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KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/176/2015/ARE-7

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 30.08.2018

RECOMMENDATION

Sub:- Departmental inquiry against Shri Eraswamy, the then Child Development Project Office, Bangarapet Taluk, Kolar District - reg.

Ref:- 1) Government Order No. ಮಮಇ 663 ಎಸ್‌ಜೆಡಿ 2014 dated 24.02.2015.

2) Nomination order No. UPLOK-2/DE/176/2015 dated 08.04.2015 of Upalokayukta-2, State of Karnataka.

3) Inquiry report dated 27.08.2018 of Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 24.02.2015, initiated the disciplinary proceedings against Shri Eraswamy, the then Child Development Project Office, Bangarapet Taluk, Kolar District [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/176/2015 dated 08.04.2015 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as

the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. UPLOK-2/DE/2017, dated 04.07.2017, the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against him.

3. The DGO - Shri Eraswamy, the then Child Development Project Office, Bangarapet Taluk, Kolar District was tried for the following charge:-

“While you the DGO., Shri B.Eraswamy, the then Child Development Project Officer, Bangarapete, Kolar District has failed to follow the procedure prescribed under Karnataka Transparency Rules while calling for tender for supply of furnitures, printed registers, salter scale/measuring machines, etc., and violated circular of the Government and has failed to obtain certificate from the Inspector of Weights and Measures regarding the quality of measuring instruments and paid Rs.13,93,780/- to Sri Sathyasayi Nagar Sthree Shakthi Samooha, IGF and thereby you the DGO., has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of

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misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries- 7) on proper appreciation of oral and documentary evidence has held that, “the Disciplinary Authority has ‘proved’ the charge framed against the DGO - Shri Eraswamy, the then Child Development Project Officer, Bangarapet Taluk, Kolar District (presently working as Child Development Project Officer, Hosakote) to the effect that he has failed to follow the procedure prescribed under the KTTP Rules while calling for tender for supply of furniture, etc., and also failed to obtain certificate from the Inspector of Weights and Measures regarding the quality of measuring instrument and thereby, the DGO has failed to maintain absolute integrity and devotion to duty and committed an act and guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

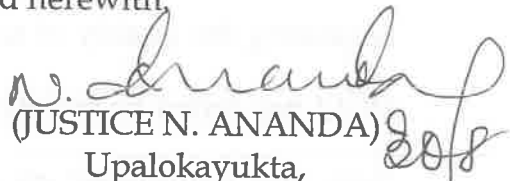
5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO - Shri Eraswamy is due for retirement on 31.05.2031.

7. Having regard to the nature of charge 'proved' against DGO - Shri Eraswamy, the then Child Development Project Office, Bangarapet Taluk, Kolar District, it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO - Shri Eraswamy with cumulative effect' and also, 'to defer the promotion of DGO - Shri Eraswamy by four years whenever he becomes due for promotion.'

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

Connected records are enclosed herewith

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