



KARNATAKA LOKAYUKTA

NO.LOK/ARE-10/ENQ-252/2013

M.S.Building,
Dr.B.R.Ambedkar Road,
Bangalore-560 001
Date: 30-06-2016

RECOMMENDATION

Sub: Departmental Inquiry against

Sri Gangadharaswamy, Second Division
Assistant, Office of the Block Education
Officer, Kunigal, Tumkur dist.

Ref: 1) Govt. Order No. ED 188 LIB 2013
Dt.22-04-2013

2) Nomination Order No. LOK/INQ/14-A/
252/2013 Bangalore dt.06-06-2013
& dt.14-03-2014

1. Govt. by order dt.22-04-2013, initiated disciplinary proceedings against one Sri Gangadharaswamy, Second Division Assistant in the office of Block Education Officer, Kunigal, Tumkur dist. (herein after referred to as "DGO") and entrusted disciplinary Inquiry to this institution.

2. This institution, by Nomination Order dt.06-06-2013 and modified Nomination Order dt.14-03-2014 nominated

Additional Registrar Enquiries-10 to conduct departmental enquiry against the DGO for the alleged charges of misconduct alleged to have been committed by him.

3. The Inquiry Officer, after completing departmental enquiry, has submitted his report dt.23-06-2016 inter-alia holding that the Disciplinary Authority has **'Proved'** the charges of misconduct alleged against the DGO.

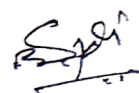
4. The charges alleged against the DGO was that, while he was working as Second Division Assistant in the office of Block Education Officer, Kunigal, one Sri Deepak Gowda s/o H.H.Rajanna of Kunigal, Tumkur District (herein after referred to as 'Complainant') had approached the DGO requesting for sanction of surrender leave encashment of his father namely H.H.Rajanna, who had retired as a Govt. teacher about six months back. When said application came to the table of the DGO, DGO took Rs.500/- by way of bribe amount for sending the recommendation to Block Education Officer. Again, he received another Rs.200/- forcibly from complainant. Thereafter, DGO demanded another Rs.500/-.

As the complainant was not willing to pay said amount, he

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approached Lokayukta Police, Tumkur, and filed complaint, Lokayukta Police conducted trap on 14-09-2011 in which the DGO found in possession with tainted amount. Hence, DGO has failed to maintain absolute integrity and devotion to duty which is un-becoming of a Government Servant, thereby, DGO has committed an act which amounted to misconduct as provided U/R 3(1) (i) to (iii) of K.C.S. (Conduct) Rules 1966.

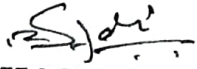
5. The Disciplinary Authority, in order to prove the charges of mis-conduct, has examined three witnesses namely PW-1 Complainant, PW-2 Shadow Witness and PW-3 Investigating Officer. Whereas, DGO did not choose to lead any evidence nor filed any document.
6. The Inquiry Officer, after considering the entire evidence in detail, by his cogent reasons, has given his findings holding that the Disciplinary Authority has 'Proved' the charges of mis-conduct alleged against the DGO.
7. Considering the said findings and also having regard to the nature and gravity of the mis-conduct alleged against the



DGO, as required under the provisions of Rule 14-A (d) of Karnataka Civil Services (CC&A) Rules 1957, it is hereby recommended to the Govt. that the **DGO-Sri Gangadharaswamy, Second Division Assistant, Office of the Block Education Officer, Kunigal, Tumkur dist. be punished with penalty of 'dismissal from service' in exercise of powers U/R 8(viii) of Karnataka Civil Services (CC&A) Rules 1957,**

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

Connected records are enclosed here with.

 30/6/16.
(JUSTICE SUBHASH B ADI)
UPALOKAYUKTA
STATE OF KARNATAKA

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. LOK/ENQ/252/2013/ARE-10.

Multistoried Building
Dr. B.R. Ambedkar Veedhi
Bengaluru – 560 001
Dated : 05.09.2018.

To

The Principal Secretary to
Government,
Government of Karnataka,
Primary & Higher Education,
Education Department,
Multi Storied Building,
Bangalore – 560 001.

Sir,

Subject: Clarification in respect of imposition of penalty
of dismissal against DGO Sri. **Gangadhar
Swamy**, Second Division Assistant, Office of the
Block Education Officer, Kunigal, Tumakuru
District – Reg.

References: 1) Recommendation dated 30.06.2016.

2) Government letter No. ED 462 SES 2017, Bengaluru
dated 30.04.2018 of Under Secretary to Govt.
Education Department.

In the Recommendation dated 30.06.2016, it was recommended
as follows:-

“ In view of findings of the Enquiry Officer and
also having regard to the nature and gravity of

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misconduct, it is hereby recommended to the Government that the DGO Sri. Gangadharaswamy, Second Division Assistant, Office of the Block Education Officer, Kunigal, Tumakur District., be imposed with penalty of “ **dismissal from service** ” in exercise of powers U/R 8(viii) of Karnataka Civil Services (CC&A) Rules, 1957.

2. The Government by its letter dated 30.04.2018, it is informed that, the Disciplinary Authority has already **dismissed** DGO Sri. Gangadharswamy, from service on 14.03.2017 due to conviction by the criminal court. Hence, the recommendation dated 30.06.2016 of Hon'ble Upalokayukta to impose the penalty of “ **dismissal from service** ” is not possible.


3. In view of contents of the letter dated 30.04.2018 of the Government and recommendation dated 30.06.2016, it is hereby clarified to the government by Hon'ble Upalokayukta as under :-

“ If the conviction is set aside, order of dismissal will be set aside. Therefore, keep this recommendation pending. If the conviction is confirmed in appeal, this recommendation becomes ~~inadmissible~~ ^{redundant}. If the conviction is set aside in appeal, this recommendation to dismiss the DGO Sri.

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Gangadharswamy from service shall be implemented.

4. Accordingly, in view of the above clarification, action taken by the government in the matter shall be intimated to this Authority/Institution.


(**Justice N. Ananda**)
Upalokayukta
State of Karnataka
Bengaluru.