

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/386/2018/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 28.10.2021

:: ENQUIRY REPORT ::

:: Present ::

**(PUSHPAVATHI.V)
Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against (1) Sri. V.Siddaiah, Taluk Social Welfare Officer, Ramanagar Taluk & District (2) Sri. H.Vedamurthy, FDA, Warden, S.C.B.H. Social Welfare Department, Channapatna Taluk, Ramanagar District - reg.

Ref: 1. G.O.No. ಸಕಇ 213 ಪಕಸೇ 2017, ಬೆಂಗಳೂರು,
ದಿನಾಂಕ: 29/08/2017.

2.Nomination Order No: UPLOK-2/
DE/386/2018/ARE-9 Bangalore dated:
10.08.2018 of Hon'ble Upalokayukta-2.

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This Departmental Enquiry is initiated against (1) Sri. V.Siddaiah, Taluk Social Welfare Officer, Ramanagar Taluk & District (2) Sri. H.Vedamurthy, FDA, Warden, S.C.B.H. Social Welfare Department, Channapatna Taluk, Ramanagar District (hereinafter referred to as the Delinquent Government Officials for short "**DGO-1 & 2**").

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2. In pursuance of the Government Order cited above at reference No.2, Hon'ble Upalokayukta vide order dated 10.08.2018 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to issue Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the 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 in support of the charges.

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

ANNEXURE-I **CHARGE**

ಆಸನೌ ಆದ ನೀವು -

ಆಸನೌ-1 ಆದ ನೀವು ರಾಮನಗರ ತಾಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಯಾಗಿದ್ದು, ಅನಿರೀಕ್ಷಿತವಾಗಿ ಅಪಘಾತ ಹೊಂದಿರುವುದರಿಂದ ಶ್ರೀ ಗಂಗನರಸೋಜಿರಾವ್, ಎನ್. ಕಛೇರಿ ಅಧೀಕ್ಷಕರನ್ನು ತಾಲ್ಲೂಕ್ ಸಮಾಜ ಕಲ್ಯಾಣ ಹುದ್ದೆಗೆ ಹೆಚ್ಚುವರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ ಅಂತ ಜಿಲ್ಲಾ ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ಅಧಿಕೃತ ಜ್ಞಾಪನ ಹೊರಡಿಸಿರುತ್ತಾರೆ. ಆಸನೌ-2 ಆದ ನೀವು ಯಾರ ಅನುಮತಿಯ ಮೇರೆಗೆ ರೂ. 60,000/- ವಿದ್ಯಾರ್ಥಿಗಳ ಶಿಷ್ಯವೇತನ ಹಣವನ್ನು ಕಛೇರಿಯಲ್ಲಿಟ್ಟುಕೊಂಡಿದ್ದೀರಿ ಎನ್ನುವುದನ್ನು ತಿಳಿಸಿಲ್ಲ. ಇದು ಅಲ್ಲದೇ, ಪ್ರಭಾರ ತಾಲ್ಲೂಕ್ ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಗಳ ಮುಂದೆ ಆಸನೌ-1 ಆದ ನೀವು ಆಸನೌ-2 ಆದ ನಿಮ್ಮಿಂದ ರೂ.50,000/-ಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಉಳಿದ ರೂ.10,000/- ಗಳನ್ನು ಆಸನೌ-2 ರವರಿಗೆ

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ನೀಡಿದ್ದೀರೆಂದು ಇದುವರೆಗೆ ಮರುಪಾವತಿ ಮಾಡಿಲ್ಲ ಅಂತ ಆಸನೌ-2 ಆದ ನೀವು ತಿಳಿಸಿದ್ದೀರಿ. ಯಾವುದೇ ಮೇಲಾಧಿಕಾರಿಗಳ ಆದೇಶವಿಲ್ಲದೇ ಆಸನೌ-2 ಆದ ನೀವು ರೂ.60,000/- ಹಣವನ್ನು ನಗಧೀಕರಿಸಿ ನಿಮ್ಮ ಹತ್ತಿರ ಇಟ್ಟುಕೊಂಡಿದ್ದೀರಿ. ಅದನ್ನು ಕಛೇರಿಯಲ್ಲಿಯೇ ಇಟ್ಟುಕೊಂಡಿದ್ದರೂ ಸಹ ಆಸನೌ-1 ಆದ ನಿಮಗೆ ರೂ.50,000/- ಗಳನ್ನು ಏಕೆ ಕೊಟ್ಟಿದರು ಎನ್ನುವ ಬಗ್ಗೆ ವಿವರಣೆಗಳಿಲ್ಲ. ನೀವು ಸಲ್ಲಿಸಿದ ದಾಖಲಾತಿಗಳಲ್ಲಿ ಕೇವಲ 28 ಜನರಿಗೆ ಮಾತ್ರ ಶಿಷ್ಯವೇತನ ಪಾವತಿ ಆಗಿದೆ. ಎಲ್ಲಾ 120 ಜನರಿಗೆ ಶಿಷ್ಯವೇತನ ಪಾವತಿ ಆದ ಬಗ್ಗೆ ದಾಖಲೆಗಳಿಲ್ಲ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2
ದೋಷಾರೋಪಣೆ ವಿವರ

ಈ ದೂರನ್ನು ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರು ರಾಮನಗರ ಕ್ಯಾಂಪ್‌ನಲ್ಲಿ ಕುಂದು ಕೊರತೆ ವಿಚಾರಣೆ ಸಭೆಯಲ್ಲಿ ಇರುವಾಗ, ಶ್ರೀ.ರಮೇಶ್ ಕೆ. ತಂದೆ ಕರಿಯಪ್ಪ ಕೆಂಜಿಗರಹಳ್ಳಿ ರಾಮನಗರ ತಾಲ್ಲೂಕು ನಿವಾಸಿ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು (1) ವಿ. ಸಿದ್ದಯ್ಯ ತಾಲ್ಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿ, ರಾಮನಗರ ತಾಲ್ಲೂಕು, ರಾಮನಗರ ಜಿಲ್ಲೆ, (2) ಜಿಲ್ಲಾ ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು, ರಾಮನಗರ ಮತ್ತು (2) ಹೆಚ್. ವೇದಮೂರ್ತಿ, ಪ್ರ.ದ.ಸ., ವಾರ್ಡನ್ ಎಸ್.ಸಿ.ಬಿ.ಹೆಚ್., ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ರಾಮನಗರ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ ಸಲ್ಲಿಸಿದ್ದಾರೆ.

ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಪ.ಜಾತಿ./ಪಂಗಡಕ್ಕೆ ಸೇರಿದ 120 ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಲಘು ಮೋಟಾರು ವಾಹನ ಚಾಲನ ಪರವಾನಗಿ ನೀಡಿದ್ದು ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಕೊಡಬೇಕಾದ 500/-ರೂಗಳ ಶಿಷ್ಯವೇತನವನ್ನು ನೀಡಿರುವುದಿಲ್ಲ ಜಿಲ್ಲಾ ಖಜಾನೆಯಿಂದ ಶಿಷ್ಯವೇತನ ಕೊಡಲು 60,000/- ರೂಗಳು ಡ್ರಾ

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ಮಾಡಿಕೊಂಡು ಅದನ್ನು ಯಾರಿಗೂ ಕೊಡದೆ ಹಣ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸಲು ಕೋರಿಕೊಂಡಿದ್ದಾರೆ.

ಆಸನೌ-2 ರವರಿಗೆ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ನಿರ್ದೇಶಿಸಿದ್ದು ಆಸನೌ-2 ರವರು ವಾಹನ ಚಾಲನ ತರಬೇತಿ ಪಡೆದ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಶಿಷ್ಯವೇತನವನ್ನು ಆಸನೌ-1 ರವರು ಜಿಲ್ಲಾ ಕಛೇರಿಗೆ ಯಾವುದೇ ಪತ್ರ ಬರೆಯದೆ ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಜಮಾ ಮಾಡದೆ ನಗದು ವಿತರಣೆ ಮಾಡದೆ ಜಿಲ್ಲಾ ಕಛೇರಿಗೆ ಪತ್ರ ಬರೆಯದೆ ಇರುವುದರಿಂದ ಅವರೇ ನೇರ ಹೋಣೆಗಾರರಾಗಿದ್ದಾರೆ ಎಂದು ಆಕ್ಷೇಪಣೆ ಸಲ್ಲಿಸಿದ್ದು ಆಸನೌ-1 ರವರು ತಾವು ಯಾವುದೇ ಹಣ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿಲ್ಲ ಎಲ್ಲಾ ತರಬೇತಿದಾರರಿಗೆ ಶಿಷ್ಯವೇತನ ಪಾವತಿಸಲಾಗಿದೆ ಎಂದು ತಿಳಿಸುತ್ತಾರೆ.

ಈ ಆಕ್ಷೇಪಣೆಗಳ ಮೇಲೆ ದೂರುದಾರರ ಪ್ರತ್ಯುತ್ತರ ಕೇಳಲಾಗಿ ಆಸನೌ-2 ಆದ ವೇದಮೂರ್ತಿ ಎಫ್.ಡಿ.ಎ., ರವರು 60000/- ಗಳನ್ನು ತಾಲ್ಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಗಳ ಹೆಸರಿನಲ್ಲಿ ಡ್ರಾ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ. ಒಬ್ಬನೇ ವ್ಯಕ್ತಿಗೆ 3 ವಿದ್ಯಾರ್ಥಿ ನಿಲಯದ ಪ್ರಭಾರ ಮತ್ತು ಕಛೇರಿಯಲ್ಲಿ ಎಫ್.ಡಿ.ಎ., ಹುದ್ದೆಗೆ ನೇಮಿಸಿದ್ದು ಕಾನೂನು ಬಾಹೀರವಾಗಿದೆ. ಗಂಗನರಸೋಜಿರಾವ್ ಪ್ರಭಾರ ವಹಿಸಿಕೊಂಡಾಗ ಉಳಿದ ಹಣವನ್ನು ಆಸನೌ-2-ವೇದ ಮೂರ್ತಿ ರವರು ಕೊಟ್ಟಿಲ್ಲ ಡ್ರಾ ಮಾಡಿದ ಹಣ ಆಸನೌ-1-ವಿ.ಸಿದ್ದಯ್ಯ ರವರ ಹತ್ತಿರ ಇದೆ ಅಂತ ಹೇಳಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಶಿಷ್ಯವೇತನವನ್ನು ಪಾವತಿಸಿದ್ದಾರೆ ಎನ್ನಲು ಯಾವುದೇ ಆಧಾರಗಳಿಲ್ಲ ಅನ್ನುತ್ತಾರೆ.

ಆಸನೌ-2 ತಮ್ಮ ವರದಿ ಸಲ್ಲಿಸಿ ಆಸನೌ-1- ಶ್ರೀ.ಸಿದ್ದಯ್ಯ ರವರು 60000/-ರೂಗಳನ್ನು ಜಿಲ್ಲಾ ವಿಜಾನೆಯಿಂದ ಡ್ರಾ ಮಾಡಿ ಕೆಲವು ಫಲಾನುಭವಿಗಳಿಗೆ ಮಾತ್ರ 500/- ಗಳನ್ನು ನಗದು ವಿತರಣೆ ಮಾಡಿದ್ದಾರೆ. ಸುಮಾರು 8 ತಿಂಗಳು ಕಳೆದರೂ ಇದುವರೆಗೆ ಎಲ್ಲಾ ಫಲಾನುಭವಿಗಳಿಗೆ ವಿತರಣೆ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿಲ್ಲ ಪ್ರಮೋದ್ ಪ್ರದೀಪ್ ಮತ್ತು ಸಿದ್ದರಾಜು ಎನ್ನುವ 3 ಅಭ್ಯರ್ಥಿಗಳು ಶಿಷ್ಯವೇತನವನ್ನು ಕೇಳಿದಾಗ ಅವರಿಗೆ ಕೊಟ್ಟಿಲ್ಲ ಆದ್ದರಿಂದ ಆಸನೌ-1 -ಶ್ರೀ.ಸಿದ್ದಯ್ಯ ಇವರಿಗೆ ದಾಖಲೆಗಳ ಸಮೇತ ಉತ್ತರಿಸುವಂತೆ ತಿಳಿಸಿದರೂ ಸಹ ಅವರು ಉತ್ತರಿಸಿಲ್ಲ ಆದ್ದರಿಂದ ಹಣ

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ದುರುಪಯೋಗವಾಗಿದೆ ಅಂತ ವರದಿ ಸಲ್ಲಿಸಿದ್ದು ದೂರುದಾರರ ಪ್ರತ್ಯುತ್ತರ ಕೇಳಲಾಗಿ ಯಾವುದೇ ಪ್ರತ್ಯುತ್ತರ ಸಲ್ಲಿಸಿಲ್ಲ.

ಈ ಪ್ರಕರಣದ ಸಂಪೂರ್ಣ ಕಡತವನ್ನು ಪರಿಶೀಲಿಸಿದ್ದೇನೆ. ಆಸನೌ-1 ರವರು 60000/- ರೂಗಳ ಹಣ ಡ್ರಾ ಮಾಡಿದ್ದಾರೆ ಎನ್ನುವ ಬಗ್ಗೆ ಯಾವುದೇ ವಿವಾದವಿಲ್ಲ. ಆಸನೌ-1 ರವರು ಹಾಜರುಪಡಿಸಿರುವ ನೋಟ್ ಬುಕ್ ಹಾಳೆಗಳಲ್ಲಿ ಸುಮಾರು 28 ಜನರಿಗೆ 500 ರೂಗಳನ್ನು ಪಾವತಿಸಿದ ಬಗ್ಗೆ ಅನುಬಂಧ-3ರನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದಾರೆ. ಇನ್ನೊಂದು ಅನುಬಂಧ 3 ಅಂತ ಇರುವುದರಲ್ಲಿ ಸಹ 28 ಜನರಿಗೆ 500 ರೂಗಳ ಪಾವತಿಯಾಗಿದೆ. ಆದರೆ ಎಲ್ಲಾ 120 ಜನರಿಗೆ ಶಿಷ್ಯವೇತನ ಪಾವತಿಯಾದ ದಾಖಲೆಗಳಿಲ್ಲ ಆಸನೌ-2-ಶ್ರೀ. ವೇದಮೂರ್ತಿ ಎನ್ನುವವರು ಆಸನೌ-1 ರವರು ಅಪಘಾತಕ್ಕೆ ಒಳಗಾದಾಗ ಎಫ್.ಡಿ.ಎ., ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ್ದಾರೆ. ಇನ್ನು ಬಾಕಿ ಶಿಷ್ಯವೇತನ ಪಡೆಯಬೇಕಾದ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಹಣ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುತ್ತದೆ ಅಂತ ಸದರಿ ಎಫ್.ಡಿ.ಎ ರವರು ತಾಲ್ಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಗಳಿಗೆ ಬರೆದು ಕೊಟ್ಟಿದ್ದಾರೆ. ಹಾಗಿದ್ದಲ್ಲಿ 2015ರವರೆಗೆ ನಗದು ಹಣವನ್ನು ತಮ್ಮ ಹತ್ತಿರ ಏಕೆ ಇಟ್ಟುಕೊಂಡಿದ್ದಾರೆ ಎನ್ನಲು ಯಾವುದೇ ವಿವರಣೆಗಳು ಇರಲಿಲ್ಲ.

ಆದ್ದರಿಂದ, ಆಸನೌ-2- ವೇದಮೂರ್ತಿ ಎಫ್.ಡಿ.ಎ., ವಾರ್ಡನ್ ಎಸ್.ಬಿ.ಹೆಚ್ ಕೈಲಾಂಚ ಇವರನ್ನು 3ನೇ ಆಸನೌ ರನ್ನಾಗಿ ಸೇರಿಸಿಕೊಳ್ಳಲಾಯಿತು ಹಾಗೂ ಇವರಿಂದ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ತರಿಸಿಕೊಳ್ಳಲಾಯಿತು.

ಆಸನೌ-2 ರವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆ ಸಲ್ಲಿಸಿ ಎಸ್.ಬಿ.ಎಂ.ಬ್ಯಾಂಕ್ ರಾಮನಗರ ಶಾಖೆಯಿಂದ ಹಣವನ್ನು ಡ್ರಾ ಮಾಡಲಾಯಿತು. ತರಬೇತುದಾರರಿಗೆ ನೀಡುವ ಉದ್ದೇಶದಿಂದ ಮತ್ತು ಸಕಾಲದಲ್ಲಿ ಎಲ್ಲಾ ವಿದ್ಯಾರ್ಥಿಗಳು ಒಂದೇ ಸಮಯಕ್ಕೆ ಬರುವ ಸಾಧ್ಯತೆ ಇಲ್ಲದೇ ಇರುವುದರಿಂದ ಅಧಿಕಾರಿಗಳ ನಿರ್ದೇಶನದ ಮೇರೆಗೆ ಹಣವನ್ನು ಕಛೇರಿಯಲ್ಲಿಟ್ಟುಕೊಂಡು ವಿದ್ಯಾರ್ಥಿಗಳ ಶಿಷ್ಯವೇತನವನ್ನು ಅವರು ಬಂದಾಗ ಪಾವತಿ ಮಾಡಲಾಗಿದೆ.ಬೇರೆಯಾವುದೇ ಉದ್ದೇಶಕ್ಕೆ ಇಟ್ಟುಕೊಂಡಿರಲಿಲ್ಲ. ಈ ಹಣವನ್ನು ನಾನು ದುರ್ಬಳಕೆ ಮಾಡಿಕೊಂಡಿಲ್ಲ ಅಂತ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದಾರೆ.

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ಈ ಪ್ರಕರಣದ ದಾಖಲೆಗಳನ್ನು ಗಮನಿಸಲಾಗಿ, ಆಸನೌ-1 ಇವರು ಅನಿರೀಕ್ಷಿತವಾಗಿ ಅಪಘಾತ ಹೊಂದಿರುವುದರಿಂದ ಶ್ರೀ ಗಂಗನರಸೋಜಿರಾವ್, ಎನ್. ಕಛೇರಿ ಅಧೀಕ್ಷಕರನ್ನು ತಾಲ್ಲೂಕ್ ಸಮಾಜ ಕಲ್ಯಾಣ ಹುದ್ದೆಗೆ ಹೆಚ್ಚುವರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ ಅಂತ ಜಿಲ್ಲಾ ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ಅಧಿಕೃತ ಜ್ಞಾಪನ ಹೊರಡಿಸಿದ್ದಾರೆ. ಆಸನೌ-2 ರವರು ಯಾರ ಅನುಮತಿಯ ಮೇರೆಗೆ ರೂ. 60,000/- ಹಣವನ್ನು ಕಛೇರಿಯಲ್ಲಿಟ್ಟುಕೊಂಡಿದ್ದರು ಎನ್ನುವುದನ್ನು ತಿಳಿಸಿಲ್ಲ. ಇದು ಅಲ್ಲದೇ, ಪ್ರಭಾರ ತಾಲ್ಲೂಕ್ ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಗಳ ಮುಂದೆ ಆಸನೌ-1 ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಇವರು ನನ್ನಿಂದ ರೂ.50,000/-ಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಉಳಿದ ರೂ.10,000/- ಗಳನ್ನು ನನಗೆ ನೀಡಿದ್ದಾರೆ. ಇದುವರೆಗೆ ಮರುಪಾವತಿ ಮಾಡಿಲ್ಲ ಅಂತ ಹೇಳಿದ್ದಾರೆ. ಯಾವುದೇ ಮೇಲಾಧಿಕಾರಿಗಳ ಆದೇಶವಿಲ್ಲದೇ ಆಸನೌ-2 ರವರು ರೂ.60,000/- ಹಣವನ್ನು ನಗಧೀಕರಿಸಿ ತನ್ನ ಹತ್ತಿರ ಇಟ್ಟುಕೊಂಡಿದ್ದಾರೆ. ಅದನ್ನು ಕಛೇರಿಯಲ್ಲಿಯೇ ಇಟ್ಟುಕೊಂಡಿದ್ದರೂ ಸಹ ಆಸನೌ-1 ಆದ ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಇವರಿಗೆ ರೂ.50,000/- ಗಳನ್ನು ಏಕೆ ಕೊಟ್ಟಿದರು ಎನ್ನುವ ಬಗ್ಗೆ ವಿವರಣೆಗಳಿಲ್ಲ. ಇವರ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳಲ್ಲಿ ಕೇವಲ 56 ಜನರಿಗೆ ಮಾತ್ರ ಶಿಷ್ಯವೇತನ ಪಾವತಿ ಆಗಿದೆ. ಎಲ್ಲಾ 120 ಜನರಿಗೆ ಶಿಷ್ಯವೇತನ ಪಾವತಿ ಆದ ಬಗ್ಗೆ ದಾಖಲೆಗಳಿಲ್ಲ.

ಆಸನೌ-1 ಮತ್ತು 2 ರವರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆ ಎನ್ನಲು ಸಾಕಷ್ಟು ಆಧಾರಗಳಿವೆ. 2ನೇ ಎದುರುದಾರರು ಎಂದು ತೋರಿಸಿರುವ ಜಿಲ್ಲಾ ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿ ಆಗಿದ್ದು, ಅವರ ವಿರುದ್ಧ ಯಾವುದೇ ಕರ್ತವ್ಯಲೋಪ ಇರುವಂತೆ ಕಂಡುಬರುತ್ತಿಲ್ಲ. ಆದ್ದರಿಂದ 2ನೇ ಎದುರುದಾರರನ್ನು ಈ ಪ್ರಕರಣದಿಂದ ಕೈಬಿಡಬಹುದಾಗಿದೆ.

ಆಸನೌ ರವರು ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆ ತೋರಿಸಿ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮ 3(i) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದು, ಆಸನೌ ರವರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ

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ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-9 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಈ ದೋಷಾರೋಪಣೆ.

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

6. The DGO No.1 remained absent and placed ex-parte.

7. DGO No. 2 appeared on 20.10.2018 before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO No.2 has been recorded and he pleaded not guilty and claimed for holding enquiry.

8. DGO No. 2 filed written statement admitting the facts that he was warden of SCBH, Social welfare department, Ramanagara. The DGO No.1 was Taluk Social welfare officer, Ramanagara.

9. He has further admitted that he encashed Rs.60,000/- on 29.11.2014 from the State Bank of Mysore, Ramangara at the instruction of DGO No. 1. He has stated he handed over the said amount to the DGO No. 1. He disbursed Rs.500/- each to the candidates who came and received the amount remaining amount was in the custody of DGO No.1. He has

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maintained related records and was brought to the notice of DGO No. 1. He has not committed any misappropriation and misconduct. With this prayed to drop the charge leveled against him.

10. The disciplinary authority has examined the complainant Sri. K.Ramesh as PW -1 and Sri. Shivappa BEO, Mandya North Range as PW-2 they got marked documents at **Ex.P-1 to Ex.P-7**.

11. The second oral statement of DGO No.2 has been recorded.

12. Therefore, opportunity has been provided to him to lead evidence. In pursuant to the same, he has given evidence as DW-1 and has got marked document at **Ex.D-1**

13. Heard submission of PO, DGO No.2 filed written arguments. Perused the entire record, I answer the above charges in **AFFIRMATIVE** for the following;

REASONS

14. There is no dispute as to DGO No.2 was working as warden in the SCBH Social Welfare department Ramanagara. Further there is no dispute as to he was placed incharge of FDA of Social Welfare Department, Ramanagara and he encashed amount of Rs. 60000/- from SBM, Ramangara in connection to DC Bill No. 13/2013-14 on 29.11.2014 to disburse the stipend to 120 SC/ST candidates who were trained for driving light weight motor vehicles under the scheme 2013-14.

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15. According to DGO No. 2, he encashed the amount on the instructions of DGO No.1 and out of which, he disbursed (some amount) to the candidates who came to receive the stipend and remaining amount was with DGO NO. 1. The DGO No. 1 remained absent and not contested the case. But he has written a letter dtd: 18.4.2015, which is a part of Ex.P-5 and marked as Ex.P5(a) to the District Social Welfare Officer, where he has admitted that he entrusted DGO No. 2 to encash Rs.60,000/- through cheque bearing No. 439002 in the name of Taluk social welfare officer, Ramangara under DC Bill No. 13/2013-14. He signed the cheque on 29.11.2014. From that date he has supervised the issuance of stipend to the candidates till 6.12.2014. On 7.12.2014, he met with an accident. It is the DGO No.2 who disbursed the stipend to the candidates. Thereby the DGO No. 1 has stated that he has not received remaining amount from the DGO No. 2. Of course he remained absent and placed ex-parte and did not take any defence before this authority. But only because of this the statement of DGO No. 2 that remaining amount was with DGO No. 1 it cannot be believed unless reliable evidence is placed. Because, admittedly it was DGO No.2 who was incharge of FDA and disbursed the stipend to the candidates. Absolutely, there is no evidence showing that after encashment DGO No. 2 handed over the amount to DGO No. 1.

16. The DGO No. 2 during his chief examination has changed his version that on 29.11.2014, after encashment of Rs. 60000/-, he gave entire amount to the DGO No. 1. DGO No. 1 disbursed Rs. 500/- stipend to the candidates and got

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their signature in the concerned register. Meanwhile he met with an accident and admitted to the hospital. Thereafter Sri. Ganganarasoji Rao N., was placed in charge of Taluk Social Welfare officer. Students asked him to disburse the stipend. He called DGO No. 2 and questioned. He informed him about DGO No.1 giving him Rs.10,000/- and about its disbursal to the students in presence of DGO No.1. Remaining amount was with DGO No. 1 and DGO No. 1 reported to duty and disbursed the remaining amount.

17. During further chief examination, he has produced Ex.D-1 to show that entire amount was disbursed to the students.

18. During the cross examination, he admits Ex.P-5(a) is the letter issued by him and the contents of the said letter are true. According to said letter, the stipend was not disbursed. He has further stated that his chief evidence and contents of Ex.P -5 (a) both are true but on the pressure of the senior officers, he gave Ex.P-5(a) with confusion. He has further admitted that the amount is not paid through cheque. He has further admitted the contents of Ex.P5(a) letter dtd: 17.5.2016 which reads as follows; “2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಲಘು ವಾಹನ ಚಾಲನ ತರಬೇತಿ ಪಡೆದು ಶಿಷ್ಯ ವೇತನಕ್ಕಾಗಿ ಕಛೇರಿ ಹಾಜರಾಗುತ್ತಿರುವ ಪ್ರತಿಯೊಬ್ಬ ತರಬೇತಿದಾರನಿಗೆ ಶಿಷ್ಯವೇತನವನ್ನು ಪಾವತಿಸಲಾಗುತ್ತಿದೆ. ಈ ಸಂಬಂಧ ಛಾಯಾ ಚಿತ್ರಗಳನ್ನು ಲಗತ್ತಿಸಿರುತ್ತೇನೆ. ಶಿಷ್ಯ ವೇತನ ಪಾವತಿಸಿರುತ್ತೇನೆ. ಇನ್ನು ಬಾಕಿ ಶಿಷ್ಯ ವೇತನ ಪಡೆಯ ಬೇಕಾದ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಹಣವನ್ನು ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುತ್ತದೆ.”

19. He has further admitted that as per the above admitted contents, the amount of Rs.50,000/- was there in

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the office and was not disbursed. He has stated the amount was in the cupboard of DGO No. 1 and key was in the table drawer of DGO No. 1.

20. From this, it is clear that the amount was not disbursed completely to the candidates who got trained for driving light motor vehicles under the scheme 2013-14. Coming to the question who is responsible, DGO No.2 admits he had encashed the amount and he was incharge of FDA. So he is responsible to disburse the stipend to the students after its encashment. He has not produced any document to show he handed over the amount to the Taluk Social Welfare Officer i.e., DGO No.1.

21. The most important fact in this case is according to DGO No. 2, he disbursed Rs.10,000/- to the candidates. But according to the register enclosed to Ex.P-5, the number of candidates who received stipend are 28 in one batch and 28 in another batch, totally 56. Even the photographs enclosed are related to only 28 candidates. If the DGO No. 1 had disbursed only Rs. 10,000/-, the number of candidates should have been only 20, not 56 as per the register and 28 as per photographs. This register and photographs were enclosed by DGO No. 2 himself to his letter date: 17.6.2015 Ex.P-5 (a) addressed to Taluk Social Welfare Officer. Further, during the evidence the DGO No.2 he has produced another document marked at Ex.D-1 said to be the part of register showing entire amount was disbursed to 120 candidates. But I have perused the said document. Of course, according to said document 120 candidates have received the stipend.

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But the signature's of Kum. Savitha, Sri.Thayappa, Sri. C.Govinda, Sri.Naveenkumar.B.T., Sri.Harishkumar.R.B., Sri.Siddaraju.N., Sri.Panchalingesh.S., Sri.Jayaram.T., Sri.Srinivasmurthy.H., Sri.Srikanth, Sri.Srinivas R.T., Sri.Shashikumar G., Smt.Kalavathi H.N., Sri. Sunilkumar.P., Sri.Jayaram.V., Sri.Ravikumar, Sri.Surendra.V., Sri.Shivakumar .L.B., Sri. Hanumantharaju, Sri.Vasu.M.D., Sri.Gangadhar.D., Sri.Hemagirish.R., Sri.Mahesh.G. Sri.Shivaraju.C., Sri.Kiran.G., Sri.Harish.D., Sri.RajeshNaik.D., Sri. Satish Naik.H., Sri.Chelubaraju.K.R., Sri. S.Shivarajkumar, found in register enclosed to Ex.P-5 (a) and signature's of same above said candidates found in Ex.D-1 are not tallying. Further, the face sheet of register is not found in Ex.D-1. Further, there is no date of disbursement of stipend to the candidates in Ex.D-1. All these factors show that Ex.D-1 has been created later. It appears the DGO No.2 has manipulated the document in order to escape from the charges. Absolutely, there is no reliable documents showing the payment of stipend under the scheme 2013-14 for training to drive light motor vehicle and that the same was disbursed to 120 candidates who got training in Ramanagara social welfare department.

22. Coming to the point of liability, as per the enclosed papers to Ex.P-5(a) and also as per the report of PW-2, stipend was disbursed to 56 candidates (each Rs.500/-). This comes to Rs. 28,000/-. There are no reliable documents to show remaining amount of Rs.32,000/- has been disbursed to candidates. There is no dispute as to DGO No.2 was incharge of FDA of Social Welfare Department, Ramanagara.

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There is no dispute as to he encashed amount of Rs.60,000/- from SBM Ramanagara in connection to DC Bill No. 13/2013-2014 on 29.11.2014 to disburse the stipend to 120 candidates who were trained for driving light motor vehicles under the scheme 2013-14. It is the case of DGO No. 2 that he handed over the said amount to the DGO No. 1 and DGO No. 1 gave him Rs. 10,000/- to disburse the same to the candidates. He disbursed the same to the candidates and remaining amount of Rs. 50,000/- was with DGO No. 1. But DGO No. 2 being FDA, the responsibility of disbursing stipend is on him. As said supra, there are no documents to show that after encashment DGO No. 2 handed over amount of Rs.60,000/- to DGO No. 1 and he gave back Rs.10,000/- to DGO No. 2. Of course, DGO No. 1 remained absent and placed ex-parte, he did not place any evidence either oral or documentary to prove he had not received Rs.50,000/- from DGO No. 2 after its encashment. However since DGO No. 2 being FDA and encashed amount, it is his responsibility to prove the amount has been handed over to DGO No. 1. Here, no such materials before this authority to believe the words of DGO No. 2 that he handed over the amount of Rs.60,000/- to DGO No. 1 and DGO No.1 gave him back only Rs. 10,000/-. Further, the say of DGO No. 1 that the amount was in the cupboard of DGO No. 1 and the key was in the table drawer of DGO No. 1 cannot be believed since no prudent officer would keep such a big amount of Rs. 50,000/- in the cupboard and the key in the table drawer negligently. The entire evidence of DGO No.2 is unbelievable as he has changed his version step by step to meet the convenience. For

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another reason for which we cannot believe the evidence of DGO No. 2 is that, according to him, he received only Rs. 10,000/- from DGO No. 1 out of Rs.60,000/- and entire Rs. 10,000/- is disbursed by him. If so, he should have disbursed stipend to 20 candidates. But as per the record, the total amount disbursed is Rs. 28,000/- which is more than Rs.10,000/-. As per photographs enclosed to Ex.P-5(a), the total amount disbursed is Rs.14,500/- which is more than Rs.10,000/-. Over all the evidence of DGO No. 2 is not convincing. Even otherwise, as there is no material before this authority showing DGO No. 2 handed over amount to the DGO No. 1, as DGO No.2 is the FDA having responsibility of disbursing the stipend, he is liable for the remaining amount of Rs.32,000/-. Of course, DGO No. 1 being the next senior officer of DGO No. 2, ought to have monitored the work of DGO No. 2. But admittedly he met with an accident and was on long leave from 7.12.2014. Amount is encashed on 29.11.2014. There was gap of only 7 days between these two dates. Of course, DGO No. 1 did not appear and did not explain his defence that DGO No. 2 did not hand over the entire amount of Rs. 60,000/- and it was DGO No. 2 who disbursed the amount. But DGO No. 2 being incharge of post of FDA of Social Welfare Department, it was his responsibility to disburse the amount. Of course, as said above, he has taken a contention that he handed over the entire amount of Rs. 60,000/- to DGO No.1 after its encashment and he gave back Rs. 10,000/- only to him. But, no materials are produced to even prima facie show that he handed over Rs. 60,000/- to DGO No. 1 after its encashment and DGO No.1

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gave back Rs. 10,000/-. Thus DGO No.2 alone is held responsible for the amount of Rs. 32,000/-. Accordingly, DGO No.2 is responsible for the amount of Rs. 32,000/- which is the loss caused to state exchequer.

23. Thus, overall examination of the evidence on record shows that the disciplinary authority has established the charge leveled against DGO No. 2 and further DGO No. 2 is held responsible for the amount of Rs.32,000/- which is the loss caused to state exchequer. Disciplinary authority has failed to prove charge leveled against DGO No.1. Hence, I proceed to record the following:-

FINDINGS

24. The Disciplinary Authority has proved the charges leveled against DGO No.2. Further DGO No. 2 is held responsible for Rs.32,000/- which is the loss caused to state exchequer. Disciplinary authority has failed to prove charge leveled against DGO No.1. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

25. Date of retirement of DGO No.1 is 30.6.2027 and DGO No. 2 is 30.11.2041.

Pushpa V
28.10.2024

(PUSHPAVATHI.V)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

PW-1	Sri.K.Ramesh, S/o Late Kariyappa, Social worker, Kenjigarahalli, Ramanagara Taluk and District (Complainant) original
PW-2	Shivappa S/o Narashimegowda, BEO, Mandya North Range Original

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

Ex.P1	Ex.P-1 is the complaint letter dated 23.4.2015 filed by PW-1
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form No. 1 and 2 filed by PW-1
Ex.P-4	Ex.P-4 are the documents enclosed to complaint filed by PW-1
Ex.P 5	Ex.P-5 is the comments dated: 18.6.2015 and documents enclosed to it submitted by DGO No.1
Ex.P6	Ex.P-6 is the comments dated: 22.6.2015 and documents enclosed to it submitted by DGO No.2
Ex.P7	Ex,P-7 is the rejoinder dated: 29.7.2015 and documents enclosed to it submitted by PW-1

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO No. 2 Sri. H.Vedamurthy, FDA, Warden, S.C.B.H. Social Welfare Department, Channapatna Taluk, Ramanagar District
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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the register pertaining to disbarment of stipend amount to candidates.
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(PUSHPAVATHI.V)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.386/2018/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 09.11.2021.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri V.Siddaiah, Taluk Social Welfare Officer, Ramanagar, and (2) Sri H.Vedamurthy, First Division Assistant, Social Welfare Department, Channapattana Taluk, Ramanagar District - reg.

Ref:- 1) Government Order No.SWD 213 PKS 2017 dated 29.07.2017.

2) Nomination order No. UPLOK-2/DE.386/2018 dated 10.08.2018 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 28.10.2021 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 29.07.2017 initiated the disciplinary proceedings against (1) Shri V.Siddaiah, Taluk Social Welfare Officer, Ramanagar, and (2) Sri H.Vedamurthy, First Division Assistant, Social Welfare Department, Channapattana Taluk, Ramanagar 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 UPLOK-2/DE.386/2018 dated 10.08.2018 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 DGOs were tried for the charge of illegally drawing and keeping amount of Rs.60,000/- in cash and giving Rs.50,000/- to DGO.1 without any authority and not maintaining records for having paid scholarships to 120 students and thereby committed financial irregularities.

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO-2 Sri H.Vedamurthy, First Division Assistant, Social Welfare

Department, Channapattana Taluk, Ramanagar District, is 'proved'. Further, it is held that the DGO-2 Sri H.Vedamurthy, has caused financial loss of Rs.32,000/- to the State Exchequer.

5. Further, the Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO 1 Shri V.Siddaiah, Taluk Social Welfare Officer, Ramanagar, is 'not proved.'


6. On re-consideration of report of inquiry and all other materials on record, 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 Enquiry Officer and exonerate DGO.1 Shri V.Siddaiah, Taluk Social Welfare Officer, Ramanagar, of the charges leveled against him.

7. As per the First Oral Statement of DGO-2 furnished by the Enquiry Officer, DGO-2 Sri H.Vedamurthy, is due to retire from service on 30-11-2041.

8. Having regard to the nature of charge 'proved' against the DGO-2 Sri H.Vedamurthy, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding two annual increments payable to DGO.2 with cumulative effect and also to recover Rs.32,000/- from the salary and allowances payable to DGO-2 Sri H.Vedamurthy, First Division Assistant, Social Welfare Department, Channapattana Taluk, Ramanagar District'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*