



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/18/2016/ARE-10

**M.S.Buildings,
Bangalore,
Dated 23/9/2017**

RECOMMENDATION

Sub: Departmental Enquiry against 1) Sri J.Sanjay, Senior Inspector and 2) Sri N.K.Gopalaiah, Assistant Registrar of Co-operative Societies, Mysore Sub Dvn.,Mysore-reg.

Ref:1. Government Order No. CD 431 ASS 2015 dt 11/11/2016
2. Nomination order by Hon'ble Upalokayukta- dtd 21/1/2016

The Government by order dtd.11/11/2016 initiated the disciplinary proceedings against the Delinquent Government Servant 1) Sri J.Sanjay, Senior Inspector and 2) Sri N.K.Gopalaiah, Assistant Registrar of Co-operative Societies, Mysore Sub Dvn.,Mysore (herein after referred to 'DGO-1' and 'DGO-2' in short) and entrusted the departmental enquiry to this institution. Accordingly, by nomination order dtd.21/1/2016, Additional Registrar, Enquiries-10 was nominated as an enquiry officer by this institution to conduct departmental enquiry against the DGO-1 and DGO-2 for the alleged charge of misconduct alleged to have been committed by them.

S. J. S.

The said Enquiry officer, after completing the departmental enquiry, has submitted report dtd. 18/9/2017 inter-alia holding that, the charge of misconduct alleged against the DGO-1 and DGO-2 is held proved by the disciplinary authority.

The charge alleged against the DGO was that while DGO-1 was working as Senior Inspector and DGO-2 was working as Asst.Registrar of Co-operative Societies, Mysore, though Senior Inspector of Co-operative Societies held inspection and gave report on 3/7/2010 to the Asst.Registrar of Co-operative Societies recommending for prosecution of Sri Padmanabhan and others, the DGO-2 authorised DGO-1 on 7/9/2010 to file a complaint against Sri Padmanabhan and others but DGO-1 did not file the complaint even after lapse of 3 years 4 months. DGO-2 was a public information officer, did not furnish information sought by the complainant under Sec.6 of Right to Information Act, 2005 within 30 days from the date of filing of the application on 14/12/2012 though the appellate authority has directed DGO-2 to furnish the said information by order dtd 26/2/2013 , still the DGO-2 did not furnish the said information even after lapse of 2 ½ months and thereby, the DGO-1 and DGO-2 have failed to maintain absolute integrity and devotion to the duty, the act of which is unbecoming of Government servants and thereby have committed misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966”.

The disciplinary authority, to prove the charge of misconduct against the DGO, has examined complainant Sri Mallikarjuna Swamy as PW1 and got marked as Ex.P1 to P20. Whereas, the DGO-2 got himself examined as DW1 and the DGO, got examined as DW2 and got marked Ex.D1 to D3 in their evidence.

S. J. S.

The evidence of PW1 the complainant and the documents produced by the complainant in his evidence categorically prove that DGO-1 failed to discharge his function as public servant by filing a complaint as directed by the Asst.Registrar of Co-operative Societies, Mysore. DGO-2 being a Public Relation officer and public servant, failed to furnish the information under Right to Information Act even after the appellate authority under the Right to Information Act has directed DGO-2 to furnish the said information within one month, thereby, they failed to maintain absolute integrity and devotion to the duty.

Though the DGO-1 and DGO-2 have taken defence, inter-alia stating that, they have not acted negligently and they have discharged the duty efficiently and sincerely. However, the records produced during the course of enquiry satisfactorily establishes lapses on the part of DGO-1 and DGO-2.

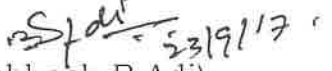
The enquiry officer, on appreciation of entire evidence, has given his findings.

Hence, having regard to the findings of the enquiry officer and the nature and gravity of misconduct alleged against the DGO, **it is hereby recommended to the Government that the DGOs 1) Sri J.Sanjay, Senior Inspector and 2) Sri N.K.Gopalaiah, Assistant Registrar of Co-operative Societies, Mysore Sub Dvn.,Mysore, be punished with a penalty of denial of 3 annual increments for a period of 2 years without cumulative effect under Rule 8(iii) of KCS(CC & A) Rules.**

Sgds

Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed herewith.


(Justice Subhash B Adi)
Upalokayukta
Karnataka State, Bangalore