



KARNATAKA LOKAYUKTA

No. Lok/Inq/14-A/290/2014/ARE-8

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.09.03.2017.RECOMMENDATION

Sub: Departmental inquiry against Sriyuths:

- 1) Padmanabhachar, the then Deputy Director (now retired);
- 2) Srinivas, the then Asst. Engineer; and
- 3) M.K. Vishwanath, the then Geologist, Mines and Geology Department, Chamarajanagar - reg.

Ref: 1. Govt. Order No. CI 125 MGS 2013 dated 06.05.2014.

2. Nomination order No. Lok/Inq/14-A/290/2014 dated 19.05.2014.

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Government, by its Order dated 06.05.2014, initiated the disciplinary proceedings against Sriyuths: (1) Padmanabhachar, the then Deputy Director (now retired); (2) Srinivas, the then Asst. Engineer; and (3) M.K. Vishwanath, the then Geologist, Mines and Geology Department, Chamarajanagar [hereinafter referred to as the Delinquent Government Officials 1 to 3

respectively, for short 'DGOs 1 to 3'] and entrusted the departmental inquiry to this Institution. This Institution, by nomination order dated 19.05.2014, nominated the Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, to conduct the departmental inquiry against the DGOs for the alleged charge of misconduct alleged to have been committed by them.

2. The Inquiry Officer has submitted his report dated 08.03.2017.2017 inter alia holding that, the Disciplinary Authority has '*proved*' the charge of misconduct alleged against DGOs 1 to 3.

3. The charges levelled against DGOs 1 to 3 were that, while DGO1 was working as Deputy Director; DGO2 as Asst. Engineer; and DGO3 as Geologist, Mines and Geology Department, Chamarajanagar, during the year 2011-12, though an order was passed under Section 8(3) of the Karnataka Minor Mineral Concession Rules, 1994, cancelling the lease granted in

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favour of one Stone Quarry Workers' Co-operative Society, still DGOs 1 to 3 failed to prevent operation of quarry. Thereafter, DGO3 also failed to collect the royalty as well as the penalty for illegal quarry and thereby they caused loss to the exchequer of the Government. Further, DGOs 1 to 3 though the licence to quarry was cancelled by order dated 05.05.2012, still the DGOs 1 to 3 allowed the said quarry operator to remove the boulders from the quarry. Thereby, DGOs 1 to 3 failed to maintain absolute integrity, devotion to duty and rendered themselves as unbecoming of Government servants and committed misconduct within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

4. In order to prove the charge of misconduct, the Disciplinary Authority has examined 2 witnesses viz., PW1 is the complainant; and PW2 is the Investigating Officer who conducted the investigation, whereas the DGO1 got himself examined as DW1. The Inquiry Officer, after considering the

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entire evidence, has found that, the Disciplinary Authority has 'proved' the charge of misconduct as alleged against DGOs 1 to 3.

5. The evidence on record categorically shows that, the DGOs 1 to 3 acted in violation of the provisions of Karnataka Minor Mineral Concession Rules, 1994 and caused loss to the exchequer of the State Government. Though the DGO1 has led the evidence by examining himself as DW1, but failed to prove the defence taken by him. DGOs 2 & 3 have not led any additional evidence in addition to the evidence led by DGO1.

6. Considering the findings of the Inquiry Officer and also having regard to the nature and gravity of misconduct alleged against the DGOs, it is hereby recommended to the Government that, the DGO1- *Shri Padmanabhachar, Deputy Director, Mines and Geology Department, Chamarajnagar*, who is stated to have retired on 31.07.2015, be punished with the penalty of "*denial of 05% of pensionary benefit for a period of five years*" in exercise of powers under Rule 214(1)(a) of

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Karnataka Civil Service Rules; and the DGO2 & 3 - Sriyuths Srinivas, the then Asst. Engineer; and M.K. Vishwanath, the then Geologist, Mines and Geology Department, Chamarajanagar respectively be punished with the penalty of '*reduction to a lower stage in the time scale, but does not bar to earn increments if any during the period of reduction to lower stage for a period of two years*' in exercise of powers under Rule 8(iv-a) of Karnataka Civil Service (Classification, Control, and Appeal) Rules, 1956.

7. Further directed to initiate the proceedings to recover the loss if any that is caused to the State Exchequer by DGOs 1 to 3.

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

Connected records are enclosed herewith.

*Sgobh* 9.3.17  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

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