



KARNATAKA LOKAYUKTA

No.Lok/Inq/14-A/308/2015/ARE-1

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.20.04.2017.RECOMMENDATION

Sub: Departmental inquiry against Sriyuths:
(1) Thimmaiah R, the then Administrative Officer;
(2) Ismal Khan, the then Chief Officer; and
(3) Prabhuraj Hagari, Public Information Officer, Town Municipal Council, Sandur, Ballari District - reg.

Ref: 1. Govt. Order No. UDD 41 DMK 2015 dated 04.06.2015.
2. Nomination order No. Uplok-2/DE/308/2015 dated 09.06.2015.

Government, by its Order dated 04.06.2015, initiated the disciplinary proceedings against Sriyuths: (1) Thimmaiah R, the then Administrative Officer; (2) Ismal Khan, the then Chief Officer; and (3) Prabhuraj Hagari, Public Information Officer, Town Municipal Council, Sandur, Ballari District [hereinafter referred to as the Delinquent Government Officials 1 to 3 respectively, for short 'DGOs 1 to 3'] and entrusted the

S. J. S.

departmental inquiry to this Institution. This Institution, by nomination order dated 09.06.2015, nominated the Additional Registrar of Enquiries-1, 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 17.04.2017 inter alia holding that, the Disciplinary Authority has '*proved*' the charge of misconduct alleged against DGOs 1 to

3.

3. The charge levelled against DGOs 1 to 3 was that, while DGOs 1 to 3 were working as Administrative Officer; Chief Officer; and Public Information Officer in Town Municipal Council, Sandur, Ballari District respectively, they illegally made payment of lesser assistance amount than the amount fixed under the Government circular inter alia by selecting more number of beneficiaries instead of limiting to the number prescribed under the Government Circular dated 27.02.2012.

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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, Disciplinary Authority has examined 2 witnesses viz., PW1, is the complainant; and PW2 is the Investigating Officer, and Exs.P1 to P13 were marked, whereas, DGO1 got himself examined as DW1 and got marked Exs.D1 & D2 in his evidence.

5. The evidence of PWs 1 & 2 clearly shows that, the Government circular dated 27.02.2012 did prescribe the maximum number of students studying in Degree, Post Graduation, PHD, Medical and Engineering courses. However, despite the guidelines, DGOs 1 to 3 selected more number of students and paid lesser amount to the students. DW1 (DGO1) admitted that, as per the Government circular, they were required to select only 20 students for financial assistance from

S. J. S.

the Degree course, however, they selected 183 students from the Degree course. As against 10 students of Master's Degree, they selected 50 students; as against 10 students studying in BE, they selected 16 students and distributed the amount by making lesser payment to the students.

6. The Inquiry Officer has found that, when the Government has issued a circular fixing the number of students' eligible for financial assistance and also the amount they are eligible, DGOs 1 to 3 had no jurisdiction to extend the said benefit to more number of students by reducing the amount fixed against each student. Hence, the Inquiry Officer has clearly held that, the charge levelled against DGOs 1 to 3 is held '*proved*'.

7. Having regard to the findings of the Inquiry Officer and also having regard to the nature and gravity of the misconduct alleged against DGOs 1 & 3, it is hereby recommended to the Government that, the DGO1 - *Shri Thimmaiah R, the then Administrative Officer, TMC, Sandur*, who is stated to have retired from service, be punished with the penalty of "*denial of*

S. S. S.

05% of the pensionary benefit for a period of five years" in exercise of power under Rule 214(1)(a) of KCSRs; and DGOs 2 & 3 - Sriyuths Ismal Khan, the then Chief Officer; and Prabhuraj Hagari, Public Information Officer, Town Municipal Council, Sandur, Ballari District respectively, be punished with the penalty of "withholding of three annual increments for a period of three years" in exercise of powers under Rule 8(iii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957.

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

Connected records are enclosed herewith.

Sd/- 20/4/17.
(Justice Subhash B. Adi)
Upalokayukta,
State of Karnataka.

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KARNATAKA LOKAYUKTA

No. LOK/Inq/14-A/308/2015/ARE-1
Encl: Letter of Hon'ble Upalokayukta-1

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore, Dtd: 26.3.2019.

To:
The Secretary to Government,
Urban Development Department,
Bangalore.

Sir,

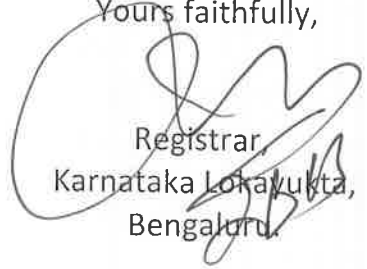
Sub:- Departmental Enquiry against DGO Sri.Ismail Khan, the then Chief Officer TMC, Sandur, Bellary Dist – regarding.

Ref:- i) Report of the enquiry officer and the recommendation of Hon'ble Upalokayukta in D.E case No. LOK/Inq/14-A/308/2015/ARE-1, dated:20.4.2015.
ii) your letter No.UDD 41 DMK 2015 dated: 30.5.2017

With reference to the above, I am directed to forward herewith the modified recommendation dated:25.3.2019 of Hon'ble Upalokayukta in a sealed cover for needful action.

The receipt of the letter may kindly be acknowledged.

Yours faithfully,


Registrar,
Karnataka Lokayukta,
Bengaluru.

KARNATAKA LOKAYUKTA

No. LOK/Inq/14-A/308/2015/ARE-1

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore, Dtd: 25.3.2019.

Sub:- Departmental Enquiry against DGO Sri.Ismail Khan, the then Chief Officer TMC, Sandur, Bellary Dist – regarding.

Ref:- i) Report of the enquiry officer and the recommendation of Hon'ble Upalokayukta in D.E case No. LOK/Inq/14-A/308/2015/ARE-1, dated:20.4.2015.

ii) your letter No.UDD 41 DMK 2015 dated: 30.5.2017

In the enquiry case No. LOK/Inq/14-A/308/2015/ARE-1, the Enquiry Officer, after conducting enquiry, submitted a report stating that the charge framed against DGO No.2 Sri. Ismail Khan, the then Chief Officer is proved. After considering the report of the enquiry officer this authority, vide recommendation dtd: 20.4.2015, had recommended to the disciplinary authority to impose penalty of **“withholding of three annual increments for a period of three years”**


Now a letter No.UDD 41 DMK 2015 dated: 30.5.2017 is received from the secretary to the Government, Urban Development Department, stating that DGO no.2 Sri.Ismail Khan, the then Chief Officer TMC, Sandur, Bellary District was compulsorily retired from Government service under Government order No.UDD 132 DMK 2011 dtd: 1.8.2015 and therefore the recommendation made by Hon'ble Upalokayukta to impose punishment of **withholding of three annual increments for a period of three years** cannot be implemented and hence alternative punishment may be recommended.

N. Srinivas

Hence, it is necessary to recommend to the disciplinary authority to impose alternative punishment on the Delinquent Government Officials no.2 Sri.Ismail Khan, the then Chief Officer TMC, Sandur, Bellary District.

In view of the circumstances referred above, it is recommended to the disciplinary authority to impose the penalty of "denial of 5% of the pension payable to DGO no.2 Sri.Ismail Khan, the then Chief Officer TMC, Sandur, Bellary District for a period of 5 years" in exercise of the power under rule 214 (1) (a) of KCSRs.

Action taken in the matter be intimated to this authority.


(JUSTICE N. ANAND) 25/3.
Upalokayukta,
Karnataka State,
Bangalore.