



KARNATAKA LOKAYUKTA

No. UPLOK-2/DE/171/2017/ARE-11

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 25.06.2019

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri S.T. Dharmoji Rao, the then Tahsildar, (2) Sri Nagaraj, Revenue Inspector and (3) Sri Kumaraswamy, Village Accountant, Hirehalluru, Sagar Taluk, Shimoga District - reg.

Ref:- 1) Government Order No. RD 79 ADE 2016 dated 03.01.2017.

2) Nomination order No. UPLOK-2/DE/171/2017 dated 02.02.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 21.06.2019 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 03.01.2017 initiated the disciplinary proceedings against (1) Shri S.T. Dharmoji Rao, the then Tahsildar, (2) Sri Nagaraj, Revenue Inspector and (3) Sri Kumaraswamy, Village Accountant, Hirehalluru, Sagar Taluk, Shimoga District [hereinafter referred to as

Delinquent Government Officials, for short as 'DGOs 1 to 3' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/171/2017 dated 02.02.2017 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Shri S.T. Dharmoji Rao, the then Tahsildar, DGO-2 Sri Nagaraj, Revenue Inspector and DGO-3 Sri Kumaraswamy, Village Accountant, Hirehalluru, Sagar Taluk, Shimoga District were tried for the following charge:-

“ಬಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಸ್.ಟಿ.ಧರ್ಮೋಜಿರಾವ್ ಆದ ನೀವು ಸಾಗರ ತಾಲ್ಲೂಕಿನ ತಹಶೀಲ್ದಾರ್ ಆಗಿ, ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಾಗರಾಜ್ ಆದ ನೀವು ರಾಜಸ್ವ ನಿರೀಕ್ಷಕರಾಗಿ ಮತ್ತು ಮೂರನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಕುಮಾರಸ್ವಾಮಿ ಆದ ನೀವು ಗ್ರಾಮಲೆಕ್ಕಿಗರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಸಾಗರ ತಾಲ್ಲೂಕಿನ ತಾಳಗುಪ್ಪ ಹೋಬಳಿಯ ಶುಂಠಿಕೊಪ್ಪ ಗ್ರಾಮ ಸರ್ವೆ ನಂ.278ರಲ್ಲಿ ದೂರುದಾರರಿಗೆ, ಕುಂಞಿ ಲಕ್ಷ್ಮಣಪ್ಪ, ಕುಂಞಿ ವೀರಭದ್ರಪ್ಪ, ಕುಂಞಿ ಕೆರಿಯಮ್ಮ, ಕುಂಞಿ ನಾರಾಯಣಪ್ಪ, ಕುಂಞಿ ಮಹಾಬಲಪ್ಪ ಇವರುಗಳಿಗೆ ಸೇರಿದ ಜಮೀನಿದ್ದು, ಸದರಿ ಸರ್ವೆ ನಂ.278ರಲ್ಲಿ ಬಂಡಿ ದಾರಿ ಇದ್ದು ಸದರಿ ಬಂಡಿ ದಾರಿಯಿಂದ ಮುಂದಿನ ಜಮೀನುಗಳಿಗೆ ಹೋಗುವ ಅನುಕೂಲವಿರುತ್ತದೆ. ಆದರೆ ಸದರಿ ಬಂಡಿ ದಾರಿಯಲ್ಲಿ ಆಳವಾಗಿ ಹಳ್ಳವನ್ನು ತೆಗೆದು

ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕೆ ಬಾರದಂತೆ ಮಾಡಿದ್ದು. ಈ ಬಗ್ಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ-2 ಮತ್ತು 3 ರವರು ಬಂಡಿ ದಾರಿಯನ್ನು ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕೆ ತೆರವುಗೊಳಿಸಿರುವುದಾಗಿ ಸುಳ್ಳು ವರದಿ ಕೊಟ್ಟಿದ್ದು. ಈ ಬಗ್ಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು-1 ರವರಿಗೆ ಮನವಿ ಸಲ್ಲಿಸಿದ್ದರೂ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳದೆ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, “charge against DGO-1 that during the tenure of DGO-1 as Tahsildar, Sagara, Shivamogga District from 22.07.2014 to 11.11.2016, charge against DGO-2 that during the tenure of DGO-2 as Revenue Inspector, Talaguppa Hobli, Sagara Taluk, Shivamogga District from 29.12.2014 to 18.05.2016 and charge against DGO-3 that during the tenure of DGO-3 as Village Accountant, Hirenelluru Circle, Sagara Taluk from the year 16.09.2012 DGOs 2 and 3 have placed false report before DGO-1 stating that they have cleared the encroached portion of cart road lying over the land bearing survey number 278 situated at Shuntikoppa Village, Talaguppa Hobli, Sagara Taluk, Shivamogga District and thereafter, DGO-1 has not initiated

any action for removal of encroachment of the cart road running over the land bearing survey number 278 situated at Shuntikoppa Village, Talaguppa Hobli, Sagara Taluk, Shivamogga District and thereby DGOs 1 to 3 are guilty of misconduct within the purview of Rule 3(1) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved”.

5. 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.

6. As per the First Oral Statement of DGOs 1 to 3 furnished by the Inquiry Officer,

- i) DGO-1 Shri S.T. Dharmoji Rao, is due for retirement on 31.10.2019.
- ii) DGO-2 Sri Nagaraj is due for retirement on 28.02.2033.
- iii) DGO-3 Sri Kumaraswamy is due for retirement on 30.09.2048.

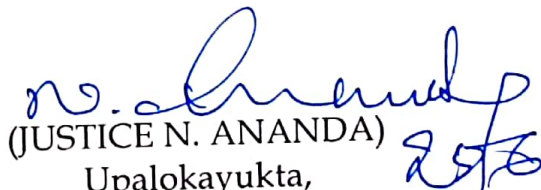
7. Having regard to the nature of charge '*proved*' against DGO -1 Shri S.T. Dharmoji Rao, the then Tahsildar, DGO-2

Sri Nagaraj, Revenue Inspector and DGO-3 Sri Kumaraswamy, Village Accountant, Hirehalluru, Sagar Taluk, Shimoga District,

- i) it is hereby recommended to the Government to impose penalty of 'reducing the pay in the time scale of pay by four lower stages with cumulative effect on the DGO 1 - Shri S.T. Dharmoji Rao';
- ii) it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO-2 Sri Nagaraj with cumulative effect'; and
- iii) it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO-3 Sri Kumaraswamy with cumulative effect'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka.



BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-2/DE/171/2017

ENQUIRY REPORT Dated: 21/06/2019

Enquiry Officer: V.G.Bopaiah  
Additional Registrar Enquiries-11  
Karnataka Lokayukta Bengaluru.

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Delinquent Government Official 1: Sri S.T.Dharmoji Rao

(Name written by him as N.T.Dharmoji Rao on the note sheet on 31/05/2017)

Discharged duties as Tahasildar, Sagara, Shivamogga District from 22/07/2014 to 11/11/2016.

Retired on Superannuation on 31/10/2019.

Delinquent Government Official 2: Sri.Nagaraj

(Name written by him as T.Nagaraj on the note sheet on 31/05/2017).

Discharged duties as Revenue Inspector, Talaguppa Hobli, Sagara Taluk, Shivamogga District from 29/12/2014 to 18/05/2016.

Due for retirement on superannuation on 28/02/2033.

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Delinquent Government Official 3: Sri. Kumaraswamy

(Name written by him as Kumaraswamy on the note sheet on 31/05/2017)

Discharging duties as Village Accountant Hirenelluru Circle from 16/09/2012.

Due for retirement on superannuation on 30/09/2048.

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Delinquent Government Official No.1 (in short, "DGO-1") by name Sri.S.T.Dharmoji Rao (name written by him as N.T.Dharmoji Rao on the note sheet on 31/05/2017) was working as Tahasildar, Sagara, Shivamogga District from 22/07/2014 to 11/11/2016. He retired on superannuation on 31/10/2019. Delinquent Government Official No.2 (in short, "DGO-2") by name Sri. Nagaraj (name written by him as T.Nagaraj on the note sheet on 31/05/2017) was working as Revenue Inspector, Talaguppa Hobli, Sagara Taluk, Shivamogga District from 29/12/2014 to 18/07/2016. He is due for retirement on superannuation on 28/02/2033. Delinquent Government official No.3 (in short, "DGO-3") by name Sri. Kumaraswamy (name written by him as Kumaraswamy on the note sheet on 31/05/2017) is working as Village Accountant, Hirenelluru Circle from 16/09/2012. He is due for retirement on superannuation on 30/09/2048.

- 2) Background for initiating the present inquiry against DGOs 1 to 3 needs to be stated in brief. Complaint in FORM No.1 dated 02/06/2015 against DGOs 1 to 3 is filed by Sri.Manjappa, son of

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Sannappa, resident of Yalakundli, Shuntikoppa Village, Hirenelluru Post, Talaguppa Hobli, Sagara Taluk, Shivamogga District who is the power of attorney holder of the complainant by name Sri Rachappa, resident of Yalakundli, Shuntikoppa Village, Hirenelluru Post, Talaguppa Hobli, Sagara Taluk, Shivamogga District. It is alleged in the complaint that as per the Revenue sketch cart road was in existence which was running over the land bearing survey number 278. The said cart road runs over the land bearing survey numbers 282, 280, 278, 273 and 272 and used to reach Siddapura Taluk. One Kumbi Lakshmanappa and his family members own land in survey number 273. During the year 2013 the said cart road was blocked and thereafter, on the application filed before the Tahasildar, Sagara order was passed by the Tahasildar, Sagara directing the Surveyor, Sagara Taluk to measure the land bearing survey number 278 and to place sketch indicating the area of encroachment of the cart road. Thereafter, the Taluk Surveyor, Sagara Taluk conducted survey and placed report before DGO-1 pointing out the encroachment of the cart road. On the basis of the said report, DGO-1 passed order directing DGO-2 to vacate the encroached area and to place report. Without visiting the spot DGOs 2 and 3 placed false report before DGO-1 stating that the encroached area has been vacated. Afterwards, application is filed with DGO-1 to initiate action against DGOs 2 and 3 but, DGO-1 has not initiated any action. Afterwards, application is filed with the Managing Director, Karnataka Public Lands Corporation Limited. The Managing Director, Karnataka Public Lands Corporation Limited addressed letter on 15/04/2015 to vacate the encroached road

15/04/2015

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and to place report. Despite the said letter, DGOs 1 to 3 have not initiated any action.

- 3) In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta-2, Karnataka conducted investigation which, on the basis of the records prima facie unearthed that the Revenue sketch disclosed existence of cart road and closure of the same. Investigation revealed that on the application of the complainant, DGO-1 passed order directing DGO-2 to take steps to remove the encroachment. Thereafter, on the directions of the DGO-1, DGO-2 placed report before DGO-1 stating that mahazar has been conducted on 16/01/2015 and removed the encroached area. Investigation revealed that DGOs have mentioned in the course of their comments that though the existence of the road is found in the sketch but no cart road is in existence. Investigation revealed that the Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru ordered DGO-1 to initiate action and thereafter on 03/07/2015 DGO-2 reported that cart road is found only in the sketch but there is no cart road which is in existence. It is also stated by DGO-2 that the villagers have expressed that there is no need for cart road and the road which is in existence may be developed under various schemes of the Government. Investigation revealed that DGOs 1 to 3 have failed to initiate action which attracts misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984 recommended disciplinary authority to initiate disciplinary proceedings against DGOs 1 to 3 and to entrust the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-

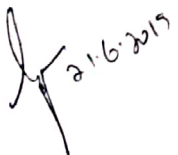
  
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A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

- 4) Subsequent to the report dated 19/07/2016 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಆರ್‌ಡಿ 79 ಎಡಿಇ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03-01-2017 has been issued by the Under Secretary to the Government of Karnataka, Department of Revenue (Services-3, Disaster Management) entrusting the inquiry to the Hon'ble Upalokayukta-2, Karnataka to initiate disciplinary proceedings against DGOs 1 to 3 under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
- 5) Subsequent to the Government Order bearing number ಆರ್‌ಡಿ 79 ಎಡಿಇ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03-01-2017, Order number UPLOK-2/DE/171/2017 Bengaluru Dated 02/02/2017 has been ordered by the Hon'ble Upalokayukta, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 3.
- 6) Articles of charge at Annexure-1 dated 18/05/2017 which includes statement of imputation of misconduct at Annexure-2 framed against DGOs 1 to 3 is the following:

**“ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ**

ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಸ್.ಟಿ. ಧರ್ಮೋಜಿರಾವ್ ಆದ ನೀವು ಸಾಗರ ತಾಲ್ಲೂಕಿನ ತಹಶೀಲ್ದಾರ್ ಆಗಿ, ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಾಗರಾಜ್ ಆದ ನೀವು ರಾಜಸ್ಥಾನ ಸಿಬ್ಬಂದಿಗಾಗಿ ಮತ್ತು ಮೂರನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಕುಮಾರಸ್ವಾಮಿ ಆದ ನೀವು ಗ್ರಾಮಲೆಕ್ಕಿಗಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಸಾಗರ ತಾಲ್ಲೂಕಿನ ತಾಳಗುಪ್ಪು ಮೋಟೆಲಿನಲ್ಲಿ

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ಉಂಟಿಕ್ಕೊಪ್ಪ ಗ್ರಾಮ ಸರ್ವೆ ನಂ.278ರಲ್ಲಿ ದೂರುದಾರರಿಗೆ, ಕುಂಜಿ ಲಕ್ಷ್ಮಣಪ್ಪ, ಕುಂಜಿ ಪೀರಬ್ಬದ್ರಪ್ಪ, ಕುಂಜಿ ಕೆರಿಯಮ್ಮ, ಕುಂಜಿ ನಾರಾಯಣಪ್ಪ, ಕುಂಜಿ ಮಹಾಬಲಪ್ಪ ಇವರುಗಳಿಗೆ ಸೇರಿದ ಜಮೀನಿದ್ದು, ಸದರಿ ಸರ್ವೆ ನಂ.278ರಲ್ಲಿ ಬಂಡಿ ದಾರಿ ಇದ್ದು ಸದರಿ ಬಂಡಿ ದಾರಿಯಿಂದ ಮುಂದಿನ ಜಮೀನುಗಳಿಗೆ ಹೋಗುವ ಅನುಕೂಲವಿರುತ್ತದೆ. ಆದರೆ ಸದರಿ ಬಂಡಿ ದಾರಿಯಲ್ಲಿ ಆಳವಾಗಿ ಹಳ್ಳವನ್ನು ತೆಗೆದು ಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕೆ ಬಾರದಂತೆ ಮಾಡಿದ್ದು ಈ ಬಗ್ಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ-2 ಮತ್ತು 3 ರವರು ಬಂಡಿ ದಾರಿಯನ್ನು ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕೆ ತೆರವುಗೊಳಿಸಿರುವುದಾಗಿ ಸುಳ್ಳು ವರದಿ ಕೊಟ್ಟಿದ್ದು, ಈ ಬಗ್ಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು-1 ರವರಿಗೆ ಮನವಿ ಸಲ್ಲಿಸಿದ್ದರೂ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳದೆ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

(ವಿ.ಜಿ ಬೋಪಯ್ಯ)

ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11.

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,

ಬೆಂಗಳೂರು.

ಆನುಬಂಧ-2

ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ರಾಜಪ್ಪ ಸಣ್ಣಪ್ಪ, ಕೇರಾಫ್ ಮಂಜಪ್ಪ ಸಣ್ಣಪ್ಪ, ಉಂಟಿಕ್ಕೊಪ್ಪ ಗ್ರಾಮ, ಹಿರೇನೆಲ್ಲೂರು ಅಂಚೆ, ತಾಳಗುಪ್ಪ ಹೋಬಳಿ, ಸಾಗರ ತಾಲ್ಲೂಕು, ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ರವರು ಉಂಟಿಕ್ಕೊಪ್ಪ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.278ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ವೆ ಇಲಾಖೆಯ ನಕಾಶೆಯಂತೆ ಸರ್ವೆ ನಂ.278ರಲ್ಲಿ ಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕಾಗಿ ಬಂಡಿ ದಾರಿ ಇದ್ದು, ಸದರಿ ಬಂಡಿ ದಾರಿಯಲ್ಲಿ ಆಳವಾಗಿ ಹಳ್ಳವನ್ನು ತೆಗೆದು ಸಾರ್ವಜನಿಕರು ಓಡಾಡದಂತೆ ಅಡ್ಡಿಪಡಿಸಿದ್ದು ಈ ಬಗ್ಗೆ ನಿಮಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರೂ ಯಾವುದೇ ಕ್ರಮಕೈಗೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ಆಪಾದನೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಆಪಾದಿತರಾದ ನಿಮಗೆ ಅಕ್ಷೇಪಣೆ ತಕರಾರು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ್ದು ಅಕ್ಷೇಪಣೆ/ತಕರಾರು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡುಬರುತ್ತವೆ.

- 1) ಉಂಟಿಕ್ಕೊಪ್ಪ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.278ರಲ್ಲಿ ಸರ್ವೆ ನಕಾಶೆ ಪ್ರಕಾರ ಬಂಡಿ ದಾರಿ ಇರುವುದು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ.
- 2) 2013ನೆಯ ಇಸವಿಯಲ್ಲಿ ಬಂಡಿ ದಾರಿಯಲ್ಲಿ ಆಳವಾಗಿ ಹಳ್ಳವನ್ನು ತೆಗೆದಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ.

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- 3) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ-2 ಮತ್ತು 3 ರವರು ಬಂಡಿ ದಾರಿಯನ್ನು ಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕೆ ತೆರವುಗೊಳಿಸಿರುವುದಾಗಿ ವರದಿ ನೀಡಿದ್ದು, ವಾಸ್ತವವಾಗಿ ತೆರವುಗೊಳಿಸಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ.
- 4) ತೆರವುಗೊಳಿಸಿದ ಬಗ್ಗೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ-1 ಮತ್ತು 2 ರವರ ವಿರುದ್ಧ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ-1 ರವರ ವಿರುದ್ಧ ಆರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರೂ ಯಾವುದೇ ಕ್ರಮಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

ದೂರನ ಪ್ರತಿಯನ್ನು ಕಳುಹಿಸಿ ಅಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿದ್ದು, ನೀವು ಸಲ್ಲಿಸಿರುವ ಅಕ್ಷೇಪಣೆಗಳನ್ನು ಒಪ್ಪಲು ಬಾರದಿರುವುದರಿಂದ ಸವರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಆದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸವರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1)ರಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆ ಮಾಡಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಎದುರುದಾರರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಅದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.”

- 7) In response to due service of articles of charge, DGOs 1 to 3 have entered appearance before this authority on 31/05/2017 and engaged Advocate for their defence. In the course of first oral statement of DGOs 1 to 3 recorded on 31/05/2017 they pleaded not guilty.
- 8) In the course of written statement of DGO-1 filed on 10/7/2017 it is stated that on 03/03/2014 the complainant filed petition with DGO-1 and thereafter DGO-1 has sent to the then Revenue Inspector, Talaguppa Hobli for further action. It is

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stated that on 21/08/2014 the Revenue Inspector, Talaguppa Hobli conducted spot inspection and put up note on 01/09/2014 to place before the survey section for measurement of the cart road. Afterwards, DGO-1 placed the petition before the survey section for further action. Afterwards, notice has been caused on 16/09/2014 to the villagers who excavated the trench. Afterwards, the Taluk Surveyor conducted mahazar and after preparing re-classification sketch placed the report before DGO-1. Afterwards, on 11/11/2014 DGO-1 passed order directing the Deputy Tahasildar to vacate the encroached area. Since no action is initiated subsequent to the order dated 11/11/2014, memo has been caused by DGO-1 on 30/12/2014 to DGO-2 to visit the spot along with DGO-3. At the time of conducting mahazar by DGOs 2 and 3 on 16/01/2015 the villagers including the power of attorney of the complainant endorsed on the mahazar that the encroached area has been vacated. It is stated that DGOs 2 and 3 have placed report along with the concerned file before DGO-1 and that on 02/05/2015 DGO-1 conducted spot inspection along with DGO-2 and passed order on 25/05/2015 with instructions to DGO-2 to initiate action and in response, DGOs 2 and 3 along with the surveyor conducted spot inspection and afterwards, on 02/07/2015 DGO-2 placed report with DGO-1. It is stated that in the course of the mahazar dated 02/07/2015 it is mentioned that as per the opinion of the villagers, the villagers are making use of the road which is at a distance of 80 feet away from the cart road and therefore, villagers expressed that they have no need to make use of the cart road and in that background DGO-1 closed the matter on 03/07/2015. It is contended that on 13/10/2015 and on 14/07/2016 DGO-2 and Taluk Surveyor conducted

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survey and placed report on 23/08/2016 and thereafter, on 30/08/2016 DGO-1 as instructed for removal of obstruction. It is stated that DGOs 2 and 3 along with the Taluk Surveyor visited the spot and conducted mahazar on 12/09/2016 and pointed out the unauthorised path way at a distance of 80 feet away from the cart road. It is contended that DGO-1 has initiated proper action and thus, according to DGO-1 he is not guilty of the alleged misconduct.

- 9) In the course of written statement of DGO-2 filed on 16/08/2019 he has stated that subsequent to the order dated 11/11/2014 of DGO-1 the Taluk Surveyor along with DGO-3 visited the spot where the cart road which was noted in the sketch was not found. It is stated that the villagers are using the road which is at a distance of 80 feet away from the place where the cart road is found mentioned in the sketch. It is stated that on 16/01/2015 persons by name Kumbari Lakshamma, Kumbari Keriamma, Kumbari Lakshmanappa, Kumbari Narayanappa, Kumbari Shanthamma, the complainant and power of attorney holder of the complainant were present at the spot and thereafter the power of attorney holder of the complainant filed application with the Assistant Commissioner, Sagara and also with DGO-1 to clear the encroached cart road. It is stated that DGO-2 filed his report stating that the road which is being used by the villagers is at a distance of 80 feet from the cart road. It is stated that DGO-2 along with the Surveyor, DGO-3 and villagers conducted spot inspection and drawn mahazar and vacated the cart road as per the sketch. It is stated that DGO-2 has not submitted false report and that his report is on the basis of actual facts which then existed. It is contended that DGO-2 was not heard at the time of investigation

  
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conducted under section 7(2) of The Karnataka Lokayukta Act 1984. Thus, according to DGO-2 he is not guilty of the alleged misconduct.

- 10) In the course of written statement of DGO-3 filed on 16/08/2017 similar contentions as set out in the written statement of DGO-2 are raised.
- 11) The disciplinary authority has examined Sri.Manjappa who is the power of attorney holder of the complainant as PW 1. During his evidence original power of attorney in two sheets is marked as per Ex P1, xerox copy of sketch in a single sheet is marked as per Ex P2, attested copy of order dated 11/11/2014 in a single sheet of DGO-1 is marked as per Ex P3, attested copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P4, attested copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P5, attested copy of report dated 04/02/2015 in a single sheet of DGO-2 placed before DGO-1 is marked as per Ex P6, xerox copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P7, xerox copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P8, xerox copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P9, xerox copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P10, xerox copy of mahazar dated 16/01/2015 in a single sheet is marked as per Ex P11, attested copy of notice in a single sheet dated 16/09/2014 signed by DGO-1 on 17/09/2014 is marked as per Ex P12, xerox copy of the application dated 23/02/2015 in a single sheet of PW 1 addressed to the Deputy Commissioner, Shivamogga is marked as per Ex P13, xerox copy of the application dated 09/04/2015 in a single sheet of the complainant addressed to

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the Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru is marked as per Ex P14, xerox copy of the application dated 20/05/2015 in a single sheet of PW 1 addressed to Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru is marked as per Ex P15, xerox copy of notice dated 09/06/2015 in a single sheet of DGO-1 issued to DGO-2 is marked as per Ex P16, xerox copy of the mahazar dated 01/07/2015 in a single sheet is marked as per Ex P17, xerox copy of the report dated 02/07/2015 of DGO-2 placed before DGO-1 is marked as per Ex P18, xerox copy of the endorsement dated 03/07/2015 signed by DGO-1 on 04/07/2015 issued to the complainant and PW 1 is marked as per Ex P19, xerox copy of the letter dated 14/07/2015 in a single sheet of DGO-2 addressed to the Assistant Registrar, Legal Opinion-1, Karnataka Lokayukta, Bengaluru is marked as per Ex P20, xerox copy of the letter dated 21/07/2015 in a single sheet of DGO-1 addressed to the Assistant Registrar, Legal Opinion-1, Karnataka Lokayukta, Bengaluru is marked as per Ex P21, xerox copy of the letter dated 30/07/2015 in a single sheet of DGO-1 addressed to the Deputy Commissioner, Shivamogga is marked as per Ex P22, xerox copy of the statement of objections in five sheets of DGO-3 addressed to the Assistant Registrar, Legal Opinion-1, Karnataka Lokayukta, Bengaluru is marked as per Ex P23, xerox copy of the letter dated 09/12/2015 in a single sheet addressed to the Deputy Commissioner, Shivamogga addressed on behalf of the Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru is marked as per Ex P24, xerox copy of the letter dated 14/12/2015 in a single sheet of DGO-1 addressed to the Assistant Commissioner, Sagara is marked as per Ex P25, xerox

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copy of the RTC extract in a single sheet is marked as per Ex P26, xerox copy of the RTC extract in a single sheet is marked as per Ex P27, xerox copy of the RTC extract in a single sheet is marked as per Ex P28, xerox copy of the RTC extract in a single sheet is marked as per Ex P29, xerox copy of the RTC extract in a single sheet is marked as per Ex P30, xerox copy of the RTC extract in a single sheet is marked as per Ex P31, xerox copy of the RTC extract in a single sheet is marked as per Ex P32, xerox copy of the RTC extract in a single sheet is marked as per Ex P33, xerox copy of mutation extract in a single sheet is marked as per Ex P34, xerox copy of mutation extract in a single sheet is marked as per Ex P35, xerox copy of mutation extract in a single sheet is marked as per Ex P36, xerox copy of mutation extract in a single sheet is marked as per Ex P37, xerox copy of mutation extract in a single sheet is marked as per Ex P38, xerox copy of Revenue sketch in a single sheet is marked as per Ex P39, xerox copy of Revenue sketch in a single sheet is marked as per Ex P40, xerox copy of Karnataka Revisional Settlement Akarbandh in a single sheet is marked as per Ex P41, xerox copy of Revenue sketch in a single sheet is marked as per Ex P42, xerox copy of Revenue sketch in a single sheet is marked as per Ex P43, original complaint in FORM No.1 dated 02/06/2015 in three sheets is marked as per Ex P44, original affidavit in FORM No.2 dated 02/06/2015 in a single sheet is marked as per Ex P45, original compact disc is marked as per Ex P46.

- 12) In the course of second oral statement of DGOs 1 to 3 recorded on 29/08/2018 they have stated that they would get examined themselves as defence witness and that they would not chose to examine defence witness.

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- 13) Defence witness by name Sri.Nagaraj.B.R is examined as DW 1. DGO-1 got himself examined as DW 2. DGO-2 got himself examined as DW 3. DGO-3 got himself examined as DW 4.
- 14) Since DGOs 1 to 3 have adduced defence evidence questionnaire is dispensed with.
- 15) In the course of written argument of the Presenting Officer filed on 02/11/2018 she has referred to evidence on record. From the manner in which the Presenting Officer has worded the written argument it can be gathered that she sought to contend that charge against DGOs 1 to 3 stands established.
- 16) In the course of written argument dated 01/12/2018 signed by the Advocate for DGO-1 it is contended that on 28/06/2018 the complainant has filed his affidavit in lieu of examination-in-chief. It needs to be expressed at this juncture that on 28/06/2018 evidence of the power of attorney holder of the complainant has been recorded. It needs to be equally expressed that the complainant has not filed affidavit in lieu of examination-in-chief on 28/06/2018. Evidence of PW 1 has been referred to in the course of written argument signed by Advocate for DGO-1. It is sought to contend that evidence of PW 1 would show that DGO-1 has passed order on 11/11/2014 the attested copy of which is at Ex P3. It is sought to contend that Exs P4 and P5 would show that the encroached cart road has been cleared. It is contended that spot inspection has been conducted. This contended that the villagers have expressed that there is no need of cart road as found in the revenue map and therefore DGO-1 issued endorsement to the complainant on 03/07/2015. It is stated that on 13/10/2015, 14/07/2016 DGO-2 and Taluk Surveyor conducted survey in order to identify

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the cart road and identified the position of cart road. It is contended that subsequent to clearance of the cart road DGO-1 informed the same to his higher officers. It is contended that DGO-1 has initiated necessary steps.

- 17) In the course of written argument signed by Advocate for DGOs 2 and 3 filed on 01/12/2018 reference is made to the evidence on record. It is contended that DW 1 who has been examined on behalf of DGOs 2 and 3 has stated that the cart road has been vacated and that nothing worthy is elicited during cross examination of DW 1. It is contended that on 11/11/2014 DGO-1 ordered to vacate the cart road and thereafter the surveyor and DGO-3 visited the spot and noticed that though cart road is found in the sketch the same is not in existence. It is stated that the villagers are using a road which is at a distance of 80 feet away from the cart road found in the sketch. It is contended that on 16/01/2015 DGOs 2 and 3 have vacated the cart road and conducted mahazar and subsequently PW 1 filed application before the Assistant Commissioner, Sagara and also filed application before the Tahasildar, Sagara to vacate the encroached area of cart road. It is contended that DGOs 2 and 3 have submitted report stating that the cart road and the road which is at a distance of 80 feet from the cart road are open for use of public. It is contended that cart road is only found mentioned in the sketch but in reality the said road does not exist. It is contended that DGOs have not placed false report. It is thus, sought to contend that DGOs 2 and 3 are not guilty of the alleged misconduct.

- 18) In tune with the articles of charge, sole point which arises for consideration is whether during the tenure of DGO-1 as

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Tahasildar, Sagara, Shivamogga District from 22/07/2014 to 11/11/2016, during the tenure of DGO-2 as Revenue Inspector, Talaguppa Hobli, Sagara Taluk, Shivamogga District from 29/12/2014 to 18/05/2016 and during the tenure of DGO-3 as Village Accountant, Hirenelluru Circle, Sagara Taluk from the year 16/09/2012 DGOs 2 and 3 have placed false report before DGO-1 stating that they have cleared the encroached portion of cart road lying over the land bearing survey number 278 situated at Shuntikoppa Village, Talaguppa Hobli, Sagara Taluk, Shivamogga District and thereafter, DGO-1 has not initiated any action for removal of encroachment of the cart road running over the land bearing survey number 278 situated at Shuntikoppa Village, Talaguppa Hobli, Sagara Taluk, Shivamogga District and thereby DGOs 1 to 3 are guilty of misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966?

- 19) During evidence though PW 1 has stated that he is one of the owners of the land bearing survey number 278 that portion of this evidence cannot be accepted for the reason that his name does not find place in Exs P26 to P38 and also in Ex P41. Title over the property is foreign to the scope of the present inquiry proceedings.
- 20) It is in the evidence of PW 1 that cart road did exist which was the access to the neighbouring land owners. That portion of his evidence is not seriously assailed during cross examination from the side of DGO-1 and also from the side of DGOs 2 and 3 and therefore it needs to be expressed that cart road was in existence. During evidence PW 1 has referred to Exs P1 to P46. ...

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21) It is in the evidence of PW 1 that DGO-1 who then was working as Tahasildar, Sagara caused notice to the Surveyor with instructions to conduct inspection and to ascertain the correctness or otherwise of the application of the complainant. His evidence that the Surveyor visited the spot and the outcome of survey revealed existence of cart road is not under challenge. It is in his evidence that the then existed cart road is found marked with red ink in the xerox copy of the revenue sketch at Ex P2. This portion of his evidence would show that there existed cart road. It is in the evidence of PW 1 that sketch drawn by the Surveyor was placed by DGO-2 before DGO-1 and thereafter DGO-1 passed order on 11/11/2014 directing the Deputy Tahasildar, Talaguppa to initiate action. This portion of his evidence is supported by Ex P3 which is the attested copy of the order passed by DGO-1. It is in the evidence of PW 1 that subsequent to the order dated 11/11/2014 DGOs 2 and 3 conducted spot inspection and drawn mahazar the attested copy of which is at Ex P4. It is in the evidence of PW 1 that DGOs 2 and 3 along with the surveyor proceeded to a place at a distance of about half kilo meter and afterwards DGOs 2 and 3 have not returned and therefore he contacted DGO-2 over phone who in turn responded that no further action would be initiated. The negative response of DGO-2 as spoken to by PW 1 has not been assailed during cross examination from the side of DGO-1 and also during cross examination from the side of DGOs 2 and 3.

22) Evidence of PW 1 during cross examination from the side of DGO-1 would show that he cannot say the date on which the complainant filed application for clearance of cart road. That portion of his answer would not lend support to DGOs 1 to 3. Though it is brought out during cross examination of PW 1 from

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the side of DGO-1 that he is staying far away from the place where the cart road existed that portion of his answer also will not lend assurance to the defence set out by DGO-1. PW 1 states during cross examination from the side of DGO-1 that memo has been caused by DGO-1 on 30/12/2014 and admits that subsequently mahazar was drawn and DGO-1 caused notice on 16/09/2014 to the persons who were in unauthorised possession. This portion of answer that DGO-1 caused notice to the persons who were found in unauthorised possession presupposes encroachment of the cart road. It is in the cross examination of PW 1 from the side of DGO-1 that DGOs 2 and 3 have recorded statements of about ten persons who had unauthorisedly occupied those lands. When subjected to cross examination from the side of DGO-1 though PW 1 states that on 04/02/2015 DGO-2 placed report before DGO-1 that persons who were in unauthorised occupation vacated the encroached portion the said report of DGO-2 is subject to scrutiny to ascertain whether the said report can sustain or not.

23) During cross examination from the side of DGO-1 though DGO-1 admits that residents of Shuntikoppa Village filed application before the Assistant Commissioner and Deputy Commissioner stating that they are not in need of the road as found in the sketch that portion of his answer will not lend support to the defence for the reason that DGO-1 was expected to exercise the powers conferred upon him under section 104 of The Karnataka Land Revenue Act, 1964 which authorises the Tahasildar to remove the unauthorised occupants.

24) When subjected to cross examination from the side of DGOs 2 and 3, PW 1 states that the complainant has not signed Exs

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P44 and P45. Suggestion made to PW 1 suggesting that after the eviction of unauthorised occupants mahazar was drawn has been denied by him. Suggestion made to him suggesting that he is in the habit of harassing public servants by filing false complaints has been denied by him.

- 25) As already stated above, Ex P2 shows existence of cart road. Ex P4 which is the attested copy of the mahazar drawn by DGOs 2 and 3 on 16/01/2015 though shows that one Mahesha had agreed to vacate the encroached area the same nothing worthy is shown that the encroached area has been vacated. Ex P5 which is the attested copy of the mahazar drawn by DGOs 2 and 3 on 16/01/2015 though shows that the unauthorised occupant by name Narayanappa agreed to vacate the encroached area the same would not show that he vacated the encroached area. Though Ex P6 which is the attested copy of the report dated 04/07/2015 of DGO-2 placed before DGO-1 shows that the cart road has been vacated no credence can be attached to the said recital found in Ex P6 for the reason that it is the specific contention of DGOs 1 to 3 as could be seen from their respective written statement that the cart road found in the sketch does not exist. When such being the defence the question of vacating as recited in Ex P6 does not arise and therefore on the strength of Ex P6 it cannot be expressed that unauthorised occupants have vacated the encroached area. Though it is found recited in Ex P7 which is the xerox copy of the mahazar dated 16/01/2015 that the unauthorised occupants have vacated the same also cannot be accepted in the presence of the defence of DGOs 1 to 3 as set out in the course of their respective written statements as referred to above. Exs P8 to P11 are the xerox copies of mahazar drawn on 16/01/2015 by DGOs 2 and 3 which though show

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that the unauthorised occupants mentioned therein have agreed to vacate there is no acceptable piece of documentary evidence to show that those unauthorised occupants have vacated the encroached area. Ex P6 dated 04/02/2015 which is the attested copy of the letter of DGO-2 addressed to DGO-1 though would show that according to DGO-2, the cart road has been cleared the same cannot be accepted in the presence of Ex P13 which is the xerox copy of the letter dated 23/07/2015 of the complainant addressed to the Deputy Commissioner, Shivamogga in which it is stated that the cart road has not been vacated.

26) It needs to be mentioned that the complaint at Ex P44 is dated 02/06/2015. Ex P16 dated 09/06/2015 of DGO-1 shows that action has to be initiated to see that encroached area has to be vacated. This establishes that DGOs 1 to 3 have not taken any effective steps to see that the encroached area is vacated. Ex P17 is the xerox copy of the mahazar drawn on 01/07/2015 is subsequent to the complaint at Ex P44. Ex P17 shows that no cart road did exist and in the presence of such a recital the contents of Ex P6 cannot be believed. Exs P18 and P19 are respectively dated 02/07/2015 and 03/07/2015 which are subsequent to the complaint at Ex P44 and therefore these two documents will not lend assurance to the defence. Thus, oral and documentary evidence on record as discussed above unerringly would point out towards the alleged misconduct of DGOs 1 to 3.

27) In the course of evidence DW 1 has stated that on 16/01/2015 DGOs 2 and 3 have set free the cart road which portion of his evidence cannot be accepted in the presence of

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overwhelming evidence as discussed above. It is the evidence of DW 2 who is DGO-1 that he caused notices to DGOs 2 and 3 and thereafter DGO-2 placed report stating that the cart road is set free. It is his evidence that he caused endorsement stating that the road is in existence for the past thirty years. DW 3 who is DGO-2 has stated during evidence that he has initiated action. It is his evidence that on 16/01/2015 he has cleared the encroached area by closing the trench with the help of JCB machine in the presence of PW 1. No suggestion to that effect has been posed to PW 1 during cross examination from the side of DGOs 2 and 3 and therefore that portion of evidence of DGO-2 cannot be accepted. It is the evidence of DGO-3 who got himself examined as DW 4 that on 16/01/2015 he set free the cart road and conducted mahazar and also recorded the statements of Mahesh, Kumbri Veerabhadrappa, Kumbri Keriyamma and Kumbri Narayanappa who have spoken to that the cart road has been set free. In the presence of the evidence as discussed above, evidence of DGOs 1 to 3 is nothing but self serving testimony and therefore cannot be accepted.

28) In the presence of evidence as discussed above I am not persuaded to accept the contentions put forward in the course of respective written statement and written argument of DGOs 1 to 3.

29) Keeping in mind that DGO 1 was expected to exercise his powers conferred upon under section 104 of The Karnataka Land Revenue Act, 1964 it needs to be expressed that he was under obligation to clear the cart road well in time. Any action initiated by DGOs 1 to 3 subsequent to lodging of the complaint at Ex P44 will not lend assurance to the defence.


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- 30) Upon appreciation of the entire evidence as discussed above I hold that the alleged misconduct of DGOs 1 to 3 stands established and being of this view I proceed with the following:

REPORT

Charge against DGO-1 that during the tenure of DGO-1 as Tahasildar, Sagara, Shivamogga District from 22/07/2014 to 11/11/2016, charge against DGO-2 that during the tenure of DGO-2 as Revenue Inspector, Talaguppa Hobli, Sagara Taluk, Shivamogga District from 29/12/2014 to 18/05/2016 and charge against DGO-3 that during the tenure of DGO-3 as Village Accountant, Hirenelluru Circle, Sagara Taluk from the year 16/09/2012 DGOs 2 and 3 have placed false report before DGO-1 stating that they have cleared the encroached portion of cart road lying over the land bearing survey number 278 situated at Shuntikoppa Village, Talaguppa Hobli, Sagara Taluk, Shivamogga District and thereafter, DGO-1 has not initiated any action for removal of encroachment of the cart road running over the land bearing survey number 278 situated at Shuntikoppa Village, Talaguppa Hobli, Sagara Taluk, Shivamogga District and thereby DGOs 1 to 3 are guilty of misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Submit this report to Hon'ble Upalokayukta-2, Karnataka in a sealed cover forthwith along with the connected records.

  
(V.G. BOPAI AH)

Additional Registrar, Enquiries-11,  
Karnataka Lokayukta, Bengaluru.

## ANNEXURES

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri. Manjappa

List of witnesses examined on behalf DGOs 1 to 3:-

DW1:- Sri. Nagaraj B.R.

DW2:- Sri. S.T. Dharmoji Rao (DGO 1)

DW3:- Sri. T. Nagaraj (DGO 2)

DW4:- Sri. Kumaraswamy (DGO3)


List of documents marked on behalf of Disciplinary Authority:-

1. Ex P1 Original power of attorney in two sheets.
2. Ex P2 Xerox copy of sketch in a single sheet.
3. Ex P3 Attested copy of order dated 11/11/2014 in a single sheet of DGO-1.
4. Ex P4 Attested copy of mahazar dated 16/01/2015 in a single sheet.
5. Ex P5 Attested copy of mahazar dated 16/01/2015 in a single sheet.
6. Ex P6 Attested copy of report dated 04/02/2015 in a single sheet of DGO-2 placed before DGO-1.
7. Ex P7 Xerox copy of mahazar dated 16/01/2015 in a single sheet.
8. Ex P 8 Xerox copy of mahazar dated 16/01/2015 in a single sheet.
9. Ex P 9 xerox copy of mahazar dated 16/01/2015 in a single sheet.

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10. Ex P 10 Xerox copy of mahazar dated 16/01/2015 in a single sheet.
11. Ex P 11 Xerox copy of mahazar dated 16/01/2015 in a single sheet.
12. Ex P 12 Attested copy of notice in a single sheet dated 16/09/2014 signed by DGO-1 on 17/09/2014.
13. Ex P 13 Xerox copy of the application dated 23/02/2015 in a single sheet of PW 1 addressed to the Deputy Commissioner, Shivamogga.
14. Ex P 14 Xerox copy of the application dated 09/04/2015 in a single sheet of the complainant addressed to the Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru.
15. Ex P 15 Xerox copy of the application dated 20/05/2015 in a single sheet of PW 1 addressed to Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru.
16. Ex P 16 Xerox copy of notice dated 09/06/2015 in a single sheet of DGO-1 issued to DGO-2.
17. Ex P 17 Xerox copy of the mahazar dated 01/07/2015 in a single sheet.
18. Ex P 18 Xerox copy of the report dated 02/07/2015 of DGO-2 placed before DGO-1.
19. Ex P 19 Xerox copy of the endorsement dated 03/07/2015 signed by DGO-1 on 04/07/2015 issued to the complainant and PW 1.

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20. Ex P 20 Xerox copy of the letter dated 14/07/2015 in a single sheet of DGO-2 addressed to the Assistant Registrar, Legal Opinion-1, Karnataka Lokayukta, Bengaluru.
21. Ex P 21 Xerox copy of the letter dated 21/07/2015 in a single sheet of DGO-1 addressed to the Assistant Registrar, Legal Opinion-1, Karnataka Lokayukta, Bengaluru.
22. Ex P 22 Xerox copy of the letter dated 30/07/2015 in a single sheet of DGO-1 addressed to the Deputy Commissioner, Shivamogga.
23. Ex P 23 Xerox copy of the statement of objections in five sheets of DGO-3 addressed to the Assistant Registrar, Legal Opinion-1, Karnataka Lokayukta, Bengaluru.
24. Ex P 24 Xerox copy of the letter dated 09/12/2015 in a single sheet addressed to the Deputy Commissioner, Shivamogga addressed on behalf of the Managing Director, Karnataka Public Lands Corporation Limited, Bengaluru.
25. Ex P 25 Xerox copy of the letter dated 14/12/2015 in a single sheet of DGO-1 addressed to the Assistant Commissioner, Sagara.
26. Ex P 26 Xerox copy of the RTC extract in a single sheet.
27. Ex P 27 Xerox copy of the RTC extract in a single sheet.
28. Ex P 28 Xerox copy of the RTC extract in a

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- single sheet.
29. Ex P 29 Xerox copy of the RTC extract in a single sheet.
30. Ex P 30 Xerox copy of the RTC extract in a single sheet.
31. Ex P 31 Xerox copy of the RTC extract in a single sheet.
32. Ex P 32 Xerox copy of the RTC extract in a single sheet.
33. Ex P 33 Xerox copy of the RTC extract in a single sheet.
34. Ex P 34 Xerox copy of mutation extract in a single sheet.
35. Ex P 35 Xerox copy of mutation extract in a single sheet.
36. Ex P 36 Xerox copy of mutation extract in a single sheet.
37. Ex P 37 Xerox copy of mutation extract in a single sheet.
38. Ex P 38 Xerox copy of mutation extract in a single sheet.
39. Ex P 39 Xerox copy of Revenue sketch in a single sheet.
40. Ex P 40 Xerox copy of Revenue sketch in a single sheet.
41. Ex P 41 Xerox copy of Karnataka Revisional Settlement Akarbandh in a single sheet.
42. Ex P 42 Xerox copy of Revenue sketch in a single sheet.

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43. Ex P 43 Xerox copy of Revenue sketch in a single sheet.
44. Ex P 44 Original complaint in FORM No.1 dated 02/06/2015 in three sheets.
45. Ex P 45 Original affidavit in FORM No.2 dated 02/06/2015 in a single sheet.
46. Ex P 46 Original compact disc.

List of documents marked on behalf of DGOs: - Nil.

(V.G. BOPAIAH)

Additional Registrar, Enquiries-11,  
Karnataka Lokayukta, Bengaluru,