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KARNATAKA LOKAYUKTA

No.LOK/ARE-7/14-A/Enq.237/2011

M.S.Buildings,
Bengaluru,
Dated 23/9/2017

RECOMMENDATION

Sub: Departmental Enquiry against Sri Thippesh Nayak,
Second Division Surveyor, O/o the Tahsildar,
Kundapura, Udupi District.

Ref: 1.Government Order No. RD 110 Bhu.Da.Se(3) 2011
,Bengaluru, Dated 23/8/2011

2.Nomination order by Hon'ble Upalokayukta-
dtd.7/9/2011

Government, by order dtd.23/8/2011 initiated the disciplinary proceedings against one Sri Thippesh Nayak, Second Division Surveyor, O/o the Tahsildar, Kundapura, Udupi District. (hereinafter referred to as 'DGO' in short) and entrusted the disciplinary proceedings to this institution.

This institution, by nomination order dtd.7/9/2011 nominated the Additional Registrar Enquiries-3, subsequently, the said enquiry was transferred to Additional Registrar Enquiries -6 and thereafter, it was transferred to Additional Registrar Enquiries 1 and by modified nomination order dtd 4/7/2017 it was transferred to Additonal Registrar Enquiries- 7.

The Additional Registrar Enquiries-7, after completing the departmental enquiry, has submitted his report dtd 22/9/2017,

S. J. M.

inter-alia, holding that, the disciplinary authority has proved the charge of misconduct alleged against the DGO.

The charge alleged against the DGO was that, while he was working as Second Division Surveyor in the office of the Tahsildar, Kundapura, Udupi District, he demanded and accepted bribe amount of Rs.1,000/- from one Devdas Bhandarkar s/o Gangapayya Bhandarkar, Shankara Narayanapura, Kundapura Taluk, Udupi District (hereinafter referred to as 'complainant') on 20/5/2009 for feeding information relating to survey and plotting of the property bearing Sy.No.336/3 measuring 1 acre and Sy. No.407/5P3 measuring 1.42 acre belonging to Sri Panduranga Bhandarkar, the brother of the complainant to the computer, however, for doing official act, the DGO demanded and accepted bribe amount of Rs.1,000/- on 20th May 2009, and thereby, the DGO has failed to maintain absolute integrity and devotion to the duty, the act of which is unbecoming of Government servant and thereby has committed misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966".

The Disciplinary authority, to prove the charge of misconduct alleged against the DGO, has examined complainant as PW1, shadow witness as PW2 and the IO as PW3, whereas, in turn, the disciplinary authority got marked Ex-P1 to Ex-P7 in its evidence, whereas, the DGO got himself examined as DW2 and also examined one witness DW1. But, no documents were got marked in the evidence of DGO nor in the evidence of the DW1.

The enquiry officer, after considering the evidence on record, has found that, the disciplinary authority has satisfactorily proved the charge of misconduct and has also found that the evidence of DW who is examined as DW2, does not prove the defence taken by the

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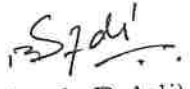
DGO in as much as DGO claimed that some unknown person kept the bribe amount in his pocket.

The enquiry officer, after thoroughly considering the entire evidence on record, has found that, the disciplinary authority has proved the charge of misconduct and the evidence laid by the DGO does not disprove the charge of misconduct.

In view of the findings of the enquiry officer and also having regard to the nature and gravity of misconduct, committed by the DGO, as required under Rule 14-A(d) of the KCS (CCA) Rules, 1957, it is hereby recommended to the Government that, the DGO **Sri Thippesh Nayak, Second Division Surveyor, O/o the Tahsildar, Kundapura, Udupi District may be punished with order of dismissal from government service** in exercise of power under Rule 8(viii) of the KCS (CCA) Rules, 1957.

Connected records are enclosed herewith.

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


(Justice Subhash B Adi)
Upalokayukta
Karnataka State, Bangalore

