KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/162/2018/ARE-9

M.S.Building, Dr. B.R. Ambedkar Veedhi, Bengaluru - 560 001. Date:30.4.2022

:: ENQUIRY REPORT::

:: Present ::

(PUSHPAVATHI.V)

Additional Registrar of Enquiries -9

Karnataka Lokayukta,

Bengaluru

Sub: Departmental Inquiry against (1)
Sri.H.D.Hunugunda, the then Block
Education Officer, Devadurga, presently
working as Senior Lecturer, DIET,
Yadgiri and (2) Smt.Chennamma, Head
Mistress, Kasturiba Residential School,
Alkod, Devadurga Taluk - reg.

Ref: 1. G.O.No. ED 01 DGO 2018 Bengaluru dated: 16.2.2018

2.Nomination Order No: UPLOK1/DE/162/2018/ARE-9 Bangalore dated:23.3.2018 of Hon'ble Upalokayukta-1

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This Departmental Inquiry is initiated against (1) Sri.H.D.Hunugunda, the then Block Education Officer, Devadurga, presently working as Senior Lecturer, DIET, Yadgiri and (2) Smt.Chennamma, Head Mistress, Kasturiba Residential School, Alkod, Devadurga Taluk (hereinafter referred to as the Delinquent Government Official for short "DGO No. 1 and 2").

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- 2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 23.3.2018 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 are as under:

ANNEXURE-I CHARGE

1) You-DGO No.2 working as Asst.Teacher in KGBV Alkod School from 30.11.2013 to 19.8.2014 and working as head Mistress from 30.9.2014 and You have incharge of entire school from 30.9.2014. You DGO have taken charge of account of Pragathi Grameena Bank and SBM Bank of the school and an amount of Rs.8,71,438/- was in the S.B. Account of Pragathi Grameena Bank and Rs.5,29,196/- in SBM Bank account.

Including bank interest and other grants deposited in SBM, account, there was an amount of Rs.24,05,720/- in SBM Account. You-DGO have spent Rs.12,75,597/- out of it towards maintenance of the school and other expenses. You-DGO have spent

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Rs.4,63,302/- towards food for the hostel students and You-DGO have paid Rs.3,45,044/- to Mahalakshmi Agency towards supply of food. Totally you-DGO have spent Rs.8,08,346/- towards food for 99 students and the amount spent cach month works out to Rs.1,46,972/-. But in the attendance register average attendance of student is only 75 students every month. Therefore you-DGO have shown excess expenses for 24 students every month ie., Rs.35,629.25/-.

- 2) You-DGO have withdrawn Rs.1,50,000/- on 05/05/2015 through cheque Nos. 708425, 708426, and 708427 in the names of two persons and you-have redeposited the amount on 7.8.2015. Though You-DGO-2 stated that You-have withdrawn the amount for purchase of Computer, there were no records for of computers. purchase for having processed temporarily you-DGO-2 have Therefore, misappropriated Rs.1,50,000/-.
- 3) You-DGO No.1 being Supervising Officer of the above said act of the DGO No.2 you have not taken any action against the DGO No.2 even though you-DGO aware of the above said illegality committed by the DGO No.2.

Thereby you -DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

ANNEXURE - 2

STATEMENT OF IMPUTATIONS OF MISCONDUCT

On the basis of complaint filed by Sri.Chennappa Gowda, s/o Soogana Gowda, Alkoda, Devadurga Taluk, Raichur District (hereinafter referred to as 'complainant' for short) against Chennamma S – Head Mistess, Government Kastur Ba High School, Girls Residential School, Alkod, Devadurga Taluk, Raichur District, (hereinafter referred to as DGO No.2) alleging that the DGO has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

ACCORDING TO THE COMPLAINANT:

When DGO No.2 was working as Head Mistress, KBGG High School, Alkoda, she has misappropriated amount which was to be paid to the students. She has shown excess number of students in the attendance register for mid day meal and misappropriated the amount.

DGO No.2 has submitted comments stating that she took charge on 20.10.2014 and she has spent Rs.8,08,346/-towards food for the students of the hostel and salary for the cook since the date of taking charge and she has not shown excess students in the attendance register. Salary has been paid to the teachers and staff regularly. There was no procedure for calling tender in the hostel for the supply of food for the hostel students and therefore the amount spent for the food is entered in the cash book and Rs.4,63,302/- is

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spent towards food for the hostel students till 31.3.2015. Thereafter tender was called for and the tender of Mahalakshmi Multipurpose Rural and Urban Education Society, Koodligi were accepted. An amount of Rs.1,50,000/-has been withdrawn from the bank by herself and President of SDMC and amount was paid to one Hussain Basha and Anjaneya for supply of computers. Since there was delay in supplying Computers, amount has been redeposited to the bank on 7.8.2015. She was not aware that quotation was to be called for purchase of computers and therefore she has not called for quotation.

Report was called for from S.P., Karnataka Lokayukta, Raichur on the Complaint. Investigation has been conducted by Police Inspector, Karnataka Lokayukta, Raichur (I.O. for short) and he has submitted report dt:27.7.2017.

The report of I.O. is that:

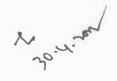
- (i) The DGO No.2 was working as Asst.Teacher in KGBV Alkod School from 30.11.2013 to 19.8.2014 and she was head Mistress from 30.9.2014 and she was incharge of entire school from 30.9.2014. Respondent has taken charge of account of Pragathi Grameena Bank and SBM Bank of the school and an amount of Rs.8,71,438/- was in the S.B. Account of Pragathi Grameena Bank and Rs.5,29,196/- in SBM Bank account.
- (ii) Including bank interest and other grants deposited in SBM, account, there was an amount of Rs.24,05,720/- in SBM Account. The DGO No.2 has spent Rs.12,75,597/- out of it towards maintenance of the school and other expenses. The DGO No.2 has spent Rs.4,63,302/- towards food for the

hostel students and she has paid Rs.3,45,044/- to Mahalakshmi Agency towards supply of food. Totally she has spent Rs.8,08,346/- towards food for 99 students and the amount spent each month works out to Rs.1,46,972/-. But in the attendance register average attendance of student is only 75 students every month. Therefore she has shown excess expenses for 24 students every month.

(iii) The DGO-2 has withdrawn Rs.1,50,000/- through cheque Nos. 708425, 708426, and 708427 in the names of two persons and she has redeposited the amount on 7.8.2015. Though the DGO stated that she had withdrawn the amount for purchase of Computer, there were no records for having processed for purchase of computers. Therefore, she has temporarily misappropriated Rs.1,50,000/-.

(iv) (1) Ramanjaneya, DDPI (Admn), Raichur, (2)Mallikarjuna, Dy. Director (Development), District Institution of Educational Training, Yaramaras, Raichur, (3)Hunugunda H.D., DGO No.1 BEO, Devadurga and (4) Hanumantharaya, President, SDMC.KGBV Alkod School have not taken any action against DGO No.2 though they were aware of the illegalities committed by the DGO No.2.

After receiving the report from I.O., (1) Ramanjaneya, DDPI (Admn) Raichur, (2)Mallikarjuna, Dy. Director (Development) District Institution of Educational Training, Yaramaras, Raichur, (3)Hunugunda H.D., DGO No.1 BEO, Devadurga and (4) Hanumantharaya, President, SDMC, KGBV Alkod School have been impleaded as Respondent Nos.2 to 5 and copy of report of I.O was sent to DGO No.1 and 2 and Ramajaneya, DDGP (Admin), Mallikarjuna, Dy.



Director and Hanumantharaya, president SDMC, KGBV Alkod school for their reply/comments.

Ramanjaneya, DDPI (Admn), Raichur, Mallikarjuna, Dy. Director, DGO No.2 and Hanumantaraya have submitted comments. DGO No.1 has not submitted comments though he has received our letter.

DGO No.2 has submitted comments stating that she was working as Asst.Teacher from 9.11.2015 in KGBV in Valkandinni, Sindhanur Taluk, Raichur District. Earlier she was working at KGBB in Alkoda on deputation basis. She has spent Rs.8,08,346/- towards the salary for cook and towards daily food for the students of the hostel. She has not shown 99 students as students present every month. The number shown by her includes the cook, cooking staff, teachers and the 10 member of staff to whom food is supplied. She has not worked as Head Mistress anywhere earlier. When she worked as Head Mistress in KGBV, Alkod she had no knowledge of School administration and she has not committed any illegal act. That an amount of Rs.1,50,000/- was drawn for providing computers, but the Computers are not supplied by the supplier, and therefore an amount of Rs.1,50,000/- was re-deposited to the bank account on 7.8.2015. She was not aware that quotation had to be taken for purchase of computers.

Ramanjaneya has submitted in his comments that BEO is the disciplinary authority in respect of primary school teachers and BEO had to take action against DGO No.1. That on receiving Complaint on 3.11.2015, he enquired about the allegations made in the Complaint in the presence of the

Complainant. He ordered for joint enquiry by R.Indira, Education Officer and Heerabai, Subject Inspector. During the progress of enquiry he was transferred and relieved on 21.2.2017.

Mallikarjuna has submitted comments dt: 21.9.2017. He has submitted that he worked for 2 months 17 days as Dy.Director Admn), Raichur from 22.4.2015 to 9.7.2015 and he had no knowledge of Complaint against DGO No.2.

Hanumantharaya, President, SDMC has submitted comments stating that the food was supplied to the school through agency and amount was paid to the agency through cheque. Respondent No.1 has not misappropriated the amount. An amount of Rs.1,50,000/- which was withdrawn for purchase of Computer was re-deposited on coming to know about the purchase procedure and rules to be followed in purchase of computer.

In view of the report of I.O. the comments submitted by DGO No.2. and Hanumantharaya are not acceptable to drop the proceedings against them.

Ramanjaneya, DDPI has explained that he took action to appoint Joint committee consisting of R.Indira, Education Officer, and Heerabai, Subject Officer to enquiry on the allegations made in the Complaint. Mallikarjuna, Deputy Director has explained that he worked only for 2 months 17 days as Deputy Director and he was not aware of Complaint against DGO No.2. Hence report against Ramanjaneya, DDPI is dropped.

Since the said facts and materials on record prima facie show that DGO No.1- Hunugunda H.D., Block Education

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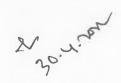
Officer, Devadurga Taluk, Raichur District and DGO No.2-Chennamma S - Head Mistress, Government Kastur Ba High School, Girls Residential School, Alkod, Devadurga Taluk, Raichur District, have committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against DGO No.2-Chennamma S - Head Government Kastur Ba High School, Girls Residential School, Alkod, Devadurga Taluk, Raichur District, DGO No.1-Hunugunda H.D., Block Education Officer, Devadurga Taluk, Raichur District and to entrust the inquiry to the Hon'ble Upalokayukta-1 under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Further it is also recommended to take action against Hanumantharaya s/o Shivaraja, President, SDMC, Alkod, Devadurga Taluk, and Raichur District in accordance with law.

Since said facts and material on record prima-facie show that the DGO has committed misconduct, now, acting under section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957. Hence the charge

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

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- **6.** The DGOs appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGOs have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.
- 7. DGOs No. 1 and 2 have submitted written statement. DGO No. 1 in his written statement has denied the allegations made against him. He has stated that the head master of Kasturba Girls Residential school is responsible for management of the said school, that he has got no responsibility. The funds will be directly transferred from District and State Officers to the schools. In this regard, he do not get any information. He has further submitted that, the expenditure of funds transferred to school should be in accordance with the permission of SDMC in a meeting. The school authority should maintain the accounts in this regard. The District and State Officers will have power to inspect the accounts with regard to expenditure of funds above said. He has further stated that he has got no powers to inspect the accounts with regard to expenditure of above said funds.
- 8. He has further stated that he has reported to DDPI on the allegations against DGO No. 2 soon after he received complaint and he had sought for disciplinary action against her through a letter dated: 2.11.2015. he had also taken action by directing DGO No. 2 to handover the charge of the school above said to Smt. Usha Rani, Assistant Teacher on 28.3.2015. He has further stated that, it is the DDPI who has got power to take disciplinary action against DGO No.2.



Inspite of he had written letters twice, DDPI did not take steps. With these grounds, he prayed to drop the charges leveled against him.

- 9. DGO No. 2 in her written statement, has denied the allegations made against her. She has stated that, she was Kasturba in Assistant Teacher appointed as newly Government Girls Residential school, Alkod from 29.11.2013 to 19.8.2014, that she had worked for 9 months as Assistant Teacher before she transferred to Kasturba Girls Residential school. She has further stated that this enquiry is hit by principles of double jeopardy. She has further submitted that there is no misappropriation. She has further stated that, she has not done any wrong or acted for any monetary gain during her tenure. With these grounds, she prayed to drop the charges leveled against her.
- 10. The disciplinary authority has examined the complainant Sri.Chennappa Gowda, S/o Soogana Gowda, as PW.1, Investigating officer Sri.H.Doddanna S/o Hanumanthappa the then Police Inspector, Karnataka Lokayukta Raichur as PW-2 and got marked documents as Ex.P-1 to ExP-7.
- 11. Thereafter, second oral statement of DGOs No.1 and 2 have been recorded. DGOs No.1 and 2 submitted that they have got evidence. So, opportunity was provided to them to adduce evidence. Accordingly, DGO No.1 has got examined himself as DW-1 and DGO No.2 has got examined herself as DW-2 and got marked one document as Ex.D-1 to Ex.D-26.

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12. Heard submissions of Presenting Officer. Perused the entire records, the only point that arise for my consideration is:

Whether the Disciplinary Authority proves the charge framed against the DGOs?

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

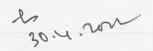
REASONS

- 13. There is no dispute with regard to DGO No. 2 was incharge of head master of Kasturba Government Girls Residential school, Alkod, the DGO No. 2 was BEO during the period of allegations. The allegations in the 1st charge is that the DGO No.2 spent Rs.4,63,302/- towards food for the hostel students, she had paid Rs. 3,45,044/- to Mahalakshmi Agency towards supply of food for 99 students which works out to Rs. 1,46,972/- for each month, totally she had spent Rs.8,08,340/- towards food, but the attendance show that only 75 students in average were present every month. Thereby, the DGO No. 2 has shown excess expenses for 24 students every month. This allegation is only against DGO No. 2. She has not taken any specific defence in the written statement in this regard.
- 14. In connection to this allegation, PW-1 has stated that, in the above said school, the attendance of students out of 100/- were only 76. But the DGO No. 2 had shown attendance of students as 99 and had shown expenditure of (Rs. 50/- per student) Rs. 37,500/- for excess of 25 students. During cross examination, counsel for DGO No. 2 suggested

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that, she was not given training either by BEO or DDPI till the date of evidence, for which he has shown ignorance. He has specifically denied the suggestion that there were 99 students. Except this nothing elicited from this witness.

- 15. PW-2, the investigation officer has stated that DGO No. 2 had spent Rs. 4,63,302/- for 3 months towards food to hostel students, she had shown that she paid Rs.3,45,044/to Mahalakshmi Agency towards supply of food. The amount has been paid through cheques. Totally she had spent Rs.8,08,346/- for 5½ months. In the attendance book, it was shown that, she had spent amount for food in the month of October for 5 days, in the month of April for 10 days and from November to March whole month. If expenditure of Rs. 8.08,340/- is taken into consideration, she had spent Rs.1,46,972/- per month for 99 students. But as per attendance book from October-2014 to April 2015, the average strength of students who were present was 75 out of 100. Average 25 students were absent every month. He has further stated that, this show the allegations of complaint are true.
 - 16. During cross examination, this evidence is not attacked. Of course, the counsel for DGO No. 2 by suggesting to this witness that, DDPI had taken action and had suspended DGO No. 2 for 6 months 12 days and had after enquiry sent recommendation to withhold ½ salary for 4 months, to withhold full salary for 2 months. This way, he has attempted to prove that this enquiry is hit by principles of double jeopardy. But not submitted any documents. Further



by suggesting to PW-1 that 99 students present in the hostel, he has taken new contention that, the DGO No. 2 has not spent excess amount for 25 students. In the written statement this defence is not taken. Further, he has not placed any materials to prove this defence. Even otherwise, DGO No. 2 has filed her affidavit of chief examination as DW-1 and she has stated that as per the tender approved by DDPI, she had paid amount to Mahalakshmi Multi Purpose Rural and Urban Education Society, the amount was fixed by district level officers. But she has not placed any materials in this regard. In fact, during cross examination, she has stated and admitted as follows;

"ನಾನು ಕಸ್ಕೂರ ಬಾ ಬಾಲಿಕ ವಸತಿ ಶಾಲೆಯಲ್ಲಿ ದಿ:20/8/2014 ರಿಂದ 28/3/2015 ರವರೆಗೆ ಕೆಲಸ ನಿರ್ವಹಿಸಿದ್ದೇನೆ. ಸದರಿ ಶಾಲೆಯ ಸಂಪೂರ್ಣ ಜವಾಬ್ದಾರಿ ಅಂದರೆ ಹಣಕಾಸಿನ ವ್ಯವಹಾರವನ್ನು ಒಳಗೊಂಡು ನಾನೇ ನಿರ್ವಹಿಸಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಶಾಲೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪ್ರಗತಿ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕ್ ಮತ್ತು ಎಸ್.ಬಿ.ಐ. ಬ್ಯಾಂಕ್ ಗಳಲ್ಲಿ ಖಾತೆಗಳಿದ್ದವು ಎಂದರೆ ಸರಿ. ನಾನು ಶಾಲೆಯ ಪ್ರಭಾರವನ್ನು ವಹಿಸಿಕೊಂಡಾಗ ಪ್ರಗತಿ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕ್ ನ ಎಸ್.ಬಿ. ಖಾತೆಯಲ್ಲಿ ರೂ.8,71,438/– ಗಳು ಮತ್ತು ಎಸ್.ಬಿ.ಎಂ. ಬ್ಯಾಂಕ್ ನಲ್ಲಿ ರೂ.5,29,196/- ಗಳು ಇದ್ದವು ಎಂದರೆ ಸರಿ. ನಂತರ ಬಡ್ಡಿ ಮತ್ತು ಅನುದಾನಗಳನ್ನು ಒಳಗೊಂಡು ಎಸ್.ಬಿ.ಎಂ. ಬ್ಯಾಂಕ್ ನಲ್ಲಿ ರೂ.24,05,727/– ಗಳು ಆದವು ಎಂದರೆ ಸರಿ. ನಾನು ಅದರಲ್ಲಿ ರೂ.12,75,597/- ಗಳನ್ನು ಶಾಲೆಯ ನಿರ್ವಹಣೆಗೆ ಮತ್ತು ಇತರೆ ಖರ್ಚುಗಳಿಗೆ ಖರ್ಚು ಮಾಡಿದ್ದೆ ಎಂದರೆ ಸರಿ. ನಾನು ರೂ.4,63,302/-ಗಳನ್ನು ವಸತಿ ಶಾಲೆಯ ವಿದ್ಯಾರ್ಥಿಗಳ ಆಹಾರದ ಖರ್ಚು ಎಂದು ತೋರಿಸಿದ್ದೆ ಎಂದರೆ ಸರಿ. ನಾನು ರೂ.3,45,044/– ಗಳನ್ನು ಆಹಾರ ಸರಬರಾಜು ಮಾಡಿದ್ದಕ್ಕಾಗಿ ಮಹಾಲಕ್ಷ್ಮೀ ಏಜೆನ್ಸಿ ರವರಿಗೆ ಕೊಟ್ಟಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಹಾಗೇ ಒಟ್ಟು ನಾನು ರೂ.8,08,346/- ಗಳನ್ನು ಆಹಾರಕ್ಕಾಗಿ 99 ವಿದ್ಯಾರ್ಥಿನಿಯರಿಗೆ ತಿಂಗಳಿಗೆ ರೂ.1,46,972/– ರಂತೆ ಖರ್ಚು ತೋರಿಸಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಹಾಜರಾತಿ ಮಸ್ತಕದಲ್ಲಿ ಕೇವಲ 75 ವಿದ್ಯಾರ್ಥಿಗಳ ಹಾಜರಾತಿ ಇತ್ತು ಎಂದರೆ ಸರಿ. ಹಾಜರಾತಿ ಮಸ್ತಕ ನಾನೇ ನಿರ್ವಹಣೆ ಮಾಡುತ್ತಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಹಾಜರಾತಿ ಮಸ್ತಕದಲ್ಲಿ ಬರೆದಿರುವ ಅಂಶಗಳು ಸರಿ ಇವೆ ಎಂದರೆ ಸರಿ. ಹೀಗಾಗಿ ನಾನು 24 ಹೆಚ್ಚಿನ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ

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ತಿಂಗಳಿಗೆ ರೂ.35,629.25/– ಗಳಷ್ಟು ಆಹಾರಕ್ಕಾಗಿ ಹಣ ಖರ್ಚು ಮಾಡಿದ್ದೇನೆ ಎಂದು ತೋರಿಸಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ಹೀಗಾಗಿ ನಾನು ತಪ್ಪು ಮಾಡಿದ್ದನೆ ಎಂದರೆ ಸರಿ. ನಾನು ಹೇಳುವುದೇನೆಂದರೆ ಆಹಾರ ಪದಾರ್ಥಗಳನ್ನು ಒಟ್ಟಿಗೆ ತರುತ್ತಿದ್ದೆವು. ವಿದ್ಯಾರ್ಥಿಗಳು ದಿನನಿತ್ಯ ಎಷ್ಟು ಜನ ಗೈರು ಹಾಜರಾಗಿರುತ್ತಾರೆ ಎಂಬ ಮಾಹಿತಿ ಮೊದಲಿಗೆ ಇರುತ್ತಿರಲಿಲ್ಲ. ಅಲ್ಲದೇ 15 ಶಿಕ್ಷಕರು ಮತ್ತು ವಿದ್ಯಾರ್ಥಿನಿಯರನ್ನು ನೋಡಲು ಬರುತ್ತಿದ್ದ ಮೋಷಕರು ಅಲ್ಲಿಯೇ ಊಟ ಮಾಡುತ್ತಿದ್ದರು. ನಾನು ಪ್ರತಿದಿನವೂ ಎಷ್ಟು ಮಕ್ಕಳು ಹಾಜರಾಗುತ್ತಾರೋ ಅಷ್ಟೇ ಮಕ್ಕಳಿಗೆ ಅಡುಗೆ ಮಾಡಿಸಬೇಕೆಂದು ಗೊತ್ತಿರಲಿಲ್ಲ. ಹಾಗಾಗಿ ತಪ್ಪಾಗಿದೆ. ನಾನು ಸಹಶಿಕ್ಷಕಿಯಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದೆ. ನಾನು ಕೇವಲ ಪಾಠ ಮಾಡುವುದಷ್ಟೇ ನಾನು ಮಾಡುತ್ತಿದ್ದೆ. ಈ ಜವಾಬ್ದಾರಿಯನ್ನು ನನಗೆ ಕೊಟ್ಟಾಗ ನನಗೆ ಆಡಳಿತದ ಬಗ್ಗೆ ತಿಳುವಳಿಕೆ ಇರಲಿಲ್ಲ. ಈ ಬಗ್ಗೆ ನನಗೆ ತರಬೇತಿ ಸಹ ಕೊಟ್ಟರಲಿಲ್ಲ. ಆದ್ದರಿಂದ ತಪ್ಪಾಗಿದೆ"

From this, it is clear that this DGO No. 2 has admitted the allegations of charge No. 1 that she has shown in the records that she had spent amount for excess students of 25. But her defence is that, the teachers and parents of students who were visiting to see their children used to eat food, due to lack of experience and training she could not manage the same. But this explanation/ contention is not taken either in written statement or in her chief examination. Only during her cross examination by saying voluntarily she Even otherwise, this explanation has taken this contention. cannot be accepted. Because, an ordinary prudent man know how to keep records of expenditure. She being the Government servant should have knowledge about how to spend Government funds. This is common knowledge which requires no experience and training. At least, she could have verify the earlier accounts ledger or could have taken advice of her seniors. She has not done so. So, I am of the

opinion that, the charge No. 1 is proved against DGO No. 2.

- 18. 2nd charge is also against DGO No. 2. The allegations in the 2nd charge is that, DGO No. 2 has withdrawn Rs. 1,50,000/- on 5.5.2015 through cheques No. 7084425, 708426 and 708427 in the names of two private persons and SDMC respectively and later re-deposited the same on 7.8.2015, that it has been shown that the cheques were issued towards purchasing computer. But there were no documents / records for having processed for purchase of computers.
- 19. In this regard, PW-1 has stated that DGO No.2 had issued 3 cheques of Punjab Gramena Bank, Devadurga for Rs. 50,000/- each and had misappropriated the said amount. During cross examination it has been suggested that DGO No. 2 had no training by BEO or DDPI till the date of evidence, that SDMC would take decision with regard to expenditure of funds. For which, PW-1 has pleaded ignorance. Except this, nothing elicited from this witness.
- 20. PW-2 has reiterated charge allegations and has relied upon his report marked at Ex.P-7. During cross examination, the counsel for DGO No. 2 has been suggested that amount is re-deposited within 3 months, the amount of Rs.1,00,000/- is withdrawn to purchase computers. Rs.50,000/- was withdrawn for other small expenditure of school, that even president of SDMC had put signatures to alleged cheques. Thereby the counsel on behalf of DGO No. 2by suggesting as above said, has admitted the allegations of

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2nd charge. Further, in the affidavit of chief examination, DGO No. 2 has stated that she has not misappropriated the said amount, she had withdrawn the said amount to purchase computers, as there was delay in supplying computers. She re-deposited the same. But during cross examination she has stated and admitted as follows;

ದಿ:5/5/2015 ರಂದು ರೂ.1,50,000/-ಗಳನ್ನು ಚೆಕ್ ಸಂ:708425, 708426 & 708427 ರ ಮೂಲಕ ತಲಾ ರೂ.50,000/- ರಂತೆ ಬೇರೆ ಇಬ್ಬರ ವ್ಯಕ್ತಿಗಳ ಹೆಸರಿಗೆ ಮತ್ತು ಎಸ್.ಡಿ.ಎಂ.ಸಿ. ಗೆ ಸೇರಿ ಕೊಟ್ಟಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಸದರಿ ಹಣವನ್ನು ಮನಃ ದಿ:7/8/2015 ರಂದು ಮರು ಠೇವಣಿ ಮಾಡಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಈ ಹಣವನ್ನು ಕಂಪ್ಯೂಟರ್ ಖರೀದಿಗಾಗಿ ತೆಗೆದಿದ್ದು ಎಂದು ಹೇಳಿದ್ದು, ಯಾವುದೇ ದಾಖಲೆಗಳು ಸಂಬಂಧಿಸಿದಂತೆ ಇರಲಿಲ್ಲ ಎಂದರೆ ಸರಿ. ನಾನು ಹೇಳುವುದೇನೆಂದರೆ ಈ ಹಣವನ್ನು ಎಸ್.ಡಿ.ಎಂ.ಸಿ. ಮೀಟಿಂಗ್ ನಲ್ಲಿ ಡಿಡಿಪಿಐ ರವರು ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಅಂತ್ಯದಲ್ಲಿ ಅನುದಾನವನ್ನು ಬಳಸಿಕೊಳ್ಳದೇ ಇದ್ದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ನೀಡಬೇಕಾಗುತ್ತದೆ, ಆದ್ದರಿಂದ ಬೇಗ ನಿರ್ದೇಶನವನ್ನು ಮೌಖಿಕವಾಗಿ ನೀಡಿದ್ದರು. ಆದ್ದರಿಂದ ನಾನು ಶಾಲೆಯ ಹಿತಾಸಕ್ತಿಯಿಂದ ಕಂಪ್ಯೂಟರ್ ಖರೀದಿ ಮಾಡಲು ಚೆಕ್ ಗಳನ್ನು ಇಬ್ಬರು ವ್ಯಕ್ತಿಗಳ ಹೆಸರಿಗೆ ಮತ್ತು ಎಸ್.ಡಿ.ಎಂ.ಸಿ. ಹೆಸರಿಗೆ ಕೊಟ್ಟಿದ್ದೆ. ತದನಂತರ ಅದು ತಪ್ಪು ಎಂದು ತಿಳಿದು ಮನಃ ಮರು ಠೇವಣಿ ಮಾಡಿದ್ದೆ. ಇದು ನನಗೆ ಅನುಭವದ ಕೊರತೆಯಿಂದ ಮಾಡಿದ್ದು, ಇದರಲ್ಲಿ ದುರುದ್ದೇಶವೇನು ಇರಲಿಲ್ಲ.

21. This way, she has admitted the allegations of 2nd charge and has taken defence that due to lack of experience, she did so. But this defence do not stand for consideration. Because, she being the government servant having responsibility of school management including financial affairs should have to know how to handle financial affairs of the school. Her say that due to lack of experience did so is not good defence for consideration. Hence, I am of the opinion that charge No. 2 is proved against DGO No. 2.

- 22. With regard to 3rd charge, this allegation is against DGO No.1. As said above, there is no dispute with regard to he was working as BEO during the period of allegations. His defence is that, he has taken steps against DGO No.1 after receiving complaint against her. He has also stated that after receiving complaint, immediately he withdrawn charge from DGO No. 2 and had handed over the same to Assistant Teacher Smt. Usharani. He has further stated that he had reported the same to DDPI through a letter dated: 2.4.2015. But DDPI did not take steps inspite he had reported twice on the matter. He has further stated that, he had no power to inspect the accounts of the school.
- 23. PW-1 has stated nothing against him. Infact, during cross examination, he has stated that his allegations is only against DGO No. 2 and not against DGO No. 1.
- 24. PW-2 during his chief examination has stated that DGO No. 1, being BEO did not take steps against DGO No. 2. During cross examination, counsel for DGO No. 1 has suggested that after complaint DGO No. 1 served notice to DGO no. 2 personally and transferred her to different place, Smt.Usharani was deputed to said post. For which, this witness has pleaded ignorance.
- 25. Counsel for DGO No.1 had also suggested that, the head master and the management of school have got exclusive responsibility of school, same has been denied. He has further suggested that, the funds will be directly transferred to school account from head office, the audit of the school accounts will be done by the Auditor, Head Office.



It is has also been suggested that, DGO No. 1 after receiving complaint had reported to DDPI on 22.6.2015, DDPI did not take steps against DGO No. 2, inspite of letters by president, members of SDMC following which a personal visit, DDPI did not take steps, DGO No.1 again on 2.11.2015 reported to DDPI, on which DDPI transferred DGO No. 2, enquiry was conducted on these allegations by DDPI against DGO No. 2. For all these suggestions, PW-2 has pleaded ignorance. He has stated that he did not collect report of enquiry from DDPI.

DGO No. 1 who is examined as DW-1 in his chief In support of his examination reiterated his defence. evidence, he has relied upon Ex.D -1 to 9. Among these documents, Ex.D-1 is copy of the complaint dated: 28.3.2015 filed by SDMC president and members, Ex.D-2 is the copy of order of DGO No. 1 withdrawing charge from DGO No.2 and handing over the same to Smt. Usharani. Ex.D-3 the copy of transfer order dated: 16.10.2015 where DDPI has transferred DGO No. 2 to Valkamdemi Junior Primary school. Ex.D-4 is the copy of another complaint dated: 18.6.2015. Ex.D-5 is the copy of the report of DGO No.1 to DDPI seeking to take disciplinary action against DGO No. 2. Ex.D-6 is the another complaint given by SDMC dated: 2.11.2015. Ex.D-6 is the copy of the report of DGO No. 1 reporting to DDPI dated: Ex.D-7 is the copy of the order of DDPI nominating enquiry officers to conduct enquiry against DGO No. 2. Ex.D-9 is the copy of order suspending DGO No. 2. During the cross examination, it is suggested that this witness has not taken steps against DGO No. 2 with regard to misappropriation of amount. But Ex.D-5 and 7 are the

reports of DGO No.1 to DDPI which shows, he has reported to DDPI and requested to take disciplinary action with regard to misappropriation of amount two. This shows, DGO No. 1 has taken steps against DGO No. 2. Thus, I am of the opinion that Charge No. 3 is not proved against DGO No. 1

27. Thus, overall examination of the evidence on record shows that the disciplinary authority has established the charge No.1 and 2 leveled against DGO No.2. Further the disciplinary authority has not established the charge No.3 leveled against DGO No.1. Hence, I proceed to record the following:-

FINDINGS

- **28.** The Disciplinary Authority has proved the charges No.1 and 2 leveled against DGO No.2
- **29**. Not proved the charges No.3 leveled against DGO No.1. Hence, this report is submitted to Hon'ble Upalokayukta for further action.
- **30**. Date of retirement of DGO No.1 31.8.2018, DGO No. 2 is 1.6.2045.

(PUSHPAVATHI.V)

Additional Registrar Enquiries-9 Karnataka Lokayukta, Bengaluru.

i) <u>List of witnesses examined on behalf of</u> <u>Disciplinary Authority.</u>

PW.1	Sri.Chennappa Gowda, S/o Soogana Gowda, Alkoda, Devadurga Taluk, Raichur District original
PW-2	Sri.H.Doddanna S/o Hanumanthappa the then Police Inspector, Karnataka Lokayukta Raichur original

ii) <u>List of Documents marked on behalf of</u> <u>Disciplinary Authority.</u>

Ex.P1 and 2	Ex.P-1 and 2 are the complaint in Form No. 1 and 2 submitted by PW-1 in Karnataka
	Lokayukta office
Ex.P 3	Ex.p-3 is the document submitted by PW-1
	along with complaint
Ex.P-4	Ex.p-4 is the comments submitted by DGO No.
	2
Ex.P-5	Ex.P-5 is the report dated: 27.7.2017
Ex.P-6	ExP-6 is the documents enclosed to the report
Ex.P 7	Ex.p-7 is the report dated: 31.7.2017

iii) List of witnesses examined on behalf of DGO

as Senior Lecturer, DIET, Yadgiri original DGO (2) Smt.Chennamma, Head Mistress,
DGO (1) Sri.H.D.Hunugunda, the then Block Education Officer, Devadurga, presently working

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Kasturiba Residential School, Alkod, Devadurga Taluk original

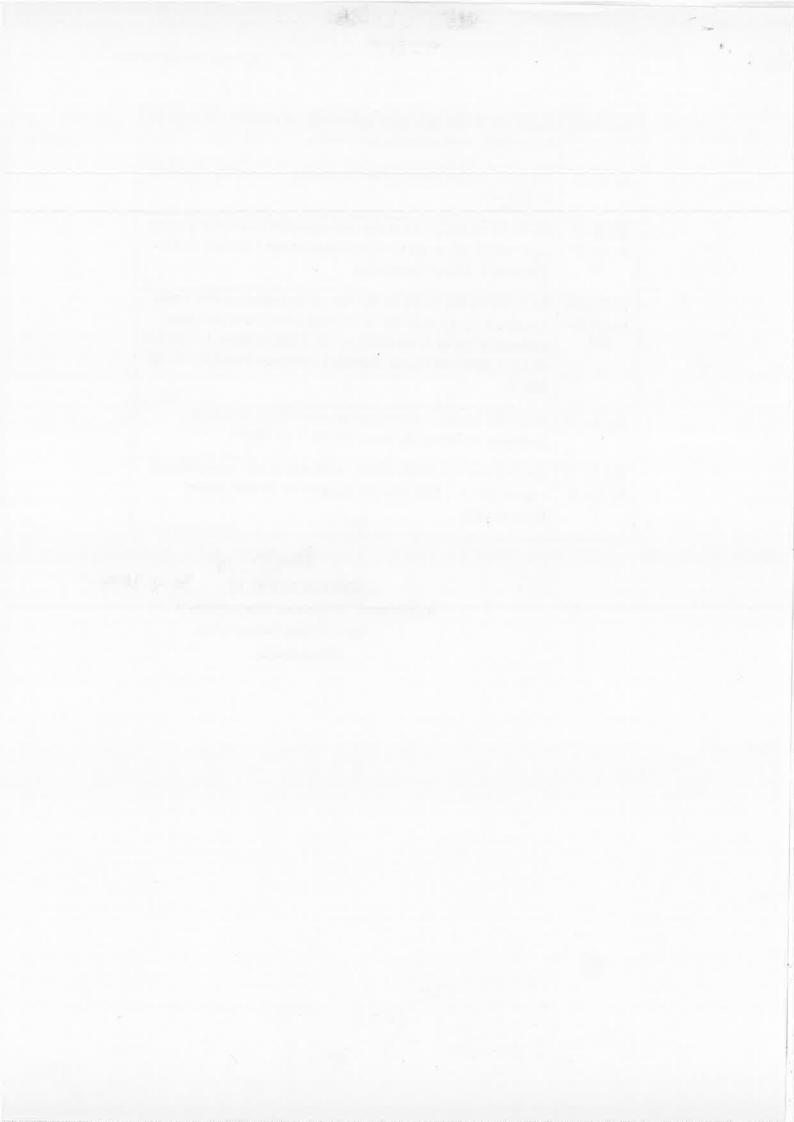
iv) List of documents marked on behalf of DGO

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Ex.D-1	and the complaint dated. 20.5.2015 Holli
	President and member of SDMC KGBV School
Ex.D-2	Ex.D-2 is the order copy dated: 28.3.2015 passed by DW-1
Ex.D-3	Ex.D-3 is the transfer order dated: 16.1.2015 from DDPI
Ex.D-4	Ex.D-4 is the complaint copy dated: 18.6.2015 submitted by PW-1
Ex.D-5	Ex.D-5 is the letter dtd: 22.6.2015 written by DW-1 to DDPI.
Ex.D-6	Ex.D-6 is the complaint copy dated: 2.11.2015 submitted by SDMC
Ex.D-7	Ex.D-7 is the letter dtd: 2.11.2015 written by DW-1 to DDPI
Ex.D-8	Ex.D-8 is the official memorandum dtd: 6.11.2015 from DDPI
Ex.D-9	Ex.D-9 is the suspension order dtd: 31.11.2015 of DGO No. 1 from DDPI
Ex.D-10	Ex.D-10 is the official memorandum dated: 29.11.2013
Ex.D-11	Ex.D-11 is the official memorandum dated: 28.3.2015
Ex,D-12	Ex,D-12 is the extract of bank pass book
Ex.D-13	Ex.D-13 is the letter dtd: 30.11.2018 from Head mister to BEO
Ex.D-14	Ex.D-14 is the official memorandum dated: 12.6.2019 from DDPI

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D D 15	Ex.D-15 is the official memorandum dated: 13.6.2019
Ex.D-15	
	from BEO to Head mister.
	- 15: 11 the salary credited
Ex.D-16	Ex.D-16 is the statement regarding the salary credited
	to DGO-2
Ex.D-17	Ex.D-17 to Ex.D-19 is the receipt and payment for the
to Ex.D-	year 2013-14 to 2015-16 of Kasturaba Gandhi Balika
19	
	Vidyalaya Alkod Deodurga
Ex.D-20	Ex.D-20 to Ex.D-23 is the list of payment made from
to Ex.D-	1.4.2014 to 31.3.2015 & consolidated receipts and
23	payments from 1.10.2014 to 31.3.2016 from 1.1.2015
	to 31.3.2015 of Sarva Shiksha Abhiyan Raichur KGBV
	Alkod
Ex.D-24	Ex.D-24 is the reconciliation statement of Sarva
	Shiksha Abhiyan Raichur as on 31.3.2015
	Sniksna Abinyan Kalendi as on o 1.0.2015
Ex.D-25	Ex.D-25 to Ex.D-26 is the Internal Audit compliance
to Ex.D-	report 2014-15 III and IV quarter of KGBV Alkod
26	
	Devadurga.

(PUSHPAVATHI.V) 30
Additional Registrar Enquiries-9 Karnataka Lokayukta, Bengaluru.





KARNATAKA LOKAYUKTA

No.Uplok-2/DE/916/2017/ARE-9

Multi-storeyed Building, Dr.B.R. AmbedkarVeedhi, Bengaluru, dt.22.4.2022.

RECOMMENDATION

Sub:-Departmental inquiry against Sri. K.Lakshmikantha, Supervisor and I/c. Section officer, Brahmasandra branch, BESCOM, Kallambella Hobli, Sira Taluk, Tumkur District-reg.

Ref:- 1) KPTCL Order No. ಕವಿಪ್ರನಿನಿ/ಬಿ21/69865/2017-18, Bengaluru Dated 7.6.2017.

2) Nomination order No. Uplok-2/DE/916/2017 Bengaluru dated: 31.7.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 16.4.2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

The KPTCL by its order dated 7.6.2017 initiated disciplinary proceedings against Sri. K.Lakshmi-kantha, Supervisor and I/c. Section officer, Brahmasandra branch, BESCOM, Kallambella Hobli, Sira Taluk, Tumkur 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/916/2017 Bengaluru dated: 31.7.2017 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 DGO - Sri. K.Lakshmikantha, Supervisor and I/c. Section officer, Brahmasandra branch, BESCOM, Kallambella Hobli, Sira Taluk, Tumkur District was tried for the following charges:-

ANNEXURE-1 CHARGE

ಶ್ರೀ ಲಕ್ಷ್ಮೀಕಾಂತ, ಭ್ರಹ್ಮಸಂದ್ರ ಪರ್ಯಾವೇಕ್ಷಕ ಮತ್ತು ಪ್ರಭಾರ ಶಾಖಾಧಿಕಾರಿ, ಬೆಸ್ಕಾಂ ಶಾಖೆ, ಕಳ್ಳಂಬೆಳ್ಳ ಹೋಬಳಿ, ಶಿರಾ ತಾಲೂಕ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು –

ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ನಿಮ್ಮ ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಅಕ್ರಮ ಹಣವನ್ನು ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ತುಮಕೂರು ಜಿಲ್ಲೆ, ಶಿರಾ ತಾಲೂಕು ಕಳ್ಳಂಬೆಳ್ಳ ಹೋಬಳಿ, ಜೋಗಿಹಳ್ಳಿ ವಾಸಿ ಗುಬ್ಬಯ್ಯ ಜೀವಂತವಿದ್ದಾಗ 2006ನೇ ಸಾಲಿನಲ್ಲಿ ಜೋಡಿದೇವರಹಳ್ಳಿ ದೇವರ ಗ್ರಾಮದ ಸ. ನಂ.24ರಲ್ಲಿರುವ ಜಮೀನಿನಲ್ಲಿ ಬೋರವೆಲ್ ಕೂರಿಸಿದ್ದು ಸದರಿ ಬೋರವೆಲ್ಗೆ ವಿದ್ಯುತ್ತ ಕಂಬ ಹಾಗೂ ಲೈನ್ ಎಳೆದುಕೊಳ್ಳುವ ಸಲುವಾಗ ರೂ.16,000/–ಗಳನ್ನು ಕಟ್ಟಿದ್ದು ಅವನ ಮರಣ ನಂತರ ಗುಬ್ಬಯ್ಯನವರ ಮಗ ದೂರುದಾರ– ಜೆ. ಜೆ. ವಸಂತಕುಮಾರರವರು ಈಗ್ಗೆ ಕೆಲವು ತಿಂಗಳ ಹಿಂದೆ ತಮ್ಮ ಜಮೀನಿಗೆ ಕಂಬ ಹಾಗೂ ಲೈನನ್ನು ಎಳೆದಿದ್ದು ಅದಕ್ಕ ಚಾರ್ಜ ಮಾಡಿರುವುದಿಲ್ಲ, ಚಾರ್ಜ ಮಾಡಿಕೊಡುವಂತೆ ಭ್ರಹ್ಮಸಂದ್ರ ಕೆ.ಇ.ಬಿ ಕಛೇರಿಗೆ ಹೋಗಿ ನಿಮ್ಮನ್ನು ಲೈನ್ ಚಾರ್ಜ ಬಗ್ಗೆ ಕೇಳಿದಾಗ ಡಿ: 17/10/2015 ರಂದು ತಮ್ಮ ಕಛೆರಿಯಲ್ಲಿ ಪಿರ್ಯಾದುದಾರರಿಂದ ನೇರವಾಗಿ ರೂ.1,500/– ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿ ಡಿ: 19/10/15 ರಂದು ನೀವು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಕಛೇರಿ ಆವರಣದಲ್ಲಿನ ದಕ್ಷಿಣದ ಗೋಡೆಯ ಮರೆಯಲ್ಲಿ ನೇರವಾಗಿ

ಪಿರ್ಯಾದುದಾರರಿಂದ ನೆರಳು ಸಾಕ್ಷಿ ಶ್ರೀ ಎಸ್. ಮಹದೇವಪ್ಪರವರ ಸಮಕ್ಷಮ ರೂ.15,00/- ಲಂಚದ ಹಣವನ್ನು ಪಡೆಯುವ ಉದ್ದೇಶದಿಂದ ಲಂಚದ ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿ ದುರ್ನಡತೆಯನ್ನು ಹಾಗೂ ಭ್ರಷ್ಟಾಚಾರ ತೋರಿಸಿರುತ್ತೀರಿ. ಈ ಸಂಬಂಧ ತುಮಕೂರು 2ನೇ ಅಧಿಕ ಮತ್ತು ಸತ್ರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆ ತುಮಕೂರು ಇದರ ಕ್ರೈಮ ನಂ.11/15 ರಲ್ಲಿ ಕಲಂ 7, 13(1)(ಡಿ) ಜೊತೆಗೆ 13(2) ಲಂಚ ನಿಶೇಧ ಕಾಯಿದೆ 1988ರ ಅಡಿಯಲ್ಲಿ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ನಿಮ್ಮ ವಿರುದ್ಧ ಸಲ್ಲಿಸಲಾಗಿದೆ.

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 charges levelled against the DGO 'Sri. K.Lakshmikantha, Supervisor and I/c. Section officer, Brahmasandra branch, BESCOM, Kallambella Hobli, Sira Taluk, Tumkur District.
- 5. The Disciplinary Authority examined 3 witnesses, i.e., PW1 to PW3 and got marked documents Ex.P1 to P9. The DGO also examined as DW1 and one more witness examined as DW2. In fact the complainant and PW2 have supported the case and established the demand and acceptance of the bribe amount by the DGO. The receipt of the tainted currency notes and recovery has also been established. DW2 has also admitted the existence of the work of the

complainant with the DGO. The defence pleaded by DW1 that, he has collected the money towards cost of extra materials has not been established. Therefore, the findings of the enquiry officer is proper.

- 6. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.
- 7. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO Sri. Lakshmikantha, is retired from service on 31.5.2028.
- 8. Having regard to the nature of charge 'proved' against the DGO 'Sri. K. Lakshmikantha and on consideration of the totality of circumstances-,

'it is hereby recommended to the Government to impose penalty of Dismissal from service to DGO Sri. K. Lakshmikantha'.

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

Connected records are enclosed herewith.

JUSTICE K.N.PHANEENDRAL

Upalokayukta-2, State of Karnataka.