



**KARNATAKA LOKAYUKTA**

No.LOK/ARE-8/Enq.297/2013.

M.S.Buildings,  
Bangalore,  
Dated 21/3/2017

**RECOMMENDATION**

Sub: Departmental Enquiry against (1) Sri Mallikarjunaswamy, the then Executive Officer, Taluk Panchayath, Chamarajanagar Taluk 2) Sri Sri John Gilbert, the then Secretary, Bisalvadi Grama Panchayath, Chamrajanagar Taluk and 3) Sri T.M.Devegowda, the then District Manager, Dr.B.R.Ambedkar Development Corporation Limited, Chamarajanagar District -reg.

Ref:1. Government Order No. Gra.a.pa 57  
vi.se.bi .2013 dtd. 12/7/2013  
2. Nomination order by Hon'ble  
Upalokayukta- dtd.25/7/2013

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The Government by order dtd.12/7/2013 initiated the disciplinary proceedings against the Delinquent Government Servants (1) Sri Mallikarjunaswamy, the then Executive Officer, Taluk Panchayath, Chamarajanagar Taluk 2) Sri Sri John Gilbert, the then Secretary, Bisalvadi Grama Panchayath, Chamrajanagar Taluk and 3) Sri T.M.Devegowda, the then District Manager, Dr.B.R.Ambedkar

*S. J. S.*

Development Corporation Limited, Chamarajanagar District (herein after referred to 'DGO-1', 'DGO-2' and 'DGO-3' in short) and entrusted the departmental enquiry to this institution. Accordingly, by nomination order dtd.25/7/2013, Additional Registrar, Enquiries-8 was nominated as an enquiry officer by this institution to conduct departmental enquiry against the DGO-1 to DGO-3 for the alleged charge of misconduct alleged to have been committed by them.

The Enquiry officer, on completion of his enquiry, has submitted report dtd. 20/3/2017 inter-alia holding that, the charge of misconduct alleged against the DGO-1 to DGO-3 is held proved.

The charges alleged against DGO-1 to DGO-3 was that, while DGO-1 was working as Executive officer, Taluk Panchayath, Chamrajanagar Taluk, DGO-2 while working as Secretary, Bisalvadi Grama Panchayath, Chamarajanagar Taluk and DGO-3 while working as District Manager, Dr.B.R.Ambedkar Development Corporation Limited, Chamarajanagar District, DGO-1 issued NOC to one Mahadevaiah without even verifying the correctness for digging the borewell. DGO-3 before issue of the NOC did not verify whether

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one Mahadevrao was sanctioned for digging borewell. DGO-2 without making any spot inspection, without collecting the information from the adjoining owners, he took the photographs after the borewell was dug with intention to help the alleged beneficiary. DGO-1 without verifying the record as to whether the beneficiary had been granted similar benefits earlier, again sanctioned the borewell contrary to the rules and norms. Even after coming to know that the said beneficiary has taken second borewell by suppressing the earlier one, DGO-1 did not initiate any proceedings by filing criminal complaint or for recovery. Thereby, DGO-1 to DGO-3 failed to discharge their official function and also caused the loss to the tune of Rs.65,000/- to the exchequer of the Government. Hence, DGO-1 to DGO-3 have failed to maintain absolute integrity and devotion to the duty and rendered themselves as unbecoming of government servants and thereby, have committed misconduct.

Disciplinary authority, to prove the charge of misconduct has examined IO, who conducted investigation and submitted report as PW1. In the evidence of PW1, Ex P1 to P12 were marked, whereas, DGO-1 got himself examined as DW1, DGO-2 as DW2 and DGO-3 as DW3 and they got marked as D1 to D9.

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The enquiry officer, by considering the evidence on record, has found that, the evidence of the IO as well as the document produced in his evidence, clearly proves the dereliction of duty by DW1 to DW3 and on account of their negligence have caused loss to the tune of Rs.65,000/- by illegally granting benefit to one Mahadevaiah for the second time.

Though the DGO-1 to DGO-3 have led the evidence but they could not disprove the charge alleged against them. The enquiry officer, on elaborate consideration of the entire evidence has given his findings.

Considering the said findings and also having regard to the nature and gravity of misconduct committed by the DGOs and also in view of the findings of the enquiry officer, I find that, the **DGO-1 Sri Mallikarjunaswamy, the then Executive Officer, Taluk Panchayath, Chamarajanagar Taluk** deserves to be punished with denial of 2 annual increment for the period of 3 years without cumulative effect under Rule 8(iii) of KCS( CC & A) Rules. **DGO-2 Sri Sri John Gilbert, the then Secretary, Bisalvadi Grama Panchayath, Chamrajanagar Taluk** and **DGO-3 Sri**

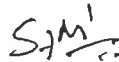
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**T.M.Devegowda, the then District Manager, Dr.B.R.Ambedkar Development Corporation Limited, Chamarajanagar District who have retired from service, be punished with denial of 5% of the pensationary benefit for a period of 5 years under Rule 214(1)(a) of Karnataka Civil Services Rules .**

Further, proceedings be initiated against DGO-1 to DGO-3 for the recovery of the loss caused to the State exchequer.

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

Connected records are enclosed herewith.

  
( Justice Subhash B Adi)  
Upalokayukta  
Karnataka State, Bangalore

