

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/127/2022/ARE-17

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 21st November, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shri K.Ramesh, the then Tahsildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat-reg.

Ref: 1) Government Order No.ಸಿಆಸುಇ 18 ಸೇಇವಿ 2017, Bengaluru, dated: 30/05/2022.

2) Nomination Order No.UPLOK-2/DE/127/2022, Bengaluru, dated: 07/06/2022 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 18/11/2022 of Additional Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 30/05/2022 initiated the disciplinary proceedings against Shri K.Ramesh, the then Tahsildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat (hereinafter referred to as Delinquent Government Officials, for

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short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE/127/2022, Bengaluru, dated: 07/06/2022 nominated Additional Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO.
3. The DGO, Shri K.Ramesh, the then Tahsildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat tried for the following charges:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ದೂರುದಾರರಾದ ಶ್ರೀ ಎಂ.ವೈ.ಶಿವಕುಮಾರ್, ಕೆ.ಆರ್.ಬಡಾವಣೆ, ಎ.ಕೆ.ಕಾಲೋನಿ, 17ನೇ ವಾರ್ಡ್ ಮಧುಗಿರಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಕೆ.ರಮೇಶ್, ಹಿಂದಿನ ತಹಶೀಲ್ದಾರರು, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ಹರಿಹರೋಪ್ಪ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.10, 11/1ಎ ಮತ್ತು 11/1ಬಿ ಜಮೀನುಗಳು ಸರ್ಕಾರಿ ಜಮೀನುಗಳಾಗಿದ್ದು, ಸದರಿ ಜಮೀನುಗಳಲ್ಲಿ ಸರ್ಕಾರಿ ರಸ್ತೆಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿದ್ದಾರೆ. ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಆ.ಸ.ನೌಕರರಾದ ನಿಮಗೆ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಸದರಿ ಅರ್ಜಿಯ ಕುರಿತಂತೆ ಆ.ಸ.ನೌಕರರಾದ ನೀವು ಸದರಿ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಅನಾವಶ್ಯಕವಾಗಿ ಕಾಲಹರಣ ಮಾಡಿ ಹಿಂಬರಹ ನೀಡಿ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಮಾಣೀಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-17) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Proved' the charges leveled against DGO, Shri K.Ramesh, the then Tahsildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat.
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO, the Disciplinary Authority has examined one witness i.e., PW-1 and Ex. P-1 to P-9 documents were got marked. DGO was examined himself as DW-1 and Ex. D-1 document was got marked.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, 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 the Inquiry Officer.
7. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO, Shri K.Ramesh has retired from service on 31/05/2022.




8. Having regard to the nature of charge **'Proved'** against DGO, Shri K.Ramesh, the then Tahsildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO, Shri K.Ramesh, the then Tahsildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat for a period of 5 years".

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

Connected records are enclosed herewith.


(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA LOKAYUKTA

No: UPLOK-2/DE/127/2022/ARE-17

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Dated: 18/11/2022

ENQUIRY REPORT

Present : Rajakumar S. Amminabhavi
Addl. Registrar of Enquiries-18,
Karnataka Lokayukta,
Bengaluru.

Sub:-The departmental enquiry against Sri K.Ramesh, the then Tahasildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat - reg.

Ref:- 1) G.O. No. ಸಿಆಸುಇ 18 ಸೇಇವಿ 2017 ಬೆಂಗಳೂರು dated: 30/05/2022.
2) Nomination order No. Uplok-2/DE/127/2022 Bengaluru, dated: 07/06/2022 of Hon'ble Upalokayukta, Karnataka Lokayukta.

The Departmental Enquiry is initiated against the DGO on the basis of the complaint lodged by one Sri M.Y. Shivakumar, K.R. Layout, A.K. Colony, 17th ward, Madhugiri, Tumkur District (herein after referred as 'Complainant') against Sri K. Ramesh, the then Tahasildar, Madhugiri Taluk, Tumkur District, presently Under Secretary to Government, Karnataka Government Secretariat (herein after referred to as the Delinquent

Government Official in short 'DGO') who lodged a complaint before Karnataka Lokayukta that was taken up for investigation u/s 9 of Karnataka Lokayukta Act, 1984.

2. Brief allegations made in the complaint are that:-

The brief averments of the complaint are that, some persons of Harihararoppa Village, Kasaba Hobli, Madhugiri Taluk have encroached the land bearing Sy.No.10, 11/1A and 11/1B of Government Nala and among the encroachers by name N.K. Nanjundaiah, Chandramma and Kishor who are the one family members and they having formed site and to that effect, the complainant has filed complaint against the DGO for removal of encroached area of the aforesaid persons. But, he has not taken any action against such persons.

3. Therefore, after assessing all the records and reports the Hon'ble Upalokayukta has arrived at a conclusion that, the DGO has committed misconduct as per rule 3(1)(i) to (iii) of KCSR (CCA) Rules, 1966. So, acting u/s 12(3) of Karnataka Lokayukta Act, 1984, recommended to the Competent Authority to initiate proceedings u/s 14-A of KCS (CCA) Rules 1957, for initiating disciplinary proceedings against the respondent - DGO and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

4. In view of Government Order cited at reference No.1 the Hon'ble Upalokayukta-2 vide Order cited at reference No.2 has nominated Additional Registrar Enquiries-17 to frame the Articles of Charge and to conduct enquiry against aforesaid DGO.
5. On the basis of the nomination, Article of Charge was prepared under Rule 11(3) of the KCS (CCA) Rules and was sent to the DGOs which is as follows;

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿ

1. ದೂರುದಾರರಾದ ಶ್ರೀ ಎಂ.ವೈ.ಶಿವಕುಮಾರ್, ಕೆ.ಆರ್. ಬಡಾವಣೆ, ಎ.ಕೆ. ಕಾಲೋನಿ, 17ನೇ ವಾರ್ಡ್ ಮಧುಗಿರಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು ಆ.ಸ.ನೌ.ರಾದ ಶ್ರೀ. ಕೆ. ರಮೇಶ್, ಹಿಂದಿನ ತಹಶೀಲ್ದಾರರು, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ಹರಿಹರೊಪ್ಪ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.10, 11/1ಎ ಮತ್ತು 11/1ಬಿ ಜಮೀನುಗಳು ಸರ್ಕಾರಿ ಜಮೀನುಗಳಾಗಿದ್ದು, ಸದರಿ ಜಮೀನುಗಳಲ್ಲಿ ಸರ್ಕಾರಿ ರಸ್ತೆಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿದ್ದಾರೆ. ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಆ.ಸ.ನೌ.ರಾದ ನಿಮಗೆ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಸದರಿ ಅರ್ಜಿಯ ಕುರಿತಂತೆ ಆ.ಸ.ನೌ.ರಾದ ನೀವು ಸದರಿ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಅನಾವಶ್ಯಕವಾಗಿ ಕಾಲಹರಣ ಮಾಡಿ ಹಿಂಬರಹ ನೀಡಿ ಕರ್ತವ್ಯೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1)(i)(ii)&(iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

2. ದೂರುದಾರರಾದ ಶ್ರೀ ಎಂ.ವೈ. ಶಿವಕುಮಾರ್, ಕೆ.ಆರ್. ಬಡಾವಣೆ, ಎ.ಕೆ. ಕಾಲೋನಿ, 17ನೇ ವಾರ್ಡ್ ಮಧುಗಿರಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ, ರವರು ಈ

ದೂರನ್ನು ಶ್ರೀ. ಕೆ. ರಮೇಶ್, ಹಿಂದಿನ ತಹಶೀಲ್ದಾರರು, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ದಾಖಲಿಸಿ ತುಮಕೂರು ಜಿಲ್ಲೆ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ಹರಿಹರೋಪ್ಪ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.10, 11/1ಎ ಮತ್ತು 11/1ಬಿ ಜಮೀನುಗಳು ಸರ್ಕಾರಿ ಜಮೀನುಗಳಾಗಿದ್ದು, ಸದರಿ ಜಮೀನುಗಳಲ್ಲಿ ಒತ್ತುವರಿಯಾಗಿರುವ ಬಗ್ಗೆ ಅಳತೆ ಮಾಡಿ, ಕ್ರಮ ಜರುಗಿಸುವಂತೆ ದೂರುದಾರರು ಎದುರುದಾರರಿಗೆ ಮತ್ತು ಸಂಬಂಧಿಸಿದ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಈ ಕುರಿತು ಕ್ರಮ ಕೈಗೊಳ್ಳುವಲ್ಲಿ ವಿಳಂಬ ಮಾಡಿರುತ್ತಾರೆಂದು ಆರೋಪಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

3. ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರಿಗೆ ಎದುರುದಾರರಾದ ತಹಶೀಲ್ದಾರ್, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು ಇವರಿಂದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ ಎದುರುದಾರರು ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ.
4. ದೂರುದಾರರು ದೂರು ಹಾಗೂ ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಎದುರುದಾರರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ಸೇವಕರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿರುತ್ತದೆ.
5. ಅದಲ್ಲದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮ, 1966ರ ನಿಯಮಗಳು 3(1)(ii) ಮತ್ತು (iii)ರ ಅಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯೆಸಗಿದ್ದು, ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಭಾದ್ಯರಾಗಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಸದರಿಯವರ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3)ರ ಅಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ ಹಾಗೂ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-(ಎ)ರಡಿ ಈ ಸಂಸ್ಥೆಗೆ ವಹಿಸಬೇಕೆಂದೂ ಕೋರಲಾಗಿದ್ದು, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಉಲ್ಲೇಖ (1)ರ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಉಲ್ಲೇಖ (2)ರನ್ವಯ ಅಪರ ನಿಬಂಧಕರು (ವಿಚಾರಣೆಗಳು-17) ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

6. The said Article of Charge was duly served on the DGO on 18/07/2021. Case was posted for appearance of the DGO on 18/07/2022.

7. On 18/07/2022 case was called out. The DGO was present and recorded the FOS and pleaded not guilty and claims for trial.
8. In order to substantiate and to prove the article of charge framed against the DGO, disciplinary authority has got examined PW-1, complainant, Sri M.Y. Shivakumar and got marked documents as **EX.P-1 to 9**.
9. After closure of evidence on behalf of disciplinary authority, Second Oral Statement of the DGO was recorded on 26/09/2022. He submits that, he will adduce his defence evidence.
10. On 06/10/2022, the DGO himself is examined as DW-1 and through DW-1 got marked document **EX.D-1** and fully cross examined. Then defence side evidence is taken as closed. The case was posted for arguments.
11. Heard the arguments of presenting officer and the DGO filed Written Brief and both side were also heard orally.
12. Following are the points that arise for my consideration;
 - 1) Whether the Charge leveled against the DGO Sri K. Ramesh, the then Tahasildar, Madhugiri Taluk, Tumkur District is proved by the Disciplinary Authority?

13. My answer to the above point is in the '**Affirmative**' for the following:

REASONS

14. In order to substantiate the claim and prove the allegations of article of charges, the presenting officer has got examined complainant as PW-1. In his chief examination he deposed that, he is the President of Madhugiri Taluk Dalit Vimochana Sene since 2014 and the DGO who was worked as Tahasildar, Madhugiri Taluk in the year 2014-15. On 14/11/2014, he filed application to the Tahasildar i.e., the DGO with respect to some persons of Harihararoppa Village, Kasaba Hobli, Madhugiri Taluk have encroached the land bearing Sy.No.10, 11/1A and 11/1B of Government Nala and among the encroachers by name N.K. Nanjundaiah, Chandramma and Kishor who are the one family members and having formed site and to that effect, he has filed complaint before the DGO for removal of encroached area of the aforesaid persons. But, he has not responded and to that effect, he has also filed application before Assistant Commissioner, Madhugiri Sub-Division and Deputy Commissioner, Tumkur.
15. Thereafter, the DGO has submitted that, in the said landed property unwanted trees (ದೊಡ್ಡಮಟ್ಟದ ಜಾಲಿ ಗಿಡಗಳು) are standing and only after removal of said trees by the complainant, the DGO will move for removal of said encroached area and to that effect he has given endorsement. Since, he has filed the

complaint like a representative of public. But, the DGO has not treated the request made by the complainant. Thereafter, only he has filed complaint before this institution and to that effect he has produced documents i.e., on 19/11/2014 he has given application to the Assistant Commissioner, Madhugiri Sub-Division as per Exhibit P-1 and his signature is marked as Exhibit P-1(a) and also submitted application to the Deputy Commissioner, Tumkur and Tahasildar, Madhugiri Taluk and thereafter, only the surveyor of Madhugiri Taluk and owners of the adjoining lands, wherein the said survey numbers are situated have spot inspected on 29/12/2014 and copy of the said notice which is marked as Exhibit P-2 and his signature is marked as Exhibit P-2(a).

16. As per the notice was given to the complainant and adjoining owners of the spot by the Tahasildar, Madhugiri Taluk dated 12/12/2014. At that time, the surveyor noticed that, adjoining owners by the said landed property there are unwanted trees standing (ದೊಡ್ಡಮಟ್ಟದ ಜಾಲಿ ಗಿಡಗಳು) for surveying encroached area as stated in the application without removing the said trees (ದೊಡ್ಡಮಟ್ಟದ ಜಾಲಿ ಗಿಡಗಳು) then, only he will survey the said land and identify the encroached area and to that effect, the DGO i.e., Tahasildar, Madhugiri Taluk had given endorsement to the complainant on 20/02/2015, SNCRC.157/2014-15 which is marked as Exhibit P-3.
17. Further, he has also given application under RTI Act for providing information under whose jurisdiction the said

encroached area, either it comes within the limits of Tahasildar or TMC and to that effect, he has produced the copy of resolution passed by the TMC, Madhugiri Taluk and specifically marked dated 08/03/2010, copy of the meeting resolution portion at Sl.No.3 on the said date page no.26 names of Chandramma, N.K. Nanjundaiah the land owners of Sy.No. 10, 2 gunta, 11/1A, 21 gunta and 11/1B, 2 acre 10 gunta and said copy of the same is marked as Exhibit P-4 and aforesaid survey number land i.e.,10, 11, 11/1A and 11/1B owners by name N.K. Nanjundaiah, N.K. Kishor their lands have been converted into non agriculture by the Town Planning Authority and that, document is marked as Exhibit P-5. It was not found any official seal dated 30/08/2014 and said document is marked as Exhibit P-4 and 5, have been given by the RTI officer of TMC, Madhugiri on 30/08/2014 and endorsement given by the said RTI officer of TMC, Madhugiri is marked as Exhibit P-6.

18. Thereafter, the complaint filed by the complainant along with Form No. I and II before this institution, written complaint is marked as Exhibit P-7 dated 28/02/2015 and Form No. I and II marked as Exhibit P-8 and 9 and his signature is marked as Exhibit P-8(a) and 9(a) respectively. Therefore, he prays for to take action against the DGO.
19. In the cross examination made by the DGO himself to PW-1, he deposed that, in the year 2015, he has given application to Tahasildar, Madhugiri Taluk. But, he cannot say the exact date and month. It is true that, in the said

Harihararoppa Village the land bearing Sy.No. 10, 11/1A and 11/1B are the agricultural lands and said lands are ancestral properties of respective owners of the said landed property.

20. Further, it is true that, said lands are converted into non-agriculture. It is true that, he has filed application to the DGO/Tahasildar, Madhugiri for measurement of the said landed property and for removal of encroached portion. It is true that, he has been called for spot inspection and he is also present by receiving the notice. He denied the suggestion that, the DGO has made effort for measuring the landed property without wasting time for that question, he volunteers that, he has not at all submitted any report for removal of encroached portion as per the application given by him to the DGO.
21. PW-1 denied the suggestion that, in the year 2014 there were no existence of raising of alleged trees (ದೊಡ್ಡಮಟ್ಟದ ಜಾಲಿ ಗಿಡಗಳು) and for that he volunteers that, in the said landed property sites have been formed by the TMC. Further, he denied the suggestion that, there was no any encroachment in the disputed landed property. The total land of said survey number measures 7 acres 12 gunta, out of it 7 acre 2 gunta have been formed as non agricultural land.
22. Further, he denied the suggestion that, in the said non agricultural land, there was no encroachment. Further, he deposed that, after converting the landed property into non

agriculture at that time, there was encroachment of government land. It is true that, in the year 2010 itself, the aforesaid property has been converted into non agriculture. But, at the time of converting the said property into non agricultural land and forming sites. He denied suggestion that, in the year 2014 itself sites have been formed and houses were constructed. He denied the suggestion that, in the said survey number, as per survey sketch there was no any encroachment of government nala.

23. Further he denied the suggestion that, the DGO has not given endorsement only if he will remove the (ದೊಡ್ಡಮಟ್ಟದ ಜಾಲಿ ಗಿಡಗಳು) which are standing in the encroached area, then only he will made spot inspection and measure said survey number and to that effect the endorsement has been already marked as Exhibit P-3.
24. After closure of disciplinary authority evidence, the SOS of the DGO was recorded and he himself has stated that, he will examine himself.
25. The DGO himself is examined as DW-1. In his chief examination he deposed that, since March-2013 to June-2015 he was served as Tahasildar, Madhugiri Taluk. The complainant was given application to the Assistant Commissioner Office Madhugiri on 19/11/2014 alleging that, to measure the Sy.No. 10, 11, 11/1B of Harihararoppa Village, Kasaba Hobli, Madhugiri Taluk with respect to measurement of the said survey number lands, as there are

government land encroached area. Further, the said complainant has given application to Assistant Commissioner, Madhugiri to ascertain, if there is any encroachment in the government lands in the aforesaid survey number as per Exhibit P-1, the said three survey number landed properties are not government landed property. On perusal of the said RTC and said three survey number lands were converted into non agriculture land on 30/06/2010 in the name of owners of the said landed properties and to that effect, he has produced copy of the order passed by the Deputy Commissioner, Tumkur which is marked as Exhibit D-1.

26. Further, he deposed that, he has inspected the spot and there was no encroachment of government landed property. Further, he himself deposed that, in the RTC Sy.No.10 government nala was shown as 10 guntas and remaining 7 acre is cultivable land. In the Sy.No.10 of said village and remaining other two survey numbers, there is no government land adjoining to Sy.No.11/1B, the Sy.No.33 and said Sy.No.33, they have handed over to TMC, as per the order of the Deputy Commissioner, Tumkur and the Sy.No.33 handed over to the Tahasildar, Madhugiri Taluk for construction of the house under Ashreya Scheme prior serving at Tahasildar, Madhugiri Taluk.
27. Further, DW-1 in chief he himself deposed that, adjoining owners in Sy.No.33, by name Chandramma, Kishor alleged construction of compound wall. The said compound wall

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was comes within the limits of TMC and thereby, the removal of said compound wall which was constructed by the aforesaid persons, it is the duty of the TMC, and accordingly he has given endorsement on 20/02/2015 it is already marked as Exhibit P-3.

28. Since in the said survey number landed property there are standing (ಜಾಲಿ ನಿಡಗಲು) trees and for that reasons only, he has issued Exhibit P-3 endorsement. Since, the said survey number property, the encroachment area as alleged comes within the jurisdiction of TMC, Madhugiri and thereby he has not committed any misconduct or dereliction of duty.
29. In the cross examination of PW-1 made by the presenting officer, he deposed that, it is true that, if any application filed with respect to landed properties, it is the duty of the applicant to produce the relevant documents pertains to the application.
30. Further, it is true that, he has not given any notice to the complainant for production of documents with respect to said survey number property have been encroached by the aforesaid persons as cited in the application. But, he volunteers that, he has orally stated to the complainant for production of disputed survey number property extract. Further it is true that, he has not consulted the Taluk surveyor with respect to disputed survey number lands for verification of survey documents that, the said landed properties which comes within their jurisdiction.

31. Further it is true that, any disputed properties pertains to the landed properties, he has to personally verify properties pertains to the land records or other records maintained in their office. It is true that, if any government landed property is encroached, under such circumstances he has to take assistance of the Taluk surveyor. Further it is true that, when he himself went to the spot along with surveyor, he has not taken written documents from the Taluk Surveyor. Since, said survey landed properties are not comes within the limits of government. Further it is true that, since, Taluk surveyor has visited the spot in his presence and he has stated that, the said lands are not government lands and to that effect he has not taken any written documents from the Taluk surveyor since the said landed property are not government properties.
32. It is true that, in Exhibit P-3 he has specifically mentioned since in the said landed properties (ದೊಡ್ಡ ಮಟ್ಟದ ಜಾಲಿ ಮರಗಳು ಬೆಳೆದಿರುತ್ತವೆ. ಅವುಗಳನ್ನು ಕಟಾವು ಮಾಡಿಕೊಟ್ಟಲ್ಲಿ ಮಾತ್ರ, ಸರ್ವೆ ಮಾಡಿಕೊಡುತ್ತೇವೆ ಎಂದು ಸರ್ವೆಯರ್ ಹೇಳಿರುತ್ತಾರೆ.). Further it is true that, there is no mentioning about said survey number properties are comes within TMC limits in Exhibit P-3 and he has not given any written document to the complainant, he has only orally instructed to the complainant.
33. Further it is true that, after lodging the complaint before the Lokayukta office as per Exhibit P-7. He has been called for comments for the complaint lodged by the complainant against him and he has not submitted any comments to the

complaint as per Exhibit P-7. Further it is true that, since aforesaid survey landed properties as already handed over to the TMC limits and thereby they were bound for the removal of the land encroached as per the allegations made by the complainant. It is also true that, he has not given in written document to the complainant that, the encroached area was not comes within the limits of Tahasildar and it comes within the limits of TMC.

34. On the date of inspection dated 29/12/2014, he himself, Taluk surveyor, complainant, Revenue Inspector, Village Accountant and land owners of aforesaid landed survey numbers were given notice. But, copy of the notice is not produced and on the date of spot inspection they have not conducted the mahazar on 29/12/2014.
35. Further it is true that, in Exhibit P-3 there is no mentioning about on the spot inspection himself, complainant, owners of the aforesaid landed properties and their staff were also present and there was no signature on Exhibit P-3 and aforesaid persons were present on 29/12/2014. He denied the suggestion that, they have not at all went to the spot and he has removed encroachment as per Exhibit P-3 to escape from discharging his official duty.
36. Further, it is true that, he has not produced the Exhibit D-1 at the time of comments called from him after lodging complaint against him and now he has produced Exhibit D-1 alleging that, the said survey number landed properties are already converted into non agriculture lands and thereby

said landed properties are not come within the jurisdiction of Tahasidlar, Madhugiri Taluk.

37. On perusal of averments made in the complaint, documents produced by the complainant and also evidence of the PW-1 and also evidence of DW-1/DGO and documents produced by the DGO, it is the case of the complainant that he has filed complaint as per Exhibit P-7 alleging that, the lands bearing Sy.No.10, 11/1A, 11/1B of Harihararoppa Village, Madhugiri Taluk. In the said landed properties the owners of the said lands have encroached the Government nala and in the said landed properties some of the owners have converted the land into non agriculture by encroaching Government landed property and for removal of encroached portion of the said owners of the land. He has filed present compliant. The specific defence taken by the DGO during the course of cross examination of PW-1 and in his evidence, the owners of said survey number have not at all encroached any government property and some of the owners have converted the said lands into non agriculture and they have formed the site. The complainant filed the said complaint as representative as public interest litigation.,
38. As per the documents produced by the complainant Exhibit P-3 the DGO has given endorsement to the complainant stating that, there was no encroachment of the said land survey number owners and they have not encroached Government property and after surveying the lands, i.e.,

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there are standing (ದೊಡ್ಡ ಮಟ್ಟದ ಜಾಲಿ ಮರಗಳು ಬೆಳೆದಿರುತ್ತವೆ. ಅವುಗಳನ್ನು ಕಟಾವು ಮಾಡಿಕೊಟ್ಟಲ್ಲಿ ಮಾತ್ರ, ಸರ್ವೆ ಮಾಡಿಕೊಡುತ್ತೇವೆ ಎಂದು ಸರ್ವೆಯರ್ ಹೇಳಿರುತ್ತಾರೆ.) for that, reasons there was not possibility of measurement and only after removal of the said standing trees, he will measure the said landed property and to ascertain that, there was any encroachment and as per the encroachment Exhibit P-3 the complainant has filed the said complaint.

39. Though the DW-1, DGO himself and his specific defence is that, there was no any encroachment of the said owners of the lands and further he has deposed that, the said landed properties are comes within the limits of TMC, Madhugiri Taluk as per Exhibit P-4 and 5 and endorsement given by the RTI officer of TMC, Madhugiri it is marked as Exhibit P-6. Whereas, in the cross of DW-1 he has categorically admitted that, it is true that, he was not given any notices to production of documents with respect to said survey number disputed properties alleged to have been encroached by the owners of the said landed property as cited in the said application. He has volunteers that, he has orally stated to the complainant. Further he has categorically admitted that, he has not consulted the Taluk surveyor with respect to the survey of the disputed lands for verifying the survey documents, the said landed properties are comes within their jurisdiction. Further it is true that, disputed properties pertains to the landed property. He has personally verified the properties pertains to the said land records or other

records maintained in their office if any government landed property is or was encroached under such circumstances he has to take assistance of the Taluk Surveyor. It is true that, he himself went to the spot along with Surveyor. He has not taken written documents from the Taluk Surveyor. Hence, the said survey landed properties are not comes within the limits of the government. Further, it is true that since the Taluk Surveyor has visited the spot in his presence and he has stated that, the said lands are not government lands and to that effect he has not taken any written documents from the taluk surveyor that the said lands are not government lands.

40. As per Exhibit P-3, it is true that, he has not specifically mentioned since in the said landed (ದೊಡ್ಡ ಮಟ್ಟದ ಜಾಲಿ ಮರಗಳು ಬೆಳೆದಿರುತ್ತವೆ. ಅವುಗಳನ್ನು ಕಟಾವು ಮಾಡಿಕೊಟ್ಟಲ್ಲಿ ಮಾತ್ರ, ಸರ್ವೆ ಮಾಡಿಕೊಡುತ್ತೇವೆ ಎಂದು ಸರ್ವೆಯರ್ ಹೇಳಿರುತ್ತಾರೆ.) further it is true that, there is no mention about in Exhibit P-3 the said survey number properties are comes within the TMC limits and to that effect he has not given any written documents to the complainant. Further it is true that, even after lodging complaint by the complainant before this authority as per Exhibit P-7 he has been called for submitting comments. But he has not submitted his comments to the complaint filed by the complainant before this authority. There is no any mention about the said landed properties and handed over to TMC in Exhibit P-3 stating that the said landed properties within the limits of TMC.

41. Further it is true that on the date of spot inspection made on 29/12/2014 himself, Taluk Surveyor, Complainant, Revenue Inspector, Village Accountant and said adjoining land owners were present. He has given notice, but he has not produced the copy of the said notice with respect to date of spot inspection and on the alleged dated of spot inspection he has not drawn spot mahazar as alleged by him on 29/12/2014 we have got inspected the spot and in Exhibit P-3 there is no mention of about on the spot inspection himself, complainant, owners of the aforesaid landed property and their staff were also present and there was no any signature of the aforesaid persons is stated by himself in Exhibit P-3.
42. Since, as per the endorsement given by the DGO to the complainant as per Exhibit P-3 he himself has mentioned that there were un wanted trees standing i.e (ದೊಡ್ಡ ಮಟ್ಟದ ಜಾಲಿ ಮರಗಳು ಬೆಳೆದಿರುತ್ತವೆ. ಅವುಗಳನ್ನು ಕಟಾವು ಮಾಡಿಕೊಟ್ಟಲ್ಲಿ ಮಾತ್ರ, ಸರ್ವೆ ಮಾಡಿಕೊಡುತ್ತೇವೆ ಎನ್ನುವ ಸಂಗತಿಯನ್ನು) specifically mentioned in the Exhibit P-3 that categorically admission submitted by DGO that it is suffice that, DGO being government official while discharging his official duty and he has failed to maintain absolute integrity and devotion to duty and caused dereliction of duty and acted in a manner unbecoming of a Government Servant and thereby committed official misconduct as enumerated under Rule 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. Therefore, Disciplinary Authority has proved the charges leveled

against the D.G.O. Accordingly, this point is answered in the "**Affirmative**". Hence, I record the following;

FINDINGS

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Official Sri K. Ramesh, the then Tahasildar, Madhugiri Taluk, Tumkur District.

Submitted to His Lordship Hon'ble Upalokayukta-2 for further action in the matter.



(RAJKUMAR.S.AMMINABHAVI)
Additional Registrar Enquiries-17
Karnataka Lokayukta, Bengaluru.

Date of Retirement:

Sri K. Ramesh, the then Tahasildar, Madhugiri Taluk,
Tumkur District (**Retired on 31/05/2022**)

ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW1	Sri M.Y. Shivakumar, K.R. Layout, A.K. Colony, 17 th ward, Madhugiri, Tumkur District
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2. LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:


DW1	Sri K. Ramesh, the then Tahasildar, Madhugiri Taluk, Tumkur District
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3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P1	Letter dated 19/11/2014 of complainant addressed to Assistant Commissioner, Madhugiri Sub-Division (xerox)
Ex.P2	Xerox copy of notice of surveyor regarding spot inspection
Ex.P3	Xerox copy of Endorsement dated 20/02/2015 of Tahasildar, Madhugiri Taluk addressed to the complainant
Ex.P4	Xerox copy of meeting resolution dated 08/03/2010
Ex.P5	
Ex.P6	Xerox copy of Endorsement dated 30/08/2014 of RTI Officer, TMC Madhugiri Taluk addressed to the complainant
Ex.P7	Letter dated 28/02/2015 of complainant addressed to Hon'ble Lokayukta (original)
Ex.P8	Form No.I (original)
Ex.P9	Form No.II (original)

4. **LIST OF DOCUMENTS MARKED ON BEHALF OF
DELINQUENT GOVERNMENT OFFICIAL:**

Ex.D1	Xerox copy of the letter dated 30/06/2010 of Deputy Commissioner, Tumkur District.
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(RAJKUMAR.S.AMMINABHAVI)
Additional Registrar Enquiries-17
Karnataka Lokayukta,
Bengaluru.

FINDINGS OF THE REPORT

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Official Sri K. Ramesh, the then Tahasildar, Madhugiri Taluk, Tumkur District.

Punishment may be imposed:

DGO has retired on 31/05/2022 as stated in his FOS. As per Rule 8(iii) of Karnataka Civil Service (Conduct) Rules 1966, punishment of withholding 10% of his pension for the period of two months may be imposed.

