

**KARNATAKA LOKAYUKTA**

NO:UPLOK-2/DE/24/2021/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:27.10.2022

**:: ENQUIRY REPORT ::****:: Present ::****( S.GOPALAPPA)**

**Additional Registrar of Enquiries -9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Inquiry against (1)  
Sri.G.N.Ramaswamy, Head Master,  
Government Kannada Boys Model Higher  
Primary Schook, Srinivasapura (2)  
Sri.K.M.Hanumegowda, Education  
Coordinator, Office of the Block Education  
Officer, Srinivasapura, Kolar - reg.

Ref: 1. G.O.No. ED 133 PMC 2020 dated: 1.2.2021.  
2.Nomination Order No: UPLOK-  
2/DE/24/2021 Bangalore dated: 10.2.2021  
of Hon'ble Upalokayukta-2

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This Departmental Inquiry is initiated against (1)  
Sri.G.N.Ramaswamy, Head Master, Government Kannada Boys  
Model Higher Primary Schook, Srinivasapura (2)  
Sri.K.M.Hanumegowda, Education Coordinator, Office of the Block  
Education Officer, Srinivasapura, Kolar (hereinafter referred to as the  
Delinquent Government Official for short "DGO- 1 and 2").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 10.2.2021 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGO- 1 and 2.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGO-1 and 2 are as under :

**ANNEXURE-I**  
**CHARGE**

You DGO no. 1 G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura and You DGO No. 2 K.M.Hanumegowda, Education Coordinator Office of the Block Education Officer, Srinivasapura, Kolar;-

There were 125 standing trees (Eucalyptus & Cashew) in the Government Kannada Boys Model Higher Primary School, premises situated in Sy.No.164\P5 of Kollur village, Kasaba hobli, Srinivasapura taluk. For cutting those trees and disposal in public auction permission of Deputy Conservator of Forest, Kolar division was sought. Vide Order No:A4.SAS.ಮರಕಡಿತಲೆ.CR. 04/19-20 dated:30/04/19 permission was accorded to BEO, Srinivasapura to cut the trees and dispose of the same in auction as per upset price. Auction was held on 01/06/19 at 11.00 A.M in the school premises. About 15 bidders participated in the auction by depositing Rs.5,000/- each. Sri.Ejaz

Pasha was the highest bidder. His bid was for `2,65,000/-;. Bid of Sri.Yousuf Kolar was the 2nd highest bid. His bid was for `2,63,000/- ; Bid of Sri.Ejaz Pasha's was accepted, as per the terms of auction notice. On the request of Sri.Ejaz Pasha, you DGOs have unilaterally decided to reduce the bid price to `2,35,000/-, as against bid amount of `2,65,000/- without opting to go with 2nd highest bid of `2,63,000/- of Sri.Yousuf, Kolar. You DGOs have showed undue favour to Sri.Ejaz Pasha by reducing the price of the bid amount. Such act of you DGO no. 1 and 2 was uncalled for. Thus, you have acted against the conditions of the bid and caused financial loss to the school as well as to the Forest department.

For the above said irregularities you DGOs No.1 and 2 have committed misconduct and dereliction of duty and failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you DGOs are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

### ANNEXURE - 2

### STATEMENT OF IMPUTATIONS OF MISCONDUCT

#### **Brief facts of the case :-**

The complaint filed by Sri.S.N.Sreedhar S/o Narayanappa, Physical Education Teacher, Government Boys' Model Higher Primary School, Srinivasapura (hereinafter referred to as 'complainant') against 1) Sri.G.N.Ramaswamy -Head Master, Government Kannada Boys' Model Higher Primary School,

M.G.Road, Srinivasapura; 2) Sri.K.M.Hanumegowda – Education Co-ordinator, Office of BEO, Srinivasapura, Kolar and 3) Sri.S.R.Narayanaswamy - Head Master, Government Kannada Boys' Model Higher Primary School, M.G.Road, Srinivasapura, Kolar district was taken up for investigation under Sec.9 of Karnataka Lokayukta Act, 1984.

**Complaint allegations in brief:-**

1. Land bearing Sy.No.164/P5 measuring 04 acres was gifted by Sri.Kashetty Narayanaswamaiah to Government Boys' Higher Primary School, Srinivasapura in the year 1956. In the year 2014, BEO had entrusted the work of preparation of papers relating to the gift to the complainant. Though the complainant had done the work incurring expenses out of his pocket, first DGO has not reimbursed the money to the complainant;
2. Standing trees situated on the aforesaid land were cut and sold in auction price of `2,65,000/-. But, the auction purchaser has remitted `2,35,000/- only. The DGOs are planning to misappropriate the same.

Comments were called from the DGOs. DGO No.1 offered comments stating that he has reported to the post of Head Master on 16.08.2018, and denied the complaint allegations in entirety.

**DGO No.2 in his comments –**

Denied the allegation No.1. In so far as allegation No.2 is concerned, he has admitted the fact that in the bid held on 01.06.2019 the successful bidder-Sri.Ezaz Pasha though called bid for `2,65,000/-, after the conclusion of bid procedure pleaded that the value of the trees do not exceed `2 lakhs and requested to waive the final bidding price. After one week, SDMC President, Head Master and the

Teachers held discussion and came to the conclusion that the bidder shall pay a sum of `2,35,000/-. Complainant was also present in the said meeting. Second DGO has denied the allegation of misappropriation of money.

Sri.S.R.Narayanaswamy Head Master in his comments contended that ever since he has joined to Teacher's profession he has been striving for the betterment of the school and that he has never been involved in financial matters of the school.

**The material on record discloses that –**

**Regarding allegation No.1:-**

1) It is seen from the copy of registered gift deed dated:14.05.1956 (Document No.417/1956-57) that land to an extent of 04 acres in Sy.No.164, situated in Kolluru Village, Kasba hobli, Srinivasapura Taluk was gifted by Sri.Kashetty Narayanaswamaiah to Government Boys' Higher Primary School, Srinivasapura. Said gift is reflecting in encumbrance certificate (Form 15). Vide M.R.No.H82 dated:22.02.2019 mutation was effected. RTC available in the file reflects entry namely, "ಸರ್ಕಾರದ ಪರವಾಗಿ ರಾಜ್ಯ ಪ್ರಮುಖರು [ಸರ್ಕಾರಿ ಬಾಲಕರ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಶ್ರೀನಿವಾಸಪುರ] ಭೂದಾನ". However, there is no reference in any of the documents on record that the complainant had been entrusted with the work of preparation of revenue papers relating to the said gift. There is no written order, either by BEO or by the Head Master of the school concerned authorising the complainant to do such work. There is also no document to show that the complainant had incurred expenses out of his pocket for effecting necessary

revenue entry in school's name. Therefore, complaint allegation No.1 is not prima facie substantiated.

**2) Regarding allegation No.2:-**

- 1) It is seen from the records that there were 125 standing trees (Eucalyptus & Cashew) in the School premises situated in Sy.No.164\P5 of Kollur village, Kasaba hobli, Srinivasapura taluk. For cutting those trees and disposal in public auction permission of Deputy Conservator of Forest, Kolar division was sought. Vide Order No:A4.SAS.ÀÄgÀPÀrvÀ`É.CR. 04/19-20 dated:30/04/19 permission was accorded to BEO, Srinivasapura to cut the trees and dispose of the same in auction as per upset price. It was stipulated in the said order that 12% of Forest Development Fund shall be recovered and the same shall be remitted to Deputy Conservator of Forest, Kolar division through demand draft. It was also stipulated that the auction proceeding shall be held in the presence of Forest department staff;
- 2) Auction notice available in the file contain certain conditions. Auction notice is extracted hereunder –

“ಸರ್ಕಾರಿ ಬಾಲಕರ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ,

ಎಂ.ಜಿ.ರಸ್ತೆ, ಶ್ರೀನಿವಾಸಪುರ

ನೀಲಗಿರಿ ಮರಗಳ ಬಹಿರಂಹ ಹರಾಜು ಪ್ರಕಟಣೆ

ಈ ಮೂಲಕ ಸಾರ್ವಜನಿಕರಲ್ಲಿ ತಿಳಿಸುವುದೇನೆಂದರೆ ಸರ್ಕಾರಿ ಬಾಲಕರ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಎಂ.ಜಿ.ರಸ್ತೆ ಶ್ರೀನಿವಾಸಪುರ ಈ ಶಾಲೆಗೆ ಸೇರಿದ ಕಸಬಾ ಹೋಬಳಿ ಕೊಳ್ಳೂರು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.164/ಪಿ5 ರ ಜಮೀನಿನಲ್ಲಿರುವ ಸುಮಾರು 125 ನೀಲಗಿರಿ ಮರಗಳು (ದೊಡ್ಡವು) ಮತ್ತು ಗೇರು ಮರಗಳನ್ನು ಮಾನ್ಯ ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳ ಉಪಸ್ಥಿತಿಯಲ್ಲಿ ದಿನಾಂಕ:01/06/2019 ಶನಿವಾರ ಬೆಳಿಗ್ಗೆ 11.00 ಗಂಟೆಗೆ ಬಹಿರಂಹ ಹರಾಜು ಹಾಕಲು ತೀರ್ಮಾನಿಸಿದೆ. ಆಸಕ್ತರು ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿ ಬಿಡ್ ಸಲ್ಲಿಸಲು ಕೋರಿದೆ. ಹರಾಜು ನಡೆಯುವ ಸ್ಥಳ:- ಶಾಲಾ ಜಮೀನು, ಭೈರವೇಶ್ವರ ಶಾಲೆಯಿಂದ ೦೧೯ ರಸ್ತೆಯಲ್ಲಿ 800 ಮೀ.

ಷರತ್ತುಗಳು –

- 1) ಹರಾಜಿನಲ್ಲಿ ಭಾಗವಹಿಸುವವರು ₹5,000/-ಗಳನ್ನು ಹರಾಜು ಪ್ರಾರಂಭವಾಗುವ 30 ನಿಮಿಷದೊಳಗಾಗಿ ಮುಖ್ಯ ಶಿಕ್ಷಕರಲ್ಲಿ ಠೇವಣಿ ಮಾಡಿ ರಸೀದಿ ಪಡೆಯುವುದು;

- 2) ಬಿಡ್ ಆಗದ ಸದಸ್ಯರಿಗೆ ಬಿಡ್ ಮುಗಿದ ತಕ್ಷಣ ರೇವೆನು ವಾಪಸ್ ನೀಡಲಾಗುವುದು;
  - 3) ಬಿಡ್ ಆದ ಸದಸ್ಯರು ಬಿಡ್ ಮೊತ್ತದ ಶೇ.50%ರಷ್ಟು ಹಣವನ್ನು ಆ ದಿನವೇ ಪಾವತಿಸಬೇಕು, ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಅವರ ರೇವೆನು ಹಣವನ್ನು ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಳ್ಳಲಾಗುವುದು;
  - 4) ಉಳಿದ ಶೇ.50 ಹಣವನ್ನು ಹರಾಜು ನಡೆದ ದಿನದಿಂದ ಒಂದು ವಾರದೊಳಗಾಗಿ ಎಸ್‌ಡಿಎಂಸಿ ಮತ್ತು ಮುಖ್ಯ ಶಿಕ್ಷಕರ ಜಂಟಿ ಖಾತೆಗೆ ಜಮಾ ಮಾಡಿ, ರಸೀದಿಯ ಪ್ರತಿಯನ್ನು ಮುಖ್ಯ ಶಿಕ್ಷಕರಿಗೆ ಸಲ್ಲಿಸಿದ ನಂತರವೇ ಮರಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಅನುಮತಿ ನೀಡಲಾಗುವುದು. ಒಂದು ವಾರದೊಳಗಾಗಿ ಪೂರ್ಣ ಹಣ ಸಂದಾಯವಾಗದಿದ್ದಲ್ಲಿ, ಅದುವರೆಗೂ ನೀಡಿರುವ ಹಣವನ್ನು ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಳ್ಳಲಾಗುವುದು;
  - 5) ಪೂರ್ಣ ಹಣವನ್ನು ಪಾವತಿಸಿ, ಅನುಮತಿ ಪಡೆದ ನಂತರ 15 ದಿನಗಳೊಳಗಾಗಿ ಮರಗಳನ್ನು ತೆರವುಗೊಳಿಸಬೇಕು;
  - 6) ಅಂದಾಜಿನ \ ನಿರೀಕ್ಷಿತ ಪ್ರಮಾಣಕ್ಕೆ ಬಿಡ್ ಆಗದಿದ್ದಲ್ಲಿ, ಇಡೀ ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯನ್ನು ರದ್ದುಪಡಿಸುವ ಅಧಿಕಾರವನ್ನು ಶಾಲಾ ಮುಖ್ಯ ಶಿಕ್ಷಕರು ಮತ್ತು ಎಸ್‌ಡಿಎಂಸಿ ಹೊಂದಿರುತ್ತಾರೆ.”
- 3) As stipulated in the auction notice, auction was held on 01/06/19 at 11.00 A.M in the school premises. About 15 bidders participated in the auction by depositing `5,000/- each. Copy of auction proceeding is produced by the 1st DGO along with letter dated:13/03/2020 nowhere indicates the presence of Forest staff at the time of Auction. On the other hand, DGO No.1, 2, Sri.H.N.Gajendra, President, SDMC, Government Boys' Higher Primary School, Srinivasapura, Sri.K.M.Narayana Swamy, R/o Kollur and bidders were present during auction proceeding;
- 4) The said document indicates that Sri.Ejaz Pasha was the highest bidder. His bid was for `2,65,000/-;
- 5) Bid of Sri.Yousuf Kolar was the 2nd highest bid. His bid was for `2,63,000/-;
- 6) It appears from the endorsement made on the auction proceeding that bid of Sri.Ejaz Pasha was accepted. The endorsement reads as under –

“ಷರಾ:- ದಿನಾಂಕ:01/05/2019 ರಂದು ನಡೆದ ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯು ಮುಗಿದ ಕೂಡಲೇ ಅಂತಿಮ ಬಿಡ್‌ದಾರರಾದ ಶ್ರೀ.ಮೊಹಮದ್ ಏಜಾಜ್ ಪಾಷ ರವರು ನದರಿ ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ವೈಯಕ್ತಿಕ ವೈಮೋಟಿ ಹಾಗೂ ಕನ್ನಡ ಸಂಖ್ಯೆಗಳ ಸ್ಪಷ್ಟ ಪರಿಕಲ್ಪನೆ ನನಗೆ ಇಲ್ಲದ್ದರಿಂದ ದುಬಾರಿ ಬೆಲೆಗೆ ಹರಾಜು ಕೂಗಲಾಗಿದ್ದು ಜಮೀನಿನಲ್ಲಿರುವ ಮರಗಳ ಅಸಲಿ ಮೌಲ್ಯ 2 ಲಕ್ಷ (ಎರಡು ಲಕ್ಷ) ಗಳನ್ನು ಮೀರುವುದಿಲ್ಲ. ಈ ವ್ಯವಹಾರದಲ್ಲಿ ತಾನು ಬಾರಿ ನಷ್ಟವನ್ನು ಅನುಭವಿಸುವುದಾಗಿ ಬಿಡ್‌ನ ಮೌಲ್ಯವನ್ನು ಪರಿಗಣಿಸದೆ ಮರಗಳ ಅಸಲಿ ಮೌಲ್ಯವನ್ನು ₹2,00,000/- (ಎರಡು ಲಕ್ಷ) ಎಂದು ಪರಿಗಣಿಸಲು ಹರಾಜು ನಡೆದ ಸ್ಥಳದಲ್ಲೇ ಹಾಗೂ ಅಲ್ಲಿ ನೆರೆದಿದ್ದ ಎಲ್ಲರ ಸಮ್ಮುಖದಲ್ಲೇ ಪರಿಪರಿಯಾಗಿ ವಿನಂತಿಸಿಕೊಂಡರು. ಆಗ ಅಲ್ಲಿ ಉಪಸ್ಥಿತರಿದ್ದ ಕೊಳ್ಳೂರು ಗರಾಮದ ಹಿರಿಯರಾದ ಶ್ರೀ.ಕೆ.ಎಂ.ನಾರಾಯಣಸ್ವಾಮಿ ರವರು ಎಲ್ಲರ ಪರವಾಗಿ ಈಗ ತಾನೇ ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ಮುಗಿದಿದ್ದು ನಿಮ್ಮ ಬೇಡಿಕೆಯನ್ನು ತಕ್ಷಣಕ್ಕೆ ಮನ್ನಿಸಲು ಬರುವುದಿಲ್ಲ, ಮುಂದಿನ ದಿನಗಳಲ್ಲಿ ಈ ಬಗ್ಗೆ ಚರ್ಚಿಸಿ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಳ್ಳೋಣ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಒಂದು ವಾರದ ನಂತರ ಶಾಲಾ ಎಸ್‌ಡಿಎಂಸಿ ಅಧ್ಯಕ್ಷರು, ಎಲ್ಲಾ ಶಿಕ್ಷಕರು ಹಾಗೂ ಕಛೇರಿ ಪ್ರತಿನಿಧಿಯಾಗಿ ಇಸೀಒ ರವರಾದ ಶ್ರೀ.ಕೆ.ಎಂ.ಹನುಮೇಗೌಡ ರವರ ಸಮ್ಮುಖದಲ್ಲಿ ಅಂತಿಮ ಬಿಡ್‌ದಾರರಲ್ಲಿ 2ನೇ ಸ್ಥಾನದವರಾದ ಶ್ರೀ.ಯಾರೂಫ್ ಕ್ರ.ಸಂ.12 ರವರನ್ನು ದೂರವಾಣಿ ಮೂಲಕ ಸಂಪರ್ಕಿಸಲಾಗಿ ಆರನೂ ಸಹ ಮರಗಳ ಅಸಲಿ ಮೌಲ್ಯವು 2,00,000ಗಳನ್ನು (ಎರಡು ಲಕ್ಷ) ಮೀರುವುದಿಲ್ಲ ಶಾಲಾ ಹಿತ್ಯೆಷಿಯಾಗಿ ತನಗೆ 2,30,000₹ (ಎರಡು ಲಕ್ಷ ಮೂವತ್ತು ಸಾವಿರ) ಕ್ಕೆ ನೀಡುವುದಾದರೆ ಮಾತ್ರ ತಾನು ಹಣವನ್ನು ಪಾವತಿಸಲು ಸಿದ್ಧ ಅದರ ಮೇಲಿನ ಮೌಲ್ಯಕ್ಕೆ ನನಗೆ ಅಗತ್ಯವಿಲ್ಲ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಸೇರಿದ್ದ ಇತರೆ ಬಿಡ್‌ದಾರರನ್ನೂ ಸಹ ಸಂಪರ್ಕಿಸಲಾಗಿ ಯಾರೂ ಸಹ ಹರಾಜಾದ ಮೌಲ್ಯಕ್ಕೆ ಮರಗಳನ್ನು ಕೊಳ್ಳಲು ಸಿದ್ಧರಲಿಲ್ಲ.

ಆದ್ದರಿಂದ ಎಸ್‌ಡಿಎಂಸಿ ಅಧ್ಯಕ್ಷರು, ಎಲ್ಲಾ ಮುಖ್ಯ ಶಿಕ್ಷಕರು ಹಾಗೂ ಸಿಬ್ಬಂದಿಯವರು, ಇಸೀಒ ರಾದ ಶ್ರೀ.ಕೆ.ಎಂ.ಹನುಮೇಗೌಡ ರವರು ಈ ಬಗ್ಗೆ ಚರ್ಚಿಸಿ ಅಂತಿಮವಾಗಿ ಶ್ರೀ.ಮೊಹಮದ್ ಏಜಾಜ್ ರವರಿಗೇ 2,35,000/-₹ (ಎರಡು ಲಕ್ಷ ಮೂವತ್ತೈದು ಸಾವಿರ) ರೂಗಳನ್ನು [ಮುಂಗಡ ಹಣ ₹10,000/- (ಹತ್ತು ಸಾವಿರ)] ಸೇರಿ ದಿನಾಂಕ:10-6-2019ರೊಳಗೆ ಪಾವತಿಸಲು ತಿಳಿಸಲಾಯಿತು.”

- 7) Though, bid of Sri.Ejaz Pasha's was accepted, as per the terms of auction notice, he did not deposit 50% of the bid value on the same day i.e., on 01/06/2019 [the date of auction]. On the contrary, the endorsement recorded in the auction proceeding clearly shows that officials who conducted the auction, on the request of Sri.Ejaz Pasha, have unilaterally decided to reduce the bid price to `2,35,000/-, as



against bid amount of `2,65,000/- without opting to go with 2nd highest bid of `2,63,000/- of Sri.Yousuf, Kolar;

- 8) On 03/06/19 Sri.Ejaz Pasha submitted a request letter to the 1st DGO, which is reproduced as under -

“ರವರಿಗೆ:-

ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು

ಸೌಕಿಬಾಲಾ|ಮಾಹಿ|ಪ್ರಾ|ಶಾಲೆ

ಎಂ.ಜಿ.ರಸ್ತೆ ಶ್ರೀನಿವಾಸಪುರ.

ವಿಷಯ:- ನೀಲಗಿರಿ ಮರಗಳ (ಶಾಲಾ ಭೂದಾನ ಜಮೀನಿನ) ಹರಾಜು

ಹಣ ಕಡಿಮೆ ಮಾಡಲು ಕೋರಿ ಮನವಿ.

ಮಾನ್ಯರೇ,

ದಿನಾಂಕ:01/06/2019 ರಂದು ನಿಮ್ಮ ಶಾಲಾ ಭೂದಾನದಲ್ಲಿ ಬೆಳೆದು ನಿಂತಿರುವ ನೀಲಗಿರಿ, ಗೇರು ಬೀಜ ಮರದ ಮರಗಳನ್ನು ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದ ನಾನು ವೈಯಕ್ತಿಕ ಪೈಪೋಟಿ ಹಾಗೂ ನನಗೆ ಕನ್ನಡ ಭಾಷೆ ಸರಿಯಾಗಿ ಅರ್ಥವಾಗದ ಕಾರಣ ಈ ಮರಗಳನ್ನು 2,65,000/₹ [ಎರಡು ಲಕ್ಷ ಅರವತ್ತೈದು ಸಾವಿರ]ಕ್ಕೆ ಕೂಗಿದ್ದು ಈ ಮರಗಳ ಇಂದಿನ ಅಂತಿಮ ಮಾರುಕಟ್ಟೆ ಮೌಲ್ಯ 2,00,000/- [ಎರಡು ಲಕ್ಷ]ಕ್ಕೆ ಮೀರುವುದಿಲ್ಲವಾದ್ದರಿಂದ ತಾವುಗಳು ದಯವಿಟ್ಟು ಈ ಹಣವನ್ನು ₹2,00,000/- [ಎರಡು ಲಕ್ಷ]ಕ್ಕೆ ಸೀಮಿತಗೊಳಿಸಿ ಬಡವನಾದ ನಾನು ಈ ಮರಗಳ ಹರಾಜಿನಿಂದ ಆಗುವ ನಷ್ಟದಿಂದ ಪಾರಾಗಲು ತಾವುಗಳು ದಯವಿಟ್ಟು ಅನುವು ಮಾಡಿಕೊಡಬೇಕೆಂದು ತಮ್ಮಲ್ಲಿ ಸವಿಯುವಾಗಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ

ದಿನಾಂಕ: 03/06/19

ಇಂತೀ ತಮ್ಮ ನಂಬುಗೆಯ

ಸ್ಥಳ : ಶ್ರೀನಿವಾಸಪುರ

ಸಹಿ/-”

- 9) The said request letter was submitted by Sri.Ejaz Pasha after the bid committee had taken a decision to reduce the bid value. There was no such Authority or power, either to the 1st DGO or to the 2nd DGO to reduce the bid value. At the best they would have gone with next highest bid of `2,63,000/- or they would have cancelled the bid in terms of condition No.5 of Bid\ Auction Notice. Thus, the DGOs

No.1 and 2 have not only acted without any authority, but also they have caused financial loss to the School;

10) It is seen from the records that, as per the terms of auction notice Sri.Ejaz Pasha and Sri.Mohammed Thanzeem Pasha have together deposited a sum of `10,000/- in cash as advance on 01/06/19. It appears that they have together participated in the bid. The said sum of `10,000/- has not been deposited in the Bank till 10/06/19. Counterfoil of bank challan and entry in bank pass book [pass book of account No:54038932712 standing in the name of H.M, GKBHPS, Srinivasapura] indicate the said sum of `10,000/- was deposited in the bank on 12/06/19;

11) In this context, it is worth to go through the provisions contained in Article 4-a of The Karnataka Financial Code, 1958, which reads as under -

“4 (a) All transactions to which any Government servant in his official capacity is a party must, without any reservation, **be brought to account, and all moneys received should be paid in full without undue delay in any case within two days, into a Government treasury,** to be credited to the appropriate account and made part of the general treasury balance.

**Note 1.-** If in exceptional circumstances, **the time limit of two days cannot be observed, the Heads of Departments should by specific order, extend the said time limit up to seven days.** Unless the time limit is so extended by a specific order, by the Head of Department, the time limit of two days will operate.

**Exception.-** The provisions regarding the time limit for crediting Government money contained in clause (a) of this Article are not applicable to remittances like Land Revenue for which specific rules exist in the 'Department Manuals'.

**Note 2.-** The following procedure shall be observed if a Government officer receives in his official capacity, moneys which are not Government dues:-

- (i) All moneys received by or deposited with any officer, other than Revenues or Public money raised or received by Government, shall be paid into the public account ;
- (ii) All moneys received by or deposited with any court to the credit of any cause, matter, account or persons shall also be paid into the public account;
- (iii) Moneys not being Government dues received by a Government servant in his official capacity, i.e., Poor Fund in Hospitals, Sports Fund in Educational Institution, etc., shall be deposited in the Savings Bank of the Karnataka Government/Post Office Savings Bank.
- (iv) The Head of Account to which such moneys shall be credited and the withdrawal of moneys therefrom shall be governed by the relevant provisions of the Account Code, Volumes I and II, the Karnataka Financial Code, 'The Karnataka Treasury Code or such other general or special orders as may be issued in this behalf. But accounts of such transactions should be kept distinct from those pertaining to State Funds."

- 12) Article 4-a mandates a Government Servant in his official capacity, without any reservation to bring into account all the money received and should be paid in full without undue delay (in any case within 2 days) into a Government Treasury;
- 13) In the case on hand, DGOs No.1 & 2 have kept the advance paid by Sri.Ejaz Pasha and Sri.Mohammed Thanzeem Pasha in their hand \ school. They have remitted the said sum of `10,000/- on 12/06/19 which is in clear violation of provisions contained in Karnataka Financial Code;
- 14) It is recorded in the auction proceeding that the bidder Sri.Ejaz Pasha has remitted a sum of `25,000/- in cash on 11/06/19 and remaining sum of `2,00,000/- by way of Cheque on the same day, which was remitted to the Bank on 11/06/19 itself;
- 15) As per the conditions stipulated in the order of Deputy Conservator of Forest, Kolar division 12% of Forest Development Fund ought to have been collected from Sri.Ejaz Pasha. On the contrary, DGOs No.1 and 2 have shown undue favour to Sri.Ejaz Pasha by reducing the price of the trees to `2,35,000/- as against `2,65,000/-. Such act of DGOs No.1 and 2 was uncalled for. Thus, they have acted against the conditions of the bid and caused financial loss to the school as well as to the Forest department;
- 16) Further, DGOs No.1 and 2 acted against the Canons of financial propriety by keeping the public money in their

custody for about 11 days without remitting the same to appropriate Government account;

17) Therefore, allegation No.2 made in the complaint is prima facie substantiated.

Proceeding against Sri.S.R.Narayanaswamy Head Master is dropped, as no prima facie materials found against him.

The materials available on record prima facie disclose that the DGO No.1 and 2 being Government servants, have failed to maintain absolute integrity and devotion to duty and committed misconduct attracting Rule 3(1) of KCS (Conduct) Rules, 1966 and liable for disciplinary action.

Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to entrust the enquiry to this Authority under Rule 14-A of KCS (CCA) Rules. Hence, the charge.

5. The Article of charge was issued to the DGO-1 and 2 calling upon them to appear before this authority and to submit written statement.

6. The DGO-1 and 2 appeared before this inquiry authority in pursuance to the service of the Article of charges. In FOS plea of the DGOs have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

7. DGO-1 in his written statement, he has stated that on 14.5.1956 Sri. Kashetti Narayanaswamaiah donated 4.00 acres of land to the school till today -(2019) the land was not transferred to the school name. Further submitted that after the auction Sri. Ejaz Pasha

the final bidder, on 3.6.2019 did not submit any letter to the school authority but he called over the phone and expressed that he sustained loss and requested to reduce the amount in final bid in the presence of SDMC president, Head Master and all the teachers. Sri.Usuf the 2<sup>nd</sup> bidder was contacted over phone and he was not interested. Therefore a meeting was called, the complainant Narayanaswamy, himself, Headmaster Hanumegowda, school staff Sowmya and Vijaykumari were present. All of them after satisfying the request of Sri. Eajaz Pasha reduced Rs.30,000/- and they have put their signatures. On 1.6.2019 before the start of auction both Eajaz and his friend gave him the bid money Rs.5,000/- in the form of deposit. After the final bid process Sri. Eajaz failed to pay 50% amount. SDMC participated in the auction process. The chairman, ECO has informed that the bid advance money should be kept with the Head master for the time being. Hence he kept the advance payment of Rs. 10,000/- with him. On 8.6.2019 at the request of Sri. Eajaz Pasha a meeting was called and decided to reduce the auction amount from Rs. 2,65,000/- to 2,35,000/-. In the said meeting BEO, SDMC president, school staff Narayanaswamy, S.Vijayakumari, Sowmya, complainant and villager K.Narayanaswamy, were present. On 11.6.2019 Sri. Eajaz Pasha gave a cheque for Rs.2,00,000/- and cash of Rs. 25,000/-. The same was deposited to the school account. Further stated that Eajaz Pasha refused to pay 12% for the development of forest department as per the condition of the auction process publication. With these grounds, he prayed to drop the charges leveled against him.

8. DGO-2 in his written statement, he has stated that after the auction Sri. Ejaz Pasha the final bidder, on 3.6.2019 did not submit

any letter to the school authority but he called over the phone and expressed that he sustained loss and requested to reduce the amount in final bid in the presence of SDMC president, Head Master and all the teachers. Sri.Usuf the 2<sup>nd</sup> bidder was contacted over phone and he was not interested. Therefore a meeting was called, the complainant Narayanaswamy, himself, Headmaster Hanumegowda, school staff Sowmya and Vijaykumari were present. All of them after satisfying the request of Sri. Eajaz Pasha reduced Rs.30,000/- and they have put their signatures. On 1.6.2019 Sri. Eajaz Pasha had deposited the advance amount of Rs. 10,000/-, and same was deposited to the school bank account. With these grounds, he prayed to drop the charges leveled against him.

9. The disciplinary authority has examined the complainant Sri.S.N.Sreedhar S/o Narayanappa, Physical Education Teacher, Government Boys' Model Higher Primary School, Srinivasapura as PW.1 and got marked documents as **Ex.P-1 to ExP-3**.

10. Thereafter, second oral statement of DGOs have been recorded. DGO-1 Sri.G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary Schook, Srinivasapura has got examined himself as DW-1, DGO No. 2 Sri.K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar has got examined himself as DW-2, Sri.Azaz Pasha S/o Ameer Jazan R/o Srinivasapura highest bidder has got examined as DW-3, Sri. Gajendra S/o V.Narayanaswamy, Contractor, R/o H.G.Hosuru, Srinivasapura has got examined as DW-4 and Sri.Yarab Baba S/o Syed Sameer, Merchant, Odigenahalli Kolar

District has got examined as DW-5 and got marked one documents as **Ex.D-1 to Ex.D-5.**

11. Heard the submissions of Presenting Officer and DGOs submitted written brief. Perused the entire records. The only point that arise for my consideration is:

**1. Whether the Disciplinary Authority proves the charge framed against the DGO ?**

My finding on the above point is in **AFFIRMATIVE** for the following:

**REASONS**

12. According to PW-1 from the year 2012 he is working as Physical Education Teacher in Srinivasapura Government Higher Primary School. DGO No.1 was working as Head Master from the year 2008. DGO No. 2 is working as BEO from the year 2006. The school property is measuring 4 acres. He fought dispute of the school property and the said case was decided in favour of the school. Eucalyptus and Cashew trees were grown in the premises of the school. In order to remove the old trees and to grow new saplings, in the year 2019 the trees were put into public auction. 12 bidders were participated in the auction and highest bid was Rs. 2,65,000/- The auction purchaser had to deposit the bid amount within a week, but after 10 days he deposited only Rs. 2,35,000/-. The DGO No.1, DGO no.2, president and members of SDMC started misappropriating the bid amount. Therefore he filed this complaint as per Ex.P-1 to 3.

13. In the cross examination PW-1 admits that one Sri.Ejaz Pasha was the highest bidder for Rs. 2,65,000/-. He does not know



that Sri. Eajaz Pasha expressed that he sustained loss and requested to reduce the bid amount. He does not remember that SDMC meeting was called. He denies that SDMC decided to sell the trees for Rs. 2,35,000/-. He denies that he has put his signature at Sl. No. 2. He deposed that since he was admitted to hospital due to illness he does not remember some of the facts. He does not remember that before admitting to the hospital said meeting was called. He does not remember that signature found in Sl. No. 2 is his signature. He denies that in spite of knowing the facts he is deposing falsely.

14. According to DW-1 the public action was held on 1.6.2019. In the said auction Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/-. Therefore the public auction was closed at that stage. Sri. Eajaz Pasha had deposited the advance amount of Rs. 10,000/-. One week time was granted to deposit the remaining amount. On 8.6.2019 at the request of Sri. Eajaz Pasha a meeting was called and decided to reduce the auction amount from Rs. 2,65,000/- to Rs.2,35,000/-. In the said meeting BEO, SDMC president, school staff Narayanaswamy, S.Vijayakumari, Sowmya, complainant and villager K.Narayanaswamy, were present. SDMC president was presiding over the meeting. According to the decision taken in the meeting he put his signature to the resolution. Thereafter on 11.6.2019 Education Co-ordinator, president of SDMC, and himself gave permission to Sri. Eajaz Pasha to cut the trees. Complainant was also present in the meeting and has put his signature. Therefore the complainant is aware about all the facts.

15. Further according to DW-1 it was not the decision of himself alone. He tenders his apologies. He has not misappropriated any amount and not caused loss to the state exchequer.

16. In the cross examination, DW-1 has deposed that about 125 Eucalyptus trees and Cashew nut trees were existing in 4 acres of school property. He admits that all the trees were put into auction. He deposes that to put into public auction paper publication was given. About 21 persons had gathered and out of them 15 persons participated in the bid. DW-1 admits that Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/- & Sri.Usaff pasha quoted for Rs. 2,63,000/-. He admits that highest bid had to be accepted. DW-1 deposes that Sri. Eajaz Pasha refused for the highest bid. They had given an opportunity for 2<sup>nd</sup> highest bidder Sri.Usaff pasha over phone, but he did not agree. Notice was not given to him in writing. He denies that intentionally to help Sri. Eajaz Pasha and for wrongful gain, after public auction was over they sold the trees for lesser amount to Sri. Eajaz Pasha. He denies that he violated the rules and caused loss to the state exchequer and committed dereliction of duty.

17. According to DW-2 from 1.7.2018 he was working as Education Co-ordinator in Srinivasapura BEO office. 56 schools were coming under his jurisdiction. Out of them Srinivasapura Boys Higher Primary school is one. DGO No. 1 was working as Head Master in Srinivasapura Boys Higher Primary school. At the time of this incident also DGO No. 1 was working as Head Master in the said school. On 1.6.2019 when the public auction was held to sell the trees grown in 4 acres of land he was also present. One Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/-. Sri. Eajaz Pasha had deposited security amount of Rs. 10,000/- and one week time was given to him to deposit the remaining amount. On 8.6.2019 at the request of Sri. Eajaz Pasha meeting was called and reduced the bid amount from Rs. 2,65,000/- to 2,35,000/-. The BEO, president of the

SDMC school, staff Narayanaswamy, Vijaykumari, Swomya, complainant, villager K.Narayanaswamy, himself and Head Master were present in the meeting. The SDMC president Gajendra was presiding over the meeting. According to the decision in the meeting himself and DGO No. 1 have put the signatures to the resolution. Thereafter on 11.6.2019 permission was given to Sri. Eajaz Pasha to cut the trees. Complainant was also present in the meeting and has put his signature. The decision was taken in the presence of the complainant and the complainant is aware about all the facts. It is not the decision of himself alone. He has not misappropriated the amount and not caused loss to the state exchequer. The financial transaction was looked after by the Head Master.

18. In the cross examination DW-2 has deposed that on 1.6.2019 he participated in the bid. DGO No. 1 had not requested him in writing to participate in the bid. But he had written a letter to the BEO. He was representing the BEO to participate in the bid. 20 persons were gathered there and out of them 15 persons participated in the bid. Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/- and Sri.Usaf was the 2nd highest bidder for Rs. 2,63,000/-. When Sri.Azaja Pasha expressed his inability to purchase the trees, opportunity was given to Sri.Usaf to purchase the trees over phone. But the intention was not given in writing. DW-2 denies that in order to help Sri. Eajaz Pasha bid amount was reduced to Rs. 2,35,000/-, caused loss to the state exchequer and committed dereliction of duty.

19. According to the DW-3 on 1.6.2019 he purchased the trees in public action for Rs. 2,65,000/-. He had deposited security amount of Rs. 10,000/- and had took one week time to deposit remaining amount. Thereafter he went to the spot and found that the trees were

not worth. Before participating in the public action he had not verified the trees. Therefore he had requested the school authorities to reduce the amount. Accordingly they reduced for Rs. 2,35,000/-. Even after that he sustained loss of Rs. 1,50,000/-. He has paid Rs. 2,35,000/- DGO -1 and 2 have not misappropriated the amount. Further according to DW-3 there were broken glass pieces, therefore he has sustain injuries and spent money in the hospital.

20. In the cross examination DW-3 has deposed that before participating in the public action he had verified the spot, but he was in confusion. Earlier he was not acquainted with DGO No.1. He came to know the DGO No. 1 only in the public auction. He admits that he was the highest bidder for Rs. 2,65,000/-. He admits that 2nd highest bidder was one Usaf. He denies that after he became highest bidder he colluded with DGO 1 and 2 got reduced bid amount for Rs. 2,35,000/- for wrongful gain in order to cheat the government.

21. According to DW-4 he was the president of SDMC. On 1.6.2019 in the public auction Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/- Sri. Eajaz Pasha deposited security amount of Rs. 10,000/- and took one week time to deposit the remaining amount. After 8 days Sri. Eajaz Pasha expressed that he sustain loss and requested to reduce bid amount. Therefore a meeting was called. The complainant Narayanaswamy, himself, Headmaster, Hanumegowda, school staff Sowmya and Vijaykumari were present. All of them after satisfying with the request of Sri. Eajaz Pasha they reduced Rs.30,000/- All of them have put their signatures. Therefore DGO-1 and 2 have not committed any dereliction of duty.

22. In the cross examination, DW-4 has deposed that he was not acquainted with Sri. Eajaz Pasha before public auction. Only

during the public auction he came to know Sri. Eajaz Pasha. He admits that Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/- and the Usaf Pasha was the 2nd bidder for Rs. 2,63,000/-. A written notice was not given to Usaf to cut the trees. DW-4 has denied that in order to help Sri. Eajaz Pasha, to cause loss to the Government without giving notice to 2nd bidder Usaf, they reduced bid amount to Rs. 2,35,000/-.

23. According to DW-5 on 1.6.2019 he participated in the public auction and became 2nd highest bidder for Rs. 2,63,000/- Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/-. Therefore highest bid was accepted. Thereafter he went back to his village, after one week he was informed over phone that the school authorities decided to sell the trees to him for Rs. 2,63,000/- . He expressed that he is not interested, therefore he will not purchase the trees.

24. In the cross examination DW-5 has deposed that before one week he was aware about the public auction. About 40 persons had gather at the time of public auction. Before participating in the public auction he had verified the trees. He was informed that they will sell the trees for Rs. 2,30,000/- because Sri. Eajaz Pasha refused. He did not agree to the said offer. Thereafter he came to know that the trees were sold to Sri. Eajaz Pasha for Rs. 2,35,000/- He does not know that they reduced the bid amount from Rs. 2,65,000/- to 2,35,000/-. He denies that in order to help the DGOs he is deposing falsely.

25. Admittedly Eucalyptus trees and cashew nut trees were existing in the school premises measuring 4 acres belonging to Srinivasapura Government Boys Higher Primary school. DGO No. 1 was working as Head Master and DGO No. 2 was working as Education Co-ordinator in the office of BEO. DGO -2 represented the

BEO and participated in the public auction dated: 1.6.2019. Sri. Eajaz Pasha was the highest bidder for Rs. 2,65,000/- and one Usaf was the 2nd highest bidder for Rs. 2,63,000/-.

DGO No.1 and 2 have taken a contention that a week time was given to Sri. Eajaz Pasha to deposit the remaining amount, but Sri. Eajaz Pasha instead of depositing the remaining amount expressed that he sustain loss and requested to reduce the bid amount, therefore a meeting was called and on 8.6.2019 a decision was taken in the meeting to reduce the bid amount from Rs. 2,65,000/- to Rs.2,35,000/-

DGOs also have produced copy of list of persons present in the meeting, resolution and list of persons participated in the bid as per Ex.D-2. The public auction was held on 1.6.2019 in the school premises at 11 A.M, at that time the Head Master, the school staff, DGO -2, SDMC Members were present. 15 bidders participated in the bid. Later on 11.6.2019 Sri. Eajaz Pasha gave a cheque for Rs.2,00,000/- and cash of Rs. 25,000/- as per Ex.D-2.

26. Head Master and DGO No. 1 and 2 and SDMC president have put their signatures on 11.6.2019. Subsequently a meeting resolution dtd: 8.6.2019 is created stating that at the request of Sri. Eajaz Pasha bid amount was reduced from Rs. 2,65,000/- to 2,35,000/-. This resolution should have been written earlier to the entry dated: 11.6.2019. But after taking the deposit through cheque for Rs. 2,00,000/- and cash of Rs. 25,000/- on 11.6.2019 this resolution dated: 8.6.2019 is written.

27. Therefore it is very clear that without passing any resolution after the public auction upto 11.6.2019 the subsequent writings are made showing that resolution was passed on 8.6.2019. There are no material evidence on record to show that a written notice

was given to the 2nd highest bidder giving him an opportunity to purchase the trees for the 2nd highest bid amount. Even otherwise if the 1st highest bidder refused to purchase the trees, 2<sup>nd</sup> highest bidder refused the offer, and they had to call for a 2nd public auction to sell the trees by cancelling the 1st public auction.

DW-3 has not produced any material evidence to show that the trees were not worth Rs. 2,65,000/- or even Rs.2,35,000/-. Therefore the evidence of DW-3 cannot be accepted. Except oral assertion DW-5 has not produced any material evidence on record to show that a notice was given to him to purchase the trees for 2nd highest bid amount of Rs. 2,63,000/- . Therefore this evidence of DW-5 also cannot be accepted. Therefore I hold that without following the procedure prescribed under Law for wrongful gain DGO No.1 and 2 reduced the public auction bid amount from Rs. 2,65,000/- to 2,35,000/- and caused loss of Rs. 30,000/- to the state exchequer and therefore committed dereliction of duty.

28. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges leveled against DGO-1 and 2. DGO No. 1 is held responsible for loss of Rs. 15,000/-, and DGO No. 2 is held responsible for loss of Rs. 15,000/-, which is the loss caused to state exchequer. Hence, I proceed to record the following:-

### FINDINGS

29. The Disciplinary Authority has proved the charges leveled against DGO-1 and 2. Further DGO No.1 Sri.G.N.Ramaswamy, Head Master, is held responsible for loss of Rs. 15,000/- and DGO No.2

Sri.K.M.Hanumegowda, Education Coordinator is held responsible for loss of Rs. 15,000/- which is the loss caused to state exchequer. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

30. The Date of retirement of DGO No. 1 is 31.7.2022, DGO No. 2 is 31.5.2029.

sd/-  
(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru.



**i) List of witnesses examined on behalf of Disciplinary Authority.**

PW.1	Sri.S.N.Sreedhar S/o Narayanappa, Physical Education Teacher, Government Boys' Model Higher Primary School, Srinivasapura original
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Ex.P-1 is the detailed complaint dtd: 27.9.2019 filed by PW-1 in Karnataka Lokayukta office
Ex.P 2 & 3	Ex.p-2 and 3 are the complaint in form No. 1 and 2 dated: 27.9.2019 submitted by PW-1 in Karnataka Lokayukta Office.

**iii) List of witnesses examined on behalf of DGOs**

DW-1	DGO-1 Sri.G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura original
DW-2	DGO No. 2 Sri.K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar original
DW-3	Sri.Azaz Pasha S/o Ameer Jazan R/o Srinivasapura
DW-4	Sri. Gajendra S/o V.Narayanaswamy, Contractor, R/o H.G.Hosuru, Srinivasapura original
DW-5	Sri.Yarab Baba S/o Syed Sameer, Merchant, Odigenahalli Kolar District original

**iv) List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the letter dtd: 30.4.2019 from Sri.Y.Chakrapani, Deputy Conservator of Forest to BEO Srinivasapura Taluk
Ex.D-2	Ex.D-2 is the meeting resolution dated: 1.6.2019 pertains to auction.

Ex.D-3	Ex.D-3 is the letter from Sri.Eajaz Pasha, to Head Master, Government Kannada Boys Model Higher Primary Schook, Srinivasapura
Ex.D-4	Ex.D-4 is the meeting resolution dated: 11.6.2019 pertains to auction.
Ex.D-5	Ex.D-5 is the letter from Head Master, Government Kannada Boys Model Higher Primary Schook, Srinivasapura to Sri.Eajaz Pasha, Timber Merchant, Srinivasapura Town.

*sd/-*

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

**GOVERNMENT OF KARNATAKA****KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/24/2021/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560001  
Date: 29<sup>th</sup> October, 2022.

**RECOMMENDATION**

Sub: Departmental Inquiry against Shriyuths:

- (1) G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura.
- (2) K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar-reg.

Ref: 1) Government Order No.ಇಡಿ 133 ಪಿಎಂಸಿ 2020, Bengaluru, dated: 01/02/2021.

2) Nomination Order No.UPLOK-2/DE/24/2021, Bengaluru, dated: 10/02/2021 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 27/10/2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated: 01/02/2021 initiated the disciplinary proceedings against (1) Shri G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary

School, Srinivasapura and (2) Shri K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar (hereinafter referred to as Delinquent Government Official, for short as DGO Nos.1 and 2) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE/24/2021, Bengaluru, dated: 10/02/2021 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 and 2.
3. The DGO No.1, Shri G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura and DGO No.2, Shri K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar were tried for the following charges:

**ANNEXURE-I**  
**CHARGE**

You DGO no. 1 G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura and You DGO No.2, K.M.Hanumegowda, Education Coordinator Office of the Block Education Officer, Srinivasapura, Kolar;-

There were 125 standing trees (Eucalyptus & Cashew) in the Government Kannada Boys Model Higher Primary School, premises situated in Sy.No.164/P5 of Kollur village,

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Kasaba hobli, Srinivasapura taluk. For cutting those trees and disposal in public auction permission of Deputy Conservator of Forest, Kolar division was sought. Vide Order No:A4.SAS.ಮರಕಡಿತಲೆ.ಅಖ.04/19-20, dated: 30/04/2019 permission was accorded to BEO, Srinivasapura to cut the trees and dispose of the same in auction as per upset price. Auction was held on 01/06/19 at 11.00 A.M in the school premises. About 15 bidders participated in the auction by depositing Rs.5,000/- each. Sri.Ejaz Pasha was the highest bidder. His bid was for Rs.2,65,000/-;. Bid of Sri.Yousuf Kolar was the 2nd highest bid. His bid was for Rs.2,63,000/-; Bid of Sri.Ejaz Pasha's was accepted, as per the terms of auction notice. On the request of Sri.Ejaz Pasha, you DGOs have unilaterally decided to reduce the bid price to Rs.2,35,000/-, as against bid amount of Rs.2,65,000/- without opting to go with 2nd highest bid of Rs.2,63,000/- of Sri.Yousuf, Kolar. You DGOs have showed undue favour to Sri.Ejaz Pasha by reducing the price of the bid amount. Such act of you DGO no. 1 and 2 was uncalled for. Thus, you have acted against the conditions of the bid and caused financial loss to the school as well as to the Forest department.

For the above said irregularities you DGOs No.1 and 2 have committed misconduct and dereliction of duty and failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you DGOs are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has **'Proved'** the charges leveled against **DGO No.1**, Shri G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura and **DGO No.2**, Shri K.M.Hanumegowda,

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Education Coordinator, Office of the Block Education Officer,  
Srinivasapura, Kolar.

5. On perusal of the Inquiry Report, in order to prove the guilt of DGOs No.1 and 2, the Disciplinary Authority has examined one witness i.e., PW-1 and Ex. P-1 to P-3 documents were got marked. DGOs No.1 and 2 have examined themselves as DW-1 and DW-2 and on behalf of them examined other three witnesses as DW-3 to DW-5 and Ex. D-1 to D-5 documents were got marked.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, 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 the Inquiry Officer.
7. As per the First Oral Statement of DGO No.1 furnished by the Inquiry Officer, DGO No.1, Shri G.N.Ramaswamy has retired from service on 31/07/2022 and DGO No.2, Shri K.M.Hanumegowda will retire from service on 31/05/2029.



8. Having regard to the nature of charge '**Proved**' the charges leveled against **DGO No.1**, Shri G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura and **DGO No.2**, Shri K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar and on consideration of the totality of circumstances:-

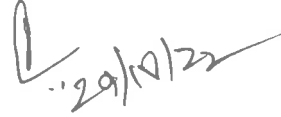
"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO No.1, Shri G.N.Ramaswamy, Head Master, Government Kannada Boys Model Higher Primary School, Srinivasapura for a period of 5 years and also recovering a sum of Rs.15,000/- from the pension payable to DGO No.1".

"It is hereby recommended to the Government to impose penalty of withholding two annual increments payable to DGO No.2, Shri K.M.Hanumegowda, Education Coordinator, Office of the Block Education Officer, Srinivasapura, Kolar with cumulative effect and also recovering a sum of Rs.15,000/- from DGO No.2".

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

Connected records are enclosed herewith.



**(JUSTICE K.N.PHANEENDRA)**  
UPALOKAYUKTA-2,  
STATE OF KARNATAKA.