

**KARNATAKA LOKAYUKTA**

NO:UPLOK-2/DE/343/2016

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:28.8.2019

**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )**

**Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Enquiry against  
Smt.A.S.Nagalatha, Head Master, Government  
Higher Primary School, Y.N.Hosakote Hobli,  
Pavagada Taluk, Tumkur District and (2)  
Sri.H.Anjaiah, Assistant, Divisional Office,  
BESCOM, Madhugiri Tumkur District - reg.

Ref: 1. G.O.No.ED 462 PBS 2015 dated: 15.12.2015 and  
order No.KPTCL B53 21971 2015-16 dated:  
20.10.2015.  
2. Nomination Order No: UPLOK-2/DE/343/2016  
Bangalore Dt: 31.8.2016 of Hon'ble  
Upalokayukta-2.

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This Departmental Enquiry is initiated against  
Smt.A.S.Nagalatha, Head Master, Government Higher Primary  
School, Y.N.Hosakote Hobli, Pavagada Taluk, Tumkur District  
and (2) Sri.H.Anjaiah, Assistant, Divisional Office, BESCOM,  
Madhugiri Tumkur District (hereinafter referred to as the  
Delinquent Government Official for short "**DGOs No. 1 and 2**"  
respectively).



2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 31.8.2016 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGOs. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges.

3. The copies of the same was issued to the DGOs calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

4. The Article of charges framed by the ARE-9 against the DGO is as under :

**ANNEXURE-I**  
**CHARGE**

**ತಿದ್ದುಪಡಿ ದೋಷಾರೋಪಣೆ**

ಅ.ಸ.ನೌ. -1 ಶ್ರೀಮತಿ.ಎ.ಎಸ್.ನಾಗಲತಾ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಪಶ್ಚಿಮ ಬಡಾವಣೆ ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಪಾವಗಡ ತಾಲ್ಲೂಕು ಮತ್ತು ಅ.ಸ.ನೌ. -2, ಶ್ರೀ.ಹೆಚ್.ಅಂಜಯ್ಯ, ಸಹಾಯಕ, ಬೆಸ್ಕಾಂ, ಮಿಡಿಗೇಶಿ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ

- 1) 1 ಮತ್ತು 2ನೇ ಅಸನೌರವರಾದ ನೀವು ಪ್ರಶ್ನಿತ ಜಮೀನು ಕೊಳ್ಳುವಾಗ ಮತ್ತು ಮನೆಯನ್ನು ಕಟ್ಟುವಾಗ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ.

*an*

- 2) ವೈ.ಎನ್.ಹೊಸಕೋಟೆಯಲ್ಲಿ ಸುಬ್ಬರಾಯಪ್ಪರವರ ಹೆಸರಿನಲ್ಲಿ ನಡೆಸುತ್ತಿರುವ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡವಳಿ ನೀರನ್ನು 1ನೇ ಅಸನೌರವರಾದ ನಿಮ್ಮ ಬೋರ್‌ವೆಲ್ ನಿಂದ ಸರಬರಾಜು ಮಾಡುತ್ತಿದ್ದು ಆದರೆ, ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ವಿದ್ಯುತ್ ಸಂಪರ್ಕವನ್ನು ಪಡೆಯದೆ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡೆಸಿ ಹಾಗೂ 2ನೇ ಅಸನೌರವರಾದ ನೀವು ಬೆಸ್ಕಾಂ ನಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರೂ ಅಕ್ರಮವಾಗಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಪಡೆದು 1 ಮತ್ತು 2ನೇ ಅಸನೌರವರಾದ ನೀವುಗಳು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ
- 3) 1 ಮತ್ತು 2ನೇ ಅಸನೌರವರಾದ ನೀವು ಪಾವಗಡ ತಾಲ್ಲೂಕು ವೈ.ಎನ್.ಹೊಸಕೋಟೆ ಹೋಬಳಿ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ದಳವಾಯಿಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ: 14/3ರಲ್ಲಿ 4 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ಶ್ರೀ.ಗೋವಿಂದಪ್ಪನವರಿಂದ ಕ್ರಯಕ್ಕೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಸುಳ್ಳು ವಾಸ ಸ್ಥಳ ಮತ್ತು ಕೃಷಿ ಕುಟುಂಬದ ದೃಢೀಕರಣ ದಾಖಲಾತಿಗಳನ್ನು ಅನಧಿಕೃತವಾಗಿ ಪಡೆದು ತಮ್ಮ ಹೆಸರಿನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆ”.

ಆದ್ದರಿಂದ, ಅ.ಸ.ನೌ. ಆದ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೆ ಹಾಗೂ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ 3(1) (i) to (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಮಾಡಿರುತ್ತೀರಿ.

## ANNEXURE NO.II

### STATEMENT OF IMPUTATIONS OF MISCONDUCT

ಅನುಬಂಧ-2

5 ದೋಷಾರೋಪಣೆಯ ವಿವರ (ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡಕ್ಟ್)

ಶ್ರೀಮತಿ.ಎ.ಎಸ್.ನಾಗಲತ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಪಶ್ಚಿಮ ಬಡಾವಣಿ ಶಾಲೆ, ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಪಾವಗಡ ತಾಲ್ಲೂಕು ಮತ್ತು (2) ಶ್ರೀ.ಅಂಜಯ್ಯ, ಸಹಾಯಕ ವಿಭಾಗ ಕಛೇರಿ, ಬೆಸ್ಕಾಂ, ಮಿಡಿಗೇಶಿ, ಮಧುಗಿರಿ ರವರುಗಳು ಸರ್ಕಾರಿ ನೌಕರಿ ಪಡೆಯುವ ಸಲುವಾಗಿ ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಎಂದು ವಿಳಾಸ ನೀಡಿದ್ದು, ಸದರಿಯವರು ಪೋತಗಾನಹಳ್ಳಿ ಪಂಚಾಯ್ತಿ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ದಳವಾಯಿ ಹಳ್ಳಿ ಸರ್ವೆ ನಂ: 14/3ರಲ್ಲಿ 4 ಎಕರೆ 23 ಗುಂಟೆ ನೀರಾವರಿ ಜಮೀನನ್ನು ಕ್ರಯಕ್ಕೆ ಪಡೆದು ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಆಂಧ್ರಪ್ರದೇಶದ ಸುಳ್ಳು ವಿಳಾಸ

9

ನೀಡಿರುತ್ತಾರೆಂದೂ, ಈ ಆಸ್ತಿಯ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ಮಾಹಿತಿ ನೀಡಿರುವುದಿಲ್ಲವೆಂದೂ, 2ನೇ ಅಸನೌರರೂ ಸಹ ಆಂಧ್ರ ಪ್ರದೇಶದವರಾಗಿರುತ್ತಾರೆಂದೂ, ಈ ಇಬ್ಬರೂ ದಂಪತಿಗಳು ಆಸ್ತಿಯ ನೊಂದಣಿಗೆ ಆಂಧ್ರ ಪ್ರದೇಶದ ವಿಳಾಸ ನೀಡಿ, ನೌಕರಿ ಪಡೆಯುವ ಸಲುವಾಗಿ ಕರ್ನಾಟಕದ ವಿಳಾಸ ನೀಡಿ ಸರ್ಕಾರಕ್ಕೆ ವಂಚನೆ ಮಾಡಿರುತ್ತಾರೆಂದು, ವೈ.ಎನ್.ಹೊಸಕೋಟೆಯಲ್ಲಿ 20 ಕೋಟಿ ಬೆಲೆಬಾಳುವ ಮನೆಯನ್ನು ಹೊಂದಿರುತ್ತಾರೆಂದು ಆಪಾದಿಸಿ, ದೂರುದಾರರಾದ-ಶ್ರೀ.ಕೆ.ರಮೇಶ್ ಬಿನ್ ರಂಗಪ್ಪ, ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಪಾವಗಾಡ ತಾಲ್ಲೂಕು ರವರು ಸಲ್ಲಿಸಿದ್ದ ದೂರಿನ ಮೇರೆಗೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿರುತ್ತದೆ.

ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ: 1ನೇ ಅಸನೌರರಾದ ಶ್ರೀಮತಿ.ಎ.ಎಸ್.ನಾಗಲತಾ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಪಶ್ಚಿಮ ಬಡಾವಣೆ ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಪಾವಗಡ ತಾಲ್ಲೂಕು ರವರು ಸರ್ಕಾರಿ ನೌಕರಿ ಪಡೆಯುವ ಸಲುವಾಗಿ ತಮ್ಮ ವಿಳಾಸವನ್ನು ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಎಂದು ನೀಡಿದ್ದು ಸದರಿಯವರು ಪೋತಗಾನಹಳ್ಳಿ ಪಂಚಾಯ್ತಿ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ದಳವಾಯಿಹಳ್ಳಿ ಸರ್ವೆ ನಂ: 14/3ರಲ್ಲಿ 4 ಎಕರೆ 23 ಗುಂಟೆ ನೀರಾವರಿ ಜಮೀನನ್ನು ಕ್ರಯಕ್ಕೆ ಪಡೆದು ನೊಂದಣಿ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಆಂಧ್ರಪ್ರದೇಶದ ಸುಳ್ಳು ವಿಳಾಸ ನೀಡಿರುತ್ತಾರೆಂದು ಹಾಗೂ ಸದರಿ ಆಸ್ತಿಯ ಕುರಿತು ಇಲಾಖೆಗೆ ಮಾಹಿತಿ ನೀಡಿರುವುದಿಲ್ಲವೆಂದು ಅದೇ ರೀತಿ 2ನೇ ಅಸನೌರರಾದ ಶ್ರೀ.ಹೆಚ್.ಅಂಜಯ್ಯ, ಸಹಾಯಕ, ಬೆಸ್ಕಾಂ,

ಮಿಡಿಗೇಶಿ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು ರವರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ಸದರಿಯವರೂ ಸಹ ಆಂಧ್ರ ಪ್ರದೇಶದವರಾಗಿರುತ್ತಾರೆಂದು ಸುಳ್ಳು ವಿಳಾಸ ನೀಡಿ 1 ಮತ್ತು 2ನೇ ಅಸನೌರರು ದಂಪತಿಗಳಿದ್ದು, ಆಸ್ತಿಯ ನೊಂದಣಿಗೆ ಆಂಧ್ರ ಪ್ರದೇಶದ ವಿಳಾಸ ನೀಡಿ ಹಾಗೂ ನೌಕರಿ ಪಡೆಯುವ ಸಲುವಾಗಿ ಕರ್ನಾಟಕದ ವಿಳಾಸ ನೀಡಿ ಸರ್ಕಾರಕ್ಕೆ ವಂಚನೆ ಮಾಡಿರುತ್ತಾರೆಂದು, ವೈ.ಎನ್.ಹೊಸಕೋಟೆಯಲ್ಲಿ ರೂ.20 ಕೋಟಿ ಬೆಲೆಬಾಳುವ ಮನೆಯನ್ನು ಹೊಂದಿದ್ದು ಸದರಿಯವರುಗಳ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸಲು ದೂರು ಸಲ್ಲಿಸಿದ್ದು ಇದೆ.

ದೂರಿನ ಮೇಲೆ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ತುಮಕೂರು ರವರಿಂದ ತನಿಖೆ ನಡೆಸಿ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ನೀಡಿದ ನಿರ್ದೇಶನದ ಮೇರೆಗೆ ಸದರಿಯವರು ಶ್ರೀ.ಶ್ರೀನಿವಾಸ ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ತುಮಕೂರು (ಇನ್ನು ಮುಂದೆ 'ತನಿಖಾಧಿಕಾರಿಯೆಂದು' ಕರೆಯಲ್ಪಡುವವರು) ಸದರಿಯವರು ತನಿಖೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಿದ್ದು ಅದರಲ್ಲಿ ಅಸನೌರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ಸರ್ಕಾರದ

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ನಿಯಮಾನುಸಾರ ಸರ್ಕಾರಿ ನೌಕರ ತನ್ನ ಸೇವಾ ಅವಧಿಯಲ್ಲಿ ತಾನು ಖರೀದಿಸುವ ಬೆಲೆಬಾಳುವ ಆಸ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಇಲಾಖೆಯ ಅನುಮತಿಯನ್ನು ಪಡೆಯಬೇಕಾಗಿದ್ದು, ಆದರೆ 1 ಮತ್ತು 2ನೇ ಅಸನೌರರು ಜಮೀನು ಕೊಳ್ಳುವಾಗ ಮತ್ತು ಮನೆಯನ್ನು ಕಟ್ಟುವಾಗ ಇಲಾಖೆಯ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ ಹಾಗೂ ವೈ.ಎನ್.ಹೊಸಕೋಟೆಯಲ್ಲಿ ಸುಬ್ಬರಾಯಪ್ಪ ರವರ ಹೆಸರಿನಲ್ಲಿ ನಡೆಸುತ್ತಿರುವ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡೆಸಲು ನೀರನ್ನು 1ನೇ ಅಸನೌರರವರು ಬೋರ್‌ವೆಲ್‌ನಿಂದ ಸರಬರಾಜು ಮಾಡುತ್ತಿದ್ದು ಆದರೆ, ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ವಿದ್ಯುತ್ ಸಂಪರ್ಕವನ್ನು ಪಡೆಯದೆ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡೆಸುತ್ತಿರುವುದು ಕಾನೂನು ಉಲ್ಲಂಘನೆಯಾಗಿದ್ದು 2ನೇ ಅಸನೌರರು ಬೆಸ್ಕಾಂ ನಲ್ಲಿ ಕರ್ತವ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಅಕ್ರಮವಾಗಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕಪಡೆದಿರುತ್ತಾರೆ. ಅಸನೌರರು ದಳವಾಯಿಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ: 14/3ರಲ್ಲಿ 4 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ಶ್ರೀ.ಗೋವಿಂದಪ್ಪನವರಿಂದ ಕ್ರಯಕ್ಕೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಸುಳ್ಳು ವಾಸ ಸ್ಥಳ ಮತ್ತು ಕೃಷಿ ಕುಟುಂಬದ ದೃಢೀಕರಣ ದಾಖಲಾತಿಗಳನ್ನು ನೀಡಿ ನೊಂದಣಿ ಮಾಡಿಸಿರುವುದರಿಂದ ಅಸನೌರರ ವಿರುದ್ಧ ಇಲಾಖಾ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಅಭಿಪ್ರಾಯ ವ್ಯಕ್ತಪಡಿಸಿ ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ತನಿಖಾ ವರದಿಗೆ 1 ಮತ್ತು 2ನೇ ಅಸನೌರರಿಂದ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೇಳಲಾಗಿ, ಸದರಿಯವರು ಜಂಟಿಯಾಗಿ ತಮ್ಮ ಪರ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿ ದೂರಿನಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದು ಕೆಲವೊಂದು ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿ ತಾವು ಯಾವುದೇ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದಿಲ್ಲವೆಂದು ದೂರನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲು ಹೇಳಿದ್ದಾರೆ.

ದೂರಿನ ಸಂಗತಿಗಳು, ತನಿಖಾ ವರದಿ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ 1 ಮತ್ತು 2ನೇ ಅಸನೌರರು ಕೆಳಕಂಡಂತೆ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆ.

“1) 1 ಮತ್ತು 2ನೇ ಅಸನೌರರು ಪ್ರಶ್ನಿತ ಜಮೀನು ಕೊಳ್ಳುವಾಗ ಮತ್ತು ಮನೆಯನ್ನು ಕಟ್ಟುವಾಗ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ ಹಾಗೂ ವೈ.ಎನ್.ಹೊಸಕೋಟೆಯಲ್ಲಿ ಸುಬ್ಬರಾಯಪ್ಪರವರ ಹೆಸರಿನಲ್ಲಿ ನಡೆಸುತ್ತಿರುವ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡೆಸಲು ನೀರನ್ನು 1ನೇ ಅಸನೌರರು ತಮ್ಮ ಬೋರ್‌ವೆಲ್ ನಿಂದ ಸರಬರಾಜು ಮಾಡುತ್ತಿದ್ದು ಆದರೆ, ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ವಿದ್ಯುತ್ ಸಂಪರ್ಕವನ್ನು ಪಡೆಯದೆ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡೆಸಿ ಹಾಗೂ 2ನೇ ಅಸನೌರರು ಬೆಸ್ಕಾಂ ನಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರೂ

92

ಅಕ್ರಮವಾಗಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಪಡೆದು 1 ಮತ್ತು 2ನೇ ಅಸನಾರರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತಾರೆ.

2) 1 ಮತ್ತು 2ನೇ ಅಸನಾರರು ಪಾವಗಡ ತಾಲ್ಲೂಕು ವೈ.ಎನ್.ಹೊಸಕೋಟೆ ಹೋಬಳಿ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ದಳವಾಯಿಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ: 14/3ರಲ್ಲಿ 4 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ಶ್ರೀ.ಗೋವಿಂದಪ್ಪನವರಿಂದ ಕ್ರಯಕ್ಕೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಸುಳ್ಳು ವಾಸ ಸ್ಥಳ ಮತ್ತು ಕೃಷಿ ಕುಟುಂಬದ ದೃಢೀಕರಣ ದಾಖಲಾತಿಗಳನ್ನು ಅನಧಿಕೃತವಾಗಿ ಪಡೆದು ತಮ್ಮ ಹೆಸರಿನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆ”.

ಹೀಗಿರುವುದರಿಂದ 1 ಮತ್ತು 2ನೇ ಅಸನಾರರು ನೀಡಿರುವ ಉತ್ತರ/ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಅವರು ತಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಕೆಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

ಹೀಗೆ, 1 ಮತ್ತು 2ನೇ ಅಸನಾರರು ಸಾರ್ವಜನಿಕ/ ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಸಾರ್ವಜನಿಕ/ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, 1ನೇ ಅಸನಾರರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು 1966ರ ನಿಯಮ 3(1) (ii) ಮತ್ತು (iii) ರನ್ವಯ ದುರ್ನಡತೆಯೆಸಗಿದ್ದು, ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಭಾದ್ಯರಾಗಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ, ಅದೇ ರೀತಿ 2ನೇ ಅಸನಾರರು ಕರ್ನಾಟಕ ವಿದ್ಯುತ್ ಮಂಡಳಿ ನೌಕರರ (ವ.ಶಿ.ನಿ.ಮತ್ತು ಮೇ) ನಿಬಂಧನೆಗಳು 1987ರ ನಿಯಮ 3(1) (ii) ಮತ್ತು (iii) ರನ್ವಯ ದುರ್ನಡತೆಯೆಸಗಿದ್ದು, ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಭಾದ್ಯರಾಗಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, 1ನೇ ಅಸನಾರರು ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಹಾಗೂ 2ನೇ ಅಸನಾರರು ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕರ್ನಾಟಕ ವಿದ್ಯುತ್ ಮಂಡಳಿ ನೌಕರರ (ವ.ಶಿ.ನಿ.ಮತ್ತು ಮೇ) ನಿಬಂಧನೆ 1987 14(ಎ) ರನ್ವಯ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಗಳಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ. ಆದ್ದರಿಂದ ಈ ದೋಷಾರೋಪಣೆ.

**6.** The DGOs have appeared on 28.1.2017 before this enquiry authority in pursuance to the service of the Article of charges.

**7.** Plea of the DGOs have been recorded and they have pleaded not guilty and claimed for holding enquiry.

**8.** The DGOs have submitted written statement, in their written statement they have stated that, they have specifically denied the allegations made in the complaint as well as Articles of charges. Further submitted that father of the DGO no. 2 Anjaiah by name Hanumanthappa basically resident of Andhra Pradesh he was the resident of Apilepalli village Kundarpi Mandal kalyana durga taluk, Ananthapura District Andhra Pradesh and the said Hanumanthappa was having 5 acres and 10 guntas of agricultural land bearing sy. No. 392/2 of the said village. It was in joint khatha. Later on the father of the DGO no.2 Hanumanthappa migrated from Andhra Pradesh to Karntaka long back and resided in Y.N.Hosakote, Pavagada taluk. The DGO no. 1 and 2 have obtained the certificate of agriculture family in the address of Andhra Pradesh to show that they are belongs to agricultural family for the purpose of purchase agricultural land.

**9.** Further submitted that the preference will be given to the students from agricultural family for allotting the seat of B.Sc and M.Sc Agricultural. Therefore the DGO no. 1 and 2 have purchased the land in question, by the savings of their salary for the purpose of obtaining the seat of M.Sc agricultural for their elder daughter. These DGO not having any intension to cheat the government but they did not have

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knowledge that the prior permission to be obtained from the government or concerned authority to purchase the property or construction the house. But on the same economic year they shown in the immovable property declaring form 2011 to till date.

**10.** Further submitted the DGO no.1 and 2 have denied the allegation contended that the said house is worth more than 20 lakhs. The said property measuring about 45X23 ft., house constructed in low budget in the year 2010, for the same the DGO no. 2 has obtained the loan from SBI and Vidyuth Co-operative society. Further they have no knowledge that prior permission to be taken from the concerned authority for construction of their house. Further submitted that they have not at all running any filter water business, the said business is belongs to Subbarayappa who is the brother of DGO no. 2. The DGO no.1 and 2 have not at all supplied water from their bore well to the said plant instead of that the said Subbarayappa supplying the water from somewhere to the water filter plant. The said Subbarayappa duly obtained the electrical connection from the concerned department to run the water supply plant. Further submitted that the said Subbarayappa is not residing in the house of DGO no.1 and 2, he was residing separately in separate house. Further submitted that the alleged irregularities barred by time and also bar under section 8 (2) (c) of Karnataka Lokayukta Act. DGOs further submitted that they have not committed any dereliction of duty or misconduct as reads in the articles of charges. Hence, prayed to drop the charge leveled against them.

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**11.** The disciplinary authority has examined the complainant Sri.K.Ramesh, S/o Ragappa, Executive officer, in Vishwavani kannada daily news paper, Pavagada Taluk, Tumkur District, as Pw.1, and Sri.Srinivasa S/o Erappa, the then Deputy Superintendent of Police, Karnataka Lokayukta, Tumkur who is the Investigating officer in this case is examined as PW-2 and **Ex.P1 to Ex.P-14** are got marked. The DGO No.2 Sri.H.Anjaiah, Assistant, Divisional Office, BESCOM, Madhugiri, Tumkur District has examined himself as DW-1 and has got marked **Ex.D-1 to Ex.D-10** documents. Second Oral Statement of DGOs No.1 and 2 have been recorded and DGOs No.1 and 2 have filed written arguments dtd: 5.3.2019.

**12.** The DGOs have submitted written brief. Heard the submissions of the disciplinary authority and DGOs side. I answer the above **charge no.1** leveled against DGO no.1 and 2 is **AFFIRMATIVE**, **charge no. 2** leveled against DGO no.1 and 2 is **PARTLY AFFIRMATIVE**, and **charge no. 3** leveled against DGO no.1 and 2 is **NEGITIVE** for the following;

### **REASONS**

**13.** It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGOs No.1 and 2.

**14.** The disciplinary authority has examined the complainant Sri.K.Ramesh, S/o Ragappa, Executive officer, in Vishwavani kannada daily news paper, Pavagada Taluk, Tumkur District, as Pw.1 and PW-1 has deposed in his evidence that the DGO no. 1 and 2 are husband and wife, the

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DGO no.1 A.S.Nagalatha working as a Head mistress in government Higher primary school, Y.N.Hosakote, Pavagada taluk. The DGO no.2 H. Anjaiah is working as a account assistant in BESCO office Madhugiri. Further deposed that the DGOs purchased the agricultural land in sy. No. 14/3 in Dalavaye village Y.N.Hosakote hobli from one Sri.Govindaraju R/o of Y.N.Hosakote. As per the said registered sale deed the said property was purchased in the name of Smt.A.S.Nagalatha but in the said sale deed the DGOs given the address that they are the permanent resident of Kundharpi village kalyanadurgam taluk Ananthapura district Andhra Pradesh state. But since from the date of birth the DGOs are the resident of Karnataka. Further deposed that the DGOs have given the above said address only for the purpose of registration of sale deed in respect of agriculture land by producing the agriculture family certificate obtained by the Tahasildar Kundarpi mandal Kalyanadurgam. Further deposed that at the time of purchasing the said property the DGOs have not obtained the prior permission from the government or concerned authority as required. Further deposed that the DGOs have constructed the house in Y.N.Hosakote worth about 70 lakhs without obtaining the prior permission of the concerned authority. Hence he has filed the complaint in the Karnataka Lokayukta office to take proper action against the DGOs who are the government employees. PW-1 complainant further deposed in his cross examination that there is a criminal case and civil case held between the family of DGOs and his family and civil suites are decreed in favour of the



DGOs and further in the complaint case which filed by the DGOs against his family members his mother and brother and himself were convicted. Further PW-1 admitted the fact that the DGOs constructed the house from the loan amount obtained from the sate Bank of Mysore Pavagada Branch and also loan from Vidyuth employees co-opearative society. Further PW-1 not denied the fact that the DGO no.2 originally belongs to Applilepalli village Kundarthi mandal kalyanadurgam taluk Ananthapura district Andhra Pradesh state. Further PW-1 admitted that Y.N.Hosakote Hobli is situated in boarder of the Karnataka - Andhra Pradesh states. Further admitted that there is a enmity between his family and DGOs family since beginning.

**15.** Sri.Srinivasa S/o Erappa, the then Superintendent of Police, Karnataka Lokayukta, Turnkur who is the Investigating officer in this case is examined as PW-2. PW-2 has deposed in his evidence that on the basis of the complaint filed by the PW-1 he has recorded the statement of the witness and also verify the documents concerned to the property of the DGOs and water plant belongs to the brother of the DGOs no. 2. Further he has deposed that at the time of investigation it was found that the DGO no.1 and 2 have not obtained prior permission from the concerned department at the time of purchasing the two sites measuring 20X20 in Y.N.Hosakote Pavagada taluk and also land purchased in Dalavaye village in sy. No. 14/3 measuring 4 acres 23 guntas in the name of DGO no. 1. Further he has deposed that at the time of purchasing the said land, the DGO no.1 given the address as a resident of

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Kundharpi Andhra Pradesh. Further he has deposed that the DGO No.1 and 2 not produced the proper documents in respect of the water purifier plant which is installed within the compound of their house which runs in the name of Subbaraya who is the brother of the DGO No.2. Further deposed that the DGO no.1 and 2 even though they have not belongs to the agriculture family they have obtained the certificate from the Kundarpi Mandal Kalyanadurgam taluk Tahasildar office as a agriculture family to purchase the revenue land.

**16.** PW-2 further deposed in his cross examination that he has not verified the document whether DGO no.2 father and grandfather having the agriculture land in Applilepalli village Kundartha mandal kalyanadurgam taluk Ananthapura district Andhra Pradesh and further he has not denied fact that the DGO no.2 having the agricultural land in the said village situated in the Ananthapuram district. Further he has admitted that the Y.N.Hosakote is situated very near to the Andhra Pradesh - Karnataka boarder.

**17.** The DGO No.2 Sri.H.Anjaiah, Assistant, Divisional Office, BESCOM, Madhugiri Tumkur District has examined himself as DW-1. DW-1 has deposed in his evidence that his father Hanumanthappa originally the resident of Applilepalli village Kundartha mandal kalyanadurgam taluk Ananthapura district Andhra Pradesh state which is 12 KM., away from Y.N.hosakote, Pavagada taluk. Further deposed that his father migrated from the said village to Y.N.Hosakote and was working as a temporary employee in KEB (BESCOM) Further he has deposed that the originally his father belongs

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to the agriculture family and his father's brother and grandfathers were agriculturist and brother of his father still residing in above said village in Ananthapura district by doing agriculture work.

**18.** DW-1 further deposed that the DGO no.1 working as a teacher in Y.N.Hosakote and she is originally resident of Y.N.Hosakote Pavagada taluk. Further deposed that they have purchased the 4 acres 32 guntas of land in sy. No. 14/3 of Dalavayi halli village within the Pothaganahalli grama panchayath Y.N.Hosakote hobli, Pavagada taluk in the name of DGO no.1. At the time of purchasing the said agricultural land they have obtained certificate from the concerned taluk office to show that they have belongs to the agriculture family. He has further deposed that they have purchased the said property from the loan obtained by the KGID i.e., Rs.66,800/- and also from LIC. Further he has deposed that they have purchased the sites in the year 2003 and constructed the house after obtaining the loan from State bank of Mysore and from Vidhyuth employees co-operative society. But he has admitted that at the time of purchasing the above said properties they have not obtained the prior permission from the concerned authority due to lack of knowledge, but they have intimated same to the head of the department after purchasing the said property.

**19.** Ex.P1 is the detailed complaint dated 20.12.2013 filed by complainant (PW-1) in Karnataka Lokayukta office. Ex.P2 and 3 are the complaint in form No.I & II dated 20.12.2013. Ex.P4 are the copy of sale deed, documents pertaining to the alleged property, copy of Adhar card and

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Voters I.D and copy of service register of DGOs Ex.P4 contains 46 sheets). Ex.P-5 is the joint comments submitted by DGO no.1 and 2 dtd: 14.5.2014 on the complaint filed by PW-1. Ex.P-6 is the rejoinder dtd: 25.10.2014 submitted by PW-1 on the comments of DGOs no.1 and 2. Ex.P-7 is the document regarding criminal case filed against DGOs in Y.N.Hosakote village Police Station. Ex.P-8 is the investigation report dtd: 9.5.2014 submitted by Deputy superintendent of police, Karnataka Lokayukta, Tumkur. Ex.P-9 are the documents received from Lokayukta office, the same is enclosed to investigation report. Ex.P10 is the written statement dtd 29.4.2014 given by DGO no.2. Ex.P-11 is the written statement dtd:25.4.2014 given by DGO no.1. Ex.P-12 is the written statement dtd: 25.4.2014 given by one Sri.Subbarayappa. Ex.P-13 is the written statement given by Sri.Raghavendra. Ex.P-14 is the report dtd: 14.5.2014 submitted by Superintendent of Police, Karnataka Lokayukta, Tumkur to Assistant Registrar of Legal opinion -2 Karnataka Lokayukta Bangalore.

**20.**Ex.D-1 is the copy of genological tree pertaining to family of DGO no.2. Ex.D-2 is the copy of notice regarding repayment of loan amount letter issued by the director of KGID. Ex.D-3 is the copy of official memorandum dtd: 8.8.2014 issued by Assistant Engineer (Ele), BESCO, Y.N.Hosakote. Ex.D-4 is the Vidhyuth Navakarara Pattina sahakara sangha(R) loans pass books of DGO no.2. Ex.D-5 is the certificate of encumbrance on property dtd: 16.11.2018. Ex.D-6 is the copy of RTC. Ex.D-7 is the copy



of genological tree, copy of the voters Identity card, and Adhar Card. Ex.D-8 is the copy of notice regarding repayment of loan amount letter issued by the director of KGID. Ex.D-9 is the letter issued by LIC Pavagada division regarding loan repayment of DGO no.1. Ex.D-10 is the copy of the pahani pertaining to sy. No. 391/2 measuring 5 acre 10 guntas pertaining to the year 1973-74

**21. Charge no.1** is that the DGO no.1 and 2 have not obtained the prior permission from the concerned department at the time of purchasing the land in sy. No. 14/3 measuring 4 acres 23 guntas situated in Dalavayi village Y.N.Hosakote hobli, Pavagada taluk, for sale consideration of Rs. 1,20,000/- on 24.12.2010 and construction of the house in Y.N.Hosakote. The DGO no.1 working as a Head misters in government higher primary school, Y.N.Hosakote, hence Rule 23 (2) of KCS (Conduct) rules 1966 is applied to her and DGO No.2 working as a Accounts Assistant in BESCO Madhugiri hence Rule 23(2) of Karnataka Electricity Board employees service (conduct) Regulations 1988 is applied to him. Perused the evidence of PW-1, PW-2 and DW-1 along with document produced by the both side. The DGOs admitted in their written statement as well as the evidence of the DW-1 they have not obtained the prior permission at the time of purchasing the said property as per rule 23 (2) of KCS (Conduct) rules 1966 and Rule 23(2) of Karnataka Electricity Board employees service (conduct) Regulations 1988. But they have intimated the said purchases and construction of the house in the Assets and liability statements submitted to the higher authority.

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Further the DGOs also admitted in their evidence as well as written statement and in written brief they also not obtained the prior permission from the concerned authorities at the time of construction of house in the site purchased at Y.N.Hosakote in the year 2003. PW-1 and PW-2 also deposed the same thing in their evidence. Further PW-2 Investigating officer also stated the same thing in his report Ex.P-8. PW-2 not disputed regarding the source of income to purchase the property and construction of the building by the DGOs. In respect of the same perused the documents in Ex.P-9 the copy of the service book of the DGOs and loan documents. The above said material evidence clearly reveals that the DGOs not obtained the prior permission as per Rules 23(2) of KCS(conduct Rules 1966 and Rule 23(2) of Karnataka Electricity board, Employees service (conduct) Regulation 1988 before purchasing the above said sites and agriculture land and also construction of the house in the above said sites. Thereby the disciplinary authority succeeded to prove the charge No.1 leveled against DGO. No.1 and 2.

**22.Charge No.2** is that the DGOs have running the water filter plant in the name of Subbarayappa and supplying the water to the said water purifier from the bore well situated in the house of DGO no.1 at Y.N.Hosakote and also electric supply given to the said water plant from their house unauthorizedly without obtaining permission from the concerned authority. Perused the evidence of PW-1, PW-2 and DW-1 along with document produced by the both side. The PW-1 deposed in his evidence that the DGO no.1 and 2

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unauthorisedly and without obtaining the permission running the water purifier plant in their house. PW-2 Investigating officer also deposed in his evidence that the DGO no. 2 brother is running the said water purifier plant in his name but the water supply to the said water purifier connected from the bore well belongs to the DGO No.1 and 2 and also electric supply to the said water purifier plant connected from the house of the DGO no.1 and 2. But the DGO no.2 who is examined as DW-1 denied the said allegation. Further he has deposed that his brother obtained the permission from the BESCO and obtained the RR No. PP-1043 from the BESCO for electric supply to the Kaveri mineral water, Y.N.Hosakote i.e., alleged water purifier plant. For the same the DGOs produced the Ex.D-3 the letter dtd: 8.8.2014 issued by the Assistant Engineer, BESCO Y.N.Hosakote Pavagada taluk. As per the said document the brother of the DGO No.2 has obtained the said RR number since from 10.8.2007. Ex.D-3 page no. 301 is the electricity bill payment details in respect of the water purifier plant run by Sri.H.Subbarayappa brother of the DGO no.2. The said documents clearly reveals that the brother of the DGO no.2 running the water purifying plant in his name and also obtained the electric supply meter from the BESCO separately. Further as per the said document he has running the Kaveri mineral water, from 2007 and also said business is his separate business. PW-2 also stated in his report Ex.P-8 the said water plant unit stands in the name of Subbarayappa S/o Hanumanthappa who is none other than the brother of DGO no.2 and further PW-2 stated

902

in his report that the said water plant managed by the said Subbarayappa. Further PW-2 stated in his report that the said water plant situated in the property belongs to the said Subbarayappa and the electric bill in respect of the said water plant are in the name of said Subbarayappa in respect of the RR No. PP1043. There is no sufficient materials from the said of the disciplinary authority to prove that the said alleged water purifier plant run by the DGO no.1 and 2 and electric supply given to the said plant from the DGO no.1 and 2 unauthorisedly. But as PW-2 deposed that water supply to the said water purifier plant from the bore well of the DGO no.1 and 2 house, for that he has not produced any documents or photographs but he has stated that he has recorded the statement of the DGO no.2 on 29.4.2014 as per Ex.P-10. In the said Ex.P-10 statement water supply to the said water plant from the sump situated in the compound of DGO no.1 and 2 house, but the DGO no.2 not put his signature in the said statement, further he denied the said statement in his evidence. But Ex.P-12 is the statement given by the brother of the DGO no.2 before the PW-2 in the said statement he clearly stated that he has obtained the water connection to the water purify plant from the bore well belongs to the DGO no.2. it is clear that the DGO no.1 and 2 unauthorisedly and without permission from the concerned authority supplying the water to the water purifier run by the brother of the DGO no.2 for commercial purpose to supply the waters to the public. Further Ex.P-13 is the statement of Sri.Raghavendra S/o Vishwanatha who is the resident of Y.N.Hosakote he has stated in his statement that

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originally he has started the Kaveri purifying water plant in the compound of DGO no.2 and he had water connection from the bore well of DGO no.2 to the said water plant for monthly rent of Rs.2500/- and room rent is Rs.2000/-. There is no material evidence from the said of the DGOs to show that the brother of the DGO No.2 who is running the water purifying plant at present supplying the water to the said water plant from other source than the bore well belongs to them. It clearly reveals that the DGO no.1 and 2 commit the misconduct that without obtaining the permission from the concerned authority to supply the water from their bore well to the water purifier plant which was run by the brother of DGO no.2 Subbarayappa for commercial purpose thereby the disciplinary authority has succeeded to prove the charge no.2 partly in respect of water supply from their bore wells to the water purifying plant run by the brother of the DGO no.2 for commercial purpose unauthorisedly.

**23. Charge No.3** is that the DGO no. 1 and 2 even though they are belongs to non agriculturist family at the time of purchasing land in sy. No. 14/3 measuring 4 acres 23 guntas of Dalavayi village Y.N.Hosakote Hobli, Pavagada taluk in the name of DGO no.1 Sri.A.S.Nagalatha produced the false residential certificate and false agricultural family certificate at the time of register the sale deed. Perused the evidence of PW-1, PW-2 and DW-1 along with document produced by the both side. PW-1 deposed that the DGO no. 1 and 2 originally resident of Y.N.Hosakote pavagada taluk even though that they have given false address and false

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agriculturist family certificate at the time of registration of sale deed in respect of purchasing the agriculture land in sy. No. 14/3 of Dalavayi village Y.N.Hosakote Hobli Pavagada taluk. PW-2 the Investigating officer also deposed that the DGO no.1 and 2 even though they have not belongs to the agriculture family they have purchased the said land by producing the false certificate that they have also belongs to the agriculture family. But in their evidence they have not denied the fact that the father of the DGO no.2 Hanumanthappa is originally belongs to the Kundarpi mandal, kalyanadurgam taluk, Ananthapura district Anadhra Pradesh state. Further they have not denied the fact that the grandfather of the DGO no.2 having the agricultural land in the said place. As per Ex.P-9 page no. 168-172 copy of the registered sale deed dtd: 24.12.2010 the said agricultural land purchased in the name of Smt.A.S.Nagalatha(DGO no.1) W/o H.Anjaiah (DGO No.2) from one Sri.N.Govindaraju S/o Late Neranjanappa and his wife Smt.Umadevi. In the said registered sale deed the DGO no.1 given the residential address that she is the resident of Kundharpi mandala Kalyanadurgam taluk Ananthapura district Anadhra Pradesh. Ex.P-9 page no. ~~184~~<sup>184</sup> and ~~264~~<sup>265</sup> is the certificate obtained by the DGO no.1 in her name from the Tahasildar Kundharpi mandala Kalyanadurgam to show that she belongs to the agriculturist family member and the family having 4 acres 30 guntas in sy. No. 326/1 of Kundarthivillage kalyanadurgam taluk. The DGOs to defend the said certificate produced the Ex.D-1 G-tree of their family as per the said G-tree the one deceased Thimappa and

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deceased Bomakka had three sons by name Sri. Bay. T.Hanumanthappa (died) (2) Bay Sanjanappa(died) (3) Bay Rangappa(died). Said T.Hanumanthappa is none other than the father of the DGO no.2 Sri. H.Anjaiah and Said Sri.T.Hanumanthappa had three sons (1) H.Anjaiah DGO No.2 (2) H.Subbarayappa (3) H.Thimmaiah. The DGO no.1 is the wife of said H.Anjaiah. The said G-tree issued by the Village Revenue officer Appelipalli village Kundharpi hobli on 28.8.2014. The DGO also produced the Ex.D-5 the encumbrance certificate issued by the Sub registrar Kalyanadurgam. As per the said document the sy. No. 391/2, 5 acres 10 guntas of Appelipalli village stands in the name of Bomakka W/o Thimappa. PW-1 or PW-2 not produced any document to show that the alleged certificate issued by the Tahasildar, Kundharpi Mandal, is created one. Further PW-1 and 2 not disputed the G-tree produced by the DGOs that is Ex.D-1 in respect of family of the DGO no.2 whose father migrated from the Appelipalli village Kundharpi Mandal, Ananthapura District to Pavagada Taluk. Further DGO produced Ex.D-6 RTC page no. 306-308 and Ex.D-7 the G-tree of the parents of the DGO no. 1 Nagalatha. As per the Ex.D-7 one Obhaiah and Hanumakka, Y.N.Hosakote had four sons by name Obaleshappa, Sannappa, Narashimaiah, and Lakshamana and a daughter Chithakka. The said Sannappa is none other than father of the A.S.Nagalatha and Govindamma is the mother of the said Nagalatha DGO no.1. DGO no.1 is the 2<sup>nd</sup> daughter out of five daughter of the said couple and only son is by name Thirumalesha. This G-tree not disputed by either PW-1 or

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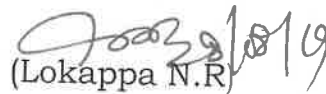
by PW-2 and also disciplinary authority. Considering the said G tree, as per Ex.D-6 RTC, the mother of the DGO no.2 and her uncle's (fathers brothers) having the agricultural land measuring 2 acres 10 gunta jointly in sy. No. 121/2 of Y.N.Hosakote village and also their family having 12 acres 22 guntas jointly in their name in sy. No. 121/3 of Y.N.Hosakote village. It appears that DGO no.1 A.S.Nagalatha has born in agriculturist family and after marriage of DGO no.2 she belongs to the family of DGO no.2 for that purpose they have obtained the agriculturist certificate from the DGO no.2's father original place. Considering the above said facts there is no material from the side of the disciplinary authority to prove that the DGO no.1 and 2 obtained the false certificate at the time of registration of the sale deed in respect of agricultural land measuring 4 acres 23 gunta in sy. No no. 14/3 of Dalavayi halli village. Thereby the disciplinary authority failed to prove the charge No.3 leveled against the DGO no.1 and 2.

**24.** Considering the above said all the documents and oral evidence of the both the parties and facts of the case there is a sufficient material from the side of the disciplinary authority to show that the DGO no.1 and 2 not obtained the prior permission at the time of purchasing the agriculture land and sites in the name of DGO no.1 and also at the time of construction of the house in the said sites situated at Y.N.Hosakote. Further there is sufficient material from the side of the disciplinary authority to show that the DGO no.1 and 2 without obtaining the permission from the concerned authority they have supplied the water from their bore well to

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the water purification plant which was run by the DGO no.2's brother by name Subbaraya to supply the drinking water to the public with commercial purpose. But the disciplinary authority have not documents to show that the DGO no.1 and 2 illegally supply the electricity to the said water purifier plant from their house. As per the records the electricity connection obtained by the DGO no.2's brother separately in his own name. Further the disciplinary authority failed to prove the fact that the DGO no.1 and 2 at the time of registering the sale deed in respect of 4 acres 23 guntas agriculture land in the name of DGO. No.1 in sy. No. 14/3 of Dalavayi halli village Y.N.Hosakote hobli produced the false agriculturist certificate. Thereby disciplinary authority succeeded to prove the charge no.1 leveled against DGO no.1 and 2 and partly proved charge no.2 leveled against DGO no.1 and 2 and failed to prove the charge no. 3 leveled against DGO no.1 and 2.

**25.** In the above said facts and circumstances, charge no.1 leveled against DGO no.1 and 2 is proved, and charge no.2 leveled against the DGO no.1 and 2 is partly proved and charge no. 3 leveled against the DGO no.1 and 2 is not proved. Hence, report is submitted to Hon'ble Upalokayukta-2 for further action.

  
(Lokappa N.R.)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

**i) List of witnesses examined on behalf of Disciplinary Authority.**

PW-1	The complainant Sri.K.Ramesh, S/o Ragappa, Executive officer, in Vishwavani kannada daily news paper, Pavagada Taluk, Tumkur District, dtd: 19.7.2017 (original)
PW-2	Sri.Srinivasa S/o Erappa, the then Superintendent of Police, Karnataka Lokayukta, Tumkur who is the Investigating officer dtd: 16.2.2018 (original)

**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Ex.P1 is the detailed complaint dated 20.12.2013 filed by complainant (PW-1) in Karnataka Lokayukta office. Page No.75-76 (original)
Ex.P2&3	Ex.P2 and 3 are the complaint in form No.I & II dated 20.12.2013. Page No. 77-79 (original)
Ex.P4	Ex.P4 are the copy of sale deed, documents pertaining to the alleged property, copy of Adhar card and Voters I.D and copy of service register of DGOs Ex.P4 contains 46 sheets). Page No. 80-142 (Xerox)
Ex.P-5	Ex.P-5 is the joint comments submitted by DGO no.1 and 2 dtd: 14.5.2014 on the complaint filed by PW-1. Page No. 143-146 (original)
EX.P-6	Ex.P-6 is the rejoinder dtd: 25.10.2014 submitted by PW-1 on the comments of DGOs no.1 and 2. Page No. 147-149 (original)
EX.P-7	Ex.P-7 is the document regarding criminal case filed against DGOs in Y.N.Hosakote village Police Station. Page No. 150-151 (Xerox)

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KARNATAKA LOKAYUKTA

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No. Uplok-2/DE/343/2016/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 31.08.2019.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Smt.A.S.Nagalatha, Head Mistress, Government Higher Primary School, Y.N.Hosakote Hobli, Pavagada Taluk, Tumkur District and (2) Sri H.Anjaiah, Assistant, Divisional Officer, BESCO, Madhugiri, Hassan District - reg.

Ref:- 1) Government Order No. ED 462 PBS 2015 dated 15.12.2015 and Proceedings Order No.KPTCL/B53/ 21971/2015-16 dt.20.10.2015 of Director(A&HR), KPTCL, Bengaluru.

2) Nomination order No. Uplok-2/DE/343/2016 dated 31.08.2016 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 28.08.2019 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 15.12.2015 and KPTCL by its Proceedings order dt.20.10.2015 initiated the disciplinary proceedings against (1) Smt.A.S.Nagalatha, Head Mistress, Government Higher Primary School, Y.N.Hosakote Hobli, Pavagada Taluk, Tumkur District and (2) Sri H.Anjaiah, Assistant, Divisional Officer, BESCO, Madhugiri, Hassan District [hereinafter referred

to as Delinquent Government Officials, for short as 'DGOs 1 and 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. Uplok-2/DE/343/2016 dated 31.08.2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGO 1 Smt.A.S.Nagalatha, Head Mistress, Government Higher Primary School, Y.N.Hosakote Hobli, Pavagada Taluk, Tumkur District and DGO 2 Sri H.Anjaiah, Assistant, Divisional Officer, BESCO, Madhugiri, Hassan District, were tried for the following charges:-

“ಅ.ಸ.ನೌ. -1 ಶ್ರೀಮತಿ.ಎ.ಎಸ್.ನಾಗಲತಾ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಪಶ್ಚಿಮ ಬಡಾವಣೆ ವೈ.ಎನ್.ಹೊಸಕೋಟೆ, ಪಾವಗಡ ತಾಲ್ಲೂಕು ಮತ್ತು ಅ.ಸ.ನೌ. -2, ಶ್ರೀ.ಹೆಚ್.ಅಂಜಯ್ಯ, ಸಹಾಯಕ, ಬೆಸ್ಕಾಂ, ಮಿಡಿಗೇಶಿ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ

1) 1 ಮತ್ತು 2ನೇ ಅಸನೌರವರಾದ ನೀವು ಪ್ರಶ್ನಿತ ಜಮೀನು ಕೊಳ್ಳುವಾಗ ಮತ್ತು ಮನೆಯನ್ನು ಕಟ್ಟುವಾಗ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ.

2) ವೈ.ಎನ್.ಹೊಸಕೋಟೆಯಲ್ಲಿ ಸುಬ್ಬರಾಯಪ್ಪರವರ ಹೆಸರಿನಲ್ಲಿ ನಡೆಸುತ್ತಿರುವ ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡೆಸಲು ನೀರನ್ನು 1ನೇ ಅಸನೌರವರಾದ ನಿಮ್ಮ ಬೋರ್‌ವೆಲ್ ನಿಂದ ಸರಬರಾಜು ಮಾಡುತ್ತಿದ್ದು ಆದರೆ, ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ವಿದ್ಯುತ್ ಸಂಪರ್ಕವನ್ನು ಪಡೆಯದೆ

ವಾಟರ್ ಫಿಲ್ಟರ್ ಸಪ್ಲೈ ನಡವಿ ಹಾಗೂ 2ನೇ ಅಸನೌರವರಾದ ನೀವು ಬೆಸ್ಕಾಂ ನಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರೂ ಅಕ್ರಮವಾಗಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಪಡೆದು 1 ಮತ್ತು 2ನೇ ಅಸನೌರವರಾದ ನೀವುಗಳು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

- 3) 1 ಮತ್ತು 2ನೇ ಅಸನೌರವರಾದ ನೀವು ಪಾವಗಡ ತಾಲ್ಲೂಕು ವೈ.ಎನ್.ಹೊಸಕೋಟೆ ಹೋಬಳಿ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ದಳವಾಯಿಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ: 14/3ರಲ್ಲಿ 4 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ಶ್ರೀ.ಗೋವಿಂದಪ್ಪನವರಿಂದ ಕ್ರಯಕ್ಕೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಸುಳ್ಳು ವಾಸ ಸ್ಥಳ ಮತ್ತು ಕೃಷಿ ಕುಟುಂಬದ ದೃಢೀಕರಣ ದಾಖಲಾತಿಗಳನ್ನು ಅನಧಿಕೃತವಾಗಿ ಪಡೆದು ತಮ್ಮ ಹೆಸರಿನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆ.

ಆದ್ದರಿಂದ, ಅ.ಸ.ನೌ. ಆದ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೆ ಹಾಗೂ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ 3(1) (i) to (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಮಾಡಿರುತ್ತೀರಿ. ”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the charge No.1 levelled against the DGO-1 and 2 is proved and charge No.2 levelled against DGO 1 and 2 is partly proved and charge No.3 levelled against DGOs 1 and 2 is not proved.

5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the documents furnished by the Inquiry Officer,



- i) DGO 1 Smt. A.S.Nagalatha is due for retirement on 31.7.2030;
- ii) DGO 2 Sri H.Anjaiah, is due for retirement on 30.06.2026.

7. Having regard to the nature of charge '*proved*' against DGO 1 - Smt.A.S.Nagalatha, Head Mistress, Government Higher Primary School, Y.N.Hosakote Hobli, Pavagada Taluk, Tumkur District and DGO 2 Sri H.Anjaiah, Assistant, Divisional Officer, BESCO, Madhugiri, Hassan District,

- i) it is hereby recommended to the Government to impose penalty of 'withholding 4 annual increments payable to DGO 1 Smt.A.S.Nagalatha, with cumulative effect; and
- ii) it is hereby recommended to the Government to impose penalty of 'withholding 4 annual increments payable to DGO 2 Sri H.Anjaiah, with cumulative effect.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 

|         |                                                                                                                                                                                                                                               |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EX.P-8  | Ex.P-8 is the investigation report dtd: 9.5.2014 submitted by Deputy superintendent of police, Karnataka Lokayukta, Tumkur. Page No. 152-159 (original)                                                                                       |
| EX.P-9  | Ex.P-9 are the documents received from Lokayukta office, the same is enclosed to investigation report. page no. 160-284 (Xerox page No. 160, 162-229, 231- 232, 239-251, 256-265, 280-284 Original page No. 161,230, 233-238,252-255,266-279, |
| EX.P-10 | Ex.P10 is the written statement dtd 29.4.2014 given by DGO no.2. Page No. 285-287 (original)                                                                                                                                                  |
| EX.P-11 | Ex.P-11 is the written statement dtd:25.4.2014 given by DGO no.1. Page No. 288-290 (original)                                                                                                                                                 |
| EX.P-12 | Ex.P-12 is the written statement dtd: 25.4.2014 given by one Sri.Subbarayappa. Page No. 291 (original)                                                                                                                                        |
| EX.P-13 | Ex.P-13 is the written statement given by Sri.Raghavendra. Page No. 292 (original)                                                                                                                                                            |
| EX.P-14 | Ex.P-14 is the report dtd: 14.5.2014 submitted by Superintendent of Police, Karnataka Lokayukta, Tumkur to Assistant Registrar of Legal opinion -2 Karnataka Lokayukta Bangalore. Page No. 293-297 (original)                                 |

**iii) List of witnesses examined on behalf of DGOs**  
**No.1 and 2.**

|      |                                                                                                                                                   |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| DW-1 | The DGO No.2 Sri.H.Anjaiah, Assistant, Divisional Office, BESCO, Madhugiri Tumkur District has examined himself as DW-1 dtd: 28.9.2018 (original) |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------|

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iv) **List of documents marked on behalf of DGOs**  
**No.1 and 2**

|         |                                                                                                                                              |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.D-1  | Ex.D-1 is the copy of genological tree pertaining to family of DGO no.2. page no. 298 (xerox)                                                |
| Ex.D-2  | Ex.D-2 is the copy of notice regarding repayment of loan amount letter issued by the director of KGID. Page No. 299 (Xerox)                  |
| Ex.D-3  | Ex.D-3 is the copy of official memorandum dtd: 8.8.2014 issued by Assistant Engineer (Ele), BESCO, Y.N.Hosakote. page No. 300-301 (Xerox)    |
| Ex.D-4  | Ex.D-4 is the Vidhyuth Navakarara Pattina sahakara sangha(R) loans pass books of DGO no.2. Page No. 302-303 (Xerox)                          |
| Ex.D-5  | Ex.D-5 is the certificate of encumbrance on property dtd: 16.11.2018. page No. 304-305 (original)                                            |
| Ex.D-6  | Ex.D-6 is the copy of RTC. Page No. 306-308 (Xerox)                                                                                          |
| Ex.D-7  | Ex.D-7 is the copy of genological tree, copy of the voters Identity card, and Adhar Card. Page No. 309-312 (Xerox)                           |
| Ex.D-8  | Ex.D-8 is the copy of notice regarding repayment of loan amount letter issued by the director of KGID. Page No. 313 (Xerox)                  |
| Ex.D-9  | Ex.D-9 is the letter issued by LIC Pavagada division regarding loan repayment of DGO no.1. Page No. 314-316 (Xerox)                          |
| Ex.D-10 | Ex.D-10 is the copy of the pahani pertaining to sy. No. 391/2 measuring 5 acre 10 guntas pertaining to the year 1973-74 Page No. 317 (xerox) |

*(Handwritten Signature)*

(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.