



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/357/2013/ARE-7

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated: 16.04.2018

RECOMMENDATION

Sub:- Departmental inquiry against Sriyuths:

- (1) P. Ashok Kumar, the then Chief Officer,  
Town Municipal Council, Bangarpete,  
Kolar District (presently at Mulabagilu);  
and
- (2) N. Nagaraj, Second Division Assistant,  
Town Municipal Council, Bangarpete, Kolar  
District -reg.

- Ref:- (1) Government Order No. UDD 89 DMK 2013,  
dated 02.09.2013.
- (2) Nomination order No.LOK/INQ/14-A/  
357/2013 dated 07.09.2013 of Upalokayukta-2,  
State of Karnataka.
  - (3) Inquiry Report dated 12.04.2018 of  
Additional Registrar of Enquiries-7, Karnataka  
Lokayukta, Bengaluru.

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The Government by its Order dated 02.09.2013, initiated the disciplinary proceedings against Sriyuths: (1) Ashok Kumar, the then Chief Officer, Town Municipal Council, Bangarpete, Kolar District (presently at Mulabagilu); and (2) N. Nagaraj, Second Division Assistant, Town Municipal Council, Bangarpete, Kolar District [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 & 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/357/2013 dated 07.09.2013, nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. LOK/INQ/14-A/2014 dated 14.03.2014, the Additional Registrar of Enquiries-6, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGO. Again, by Order No. UPLOK-2/DE/2016, dated 03.08.2016, the Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGO. Finally, by Order No. UPLOK-2/DE/2017, dated 04.07.2017, the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGO.

3. The DGO1- Shri P. Ashok Kumar, the then Chief Officer, Town Municipal Council, Bangarpete, Kolar District; and DGO2 - Shri N. Nagaraj, Second Division Assistant, Town Municipal Council, Bangarpete, Kolar District were tried for the following charge:-

“ That you, DGO No.1- Sri P. Ashok Kumar, the then Chief Officer, TMC, Bangarpete, Kolar District (presently working as Chief Officer at Mulabagilu)

and you the DGO No.2 - Shri N. Nagaraj, SDA, TMC, Bangarpet, Kolar Demanded and accepted a bribe of Rs.1,000/- on 05.08.2011 from the complainant Shri Venkatesh s/o Yuvarajappa, No.2598, Kumbarapalya, Bangarpet Taluk, Kolar for change of Khata of the site measuring 30' x 40' in Kumbarpalya of Bangarpet to his father's name Shri Yuvarajappa, that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966."

4. The Inquiry Officer (Additional Registrar of Enquiries-7) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charges against DGO1- Shri P.Ashok Kumar, the then Chief Officer, Town Municipal Council, Bangarpete, Kolar District; and DGO2 - Shri N. Nagaraj, Second Division Assistant, Town Municipal Council, Bangarpete, Kolar District.

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

6. As per the First Oral Statement of DGOs 1 and 2 furnished by the Inquiry Officer, DGO1 - Shri P. Ashok Kumar

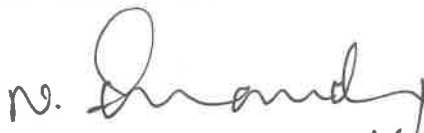
has retired from service on 31.12.2015 (during the pendency of inquiry) and DGO2 - Shri N. Nagaraj is due for retirement on 30.06.2035.

7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against DGOs 1 - Shri P. Ashok Kumar, the then Chief Officer, Town Municipal Council, Bangarpete, Kolar District; and DGO2 - Shri N. Nagaraj, Second Division Assistant, Town Municipal Council, Bangarpete, Kolar District,

- (i) it is hereby recommended to the Government to impose penalty of '*permanently withholding 50% of the pension payable to the DGO1 - Shri P. Ashok Kumar*'; and
- (ii) it is hereby recommended to the Government to impose penalty of '*compulsory retirement from service on the DGO2 - Shri N. Nagaraj*'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 16/4  
Upalokayukta,  
State of Karnataka.