

**KARNATAKA LOKAYUKTA**

No. Uplok-2/DE/287/2017/ARE-10

M.S. Building  
Dr.B.R. Ambedkar Road  
Bangalore-560 001  
Date: 21/2/2018

**ENQUIRY REPORT**

**Present :** Sri. S. Gopalappa  
Additional Registrar of Enquiries-10  
Karnataka Lokayukta  
Bangalore

**Sub:** Departmental Enquiry against:-  
Sri. Nanjappa G., (**Now Retired**), Tahsildar,  
Turuvekere Taluk (presently working as  
Tahsildar Grade-I, Gudibande)-reg.,

**Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BD/753/2014/ARLO-2  
dt. 19.10.2016  
2. Govt. Order No. RD 200 ADE 2016  
dt. 13.2.2017  
3. Nomination order No. Uplok-2/DE/287/2017  
Bangalore dt. 20.2.2017 of Hon'ble Upalokayukta-2

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1. On the basis of the complaint filed by Sri. K.B. Nanjappa R/o Tumkur District against the DGO alleging misconduct, an investigation was taken up.

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the GO dt. 13.2.2017 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO,

nomination was issued by Hon'ble Upalokayukta on 20.2.2017 authorizing ARE-10 to hold enquiry and report as per reference No. 3.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGO on 27.4.2017.

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

4. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ. ಜಿ. ನಂಜಪ್ಪ, ತಹಶೀಲ್ದಾರ್, ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು (ಪ್ರಸ್ತುತ ತಹಶೀಲ್ದಾರ್ ಗ್ರೇಡ್-1, ಗುಡಿಬಂಡೆ) ಆದ ನೀವು :-

ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು ಕಲೆಕೆರೆ ಗ್ರಾಮದ ಸರ್ಕಾರಿ ಕಟ್ಟೆಯಿಂದ ಶ್ರೀ. ಕೆ.ಜಿ. ಲಕ್ಷ್ಮಣ ಗೌಡ ಇವರು ಅಕ್ರಮವಾಗಿ 200 ಟ್ರಾಕ್ಟರ್ ಸರ್ಕಾರಿ ಕಟ್ಟೆಯ ಮರಳನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದು, ಈ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ. ಅಕ್ರಮ ಮರಳು ಜಪ್ತು ಮಾಡಿಕೊಂಡು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದುಕೊಂಡ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳು ಕಂಡುಬರುವುದಿಲ್ಲ.

ಬೃಹತ್ ಪ್ರಮಾಣದ ಅಕ್ರಮ ಮರಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ತವ್ಯ ವಹಿಸಿಕೊಂಡ ನಂತರ ಅಕ್ರಮ ಮರಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯದೆ ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟ ಉಂಟುಮಾಡಿದ್ದಲ್ಲದೆ ಕರ್ತವ್ಯದಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯ ತೋರಿಸಿರುತ್ತೀರಿ.

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 ಮಿಸ್‌ಕಾಂಡೆಕ್ಸ್)

5. ಶ್ರೀ. ಕೆ. ಬಿ. ನಂಜಪ್ಪ ಬಿನ್ ಲೇಟ್ ಬ್ಯಾಟಪ್ಪ, ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶ್ರೀ. ಜಿ. ನಂಜಪ್ಪ, ತಹಶೀಲ್ದಾರ್, ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಅವ್ಯವಹಾರದ ಬಗ್ಗೆ ನೀಡಿದ ದೂರನ್ನು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆಯ ಕಲಂ 9ರ ಅಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

6. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು ಕಲ್ಯಾಣ ಗ್ರಾಮದ ಸರ್ಕಾರಿ ಕಟ್ಟಿಯಿಂದ ಸುಮಾರು 200 ಟ್ರಾಕ್ಟರ್ ಮರಳನ್ನು ಶ್ರೀ. ಕೆ.ಜಿ. ಲಕ್ಷ್ಮಣ ಗೌಡ ತಂದೆ ಜವರಯ್ಯ ಇವರು ತಮ್ಮ ಸಂಬಂಧಿಯಾದ ಕೆ.ಹೆಚ್. ರಾಮಚಂದ್ರೇಗೌಡರ ಜಮೀನಿನಲ್ಲಿ ಶೇಕರಿಸಿಟ್ಟಿದ್ದಾರೆ. ದಿ: 1.7.2013ರಂದು ಈ ರೀತಿ ಮರಳನ್ನು ಶೇಕರಿಸಿಟ್ಟ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ದೂರುದಾರರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಲಂಚ ಪಡೆದು ಇದರ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಇದನ್ನು ಪರಿಶೀಲಿಸಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ದೂರು ಸಲ್ಲಿಸಿದ್ದಾರೆ.

7. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ದೂರುದಾರರು ತಮ್ಮ ಕಛೇರಿಗೆ ದಿ : 21.7.2013ರಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ವೇಳೆ ತಾನು ವಿಶೇಷ ತಹಶೀಲ್ದಾರಾಗಿ ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆಯ ಕುರುಗೋಡ್ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು, ಆದರೆ ದಿ : 12.9.2013ರಂದು ತುರುವೇಕೆರೆ ತಹಶೀಲ್ದಾರಾಗಿ ಕರ್ತವ್ಯ ವಹಿಸಿಕೊಳ್ಳಲಾಗಿದೆ. ಈ ದೂರು ಅರ್ಜಿಯ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಂಡಿರುವ ಮಾಹಿತಿಯನ್ನು ನೀಡಲು ದಿ : 16.4.2016ರಂದು ಹಾಲಿ ಇರುವ ತುರುವೇಕೆರೆ ತಹಶೀಲ್ದಾರ್ ರವರಿಗೆ ಪತ್ರ ಬರೆಯಲಾಗಿರುತ್ತದೆ. ಏಕೆಂದರೆ ಈಗ ತಾನು ಗುಡಿಬಂಡೆಯಲ್ಲಿ ತಹಶೀಲ್ದಾರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿರುವುದಾಗಿ ಹೇಳಿದ್ದಾರೆ.

8. ದೂರುದಾರರು ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ ಈ ಹಿಂದೆ ಅಕ್ರಮ ಮರಳು ಸಂಗ್ರಹಿಸಿದ್ದನ್ನು ಹಿಂದಿನ ತಹಶೀಲ್ದಾರ್ ಫೋಟೋ ತೆಗೆಸಿ ಮಹಜರ್ ಮಾಡಿಸಿದ್ದರು ಆದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿ : 12.9.2013ರಂದು ಕರ್ತವ್ಯಕ್ಕೆ ಹಾಜರಾದ ನಂತರ ಈ ಪ್ರಕರಣವನ್ನು ಮುಚ್ಚಿಹಾಕಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಇವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಂಡಿದ್ದಾರೆ.

9. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ಅ) ದೂರುದಾರರು ಆಪಾದಿಸಿರುವಂತೆ ಕೆ.ಜಿ. ಲಕ್ಷ್ಮಣ ಗೌಡ ಇವರು ಅಕ್ರಮವಾಗಿ 200 ಟ್ರಾಕ್ಟರ್ ಸರ್ಕಾರಿ ಕಟ್ಟಿಯ ಮರಳನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ. ಏಕೆಂದರೆ

ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಅವರು ಈ ಬಗ್ಗೆ ತಾವು ಕ್ರಮ ಕೈಗೊಂಡಿದ್ದಾಗಿ ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಾವು ಈಗ ವರ್ಗಾವಣೆಯಾಗಿ ಗುಡಿಬಂಡೆಯಲ್ಲಿ ತಹಶೀಲ್ದಾರ್ ಆಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದು, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಕೈಗೊಂಡ ಕ್ರಮದ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡುವಂತೆ ಹಾಲಿ ತಹಶೀಲ್ದಾರ್ ತುರುವೇಕೆರೆ ಇವರಿಗೆ ಪತ್ರ ಬರೆದಿದ್ದಾಗಿ ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ವಿರುದ್ಧ ದೂರು ಸಲ್ಲಿಸಿರುವುದರಿಂದ ತಾವು ಯಾವ ಕ್ರಮ ಕೈಗೊಂಡಿದ್ದರು, ಅಕ್ರಮ ಮರಳನ್ನು ಏನು ಮಾಡಿದರು ಎನ್ನುವ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡಿರುವುದಿಲ್ಲ. ಅಡ್ಡ ಗೋಡೆ ಮೇಲೆ ದೀಪವಿಟ್ಟಂತೆ ಕ್ರಮಕೈಗೊಂಡಿದ್ದಾಗಿ ಮಾತ್ರ ಹೇಳಿದ್ದು ಆದರೆ ಅಕ್ರಮ ಮರಳು ಜಪ್ತು ಮಾಡಿಕೊಂಡದನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದುಕೊಂಡ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳು ಕಂಡುಬರುವುದಿಲ್ಲ.

ಆ) ಸರ್ಕಾರವು ಅಕ್ರಮ ಮರಳು ಸಾಗಾಣಿಕೆ ತಡೆಗಟ್ಟಲು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಸಮಿತಿ ರಚಿಸಿದ್ದು ಅದರಲ್ಲಿ ತಹಶೀಲ್ದಾರ್ ಸೇರಿ ತಾಲ್ಲೂಕು ಪಟ್ಟಣದ ಅಧಿಕಾರಿಗಳು ಸದಸ್ಯರಾಗಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ಸರ್ಕಾರ ಸುತ್ತೋಲೆ ಹೊರಡಿಸಿದ್ದರೂ ಸಹ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬೃಹತ್ ಪ್ರಮಾಣ ಅಕ್ರಮ ಮರಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಾನು ಕರ್ತವ್ಯವಹಿಸಿಕೊಂಡ ನಂತರ ಅಕ್ರಮ ಮರಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯದೆ ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟ ಉಂಟುಮಾಡಿದ್ದಲ್ಲದೆ ಕರ್ತವ್ಯದಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯ ತೋರಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

10) ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನೀಡಿರುವ ಉತ್ತರಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ ಸಮಂಜಸ/ ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

11) ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವರ್ತನೆ/ ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

12) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ/ ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ, ಸಾರ್ವಜನಿಕ/ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು 1966 ನಿಯಮ 3(1) (i) ಮತ್ತು (ii) ರನ್ವಯ ದುರ್ನಡತೆಯೆಸಗಿದ್ದು, ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ

ಭಾದ್ಯರಾಗಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಭಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ವಹಿಸ ಬೇಕೆಂದೂ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ನಿಯಮ 14 ಎ ಅಡಿಯಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು 10 ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

13. The said article of charge was served on the DGO on 11.5.2017. DGO appeared before the enquiry officer and his first oral statement under Rule 11(9) was recorded. DGO has denied the said charges.

14. DGO has filed his written statement denying all the allegations. He further submits that the above said charges have been made subsequent to a complaint dt. 15.2.2014 that has been given by the Complainant. The complaint dt. 15.2.2014 is not maintainable either in facts or on law. The complainant has suppressed several facts and is guilty of giving a false complaint against him. The DGO further submits that the complainant allegedly had given a representation to the then Tahsildar, Turuvekere taluk on 1.7.2013. The complainant however, has suppressed the fact that he had given a complaint on the same date to the learned Dy. Superintendent of Police, Kunigal Sub Division, seeking action against the said K.J. Lakshman Gowda for the alleged illegal mining of 200 truck loads of sand from Government Katte. The Dy. Superintendent of Police Kunigal Sub Division, wrote a letter dt. 5.7.2013 to the Police Sub

Inspector of Turuvekere Taluk forwarding the complaint of the complainant and vide letter dt. 5.7.2013 sought for an enquiry from Police Sub Inspector, Turuvekere Taluk and also directed him to provide protection to the above complainant. The Police Department, Turuvekere Taluk vide a panchanama dt. 14.7.2013 seized the alleged sand in the land of Ramachadre Gowda H. The panchanama observes that the certain grass has grown in the sand which was seized, which indicates that the sand was lying there for quite some time. The panchanama also states that the sand mound shown by the complainant K.B. Nanjappa was measuring about 20 x 20 ft in width and about 3 feet in height. Furthermore, the panchanama bears the signatures of inter alia Ramachandre Gowda H., K.J. Lakshman Gowda and that of the complainant. This more than indicates the fact that the complainant is aware of the facts that the alleged sand has been seized by the Police Department, Turuvekere Taluk. It is well established law that the Police Department is the custodian of any property seized and such property can only be released by an order of a Magistrate under Section 102 of the Criminal Procedure Code, 1973. The Police Sub Inspector, Turuvekere Police Station, addressed a letter dt. 14.7.2013 to the Assistant Executive Engineer, Public Works Department, Turuvekere Taluk, bringing forth the above facts to his notice and also requesting the said officer to ascertain whether the sand was indeed acquired legally or illegally. The said letter also requested the officer to auction the said sand. Thereafter the A.E.E. of PWD, Turuvekere Taluk, has written a letter dt. 26.8.2013 to the PSI, Turuvekere Taluk requesting the Sub Inspector to show the spot where the sand was seized on 29.8.2013. A copy of the letter dt. 26.8.2013 was marked to the complainant. Hence it is safe to state that the complainant was well aware that the PWD Department was

seized of the above matter. The letter of the Sub Inspector dt. 14.7.2013 also bears an endorsement dt. 29.8.2013 which indicates that the spot has been inspected and has raised doubts about the quality of the sand and has opined that the quality of sand has to be examined. The DGO took charge as Tahsildar, Turuvekere Taluk on 12.9.2013 i.e., well after the seizure of the alleged illegal sand and hence had no further role to play in the sand seizure. From the narration above, it is quite obvious that as on the date he took charge as Tahsildar, Turuvekere Taluk the issue of sand seizure was already in the domain of the PWD Department and the sand had been seized by the Police Department. Thereafter, the DGO relinquished charge as Tahsildar, Turuvekere Taluk on 7.3.2014. The person on whose land the alleged illegal sand was seized i.e., K.J. Lakshman Gowda also wrote a letter to the PWD Department on 30.10.2013 wherein it has been stated that he had purchased the sand through lawful means nearly 2 years back for the purpose of construction of his own house. He has further contended that the said sand is red sand and is not illegal sand as claimed by the complainant. DGO further submits that the alleged illegal sand having been seized by the Police Department, well before him taking charge as Tahsildar, Turuvekere Taluk, there was nothing left to be done by him and indeed, the allegation that he has taken a bribe and let the sand slip away is a blatant lie. The complainant is well aware of all the above facts, and has quite deliberately suppressed them, merely to harass him. The office of the Tahsildar, Turuvekere Taluk vide an action taken report to this Hon'ble Authority, brought forth the fact of seizure by the Police Department and also the fact that the police department had written a letter to PWD Department to auction of the sand to the notice Asst. Registrar, Lokayukta vide letter dt. 4.4.2015. Hence the

office of the Tahsildar, Turuvekere Taluk had sought for a closure of the above complaint vide the said action taken report. The DGO further submits that as demonstrated above, he had no role to play by the time he reported as Tahsildar, Turuvekere Taluk. The said sand has been seized by the Police Department, Turuvekere Taluk and is in the custody of the said Department which has been since handed over to the PWD Department. Hence, the charge is refuted and baseless. The alleged illegal sand has already been seized and is in fact, still in seizure and hence there is no question of DGO causing loss to the Government. He has not committed any misconduct. Hence prays to exonerate from the charges.

15. On behalf of the Disciplinary Authority, PW1 is examined and Ex P 1 to P 8 are marked. After the closure of the evidence of the Disciplinary Authority, second oral statement of DGO u/R 11(16) was recorded. DGO submitted that he has defence evidence. DGO got examined himself as DW1 and got marked Ex D1 to D7. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defence assistant for DGO filed their written brief and they were also heard orally.

16. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

17. My answers to the above points are as follows:



Point No. 1 : In the affirmative.

Point no. 2 : As per final order

for the following ;

### **REASONS**

18. **Point no. 1** : The complainant who is examined as PW1 has deposed that in Kalkere village during the year 2013 one of their villager Sri. K. J. Lakshmanagowda had illegally stocked 200 loads of sand in the land of Ramachandregowda who is his relative. Therefore, he gave a representation to the then Tahsildar. The then Tahsildar has taken the action. But one month later when DGO came as a Tahsildar again K.J.Lakshmanagowda claiming that he has obtained the licence and illegally tried to hide the sand. But DGO did not take the steps till the year 2014. Therefore, he lodged a complaint to Lokayukta along with form no.1 and 2 as per Ex. P 1 to 3. PW1 has deposed that DGO is the responsible officer for this discrepancy.

19. In the cross examination, PW 1 admits that the document shown to him (Ex D1) is the representation given by him to Dy.S.P., Kunigal. He does not know that Ex D-1 was forwarded to Turuvekere Police Station. He admits that Turuvekere Police visited the spot on 14.7.2013 drawn the mahazar and seized the sand and he was also present and signed the mahazar. He has not mentioned the mahazar and seizure of sand in his complaint and rejoinder given to the Lokayukta. PW1 denies that he has filed a false complaint and denies that the DGO has taken timely action and not committed any dereliction of duty.

20. The DGO who got examined himself as DW1 has deposed that the charges have been made subsequent to a complaint dt. 15.2.2014 that has been given by the Complainant. The complaint dt. 15.2.2014 is not maintainable either in facts or on law. The complainant has suppressed several facts and is guilty of giving a false complaint against him.

21. DW1 has further deposed that the complainant allegedly had given a representation to the then Tahsildar, Turuvekere taluk on 1.7.2013. The complainant however, has suppressed the fact that he had given a complaint on the same date to the Dy. Superintendent of Police, Kunigal Sub Division, seeking action against the said K.J. Lakshman Gowda for the alleged illegal mining of 200 truck loads of sand from Government Katte.

22. DW1 has further deposed that the Dy. Superintendent of Police Kunigal Sub Division, wrote a letter dt. 5.7.2013 to the Police Sub Inspector of Turuvekere Taluk forwarding the complaint of the complainant and vide letter dt. 5.7.2013, the Dy. Superintendent of Police, Kunigal Sub Division sought for an enquiry from Police Sub Inspector, Turuvekere Taluk and also directed him to provide protection to the above complainant.

23. DW1 has further deposed that the Police Department, Turuvekere Taluk vide a panchanama dt. 14.7.2013 seized the alleged sand in the land of Ramachadre Gowda H. The panchanama observes that the certain grass has grown in the sand which was seized, which indicates that the sand was lying there for quite some time. The panchanama also states that the sand mound shown by the

complainant K.B. Nanjappa was measuring about 20 x 20 ft in width and about 3 feet in height. Furthermore, the panchanama bears the signatures of inter alia Ramachandre Gowda H., K.J. Lakshman Gowda and that of the complainant K.B. Nanjappa. This more than indicates the fact that the complainant is aware of the fact that the alleged sand has been seized by the Police Department, Turuvekere Taluk.

24. DW1 has further deposed that the Police Sub Inspector, Turuvekere Police Station, addressed a letter dt. 14.7.2013 to the Assistant Executive Engineer, Public Works Department, Turuvekere Taluk, bringing forth the above facts to his notice and also requesting the said officer to ascertain whether the sand was indeed acquired legally or illegally. The said letter also requested the officer to auction the said sand. Thereafter the A.E.E. of PWD, Turuvekere Taluk, has written a letter dt. 26.8.2013 to the PSI, Turuvekere Taluk requesting the Sub Inspector to show the spot where the sand was seized on 29.8.2013.

25. Further DW1 has deposed that a copy of the letter dt. 26.8.2013 was marked to the complainant. Hence it is safe to state that the complainant was well aware that the PWD Department has seized of the above matter. The letter of the Sub Inspector dt. 14.7.2013 also bears an endorsement dt. 29.8.2013 which indicates that the spot has been inspected and has raised doubts about the quality of the sand and has opined that the quality of sand has to be examined.

26. Further DW1 has deposed that the DGO took charge as Tahsildar, Turuvekere Taluk on 12.9.2013 i.e., well after the seizure of the alleged illegal sand and hence had no further role to play in the sand seizure. From the narration above, it is quite obvious that as on the date he took charge as Tahsildar, Turuvekere Taluk the issue of sand seizure was already in the domain of the PWD Department and the sand had been seized by the Police Department. Thereafter, he relinquished charge as Tahsildar, Turuvekere Taluk on 7.3.2014.

27. Further DW1 has deposed that the person on whose land the alleged illegal sand was seized i.e., K.J. Lakshman Gowda also wrote a letter to the PWD Department on 30.10.2013 wherein it has been stated that he had purchased the sand through lawful means nearly 2 years back for the purpose of construction of his own house. He has further contended that the said sand is red sand and is not illegal sand as claimed by the complainant.

28. Further DW1 has deposed that the alleged illegal sand having been seized by the Police Department, well before he took charge as Tahsildar, Turuvekere Taluk, there was nothing left to be done by him and indeed, the allegation that he has taken a bribe and let the sand slip away is a blatant lie. The complainant is well aware of all the above facts, and has quite deliberately suppressed them, merely to harass him.

29. Further DW1 has deposed that the office of the Tahsildar, Turuvekere Taluk vide an action taken report to this Hon'ble Authority, brought forth the fact of seizure by the Police Department and also the fact that the police department had written a letter to

PWD Department to auction of the sand to the notice Asst. Registrar, Lokayukta vide letter dt. 4.4.2015. Hence the office of the Tahsildar, Turuvekere Taluk had sought for a closure of the above complaint vide the said action taken report.

30. Further DW1 has deposed that the charge that he had not taken any action regarding 200 truck loads of sand mined illegally by K.J. Lakshman Gowda and that no records are forthcoming to show that said unauthorized sand was seized and taken possession of to the Government is factually incorrect. As demonstrated above, he had no role to play by the time he reported as Tahsildar, Turuvekere Taluk. The said sand has been seized by the Police Department, Turuvekere Taluk and is in the custody of the said Department which has been since handed over to the PWD Department.

31. Further DW1 has deposed that the charge of taking possession of the huge quantity of illegal sand to the possession of the Government is not forthcoming and therefore, he after having assumed charge not only caused loss to the Government by not taking possession of illegal sand to the Government but also have shown dereliction to duty is quite false. As already demonstrated, the alleged illegal sand has already been seized and is in fact, still in seizure and hence there is no question of causing loss to the Government. He has not committed any misconduct. Hence prays to exonerate from the charges.

32. In the cross examination, DW1 admits that there is a District Committee to control illegal transportation of sand. He admits that the Tahsildar also is the member of District Committee headed by

Deputy Commissioner. He admits that the representation given to Tahsildar (Ex P -5) was received in their office on 1.7.2013. He admits that the illegal sand has to be confiscated to the State. He has stated in his comments that he was not working as Tahsildar in Turuvekere Taluk Office when sand was seized. He denies that without giving proper information, he is deposing falsely. He denies that he has not produced any documents on record to show the disposal of seized sand.

33. The DGO admits that the illegal sand has to be confiscated to the State and the Tahsildar also is the member of District Committee headed by the Deputy Commissioner. Admittedly as on the date of DGO assumed the charge as Tahsildar, the sand was already seized. The said sand was to be confiscated to the State. The DGO has not produced any documents on record to show that Sri. K.J. Lakshman Gowda had legally purchased the sand and stored the same. Therefore the contention of the DGO that he was not responsible to confiscate the illegal sand cannot be accepted.

34. The oral and the documentary evidence on record clearly show that Sri. K.J. Lakshman Gowda from Kalkeri village Government pond had stocked 200 tractor loads of illegal sand. But the DGO has not taken any action to confiscate the same in favour of the Government.

Thereby the DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka

Civil Service (Conduct) Rules 1966. Hence, I proceed to answer point No. 1 in the affirmative.

35. **Point No. 2** : For the reasons discussed above, I proceed to pass the following ;

**ORDER**

Disciplinary Authority has proved the charges as framed against the DGO Sri. Nanjappa G., (**Now Retired**), Tahsildar, Turuvekere Taluk.

Hence, this report is submitted to Hon'ble Upalokayukta II for kind consideration.

Dated this the 21<sup>st</sup> February, 2018

*Sd/-*  
(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore

**ANNEXURES**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 :- Sri. K.B. Nanjappa (complainant)

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

DW-1:- Sri. G. Nanjappa

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:**

- Ex.P-1 : Complaint dt. 5.2.2014  
Ex.P-2 : Form No. I  
Ex.P-3 : Form No.II  
Ex.P-4 : Affidavit  
Ex P-5 : Representation to Tahsildar, Turuvekere dt. 1.7.2013  
Ex.P-6 : Photographs  
Ex P 7 : Rejoinder dt. 23.6.2016  
Ex P 8 : Report u/s 12(3) of the K.L Act, dt. 19.10.2016

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

- Ex.D-1 : Representation to Police Sub Inspector, Kunigal  
dt. 1.7.2013  
Ex.D-2 : Mahazar dt. 14.7.2013  
Ex.D-3 : Charge taken certificate  
Ex.D-4 : Memorandum of Dy. Superintendent of Police, Tumkur  
dt. 5.7.2013  
Ex.D-5 : Letter of PSI, Turuvekere to Assistant Executive  
Engineer, Turuvekere dt. 14.7.2013  
Ex.D-6 : Letter of Assistant Executive Engineer, Turuvekere to  
PSI, Turuvekere Police Station dt. 26.8.2013  
Ex.D-7 : Compliance Report of Tahsildar, Turuvekere Taluk

Dated this the 21<sup>st</sup> February 2018

sd/-  
(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore





**KARNATAKA LOKAYUKTA, BENGALURU**

No:Uplok-2/DE/287/2017/ARE-10

M.S.Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru. Dated: 26/2/2018

**RECOMMENDATION**

Sub:Departmental Enquiry against Sri Nanjappa G ( Now retired) the then Tahsildar, Turuvekere Taluk (presenting working as Tahsildar Grade-1, Gudibande) -reg

- Ref: 1) Government Order No. RD 200 ADE 2016  
dtd 13/2/2017  
2) Nomination order by Hon'ble Upalokayukta  
dtd 20/2/2017

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The Government by order dtd 13/2/2017 initiated the disciplinary proceedings against the Delinquent Government Servant Sri Nanjappa G ( Now retired) the then Tahsildar, Turuvekere Taluk (presenting working as Tahsildar Grade-1, Gudibande) (hereinafter referred to as 'DGO' in short) and entrusted the disciplinary enquiry to this institution. Accordingly, by nomination order dtd 20/2/2017, Additional Registrar Enquiries-10 was nominated as an enquiry officer by this institution to conduct departmental enquiry against the DGO for the alleged charge of misconduct alleged to have been committed by him.

The said enquiry officer, after completing the departmental enquiry, submitted his report dtd 21/2/2018, inter-alia holding that, the disciplinary authority has satisfactorily proved the charge of misconduct as alleged against the DGO.

The charge alleged against the DGO was that while DGO was working as Grade -2 Tahsildar, Gudibande, he failed to take action against 2200 tractor load of sand illegally stored at Kalkere village, Turuvekere Taluk and thereby caused huge loss to the exchequer of the Government and thereby, the DGO has failed to maintain absolute integrity and devotion to the duty, the act of which is unbecoming of Government servants and thereby have committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966".

The disciplinary authority, to prove the charge of misconduct against the DGO, has examined complainant as PW1 and marked Ex.P1 to P8, whereas, DGO got himself examined as DW1 and got marked Ex.D1 to D7.

The enquiry officer, after considering the entire evidence, found that, there is clear evidence that the sand was illegally mined and was stored in the land of one Sri K.J.Lakshmana gowda and the said person had lodged complaint of illegal storage of sand in his land. In spite, the DGO has failed to take any action. The Enquiry officer has found that the evidence led by the disciplinary authority is more probable and prove the charge of misconduct and has submitted report.

Sgd

In view of the findings of the enquiry officer as well as the nature and gravity of misconduct alleged against the DGO, it is hereby recommended to the Government that the **DGO Sri Nanjappa G ( Now retired) the then Tahsildar, Turuvekere Taluk (presenting working as Tahsildar Grade-1, Gudibande) who is stated to have been retired from government service be punished with penalty of denial of 10% of the pensionary benefit perpetually in exercise under Rule 214(1)(a) of the Karnataka Civil Services Rules.**

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

Connected records are enclosed herewith.

*Sydl*  
(Justice Subhas B Adi)  
Upalokayukta  
Karnataka State, Bengaluru

