವರಿಗೆ

ವಹಿಸಿದ್ದು, ತನಿಖಾಧಿಕಾರಿಗಳು ದಿನಾಂಕ: 10/02/2017 ರಂದು ತಮ್ಮ ವರದಿಯನ್ನು ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಕೋಲಾರ ಇವರಿಗೆ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ವರದಿಯನ್ನು ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಕೋಲಾರ ರವರು ಒಪ್ಪಿ ತಮ್ಮ ಷರಾದೊಂದಿಗೆ ತಮ್ಮ ವರದಿಯನ್ನು ದಿನಾಂಕ:12/02/2017 ರಂದು ಸಲ್ಲಿಸಿದ್ದರು.

10. ತನಿಖಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವರದಿಯನ್ನು ನಿಮಗೆ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಲಾಗಿದ್ದು, ನೀವು ದಿನಾಂಕ: 22/04/2017ರಂದು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿ, ದೂರಿನ ಆಪಾದನೆಗಳನ್ನು ನಿರಾಕರಿಸಿರುತ್ತೀರಿ.

11. ದೂರಿನಲ್ಲಿ ಇರುವ ಆಪಾದನೆ ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ನೀವು ಈ ಕೆಳಕಂಡಂತೆ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಅ) ನೀವು ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಏಜೆಂಟ್‌ರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿ, ಅಮಿಟೆಡ್/ಕಂಪನಿ ಕಡೆಯಿಂದ ಕಮಿಷನ್ ಹಣದ ಬಗ್ಗೆ ಮತ್ತು ನಿಮ್ಮ ಹೆಸರಿನಲ್ಲಿ ಮಕ್ಕಳ ಹೆಸರಿನಲ್ಲಿ ಠೇವಣಿ ಮಾಡಿರುವ ಬಗ್ಗೆ ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯ ವರದಿ ಪಡೆಯಲು ಸದರಿ ಅಮಿಟೆಡ್ ಮುಚ್ಚಿರುವುದರಿಂದ ಸ್ಪಷ್ಟ ವರದಿ ಪಡೆಯಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ.

ಆ) ಹಾಗೂ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಶಿಕ್ಷಕರಾದ ನೀವು ಕೆಲಸ ನಿರ್ವಹಿಸಿದ ಬಗ್ಗೆ ಏಜೆಂಟರು/ಪಾಲಿಸಿದಾರರು ವಿಚಾರಣೆಯಿಂದ ಕಂಡು ಬಾರದೇ ಇದ್ದರೂ ಸಹ ನೀವು ಎಸ್.ಬಿ.ಐ., ಬ್ಯಾಂಕ್-31079489578 ರ ಖಾತೆಗೆ 2011 ರಂದು ಒಂದು ಬಾರಿ ರೂ.3,000/-ಗಳು, 2012ನೇ ಸಾಲಿನಲ್ಲಿ 10 ಬಾರಿ ರೂ.1,79,363/- ಗಳು ಹಾಗೂ 2013ನೇ ಸಾಲಿನಲ್ಲಿ 10 ಬಾರಿ ರೂ.2,14,000/-ಗಳು ಒಟ್ಟು ರೂ.3,96,363/- ಗಳು ಹಣ ಜಮೆಯಾಗಿ ವಹಿವಾಟು ನಡೆದಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ ಬ್ಯಾಂಕ್ ಖಾತೆಯ ವಹಿವಾಟು ತಃಖ್ತೆ ಹಾಗೂ ಇತರೆ ದಾಖಲಾತಿಗಳು ಪರಿಶೀಲನೆಯಿಂದ

ನೀವು ಶಾಲಾ ಅವಧಿಯಲ್ಲಿ ಹಾಗೂ ಶಾಲೆ ಮುಗಿದ ನಂತರ ಹಾಗೂ ರಜಾ ಸಮಯದಲ್ಲಿ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

12. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು, ತನಿಖಾ ವರದಿ, ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ನಿಮ್ಮ-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

13. ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

14. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ (3) (1) (i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, 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 ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

15. The DGO appeared before this Enquiry Authority on 18/06/2018 and on the same day his First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO has filed his written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that, he has committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, he prayed to exonerate him from the charge framed in this case.

16. In order to substantiate the charge, the Disciplinary Authority examined three witnesses as PW-1 to PW-3, got marked the documents at Ex.P-1 to P-5 and closed the evidence.

17. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein he has submitted that, the witnesses have deposed falsely against him. The DGO has led evidence on his behalf. He got himself examined as DW-1 and produced the documents at Ex.D-1 to D-7 and closed his side.

18. The Advocate for DGO filed his written submissions. Heard the oral arguments of Learned Presenting Officer.

19. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority and the DGO 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 the DGO Sri. V.C. Narayanaswamy who was working as Teacher in Government Lower Primary School, Arasanahalli, Taluk Maluru, District Kolar, during the years 2011-12, 2012-13 after the office hours of the school and during the holidays was working as an agent in a private company by name Real Vision International Limited and he had received commission through his bank account in State Bank of India, Branch Maluru bearing No.31079489578, he had received Rs.3,000/- in the year 2011, Rs.1,79,363/- in the year 2012 and Rs. 2,14,000/- in the year 2013 i.e the DGO had received totally Rs.3,96,363/- from Real Vision International Limited. The conduct of the DGO/Government servant engaging in private employment working as an agent is against the provisions of KCSR Rules and

thereby the DGO 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.

20. My finding on the point No-1 is held in the “**Affirmative**” for the following:

:: REASONS ::

21. **Point No-1:-** The complainant Sri D. Chennappa S/o Doddappa has been examined as PW-1, He states that he knows the DGO and he was working as teacher in Government Lower Primary School of Arasanahalli Village, Taluk Maluru. At present he is working in the Primary School at Aladahalli Village. He further states that during the period when the DGO was working as teacher in Government Primary School, Arasanahalli, he was also working as an agent of private complaint Real Vision International Limited. The DGO has collected subscription of about 30 lakhs from several persons and deposited it in the company. The DGO has received four lakhs, as commission from the said company. The said amount has been credited to his account. The DGO being the Government servant had engaged himself in private

employment and hence in this regard he had lodged a complaint to the Deputy Director, Education Department, Kolar. However the Deputy Director did not take any action, hence he has lodged the complaint to this institution. He identifies the complaint lodged in Form No-I and II and they have been marked as Ex.P-I and Ex.P-II. The signatures of the complainant are at Ex.P-1(a) and Ex.P-2(a). The complainant has also produced the copy of complaint lodged to Deputy Director, Education Department, Kolar and it is marked as Ex.P-3.

22. PW-2 Sri. B. Lokesh was the Superintendent of Police, Karnataka Lokayukta, Kolar. He states that from July 2015 to July 2017 he has worked as the Superintendent of Police, Karnataka Lokayukta, Kolar. On 08/12/2016 he received the complaint of Sri. D. Chennappa from the Hon'ble Lokayukta to investigate into the matter. Accordingly he has directed the Police Inspector Sri. M.S. Pavan Kumar to investigate into the matter. PW-2 further states that the Police Inspector Sri. M.S. Pavan Kumar has conducted the investigation and on 10/02/2017 submitted the report. Accordingly he has submitted his report along the report of Investigation Officer and documents to the Hon'ble Lokayukta on 12/02/2017. He identifies his report at Ex.P-4. He has indentified the report of the Police Inspector and it was marked as Ex.P-5.

23. PW-2 further states that upon consideration of the investigation of the Police Inspector, Sri. M.S. Pavan Kumar it was found that the DGO after office hours of his school and on holidays was working as an agent of Real Vision International Limited. He had received commission through his bank account in State Bank of India bearing No.31079489578. PW-2 further states that in the year 2011 the DGO has received Rs.3,000/- as commission, in the year 2012 he has received Rs.1,79,363/- and in the year 2013 he has totally received Rs. 2,14,000/- . The total commission received by him is Rs.3,96,363/-. PW-2 states that on perusal of the bank statement and other documents it is quite clear that the DGO has received the total commission of Rs. 3,96,363/- during the years 2011, 2012 and 2013.

24. The Police Inspector Sri. M.S. Pavan Kumar who has conducted the investigation has been examined as PW-3. He states that from 21/11/2016 he is working as Police Inspector, Karnataka Lokayukta, Kolar. On 07/12/2016 PW-2 i.e The Superintendent of Police, Karnataka Lokayukta, Kolar directed him to investigate the complaint of Sri. D. Chennappa S/o Doddappa.

25. PW-2 further states that accordingly he visited the school of the DGO, office of the BEO, State Bank of India, branch Maluru and he also visited the villages in an around the school of the

DGO. PW-3 states that he has conducted the investigation and submitted his report to PW-2. He indentifies his report at Ex.P-5 and his signature at Ex.P-5(a).

26. The Investigation Officer further states that from the investigation it was found that the DGO after the office hours of his school and on holidays he was working as an agent of Real Vision International Limited and he was earning the commission.

27. PW-1 to 3 have been cross examined at length by the Advocate for DGO. I have carefully gone through the cross examination, nothing material has been elicited in the cross examination of PW-1 to 3 so as to discredit their testimony.

28. After closure of the evidence of Disciplinary Authority, the DGO has got himself examined as DW-1. In support of his contention he has produced the documents at Ex.D-1 to Ex.D-7. DW-1 states that at present he is working as teacher in Aladahalli Village of Maluru Taluk. Earlier from 18/06/2009 to 28/07/2016 he was working in Arasanahalli of Maluru Taluk. He states that the complainant Sri. D. Chennappa is his close relative and he was running a company by name Real Vision International Limited. The complainant had forced him to make deposit in the said company. By trusting him he has deposited Rs.3,50,000/- on

different dates. The Real Vision International Limited has issued shares certificate in his name.

29. The DGO further states that in the month of November 2014 the complainant and his wife had availed a hand loan of Rs.9,00,000/- from him. For the repayment of the said amount they had issued a cheque drawn on State Bank of Mysore, Maluru Branch. However the said cheque was dishonored. Hence in this regard he filed a criminal case U/s 138 of N.I Act against the wife of complainant. Because of this grudge the complainant has filed this baseless complaint. He categorically denies of working as a commission agent in Real Vision International Limited.

30. DW-1 further states that he has not committed any misconduct or cheated anyone. The allegations made against him are totally false and baseless. Hence he prays for exonerating him. DW-1 in support of his contention has produced the following documents. Ex.D-1 to D-3 are the xerox copies of share certificates issued by Real Vision International Limited. They are standing in the name of DGO. Ex.D-4 is the certified copy of the order sheet in CC No.250/2015 on the file of 1st Additional JMFC, Maluru. On perusal of this document it is observed that a case U/s 138 N.I Act is registered against the wife of the complainant. From perusal of Ex.D-1 to D-3 it is observed that they are the share certificates issued by Real Vision International Limited and they are standing

in the name of the DGO. Ex.P-5 is the xerox copy of the letter of BEO. Ex.D-6 is the copy of letter addressed by BEO to Deputy Director, Education Department, Kolar District. Ex.D-7 is the bank statement of the DGO in State Bank of India, Maluru Branch.

31. DW-1 has been cross examined by the Learned Presenting Officer. DW-1 in his cross examination states that he gets agricultural income of Rs.2,00,000/-. However he has not declared it to his higher authorities in his Annual Assets and Liabilities statements. He further states that he has declared the investment made in shares of Real Vision International Limited i.e the shares at Ex.D-1 to D-3. DW-1 further states that he has declared this investment in his Assets and Liabilities statement. However he has not produced his Assets and Liabilities statement submitted by him to the competent authority. DW-1 has tried to explain the credit of Rs. 3,90,000/- to his State Bank of India, Maluru branch account No.31079489578. He states that his father in law had sold tomato and in this regard he had deposited Rs.3,90,000/- to his account. However it is pertinent to note that this fact is not stated by the DGO in his written statement or the oral evidence.

32. The Advocate for DGO has filed his Written Arguments and he has submitted two documents. The 1st document is the xerox

copy of lease agreement entered into between Smt. Rajamma and Smt. J. Padmavathi. The lease agreement is in between the wife of DGO and Smt. J. Padmavathi. The lease agreement pertains to house property. The 2nd document is the xerox copy of RTC extract of Sy.No.222/P1 Valagalapure Hobli, Sugaturu Taluk, Kolar District.

33. I have carefully gone through the written argument of the DGO and the documents furnished by him. I have also carefully gone through the cross examination of DW-1. As rightly contended by the Learned Presenting Officer, it is observed that the DGO has tried to make out a new case in his cross examination. He is trying to explain the deposit of Rs.3,96,363/-in his account. However it is pertinent to note that the DGO has not declared his source of income in his Assets and Liabilities statement submitted by every Government Official to the competent authority. The DGO has stated that he has received agricultural income of Rs. 2,00,000/-, however he has not produced any documents to show the said income. Merely producing the RTC extract is not sufficient to prove the income.

34. DW-1 has tried to make out another case by claiming that he has received the amount by leasing his house. However this contention is also a totally new case and he has not stated this fact in his written statement and his evidence. The DGO is trying

to make out a new case. The DGO has again made another new case in his cross examination. He states that his father in law has sold tomato for Rs.3,90,000/- i.e amount reflected in his bank account. This is also a new case which has no basis in the written statement and his oral evidence. I am of the opinion that the different stories made out by the DGO are not supported by cogent evidence and hence they are not believable. In the cross examination when DW-1 was asked about the amount of Rs. 3,96,363/- deposited in his account, he has tried to make out totally a new story which is far from truth.

35. I have carefully gone through the oral evidence of complainant, the Superintendent of Police, Karnataka Lokayukta, Kolar and the Investigation Officer/PW-3. PW-3 has conducted a detailed investigation. He has recorded the statements of witness, collected the documents from the banks and he has reported that the DGO after the office hours of his school and on the holidays was working as an agent of the private complaint by name Real Vision International Limited. Though the DGO is a public servant he has engaged himself in private employment and he has earned remuneration in the form of commission. The Investigation Officer/PW-3 has categorically stated that the DGO has received the commission from Real Vision International Limited i.e Rs. 3,000/- in the year 2011, Rs.1,79,363/- in the year 2012 and Rs. 2,14,000/- in the year 2013.

36. The evidence of PW-2 and PW-3 places the actual facts. Nothing is elicited in the cross examination of PW-2 and PW-3 to disbelieve or discredit their version. The DGO has not led any evidence to show that, PW-2 and PW-3 failed to record and report the actual facts and that their evidence cannot be believed. The evidence of PW-2 and PW-3 and their reports at Ex.P-4 and Ex.P-5 therefore deserve to be believed. Hence, I believe the reports at Ex.P-4, Ex.P-5 and evidence of PW-2 and PW-3.

37. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority, I am of the opinion that the Disciplinary Authority has proved that the DGO being a Government Servant had illegally employed himself into private employment, worked as an agent of Real Vision International Limited and a earned a commission of Rs.3,96,363/-. He has earned Rs.3,000/- in the year 2011, Rs.1,79,363/- in the year 2012 and Rs.2,14,000/- in the year 2013. The DGO being the Government Servant is prohibited from doing any other job. However, the DGO has engaged himself in private employment and earned commission. Hence the act of the DGO amounts to misconduct.

38. For the reasons stated above, the DGO being the Government/Public Servant has failed to maintain absolute integrity, besides devotion to duty and acted in a manner

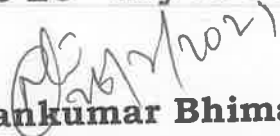
unbecoming of Government servant. On appreciation of entire oral and documentary evidence, I hold that the charge leveled against the DGO is established. Hence, I answer point No.1 in the "Affirmative".

:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO Sri. V.C. Narayanaswamy, Assistant Teacher, Government Lower Primary School, Aladahalli, Maluru Taluk, Kolar District.

39. 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 February 2021


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

ANNEXURES

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri. Channappa D (Original)
PW-2: Sri. B. Lokesh (Original)
PW-3: Sri. M.S. Pavan Kumar (Original)
Witness examined on behalf of the Defence
DW-1: Sri. V.C. Narayanaswamy (Original)
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Form No-I (Original)
Ex. P-1(a): Signature of the complainant
Ex.P-2: Form No-II (Original)
Ex. P-2(a): Signature of the complainant
Ex. P-3: The complainant has also produced the copy of complaint lodged to Deputy Director, Education Department, Kolar (xerox copies)
Ex.P-4: Report of Superintendent of Police (Originals)
Ex. P-4(a): Signature of the S.P
Ex.P-5: Report of Police Inspector (Originals)
Ex. P-5(a): Signature of the Police Inspector.
Documents marked on behalf of the DGO
Ex.D-1: Xerox copy of share certificate
Ex.D-2: Xerox copy of share certificate
Ex.D-3: Xerox copy of share certificate
Ex.D-4: xerox copy of the order sheet in CC No.250/2015 on the file of 1 st Additional JMFC, Maluru.
Ex.D-5: Xerox copy of the letter of BEO.

Ex.D-6: The xerox copy of letter addressed by BEO to Deputy Director, Education Department, Kolar District.

Ex.D-7: The bank statement of the DGO in State Bank of India, Maluru branch (xerox copies)

Dated this the 26th day of February 2021

Patil
26/2/2021
(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.1203/2017/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 05.03.2021.

RECOMMENDATION

Sub:- Departmental inquiry against Shri
V.C.Narayanaswamy, Assistant Teacher,
Government Lower Primary School, Aladahalli,
Maluru Taluk, Kolar District - reg.

Ref:- 1) Government Order No. ED 343 PMC 2017
dated 16.09.2017.

2) Nomination order No. UPLOK-2/DE.1203/2017
dated 28.12.2017 of Upalokayukta, State of
Karnataka.

3) Inquiry report dated 26.02.2021 of Additional
Registrar of Enquiries-13, Karnataka Lokayukta,
Bengaluru.

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The Government by its order dated 16.09.2017 initiated the disciplinary proceedings against Shri V.C.Narayanaswamy, Assistant Teacher, Government Lower Primary School, Aladahalli, Maluru Taluk, Kolar 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.1203/2017 dated 28.12.2017 nominated Additional Registrar of Enquiries-4, 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. Subsequently, by O.M.No.Uplok-1&2/DE/Transfers/2018 dated 06.08.2018, the Additional Registrar of Enquiries-13, was re-nominated as the Inquiry Officer to continue the said inquiry.

3. The DGO Shri V.C.Narayanaswamy, Assistant Teacher, Government Lower Primary School, Aladahalli, Maluru Taluk, Kolar District, was tried for the following charges :-

“ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ/ಶ್ರೀ. ವಿ.ಸಿ. ನಾರಾಯಣಸ್ವಾಮಿ, ಸಹ ಶಿಕ್ಷಕರು, ಸರ್ಕಾರಿ ಕಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಆಲದಳ್ಳಿ, ಮಾಲೂರು ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ಆದ ನೀವು ಈ ಕೆಳಕಂಡಂತೆ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

ಅ) ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಏಜೆಂಟ್‌ರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿ ಅಮಿಟೆಡ್/ಕಂಪನಿ ಕಡೆಯಿಂದ ಕಮಿಷನ್ ಹಣದ ಬಗ್ಗೆ ಮತ್ತು ನಿಮ್ಮ ಹೆಸರಿನಲ್ಲಿ, ಮಕ್ಕಳ ಹೆಸರಿನಲ್ಲಿ ಠೇವಣಿ ಮಾಡಿರುವ ಬಗ್ಗೆ ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯ ವರದಿ ಪಡೆಯಲು ಸದರಿ ಅಮಿಟೆಡ್ ಮುಚ್ಚಿರುವುದರಿಂದ ಸ್ಪಷ್ಟ ವರದಿ ಪಡೆಯಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ.

ಆ) ಹಾಗೂ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಅಮಿಟೆಡ್‌ನಲ್ಲಿ ಶಿಕ್ಷಕರಾದ ನೀವು ಕೆಲಸ ನಿರ್ವಹಿಸಿದ ಬಗ್ಗೆ ಏಜೆಂಟರು/ಪಾಲಿಸಿದಾರರ ವಿಚಾರಣೆಯಿಂದ ಕಂಡು ಬಾರದೇ ಇದ್ದರೂ ಸಹ ನೀವು ಎಸ್.ಬಿ.ಐ., ಬ್ಯಾಂಕ್-31079489578ರ ಖಾತೆಗೆ 2011 ರಂದು ಒಂದು ಬಾರಿ ರೂ.3,000/-ಗಳು, 2012ನೇ ಸಾಲಿನಲ್ಲಿ 10 ಬಾರಿ ರೂ.1,79,363/-ಗಳು ಹಾಗೂ 2013ನೇ ಸಾಲಿನಲ್ಲಿ 10 ಬಾರಿ ರೂ.2,14,000/-ಗಳು ಒಟ್ಟು ರೂ.3,96,363/-ಗಳು ಹಣ ಜಮೆಗಾಗಿ ವಹಿವಾಟು ನಡೆದಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ ಬ್ಯಾಂಕ್

ಖಾತೆಯ ವಹಿವಾಟು ತಃಖ್ತೆ ಹಾಗೂ ಇತರೆ ದಾಖಲಾತಿಗಳ ಪರಿಶೀಲನೆಯಿಂದ ನೀವು ಶಾಲಾ ಅವಧಿಯಲ್ಲಿ ಹಾಗೂ ಶಾಲೆ ಮುಗಿದ ನಂತರ ಹಾಗೂ ರಜಾ ಸಮಯದಲ್ಲಿ ರಿಯಲ್ ವಿಜನ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಆಮಿಟೆಡ್‌ನಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಅದರಂತೆ, ನೀವು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ಭರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (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 charge framed against the DGO Shri V.C.Narayanaswamy, Assistant Teacher, Government Lower Primary School, Aladahalli, Maluru Taluk, Kolar District, is 'proved'.


5. On re-consideration of report of inquiry and all other materials on record, 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 of the DGO recorded by the Enquiry Officer, DGO Shri V.C.Narayanaswamy is due for retirement from service on 30.06.2029.

7. Having regard to the nature of charge proved against the DGO Shri V.C.Narayanaswamy, Assistant Teacher, Government Lower Primary School, Aladahalli, Maluru Taluk, Kolar District, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding two annual increments payable to DGO Shri V.C.Narayanaswamy, with cumulative effect'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*