

## KARNATAKA - LOKAYUKTA

BEFORE ADDITIONAL REGISTRAR (ENQUIRIES -10)

PRESENT :

SRI. MASTER R.K.G.M.M. MAHASWAMIJI, MA., LL.M.,  
ADDITIONAL REGISTRAR ENQUIRIES-10,  
M.S. BUILDING,  
KARNATAKA LOKAYUKTA,  
BANGALORE - 560 001.

DEPARTMENTAL ENQUIRY NO. UPLOK-2/DE/**215**/2017/ARE-10

|                                      |   |
|--------------------------------------|---|
| COMPLAINANT                          | SRI. K. MANIKANTA   |
| DISCIPLINARY<br>AUTHORITY            | GOVERNMENT OF KARNATAKA,<br>URBAN DEVELOPMENT DEPARTMENT<br>(Through the Presenting Officer)  |
| V/s                                  |   |
| DELINQUENT<br>GOVERNMENT<br>OFFICIAL | SRI. K.H. SRIKHAR,<br>Assistant Executive Engineer,<br>Davangere-Harihara Urban Development<br>Authority,<br>Davangere District.<br><br>( DGO represented by Advocate<br>Sri. Revanna Bellary Y). |

Subject : Departmental Enquiry against DGO as noted in the cause title -reg.,

References:

1. Report u/S 12(3) of the K.L Act, 1984 in Compt/UpLok/BD/3559/2014/DRE-1 dated 29.11.2016.
2. Government Order No. ನಅಇ 02 ಬೆಂಗಳೂರು 2017, Bengaluru, Dated 04.02.2017.
3. Nomination Order No. UpLok-2/DE/215/2017 Bengaluru dt. 09-02-2017 by Hon'ble Upalokayukta-2.

\*\*\*

- i. Nature of Case. : Departmental Enquiry
- ii. Provision of law under which : Rule 3(1)(ii) & (iii) of  
Article of charge/s framed. the Karnataka Civil  
Services (Conduct) Rules,  
1966.
- iii. Date of Submission of report : 28th March 2019.

-: DEPARTMENTAL - ENQUIRY - REPORT :-

1. This is the departmental enquiry initiated and held against Delinquent Government Official as the complainant by name Sri. *K. Manikanta* has filed a complaint in Lokayukta Office alleging dereliction of duty amounting to misconduct.
2. The *comments* from the DGO called and Unsatisfied with the same, a *Report* was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the *Government Order* (G.O.) dated 04.02.2017 authorizing Hon'ble Upalokayukta-2 to hold an enquiry as per reference no. 2.
3. In pursuance of the Government Order, *nomination order* was issued by Hon'ble Upalokayukta-2 on 09.02.2017 authorizing ARE-10 to frame Article of Charge against DGO and hold an enquiry to find out truth and to submit a report as per reference No. 3.
4. Accordingly, *Article of charge* was framed/prepared under Rule 11(3) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and was sent to the Delinquent Government Official on 09.05.2017.

5. The article of *charge* and the statement of imputation of misconduct framed/prepared and leveled against the DGO are reproduced as follows:-

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

5(1) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ.ಕೆ.ಹೆಚ್.ಶ್ರೀಕರ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ದಾವಣಗೆರೆ-ಹರಿಹರ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ ಆದ ನೀವು ಈ ಕೆಳಕಂಡ ಕರ್ತವ್ಯಲೋಪ/ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರಿ:-

5(2) 2012ನೇ ಸಾಲಿನಲ್ಲಿ ದಾವಣಗೆರೆ ಜೆ.ಹೆಚ್.ಪಾಟೀಲ್ ಬಡಾವಣೆಯಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೇ, ಸೈಟ್ ನಂ.567 ಅನ್ನು ದಿ. 6/8/2012 ರಂದು ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರ್‌ನಲ್ಲಿ ಸಾಲ ಪಡೆದು ನಿಮ್ಮ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಖರೀದಿ ಮಾಡಿರುತ್ತೀರಿ.

5(3) ಆದಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ)

ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ, ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

5(4) ದೂರುದಾರರಾದ ಶ್ರೀ.ಕೆ.ಮಣಿಕಂಠ ಬಿನ್ ಕರುಣಾಕರನ್, ಜಿಲ್ಲಾಧ್ಯಕ್ಷರು, ಶ್ರೀರಾಮ ಸೇನೆ, ವಿನೋಬಾನಗರ, ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ, ರವರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ನೌಕರರಾದ ಶ್ರೀ.ಕೆ.ಹೆಚ್.ಶ್ರೀಕರ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ದಾವಣಗೆರೆ-ಹರಿಹರ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಶ್ರೀ ದೇವರಾಜ ಅರಸ್ ಬಡಾವಣೆ, 'ಎ' ಬ್ಲಾಕ್, ದಾವಣಗೆರೆ, ಇವರ ವಿರುದ್ಧ ದೂರು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

5(5) ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರಿಯಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸಿ ನಗರ ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದಿಂದ ಖರೀದಿ ಮಾಡಿ ನಿವೇಶನಗಳನ್ನು ಮಾರ್ಪಾಡು ಮಾಡಿ ಗ್ರಾಹಕರಿಗೆ ಹಂಚಿಕೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ತಮಗೆ ಬೇಕಾದವರ ಹಾಗೂ ಅವರ ಕುಟುಂಬದವರ ಹೆಸರಿಗೆ ಮಂಜೂರು ಮಾಡಿಸಿಕೊಂಡು ಬೇರೆಯವರ ಹೆಸರಿಗೆ ಮಾರಾಟ ಮಾಡಿ, ಬಡಾವಣೆ ನಿರ್ಮಾಣ ಸಂದರ್ಭದಲ್ಲಿ ವಿವಿಧ ತಾಂತ್ರಿಕ ಕೆಲಸಗಳಿಗೆ ಗುತ್ತಿಗೆ ನೀಡುವ

ಸಂದರ್ಭದಲ್ಲಿ, ಗುತ್ತಿಗೆದಾರರೊಂದಿಗೆ ಅನ್ಯಭಾವ ಸಂಬಂಧ ಮಾಡಿಕೊಂಡು ತನ್ನ ಸ್ನೇಹಿತರ ಹಾಗೂ ಕುಟುಂಬೀತರ ಸದಸ್ಯರುಗಳ ಹೆಸರಿಗೆ ಬೇನಾಮಿ ಆಸ್ತಿ ಹೊಂದಿರುತ್ತಾರೆ. ಅವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಕೋರಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

5(6) ಸದರಿ ದೂರಿನ ಬಗ್ಗೆ ತನಿಖೆ ನಡೆಸಿ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಮಾನ್ಯ ಅಪರ ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಇವರಿಗೆ ಪ್ರಕರಣವನ್ನು ವಹಿಸಿಕೊಡಲಾಗಿತ್ತು. ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ದಾವಣಗೆರೆ ಇವರು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಗ್ಗೆ ಗುಪ್ತವಾಗಿ ಮಾಹಿತಿ ಸಂಗ್ರಹಿಸಲಾಗಿದ್ದು, ಸದರಿಯವರ ಮೇಲೆ ಸಾರ್ವಜನಿಕರಿಂದ ಭ್ರಷ್ಟಾಚಾರದ ಆರೋಪವು ಕೇಳಿ ಬರುತ್ತಿದ್ದು, ಇವರ ಚರ ಮತ್ತು ಸ್ಥಿರಾಸ್ತಿಗಳ ಬಗ್ಗೆ ಗುಪ್ತವಾಗಿ ಮಾಹಿತಿಯನ್ನು ಸಂಗ್ರಹಿಸಲಾಗಿ ಸದ್ಯಕ್ಕೆ ಇದೊಂದು ಅಸಮತೋಲನ ಆಸ್ತಿ ಪ್ರಕರಣಕ್ಕೆ ಪೂರಕವಾಗಿರುವುದಿಲ್ಲವೆಂದು ವರದಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ.

5(7) ತನಿಖಾಧಿಕಾರಿಯ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಮತ್ತು ಅವರ ಕುಟುಂಬದವರ ಹೆಸರಿನಲ್ಲಿ ಸುಮಾರು ರೂ.1,15,54,209/- ಮೌಲ್ಯದ ಚರ ಮತ್ತು ಸ್ಥಿರಾಸ್ತಿಗಳು ಇರುವುದು ಕಂಡುಬಂದಿರುವುದರಿಂದ, ಸದರಿ ಸ್ವತ್ತುಗಳನ್ನು ಖರೀದಿಸಲು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುತ್ತಾರೋ, ಇಲ್ಲವೋ ಎನ್ನುವ ಬಗ್ಗೆ ವಿವರ ಹಾಗೂ

ತನಿಖಾಧಿಕಾರಿಯ ವರದಿಯ ಮೇಲೆ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಆದೇಶಿಸಲಾಗಿತ್ತು.

5(8) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಎಲ್ಲಾ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳ ನೌಕರರಿಗೆ ವಾರ್ಷಿಕ ಆಸ್ತಿ ಮತ್ತು ದಾಯಿತ್ವಗಳ ಪಟ್ಟಿ ಯಾರಿಗೆ ಮತ್ತು ಎಲ್ಲಿ ಸಲ್ಲಿಸಬೇಕು ಎಂಬ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಆದೇಶ/ಸುತ್ತೋಲೆಗಳು ಇರದೇ ಇದ್ದ ಪ್ರಯುಕ್ತ ಸರ್ಕಾರವು ಸುತ್ತೋಲೆ ಹೊರಡಿಸುವವರೆಗೂ ಪ್ರಾಧಿಕಾರಗಳ ಖಾಯಂ ಅಧಿಕಾರಿ/ನೌಕರರು ಸರ್ಕಾರಕ್ಕೆ ವಾರ್ಷಿಕ ಆಸ್ತಿ ಮತ್ತು ದಾಯಿತ್ವಗಳ ವರದಿ ಮಾಡಿಕೊಂಡಿರುವುದಿಲ್ಲ. ಸರ್ಕಾರವು ಈ ಬಗ್ಗೆ ಸುತ್ತೋಲೆ ಸಂ:ಆನಇ/314/ಬೆಂಮಪ್ರಾ/2006 ದಿ.14/2/2007 ರಂತೆ ಸುತ್ತೋಲೆ ಹೊರಡಿಸಿ, ಎಲ್ಲಾ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳ ಖಾಯಂ ಅಧಿಕಾರಿ/ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರೆಂದು ಪರಿಗಣಿಸಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲವೆಂದು ಹಾಗೂ ಸದರಿ ಸುತ್ತೋಲೆಯಲ್ಲಿ ಪ್ರಾಧಿಕಾರದ ನೌಕರರಿಗೆ ಕೆಲಸಕ್ಕೆ ಸೇರಿದ ದಿನಾಂಕದಿಂದ ಅಂದರೆ ದಿ.31/3/2007 ರ ಒಳಗೆ ವಾರ್ಷಿಕ ಆಸ್ತಿ ಮತ್ತು ದಾಯಿತ್ವಗಳ ಪಟ್ಟಿ ಬಗ್ಗೆ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ಅವರು ಕೆಲಸಕ್ಕೆ ಸೇರಿದಾಗಿನಿಂದ ಸುತ್ತೋಲೆ ಹೊರಡಿಸಿದ ದಿ.14/2/2007 ರ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿದ ಅವಧಿಯೊಳಗಿನವರೆಗೂ ಒಟ್ಟು 17 ವರ್ಷದ ವಾರ್ಷಿಕ ಆಸ್ತಿ ಮತ್ತು ದಾಯಿತ್ವಗಳ ಪಟ್ಟಿಗಳನ್ನು ದಿ.27/3/2007 ರಂತೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

5(9) ಮುಂದುವರೆದು, ಎಸ್.ನಿಜಲಿಂಗಪ್ಪ ಬಡಾವಣೆಯಲ್ಲಿ ಡೋರ್ ನಂ.160 ರ ವಾಸದ ಮನೆಯನ್ನು ತನ್ನ ತಂದೆಯವರು 2002 ರಲ್ಲಿ ನಿವೇಶನವನ್ನು ಖರೀದಿಸಿ, ಕೆನರಾ ಬ್ಯಾಂಕಿನಿಂದ ಸಾಲ ಪಡೆದು ಮನೆ ನಿರ್ಮಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಮನೆಯ ಆಸ್ತಿಯು ಹಕ್ಕು ಖುಲಾಸೆ ಪತ್ರದ ಮೂಲಕ ತನಗೆ ಬಂದಿರುತ್ತದೆ. ಎಸ್.ನಿಜಲಿಂಗಪ್ಪ ಬಡಾವಣೆಯಲ್ಲಿ ಸ್ಟೇಟ್ ನಂ.159 ರ ನಿವೇಶನವನ್ನು ತನ್ನ ಹೆಂಡತಿಯ ತಂದೆಯವರು ತನ್ನ ಹೆಂಡತಿಗೆ ಕೊಡಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿದ್ದು, ಆ ಬಗ್ಗೆ ನಿವೇಶನದ ಖರೀದಿ ಸಮಯದಲ್ಲಿ ನಿವೇಶನದ ಬೆಲೆಯ ಹಣವನ್ನು ಬ್ಯಾಂಕ್ ಆಫ್ ಬರೋಡ ಬ್ಯಾಂಕಿಗೆ ವರ್ಗಾಯಿಸಿರುವ ಮಾಹಿತಿ ಪ್ರತಿಯನ್ನು ಹಾಜರು ಪಡಿಸಿರುತ್ತಾರೆ. ನಿಜಲಿಂಗಪ್ಪ ಬಡಾವಣೆಯಲ್ಲಿ ಸ್ಟೇಟ್ ನಂ.225 ರ ನಿವೇಶನವನ್ನು ದಾವಣಗೆರೆ ಹರಿಹರ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದವರು ತನಗೆ ಹಂಚಿಕೆ ಮಾಡಿದ್ದು, ನಿವೇಶನ ಖರೀದಿಗೆ ಮೊಬಲಗನ್ನು ಅವರ ವೇತನದ ಉಳಿತಾಯದಿಂದ ಪಾವತಿಸಿರುತ್ತೇನೆ. ದಾವಣಗೆರೆ ಜೆ.ಹೆಚ್.ಪಾಟೀಲ್ ಬಡಾವಣೆಯಲ್ಲಿ ಸ್ಟೇಟ್ ನಂ.567ನ್ನು ದಿ.6/8/12 ರಂದು ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರ್‌ನಲ್ಲಿ ಸಾಲ ಪಡೆದು ಖರೀದಿಸಲಾಗಿದೆ. ಉಳಿದ 2 ಜಮೀನುಗಳು ತನ್ನ ತಂದೆಯಿಂದ ಹಕ್ಕು ಖುಲಾಸೆ ಪತ್ರದಿಂದ ಬಂದಿರುತ್ತದೆಯೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

5(10) ದೂರುದಾರರು ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಹೇಳಿರುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮನೆ ಕಟ್ಟಲು ಕೆನರಾ ಬ್ಯಾಂಕ್‌ನವರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ತಂದೆ ಹನುಮಂತಪ್ಪ ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಹೆಸರಿಗೆ ಮಂಜೂರು

ಮಾಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ದಿ.1/1/2004 ರ ಹಕ್ಕು ಮಿಲಾಸೆ ಪತ್ರದ ಮೂಲಕ ಮನೆ ಹಾಗೂ 2 ಸ್ವತ್ತುಗಳು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಪಾಲಿಗೆ ಬಂದಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. 2007 ರಲ್ಲಿ ಸರ್ಕಾರದಿಂದ ಸುತ್ತೋಲೆ ಬರುವ ತನಕ ಆಸ್ತಿ ಮತ್ತು ದಾಯಿತ್ವಗಳ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಲು ಅವಕಾಶವಿಲ್ಲವೆಂದು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹೇಳಿದ್ದು, ಆದರೆ ದಾವಣಗೆರೆ ಜೆ.ಹೆಚ್.ಪಟೇಲ್ ಬಡಾವಣೆಯಲ್ಲಿ ನಿವೇಶನವನ್ನು 2012 ರಲ್ಲಿ ಖರೀದಿ ಮಾಡಿದ್ದು, ಸದರಿ ಸಮಯದಲ್ಲಿ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆದ ಬಗ್ಗೆ ತನ್ನ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಹಾಜರು ಪಡಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ಇಲಾಖಾ ಅನುಮತಿ ಪಡೆಯದೆ, ತನ್ನ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಜಮೀನು ಖರೀದಿಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ದುರ್ನಡತೆಯನ್ನು ತೋರಿಸುತ್ತದೆ.

5(11) ತನಿಖಾಧಿಕಾರಿಯ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತನ್ನ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಜಮೀನು ಖರೀದಿಸುವಾಗ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಕೆ.ಸಿ.ಎಸ್.ಆರ್.ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ. ಆ ಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆ.

5(12) ಆದುದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಆಕ್ಷೇಪಣೆಯು ಅವರ ಮೇಲಿನ ಆಪಾದನೆಯನ್ನು



ಅಲ್ಲಗಳೆಯಲು ಸೂಕ್ತ ಅಥವಾ ಸಮಾಧಾನಕರವಾಗಿರುವುದಿಲ್ಲ ಮತ್ತು ದೂರುದಾರರ ದೂರನ್ನು ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಯ ವರದಿಯನ್ನು ಅಲ್ಲಗಳೆಯಲು ಯಾವುದೇ ಸಮಂಜಸ/ಸಮರ್ಪಕ ಉತ್ತರವನ್ನು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬಂದಿದೆ.

5(13) ಈ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡಾಗ, ತನ್ನ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಜಮೀನು ಖರೀದಿಸುವಾಗ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಕೆ.ಸಿ.ಎಸ್.ಆರ್.ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿ ಕಂಡುಬರುತ್ತದೆ.

5(14) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ಕೆ.ಸಿ.ಎಸ್.ಆರ್.ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966 ರ ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಅವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು, ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ವಿಚಾರಣೆ ನಡೆಸಲು, ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ -1984ರ

ಕಲಂ 12(3) ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ ಮತ್ತು 14 ಎ ಅಡಿಯಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿತ್ತು.

5(15) ಹಾಗಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ತನ್ನ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು 10 ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ಆಪಾದನೆ ಇರುತ್ತದೆ.

6. The aforesaid 'article of charge' served upon the DGO and he appeared before this enquiry authority and his *first oral statement* under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. The DGO has pleaded not guilty and claimed to be enquired about the charge.
7. The DGO has filed his *written defense statement* denying the charge and stated that, he did not commit dereliction of duty amounting to misconduct.
8. The DGO has been given an opportunity by this Enquiry Authority for verification/inspection of records/documents and for discoveries if any.
9. *In this enquiry*, to establish the charge against DGO, the presenting officer has examined Sri. Manikanta.K. (complainant) as PW 1 and Sri. Jayaprakash.A (Scrutiny

Officer) and produced and got marked, in all, 10 documents as per Ex P 1 to 10 on behalf of Disciplinary Authority.

10. After the closure of the evidence of the Disciplinary Authority, *second oral statement* of DGO as per Rule 11(16) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 recorded and he submitted that he will examine himself. *Accordingly*, the delinquent government official is examined himself as DW-1 by filing affidavit evidence and another witness Sri. *Nagaraju*, (Under Secretary, Urban Development Department) is examined as DW-2 and got marked 24 documents as Ex D-1 to D-24 and closed his side. *As such*, the *questionnaire* of DGO u/R 11(18) of KCS (CCA) Rules, 1957 is *dispensed with* as he examined himself.
11. The Advocate/Defense Assistant appearing for DGO has filed *Written Brief* and I have heard the learned Presenting Officer and Defense Assistant.
12. *Now*, the points that emerge for my consideration and conclusion are *as follows* :-
  - 1 : *Whether the charge against DGO as noted/reproduced at para No. 5(2) is proved by the Disciplinary Authority through its presenting officer?*
  - 2 : *What finding/conclusion ?*

13. I have heard and carefully perused the enquiry papers and analyzed and appreciated the oral and documentary evidence placed on record.

14. My *findings* on aforesaid points are *as under*:

POINT No. 1 : In the AFFIRMATIVE

POINT no. 2 : As per my *FINDING/CONCLUSION*  
for the following ;

**\* REASONS \***

15. POINT NO. 1 : *It is the case of the Disciplinary Authority that* DGO being Assistant Executive Engineer in Harihara Urban Development Authority has committed dereliction of duty amounting to misconduct as mentioned in the charge at para 5(2) of the report.

16. *In order to prove the charge* leveled against DGO, the presenting officer has examined 2 witnesses and got marked 10 documents and closed the side.

17. *Now*, I shall proceed to appreciate and analyze the oral and documentary evidence of the disciplinary authority viz.,(PW1, PW-2 and Ex P1 to 10) which are *as follows:-*

18. PW- 1 SRI MANIKANTA.K. (complainant) *he is treated as hostile. However, he deposed that, he gave complaint, Form No.1 (complaint) , Form No.2 (affidavit) as per Ex P-1 to 3.*
19. *PW-1 further deposed that, he received information that DGO purchased site in the name of himself and his wife. Ex P-4 to 6 are marked through PW-1.*
20. PW-2 SRI. JAYAPRAKASH (DRE-3, Scrutiny Officer), *he deposed that, he prepared final scrutiny note dt:24.11.2016 after perusal of records and report of investigation officer (Ex P - 7).*
21. *PW-2 further deposed that, investigation report of Chandrappa, Police Inspector is at Ex. P-8. He perused report Ex. P-7 wherein it is stated that there is disproportionate property of 31.29% and on the basis of said report, he prepared Final Scrutiny Note.*
22. *PW-2 states that, on perusal of documents and source information report dated 13.05.2016, he found that DGO purchased property bearing site No. 567 situated in J.H. Patel Extension, Davangere in the year 2012, in the name of wife of DGO, by obtaining *loan* from State Bank of Mysore.*
23. *PW-2 further states that, he called comments of DGO, but in the Ex. P -9 comments, DGO did not mention about seeking of permission from the department to purchase the above site. The report Under Section 12 (3) of Karnataka Lokayukta Act, 1984 is at Ex. P-10.*

24. *PW-2 says that, on the basis Ex. P -8 Source Report & Ex. P -9 comments of DGO, he came to conclusion that, DGO purchased property bearing site No. 567 by obtaining loan from State Bank of Mysore in the name of his wife.*
25. *In the cross-examination of PW-2 made by learned defense assistant appearing for DGO, I find that no worth mentioning points are elicited in favour of DGO/defense, to discredit/disbelieve his deposition.*
26. *It is the case of DGO/Defence that he did not commit any Dereliction of duty amounting to misconduct.*
27. *In this regard, DGO Sri. K.H. SRIKHAR (Assistant Executive Engineer) has examined himself as DW-1 and one witness Sri. Nagaraj, Under Secretary is examined as DW-2 and got marked in all 24 documents as Ex. D-1 to 24 and closed his side.*
28. *In the Cross-examination of DW-1, DGO purposely denied the purchase of site in the name of his wife by obtaining loan from State Bank of Mysore. Nevertheless, DGO volunteered that, his wife herself obtained loan from the Bank and purchased the site No. 567.*

29. DW-2 (Under Secretary) is examined by DGO, stating that he is not Competent Authority to sanction/pass Government Order to conduct Departmental Enquiry against the DGO.

29(1) In the Cross-Examination of DW-2 it is elicited that, special provision under Rule 14-A Karnataka Civil Services (CCA) Rules, applies to this case and the competent authority is Urban Development Authority i.e. Karnataka Government.

29(2) It is admitted by DW-2 as true that, the DGO challenged the validity of Government Order in respect of competent authority and same is *dismissed*.

30. In so far as argument/s in this enquiry is concerned, the learned presenting officer has submitted that PW-1 & 2 are examined and Ex. P-1 to 10 have been got marked and on the basis of deposition of PW-2 and relevant documents, affirmative finding can be given as *charge against the DGO is proved*.

31. *Per contra*, the learned defence assistant appearing for DGO has *filed written brief for DGO*.

32. *Having heard* and on careful perusal and appreciation of oral and documentary evidence of disciplinary authority placed on record, *it is obviously clear that* the disciplinary authority has placed sufficient and satisfactory oral and

documentary evidence to prove its case/enquiry against the DGO as per the standard of preponderance of probabilities to warrant my finding on the *charge* against DGO in the affirmative as *proved*.

33. *On perusal of depositions of PW-1 Sri. Manikanta & PW-2 Sri. Jayaprakash, it can be seen that, PW-1 being the complainant through him, Ex. P-1 to 6 are got marked and PW-2 being Scrutiny Officer, has fully supported the case of disciplinary authority regarding non taking of prior permission for purchase of immovable landed property and borrowing of loan.*
34. *It is significant to note that nothing worth mentioning points are elicited from the evidence/deposition of PW-2 by the learned defense assistant appearing for Delinquent Government Official in favour of DGO. Moreover, as already observed, some suggestions are put admitting the fact of purchase of site by his wife and borrowing of loan from the State Bank of Mysore. As such, the deposition of PW-2 is worthy of acceptance, believable and reliable against DGO.*
35. *It is relevant to note that the deposition of Pw-2 is consistent, corroborative and strengthened by the relevant documents by its relevant contents i.e. Ex P -1 to 10.*



36. I don't find any substance and considerable force in the line of argument/contention/s taken by the learned defense assistant appearing for DGO in the *Written Brief* and *in my considered opinion*, those are devoid of merits, *irrelevant* and unacceptable. *Moreover*, on bare reading of Ex. D-1 to D-24 relied by DGO, I find that, those are not helpful to him and nothing worth mentioning aspects are forthcoming therein in favour of DGO to hold that he has not committed misconduct. *Further*, the evidence of DGO/DW-1 is nothing, but, admission of charge to some extent and he is highly interested and he has also given clear admissions to some extent. *Furthermore*, the evidence of DW-2 is against the case of DGO and not helpful to DGO.
37. Now, I shall proceed answer the contention/s taken by the learned defense assistant appearing for DGO.
38. *It is the contention of learned defense assistant for DGO that*, DGO did not purchase site No. 567, but it is purchased by his wife on 6.8.2012 by obtaining loan from State Bank of Mysore and DGO mentioned the same in Ex. D-5 Assets & Liabilities Statement for the year ending with 31.03.2013.
- 38(1) *In this regard*, it can be said that, no doubt it is true that, the case of the disciplinary authority itself is that, the site No. 567 in J.H. Patel Layout is purchased in the name of wife of DGO on 06.08.2012 by obtaining loan from State Bank of Mysore *without prior permission*.

- 38(2) *It may be true that, DGO has mentioned the purchase of site No. 567 in the name of his wife in Ex. D-5 Assets & Liabilities Statement for the year ending with 31.03.2013.*
- 38(3) *But, it is to be noted that, DGO did not mention the same in the Assets & Liabilities Statement for the year ending with 31.03.2012, though it is purchased on 14.08.2012 by obtaining loan from State Bank of Mysore on 06.08.2012 and copy of Assets & Liabilities Statement for the year ending with 31.03.2012, is not produced before this enquiry authority.*
- 38(4) *At this juncture, it is necessary and useful to extract the relevant para/s of Rule 21 and 23 of Karnataka Civil Services (Conduct) Rules, 1966 which read thus:-*

*Rule 21 Investment, Lending & barrowing :-*

(4)(i) No Government Servant shall (except with the *previous sanction of the Government* and) save in the ordinary course of business with a *bank* or a firm of standing duly authorized to conduct banking business *either himself or through any member of his family* or any other person acting on his behalf:-

(a) Lend or *borrow money as principal or agent*, to or from any person within the

local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person; or

Rule 23 Movable, immovable and valuable property :-

(2) No Government Servant (or any member of his family) shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

38(5) On plain perusal of supra noted relevant provisions of law viz:- Rule 21 and 23 of Karnataka Civil Services (Conduct) Rules, 1966, *it is crystal clear that*, DGO has to take *previous sanction of the government* to lend or barrow from the bank etc., to conduct banking business either himself or through any member of his family. *Further*, to acquire or dispose off any immovable property, in his own name or in the name of any member of his family, it is to be done with *previous knowledge of the prescribed authority*.

38(6) *In this instant case/departmental enquiry*, DGO has not produced any *letter* to show the *previous knowledge of the prescribed authority* prior to purchase of immovable property in the name of his wife. Likewise, he has also not

produced any *previous sanction of the government* for borrowing money from the bank by his wife. So, above aspects indicate that, DGO has committed dereliction of duty amounting to misconduct. *Therefore*, the aforesaid contention of DGO is devoid of merits and unsustainable.

39. *The another contention of the defense assistant is that*, the person who passed the government order to initiate and entrust the departmental enquiry against the DGO is not competent authority

39(1) *In this respect*, it is to be noted that the Disciplinary Authority in respect of DGO is Urban Development Department viz:- the Government of Karnataka. In this regard, the government order passed by DW-2 cannot be found fault with. *Moreover*, although, Sri. Nagaraj, the Under Secretary to Government, Urban Development Department is examined by the DGO as DW-2, his evidence is in favour of disciplinary authority and against/contrary to the defense case.

39(2) *Moreso*, it is brought to our notice that, the Writ Petition filed by DGO challenging the correctness Government Order in respect of competent authority is already dismissed. *Hence*, I don't find any substance in the above contention and it is bereft of merit.

40. On bare reading of relevant contents of Ex. P-1 to 10 coupled with deposition of PW- 2, *it is very clear that*, DGO being Assistant Executive Engineer has committed dereliction of duty amounting to misconduct as mentioned in charge at para 5(2) of the report.
- 41 *On careful analysis* and appreciation of oral and documentary evidence placed on record, it is *manifestly clear* that the deposition of PW-2 is fully corroborated, consistent and fortified by relevant exhibits/documents and the same are inspiring confidence of this enquiry authority to rely and to act upon against DGO and there is nothing brought on record to disbelieve the same. *In my considered view*, the case of Disciplinary Authority is *acceptable*.
42. *For the reasons stated above* and observations made in the light of relevant evidence in the depositions of PW-1, PW-2, DW-1 & 2 and Ex. P-1 to 10 and Ex. D-1 to 24 and provision of law and under the given set of facts and circumstances of this enquiry, I have arrived at *inevitable conclusion to hold that*, the Disciplinary Authority through its Presenting Officer is **successful** in proving the *charge* framed and leveled against DGO, *up to* the standard of preponderance of probabilities and to the satisfaction of this enquiry authority, to record my finding in the affirmative as *proved*.

43. POINT NO.2 : *In view of my finding on point No. 1, for foregoing reasons and discussions, I proceed to submit the enquiry report as under :-*

:: ENQUIRY - REPORT ::

- i. *From the oral and documentary evidence and materials placed on record, I hold and record my finding that the Delinquent Government Official SRI. K.H. SRIKHAR, Assistant Executive Engineer, Davangere-Harihara Urban Development Authority, Davangere District, has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government servant and he is found guilty of misconduct under Rule 3(1) of Karnataka Civil Service (Conduct) Rules, 1966.*
- ii. *Accordingly, I hold and record/assign my finding on the charge i.e. para 5(2) of the report, leveled by the disciplinary authority against Delinquent Government Official as Proved.*

iii Hence, this Enquiry Report is submitted/placed before Hon'ble Upalokayukta-2 for kind *consideration*.

Dated 28th March 2019

(Master RKGMM Mahaswamiji)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore.

Date : 28.03.2019  
Place : Bangalore.

::ANNEXURE::

I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1 :- Sri. Manikanta.K. (Complainant)

PW-2 :- Sri. Jayaprakash( DRE-3 & Scrutiny Officer)

II. LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DISCIPLINARY AUTHORITY :

Ex.P-1 : Complaint dated 06.10.2014.

Ex.P-2 : Form No. I (complaint) dated 06.10.2014

Ex.P-3 : Form No. II (Affidavit) dated 06.10.2014

Ex.P-4 : Copy of covering letter dated 27.06.2014.

Ex P-5 : Copy of particulars of DGO

Ex.P-6 : Copy of statement of salary of DGO.

Ex P 7 : Report of Superintendent of Police, Lokayukta, Davangere dated 19.05.2016.

Ex P 8 : Investigation Report of I.O.( Sri. K. Chandrappa) dated 13.05.2016.

Ex P 9 : Comments of DGO dated 22.08.2016

Ex P 10 : 12(3) report dated 29.11.2016.



III. LIST OF WITNESS/S EXAMINED ON BEHALF OF THE DGO/DEFENCE:

- DW-1 : Sri. K.H. Srihar (AEE/DGO).  
DW-2 : Sri. Nagaraju (Witness/ Under Secretary,  
Urban Development Department, Bengaluru).

IV. LIST OF DOCUMENTS EXHIBITED/MARKED ON BEHALF OF DGO/DEFENCE:

- Ex. D-1 : Valuation report dated 07.08.2003 of the existing residential building on door No. 160 at Davangere.
- Ex. D-2 : Xerox copy of Siradi Siri diary receipt and payment account dated 31.03.2015.
- Ex. D-3 : Income Tax Returns pertaining to 2011-12, 2012-13.
- Ex. D-4 : Xerox copy of Sale Deed dated 14.08.2012 (Site No. 568)
- Ex. D-5 : Assets & Liabilities statement for the year ending with 31.03.2013.
- Ex. D-6 : Annexure-I Official Memorandum dated 14.07.1987.
- Ex. D-7 : Copy of letter dated 29.12.2015 addressed to Secretary by DGO.
- Ex. D-8 : Copy of circular dated 14.02.2017
- Ex. D-9 : Copy of pay certificate dated 27.05.2008.
- Ex. D-10 : Copy of assets and liability statement for the period ending with 31.03.2015.
- Ex. D-11 : Copy of pay/salary particulars
- Ex. D-12 : Copy of assets and Liability statement for the period ending with 31.03.2011.
- Ex. D-13 : Copy of statement of salary drawn from March 2013.
- Ex. D-14 : Copy of Vijaya Bank statement.
- Ex. D-15 : Copy of 'B' Register extract (2 pages)
- Ex. D-16 : Copy of deed of simple mortgage dated 05.03.2014.

- Ex. D-17 : Copy of Fax message.  
Ex. D-18 : Copy of order dated 19.11.2004 in WP  
No. 45177-45178/2004(B-RBS).  
Ex. D-19 : Certified copy of Order dated  
03.12.2004 in Writ Petition Nos 46532-  
46533/2004(S-DE).  
  
Ex. D-20 : Letter dated 29.05.2015 (by DGO to  
Secretary).  
Ex. D-21 : Letter dated 22.12.2015 (by Secretary  
to DGO).  
Ex. D-22 : Copy of letter dated 22.12.2015.  
Ex. D-23 : Copy of Circular dated 13.06.2017.  
Ex. D-24 : Letter dated 01.09.2017 of Under  
Secretary to Government to  
Commissioner, Davangere-Harihara  
Urban Development Authority.

(Master RKGMM Mahaswamiji)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore.

Date : 28.03.2019  
Place : Bangalore.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/215/2017/ARE-10

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 30.03.2019

RECOMMENDATION

Sub:- Departmental inquiry against Shri K.H. Srikar, the then Asst. Executive Engineer, Davanagere-Harihara Urban Development Authority, Davanagere District - reg.

- Ref:- 1) Government Order No. ನಅಇ 02 ಬೆಂರೂಪು 2017 dated 04.02.2017.  
2) Nomination order No. UPLOK-2/DE/215/2017 dated 09.02.2017 of Upalokayukta, State of Karnataka.  
3) Inquiry report dated 28.03.2019 of Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 04.02.2017 initiated the disciplinary proceedings against Shri K.H. Srikar, the then Asst. Executive Engineer, Davanagere-Harihara Urban Development Authority, Davanagere 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/215/2017 dated 09.02.2017 nominated Additional

Registrar of Enquiries-10, 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 - S Shri K.H. Srikar, the then Asst. Executive Engineer, Davanagere-Harihara Urban Development Authority, Davanagere District was tried for the following charge:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ.ಕೆ.ಹೆಚ್.ಶ್ರೀಕರ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ದಾವಣಗೆರೆ-ಹರಿಹರ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ ಆದ ನೀವು ಈ ಕೆಳಕಂಡ ಕರ್ತವ್ಯಲೋಪ/ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರಿ:-

2012ನೇ ಸಾಲಿನಲ್ಲಿ ದಾವಣಗೆರೆ ಜೆ.ಹೆಚ್.ಪಾಟೀಲ್ ಬಡಾವಣೆಯಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೇ ಸೈಟ್ ನಂ.567 ಅನ್ನು ದಿ. 6/8/2012 ರಂದು ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರ್‌ನಲ್ಲಿ ಸಾಲ ಪಡೆದು ನಿಮ್ಮ ಪತ್ನಿಯ ಹೆಸರಿನಲ್ಲಿ ಖರೀದಿ ಮಾಡಿರುತ್ತೀರಿ.

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

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that, "the Disciplinary Authority has '*proved*' the above charge against the DGO - Shri K.H. Srikar, the then Asst. Executive Engineer, Davanagere-Harihara Urban Development Authority, Davanagere District.

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 DGO furnished by the Inquiry Officer, DGO - Shri K.H. Srikar is due for retirement on 30.04.2024.

7. Having regard to the nature of charge '*proved*' against DGO - Shri K.H. Srikar, the then Asst. Executive Engineer, Davanagere-Harihara Urban Development Authority, Davanagere District, it is hereby recommended to the Government to impose penalty of '*withholding four annual increments payable to DGO - Shri K.H. Srikar with cumulative effect and to defer the promotion of DGO - Shri K.H. Srikar 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.

*N. Ananda*  
(JUSTICE N. ANANDA) 30/3  
Upalokayukta,  
State of Karnataka.