


KARNATAKA LOKAYUKTA


NO. LOK/ARE-1/ENQ-241/2012

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore 560 001.
Dated: 09.09.2014.

Sub: Departmental Enquiry against Sri
Khaja Pasha s/o Ghouse
Mohammed – Secretary Grade-1 of
Village Panchayath and Incharge
Panchayath Development Officer of
Jagarkal Village Panchayath in
Raichur District – reg.

Ref: Government Order No. RDP 223
GPS 2012 Bangalore, dated
22.05.2012.

In pursuance of the Government Order referred to above, the Addl. Registrar of Enquiries (3) in our Institution (Karnataka Lokayukta) at Bangalore, was nominated as Enquiry Officer to frame charge, conduct enquiry and to submit report in the departmental enquiry proceedings initiated against Sri Khaja Pasha s/o Ghouse Mohammed – Secretary Grade-1 of Village Panchayath and Incharge Panchayath Development Officer of Jagarkal Village Panchayath in Raichur District (who will be hereinafter referred to as Delinquent Government Official i.e., 'DGO' for short), regarding his misconduct. Accordingly, the said Enquiry Officer framed Articles of charge. After the DGO pleaded not guilty and filed written defence/statement, when the enquiry was proceeded for evidence, ARE-1 came to be nominated as enquiry officer, by modifying the earlier nomination, to continue enquiry and submit report. Accordingly, enquiry was conducted and report has been submitted by the said enquiry officer. 

- 2) In brief, the charge against the DGO is that, while working as Secretary Grade-1 of Village Panchayath and Incharge Panchayath Development Officer of Jagarkal Village Panchayath in Raichur District, the DGO has asked and taken bribe of ₹ 5,000/- on 30.6.11 from Sri Gulappa Gouda s/o Sanganagouda r/o Jagarkal in Raichur Taluka and District (hereinafter referred to as 'complainant' for short), for presenting/encashing the cheque of ₹ 58,875/- to the accounts of complainant and 14 other labourers who executed the work of construction of tank in the land standing in the wife of the complainant namely, Smt. Sharanamma i.e., Sy.No.518 of Jagarkal village under Mahatma Gandhi National Rural Employment Guarantee Scheme and thereby committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.
- 3) In support of the said charge, the Disciplinary Authority (hereinafter referred to as D.A. for short) has examined 3 witnesses and got marked 9 documents, whereas the DGO did not adduce any evidence. On considering the said evidence and hearing arguments of both sides, the enquiry officer has submitted report dated 22.8.14 holding the charge as proved and submitted the same with records for my consideration. Thus, the matter is before me.
- 4) I have carefully re-considered and evaluated the evidence afresh. PW-1 is complainant, who turned hostile, has not stated either about demand made or taking of bribe amount from him by the DGO. But PW-2 panch witness and PW-3 shadow witness have fully supported the case of DA. Their evidence is corroborated by the documents produced.
- 5) Of course, the DGO relied on the statement of PW-3 that it was Police Inspector, who produced the amount. But, on proper appreciation of the entire evidence as a whole, the enquiry officer did not attach much importance to the said solitary statement. So 

also, did not accept the defence of the DGO that he received the amount not as bribe but towards hire charges of JCB, since that was not stated by PW-1 himself, though turned hostile to the DA. So, for proper reasons given, the enquiry officer has opined that the charge is proved against the DGO.

6) As such, on careful analysis of the entire material on record including documents marked, I do not find any reason to differ from the view taken by the enquiry officer. Hence, I also hold the charge as proved.

7) Now comes for consideration the penalty to be recommended for imposition on the DGO. In view of the proviso to rule 8 of KCS (CCA) Rules, 1957, in a case of proved serious misconduct, no penalty, other than the penalty mentioned in Rule 8 (vi) to (viii) of said Rules could be imposed, unless there are special and adequate reasons to impose any other penalty. But, I do not find any such special and/or adequate reason to recommend for imposition of some other penalty. According to me, in the facts and circumstances of the case, it would be appropriate if imposed the minimum penalty of compulsory retirement of DGO from service as provided in Rule 8(vi) of said Rules. Accordingly, recommended for imposing said penalty on the said DGO.

Action taken in the matter be intimated to this authority.

Connected records are enclosed.

(JUSTICE S.B. MAJAGE)
Upalokayukta,
Karnataka State,
Bangalore.