

KARNATAKA LOKAYUKTA

No.Uplok-2/DE/411/2017/ARE-10

M.S. Building
Dr.B.R. Ambedkar Road
Bangalore-560 001
Date: 22/3/2018

ENQUIRY REPORT

Present : Sri. S. Gopalappa
Additional Registrar of Enquiries-10
Karnataka Lokayukta
Bangalore

Sub: Departmental Inquiry against:-
Sri. Prakash Shetty, Panchayath
Development Officer, Gram Panchayath
Laila village, Belthangadi Taluk, Dakshina
Kannada District -reg.,

Ref: 1. Report u/S 12(3) of the K.L Act, 1984 in
Compt/Uplok/Mys/848/2016 dt. 31.12.2016
2. Govt. Order No. GraAaPa 20 GraPamKa 2017
dt. 18.2.2017
3. Nomination order No. Uplok-2/DE/411/2017
Bangalore dt. 18.3.2017 of Hon'ble Upalokayukta-2

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1. On the basis of the complaint filed by Sri. Jayaprakash R/o Dakshina Kannada District against the DGO alleging misconduct, an investigation was taken up.

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the GO dt. 18.2.2017 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO,

nomination was issued by Hon'ble Upalokayukta on 18.3.2017 authorizing ARE-10 to hold enquiry and report as per reference No. 3.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGO on 27.4.2017.

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ದೋಷಾರೋಪಣೆ-1

4. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ.ಪ್ರಕಾಶ್ ಶೆಟ್ಟಿ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಲ್ಯಾಲ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಲ್ಯಾಲ ಗ್ರಾಮ, ಬೆಳ್ತಂಗಡಿ ತಾಲ್ಲೂಕು, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಆದ ನೀವು : -

ಅ) ದಿ:16-10-2015 ರಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್, ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ, ಉಪವಿಭಾಗ, ಮಂಗಳೂರು ರವರ ಪತ್ರದಲ್ಲಿ ಪಿಡಿಬಿ, ಗ್ರಾ.ಪಂ, ಲ್ಯಾಲ, ಬೆಳ್ತಂಗಡಿ ರವರಿಗೆ ಗ್ರಾ.ಪಂ. ಕಾಯ್ದೆ 1993 ಪ್ರಕರಣ 64 ಮತ್ತು 70 ಉಪಬಂಧ 2ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಯಾವುದೇ ಗ್ರಾ.ಪಂ. ಪರವಾನಗಿ ಇಲ್ಲದೇ ನಿರ್ಮಿಸಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿ/ಕಟ್ಟಡ ಇತ್ಯಾದಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಗ್ರಾ.ಪಂ. ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವುದರಿಂದ ಈ ಕೂಡಲೇ ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿದ್ದರೂ ಸಹ ಸದರಿ ಗೂಡಂಗಡಿಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ.

ಆ) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ದಿ: 31-3-2015, ದಿ:4-5-2015 ಹಾಗೂ ದಿ:4-8-2015 ರಂದು ನೋಟೀಸು ಮತ್ತು ಅಂತಿಮ ನೋಟೀಸನ್ನು ಸದರಿ ಅನಧಿಕೃತ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ನೀಡಿದ್ದು, ನಂತರ ಸದರಿ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ.

ಇ) ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಕಾಯ್ದೆ 1993 ಪ್ರಕರಣ 64 ಮತ್ತು 70 ಉಪಬಂಧ 2 ರಂತೆ ಯಾವುದೇ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಪರವಾನಗಿ ಇಲ್ಲದೇ ನಿರ್ಮಿಸಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿ ತೆರವುಗೊಳಿಸಲು ಗ್ರಾ.ಪಂ. ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬಂದರೂ ಸಹ ತೆರವುಗೊಳಿಸದೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

5. ಶ್ರೀ.ಜಯಪ್ರಕಾಶ್ ಯು.ಆರ್. ಬಿನ್ ಯು.ರಮಾನಾಥ್, ಹಳೇ ಸೇತುವೆ ಬಳಿ, ಲ್ಯಾಲ ಗ್ರಾಮ ಮತ್ತು ಅಂಚೆ, ಬೆಳ್ತಂಗಡಿ ತಾಲ್ಲೂಕು, ದ.ಕ.ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ 'ದೂರುದಾರರು' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ಈ ದೂರನ್ನು, ಶ್ರೀ.ಪ್ರಕಾಶ್ ಶೆಟ್ಟಿ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಲ್ಯಾಲ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಲ್ಯಾಲ ಗ್ರಾಮ, ಬೆಳ್ತಂಗಡಿ ತಾಲ್ಲೂಕು, ದ.ಕ.ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ದಾಖಲಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಅಧಿಕಾರಾವಧಿಯಲ್ಲಿ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆಂದು ತಿಳಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

6) ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:- ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ, ಲ್ಯಾಲ ಗ್ರಾಮದ ಹೊಸ ಸೇತುವೆ ಬಳಿ ಸಿರಿ ತರಬೇತಿ ಶಿಬಿರದ ಎದುರಿನ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಬದಿಯಲ್ಲಿ ಪರಂಬೋಕು ರಸ್ತೆ ಮಾರ್ಜಿನ್‌ನಲ್ಲಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ಆದೇಶವಾಗಿರುತ್ತದೆ. ಆದರೆ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕಟ್ಟಡ ತೆರವುಗೊಳಿಸಲು ನೋಟೀಸು ಮಾತ್ರ ನೀಡಿದ್ದು, ಅದನ್ನು ತೆರವುಗೊಳಿಸಿಲ್ಲ. ಅನಧಿಕೃತ ಕಟ್ಟಡವನ್ನು ತೆರವುಗೊಳಿಸದೇ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ, ಮಂಗಳೂರು ರವರ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ.

7) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ, ದ.ಕ.ಜಿಲ್ಲೆ, ಬೆಳ್ತಂಗಡಿ ತಾಲ್ಲೂಕು ವ್ಯಾಪ್ತಿಯ ಲ್ಯಾಲ ಸೇತುವೆ ಬಳಿ ಇರುವ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸುವ ಬಗ್ಗೆ ದೂರು ಇದ್ದು, ದಿ:31-3-2015 ರಂದು ಸದರಿ ಅನಧಿಕೃತ ವ್ಯಾಪಾರದ ಬಗ್ಗೆ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡುವಂತೆ ಅಮೀರ್ ಸಾಹೇಬ್ ಬಿನ್ ಕಾಸೀಂ ರವರಿಗೆ ತಿಳುವಳಿಕೆ ಪತ್ರ ನೀಡಿದ್ದು, ದಿ:24-5-2015 ರಂದು ಸ.ಕಾ.ಇಂಜಿನಿಯರ್,

ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ, ಉಪವಿಭಾಗ, ಮಂಗಳೂರು ರವರು ದೂರುದಾರರು ಮತ್ತು ಇತರರ ದೂರು ಅರ್ಜಿಯ ಮೇರೆಗೆ ಅಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಗ್ರಾ.ಪಂ.ಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ, ಗ್ರಾ.ಪಂ. ವತಿಯಿಂದ ಸದರಿ ಅಮೀರ್ ಸಾಹೇಬ್ ರವರಿಗೆ ನೋಟೀಸ್ ನೀಡಿ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ಸೂಚಿಸಲಾಗಿತ್ತು. ಅದಕ್ಕೆ ಅವರು ಹಿಂಬರಹ ನೀಡಿ ತಾನು ಅಲ್ಪಸಂಖ್ಯಾತನಿದ್ದು, ಸದರಿ ಅಂಗಡಿಯಿಂದ ಕುಟುಂಬ ನಿರ್ವಹಿಸುತ್ತಿದ್ದೇನೆ, ತನಗೆ ತೊಂದರೆಯಾಗದಂತೆ ಸೂಕ್ತ ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕಾಗಿ ಕೇಳಿಕೊಂಡಿದ್ದಾರೆ. ದಿ:4-5-2015 ರಂದು ಗ್ರಾ.ಪಂ.ಯಿಂದ ಸದರಿ ಅನಧಿಕೃತ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸುವಂತೆ 2ನೇ ನೋಟೀಸ್ ನೀಡಲಾಗಿ, ಅದಕ್ಕೂ ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸದ ಕಾರಣ, ದಿ:4-8-2015 ರಂದು ಅಂತಿಮ ನೋಟೀಸ್ ನೀಡಲಾಗಿತ್ತು. ಇದು ಸೂಕ್ಷ್ಮ ವಿಚಾರವಾಗಿರುವುದರಿಂದ ದಿ:23-3-2016ರ ಗ್ರಾ.ಪಂ. ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಜಿ.ಪಂ. ಮು.ಕಾ.ನಿ.ಅಧಿಕಾರಿಗಳಿಗೆ ಬರೆದು ಸೂಕ್ತ ಮಾರ್ಗದರ್ಶನ ನೀಡಲು ದಿ:16-4-2016 ರಂದು ಪತ್ರ ಬರೆಯಲಾಗಿತ್ತು. ಸದರಿ ಗೂಡಂಗಡಿಯಿಂದ ಯಾವುದೇ ತೊಂದರೆ ಇಲ್ಲ. ರಸ್ತೆಯ ಅಗಲೀಕರಣದ ಸಮಯದಲ್ಲಿ ತಾನು ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸುವುದಾಗಿ ಸದರಿ ಅಮೀರ್ ಸಾಹೇಬ್ ತಿಳಿಸಿದ್ದಾರೆ. ಮು.ಕಾ.ನಿ.ಅಧಿಕಾರಿಗಳು ನೀಡುವ ಆದೇಶ ಪಾಲಿಸುತ್ತೇನೆಂದು ತಿಳಿಸಿದ್ದಾರೆ.

8) ಆದರೆ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ, ದೂರನ್ನು ಕೈಬಿಡಲು ಅಥವಾ ತಡೆಹಿಡಿಯಲು ಯಾವುದೇ ಸೂಕ್ತ ಅಥವಾ ಸಮಾಧಾನಕಾರಕ ಕಾರಣಗಳನ್ನು ತೋರಿಸಿಲ್ಲ.

9) ಆದುದರಿಂದ, ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಸ್ಪಷ್ಟವಾಗುತ್ತವೆ.

ಅ) ದಿ:16-10-2015 ರಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್, ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ, ಉಪವಿಭಾಗ, ಮಂಗಳೂರು ರವರ ಪತ್ರದಲ್ಲಿ ಪಿಡಿಒ, ಗ್ರಾ.ಪಂ, ಲ್ಯಾಲ, ಬೆಳ್ತಂಗಡಿ ರವರಿಗೆ ಗ್ರಾ.ಪಂ. ಕಾಯ್ದೆ 1993 ಪ್ರಕರಣ 64 ಮತ್ತು 70 ಉಪಬಂಧ 2 ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಯಾವುದೇ ಗ್ರಾ.ಪಂ. ಪರವಾನಗಿ ಇಲ್ಲದೇ ನಿರ್ಮಿಸಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿ/ಕಟ್ಟಡ ಇತ್ಯಾದಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಗ್ರಾ.ಪಂ. ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವುದರಿಂದ ಈ ಕೂಡಲೇ ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿದ್ದರೂ ಸಹ ಸದರಿ ಗೂಡಂಗಡಿಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ.

ಆ) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿ: 31-3-2015, ದಿ:4-5-2015 ಹಾಗೂ ದಿ:4-8-2015 ರಂದು ನೋಟೀಸು ಮತ್ತು ಅಂತಿಮ ನೋಟೀಸನ್ನು ಸದರಿ ಅನಧಿಕೃತ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ನೀಡಿದ್ದು, ನಂತರ ಸದರಿ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ.

ಇ) ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಕಾಯ್ದೆ 1993 ಪ್ರಕರಣ 64 ಮತ್ತು 70 ಉಪಬಂಧ 2 ರಂತೆ ಯಾವುದೇ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಪರವಾನಗಿ ಇಲ್ಲದೇ ನಿರ್ಮಿಸಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿ ತೆರವುಗೊಳಿಸಲು ಗ್ರಾ.ಪಂ. ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬಂದರೂ ಸಹ ತೆರವುಗೊಳಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತಾರೆ.

10) ದೂರು, 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ' ಆಕ್ಷೇಪಣೆ ಹಾಗೂ ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಮೇಲ್ನೋಟಕ್ಕೆ 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು' ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ಸೇವಕರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

11) ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ, ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ನಿಯಮ 14 ಎ ಅಡಿಯಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು 10 ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

12. The said article of charge was served on the DGO on 9.5.2017. DGO appeared before the enquiry officer and his first oral statement under Rule 11(9) was recorded. DGO has denied the said charges.

13. DGO has filed his written statement denying all the allegations. He further submits that he has received the requisition from complainant and other villagers on 23.3.2015. On 31.3.2015, notice was issued to the shop owner Sri. Mansoor Hussain for his explanation. On 18.4.2015, the National Highway Authority (NHA) has instructed Gram Panchayath to evict the unauthorized shop. Accordingly on 4.5.2015, the DGO has issued the notice. The shop owner has replied that since 40 years, he is running the shop to eke out his livelihood with a licence and requested to renew the licence and he belongs to minority community. But the shop was not renewed. Therefore on 4.8.2015, he issued a second notice. But shop owner has not replied to the said notice. Therefore on 23.3.2016 he placed the matter before the Gram Panchayath General Body Meeting. The Gram Panchayath has taken a decision that this is a sensitive issue and wrote a letter dt. 16.4.2016 to the Chief Executive Officer, Zilla Panchayath. On 28.8.2016, the letter was issued to the National Highway Authority (NHA) expressing their willingness to cooperate in removing the shop. But the Assistant Executive Engineer of NHA has not taken any action. Again on 5.4.2017, a letter was issued to NHA expressing their readiness to cooperate to remove the shop. But till today the Assistant Executive Engineer, NHA has not taken any action. Because of sensitive issue, letters were written to the higher authorities. The higher authorities have not given any directions. There is an alternative remedy to the complainant. Therefore the complaint is not maintainable. Hence prays to exonerate from the charges.

14. On behalf of the Disciplinary Authority, PW1 is examined and Ex P 1 to P 15 are marked. After the closure of the evidence of the

Disciplinary Authority, second oral statement of DGO u/R 11(16) was recorded. DGO submitted that he has defence evidence. DGO examined himself as DW1 and one witness and got marked Ex D 1 to Ex D 13. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defence assistant for DGO filed their written brief and they were also heard orally.

15. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

16. My answers to the above points are as follows:

Point No. 1 : In the affirmative.

Point no. 2 : As per final order for the following ;

REASONS

17. **Point no. 1** : The complainant who is examined as PW1 has deposed that in Belthangadi Taluk Layla gram panchayath jurisdiction opposite to Siri building one Mansoor Hussain and his father Ameersab illegally occupied the government property and have put up a petty shop by the side of Mangaluru-Dharmasthala road. Infront of the shop they have closed the drainage and caused inconvenience to public. This fact was brought to the notice of DGO,

who was working as PDO of Layla gram panchayath to vacate the petty shop. But DGO did not take any action.

18. Further PW1 has deposed that then he gave representation to National Highway Authorities. National Highway authorities directed PDO to vacate the petty shop since it is in the jurisdiction of Layla gram panchayath. Thereafter DGO issued a notice to the illegal occupants. But no further action was taken. Therefore, again he gave representation to National Highway Authorities. Again National Highway Authorities issued directions to DGO to vacate the petty shop. But no action was taken.

19. Further PW1 has deposed that therefore, he submitted representations to Executive Officer, Taluk Panchayath and Chief Executive Officer, Zilla Panchayath. E.O. and CEO directed DGO to vacate the petty shop. But no action was taken. Therefore, he lodged the complaint to Lokayukta office along with form no.1 and 2 and affidavit as per Ex.P.1 to 4 with relevant documents.

20. In the information received from panchayath (Ex.P.9), panchayath officials have stated that licence was not given to run the petty shop. Further PW1 has deposed that DGO is the responsible officer for not vacating the shop.

21. In the cross examination, PW1 has deposed that he studied Diploma in Electronics Engineering. He was born and brought in Layla village. He admits that since 40 to 45 years Ameersab is residing in Layla village. He admits that earlier Ameersab had obtained licence to run petty shop. He has not taken any authorization from the

villagers to lodge the complaint. He admits that many times PDO issued notices to Ameersab. He does not know that the members and gram panchayath President also conducted the meeting in this respect. He admits that the petty shop is the only source of income for the livelihood of Ameersab.

22. Further PW1 admits that in his house, he is running a shop. He has taken the licence from the year 2006. He admits that before he started petty business Ameersab was already running a petty shop. He admits that he has also filed appeal before Executive Officer and Chief Executive Officer. He admits that the Chief Executive Officer, Zilla Panchayath on 23.3.2017 passed an order to evict the unauthorized petty shop jointly by N.H. Authorities and zilla panchayath.

23. Further PW1 admits that nowadays in Mangaluru, there is communal tension. He denies that Ameersab had requested him not to evict him from the petty shop. He admits that Ameersab had submitted an application before gram panchayath, E.O. and CEO not to evict him and also to renew his licence.

24. Further PW1 admits that if the Executive Officer, Chief Executive Officer and National Highway Authorities joined hands together, petty shop can be vacated. He admits that the DGO had to obey the orders passed by higher authorities. He denies that due to personal enmity, he has lodged a false complaint and deposing falsely. He has not produced any other documents to show that the petty shop is in paramboku land. He admits that Ameersab had taken licence to start the petty shop.

25. The DGO who got examined himself as DW1 has deposed that from 2011 to till today, he is working as PDO in Laila Gram Panchayath. He knew the complainant. During the year 2015, the complainant gave the representation to remove the petty shop of Amir Saheb situated near the shop of the complainant. Therefore on 31.3.2015, the complainant gave representation to National Highway Authority to remove the petty shop. National Highway Authority wrote a letter to Gram Panchayath to take action, therefore he gave one more notice to Amir Saheb on 4.5.2015.

26. Further DW1 has deposed that Amir Saheb had given a reply not to remove the petty shop stating that he is eking out his lively hood from past 40 years by running this petty shop. Amir Saheb has already obtained license from Gram Panchayath and paying electricity bill. The Gousia Jamia Masjid also gave representation not to remove the petty shop. He wrote a letter to National Highway Authority on 28.8.2015 stating that further license is not renewed and if they cooperate the petty shop will be removed.

27. Further DW1 has deposed that on 16.02.2016, he placed the matter before Gram Panchayath meeting. The Gram Panchayath has resolved to place the matter before Zilla Panchayath and take permission to remove the petty shop. On the same day of resolution, he wrote a letter to Zilla Panchayath to issue suitable order. On 23.3.2017, Zilla Panchayath issued directions to himself and National Highway Authority to remove the petty shop jointly. He wrote a letter to National Highway Authority to cooperate for removal of petty shop. But till today he has not received any cooperation or information from National Highway Authority. He has no exclusive authority to remove

the petty shop. Due to business rivalry, this false complaint is filed. He has not committed any misconduct. In the photograph (Ex D-13) the shop of the complainant is appearing in the right side and petty shop of Amir Saheb is appearing on the left side.

28. In the cross examination, DW1 admits that the petty shop of Amir Saheb is situated by the side of National Highway. He admits that the place where the petty shop of Amir Saheb is situated is not belonging to him. Again he says that the place is belonging to Amir Saheb. He issued notices to Amir Saheb stating that the shop is situated within road margin. He admits that on 16.10.2015, the National Highway Authority issued a letter to him to remove the petty shop since it is within the jurisdiction of Gram Panchayath. He denies that he has not taken any action to remove the petty shop.

29. Further DW1 has deposed that from the year 2015, Amir Saheb has no license to run petty shop. Panchayath also has not renewed his license. He admits that in Ex P -11, the Chief Executive Officer has written a letter stating that the Gram Panchayath has the authority to remove the petty shop. But the Chief Executive Officer issued directions as both Gram Panchayath and National Highway Authority. He denies that to escape from the liability he is deposing falsely.

30. DW2 has deposed that since 40 years, he is running petty shop by the side of road. Earlier it was village road. At the time of opening the shop, he had taken the license and electricity connection. The place in which the petty shop is situated is his own property. Neither the Tahsildar nor the Assistant Commissioner issued any notices to

him to remove the petty shop. But last year Gram Panchayath issued notice to him. Since he had no other source of income to eke out his livelihood, he was unable to close the petty shop. He knew the complainant. About 2 to 3 years back, the complainant opened the shop. Therefore due to business rivalry, the complainant has filed a false complaint.

31. Further DW2 has deposed that the Gram Panchayath issued 3 notices to him. He has also given representation to National Highway Authority not to remove his petty shop. He has also given representation to Prime Minister. Belthangadi Police summoned himself and father of complainant to the police station. In Belthangadi police station, father of complainant has under taken not cause any trouble to him. He has no objections remove the petty shop if NHA directs to do so.

32. In the cross examination, DW2 admits that his petty shop is situated by the side of Belthangadai-Charmudi National Highway. From 2015 his license is not renewed. He denies that the Gram Panchayath has not directed him to remove the shop. He denies that his petty shop is illegal and liable for removal.

33. In the cross examination DW 1 admits that the petty shop of Amir Saheb is situated by the side of National Highway. He admits that the place where the petty shop of Amir Saheb is situated is not belonging to him. But again DW1 has deposed that the said place is belonging to Amir Saheb. The DGO has not produced any documents on record to show that Amir Saheb has put up petty shop in his own property. Contrary to the said contention, the DGO has issued

notices to Amir Saheb stating that the shop is situated within road margin.

34. In spite of the letters issued by NHA, the DGO except issuing notices has not removed the petty shop situated within the road margin. As admitted by DW1, from the year 2015, Amir Saheb has no licence to run the petty shop and panchayath has also not renewed his licence. Admittedly, as per Ex P 11, the Chief Executive Officer has written a letter stating that the Gram Panchayath has the authority to renew the petty shop.

35. The said Amir Saheb has also admitted in his cross examination that the said petty shop is situated by the side of Belthangadi-Charmudi National Highway and from 2015, his licence is not renewed. Except issuing notices, DGO has not taken any action to remove the petty shop. Therefore the contention of the DGO that it is a sensitive matter, therefore there is delay in removing the petty shop cannot be accepted. DGO has not produced any documentary evidence on record to show that the place is belonging to Amir Sab.

36. The oral and documentary evidence on record clearly reveals that on 16.10.2015, the Assistant Executive Engineer, National Highway sub Division, Mangalore has written a letter that the Gram Panchayath has the jurisdiction to remove the petty shop, but the DGO has not removed the same. On 31.3.2015, 4.5.2015 and 4.8.2015, DGO has issued notices and final notice to remove the petty shop. But the petty shop is not removed. As per section 64 and 70(2) of Gram Panchayath Act 1993, the Gram Panchayath is the authority to remove the petty shops which do not have licence issued

by Gram Panchayath. But the DGO has not removed the said petty shop.

Thereby the DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966. Hence, I proceed to answer point No. 1 in the affirmative.

37. **Point No. 2** : For the reasons discussed above, I proceed to pass the following ;

ORDER

Disciplinary Authority has proved the charges as framed against DGO Sri. Prakash Shetty, Panchayath Development Officer, Gram Panchayath Laila village, Belthangadi Taluk, Dakshina Kannada District

Hence, this report is submitted to Hon'ble Upalokayukta II for kind consideration.

Dated this the 22nd March, 2018

(S. Gopalappa)
Additional Registrar Enquiries-10
Karnataka Lokayukta, Bangalore

ANNEXURES

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1 :- Sri. Jayaprakash U.R.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1:- Sri. Prakash Shetty
DW-2:- Sri. Amir Saheb

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1 : Complaint dt. 22.3.2016
Ex.P-2 : Form No.I dt. 22.3.2016
Ex.P-3 : Form No. II dt. 22.3.2016
Ex.P-4 : Affidavit dt 25.2.2016
Ex P-5 : Representation by Sri. Jayaprakash and villagers dt. 23.3.2015
Ex.P-6 : Representation by Sri. Jayaprakash and villagers dt. 27.3.2015
Ex P 7 : Letter dt. 16.10.2015 of Assistant Executive Engineer, National highway authorities Sub division, Mangalore
Ex P 8 : Representation to CEO, Dakshina Kannada Zilla Panchayath, Mangalore dt. 6.11.2015
Ex P 9 : Information under RTI Act dt. 19.3.2015
Ex P 10 : Letter dt. 18.4.2015 of A.E.E., National Highway Sub Division, Mangalore
Ex.P-11 : Representation of Sri. Jayaprakash dt. 3.10.2015
Ex.P-12 : Notice of Executive Officer of Taluk Panchayath, Belthangadi dt. 9.2.2016
Ex.P-13 : Rejoinder dt.10.12.2016
Ex.P-14 : Letter dt. 22.8.2016 of A.E.E., N.H.Authorities sub division to Executive Officer, Taluk Panchayath, D.K. District
Ex P-15 : Report u/s 12(3) of the K.L Act, dt. 31.12.2016

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

- Ex.D-1 : Representation of public dt. 23.3.2015
Ex.D-2 : Notice dt. 31.3.2015 of Development Officer, Gram Panchayath, Laila, D.K. District
Ex.D-3 : Notice dt. 4.5.2015 of Development Officer, Gram Panchayath, Laila, D.K. District
Ex.D-4 : Reply of Sri. Amir Saheb dt. 19.8.2015
Ex.D-5 : Letter dt. 28.8.2015 of Development Officer, Gram Panchayath, Laila, D.K. District
Ex.D-6 : Notice dt. 14.3.2016 of Development Officer, Gram Panchayath, Laila, D.K. District
Ex.D-7 : Representation of Ghousia Jammia Masjid,

- D.K.District dt. 6.3.2017
- Ex.D-8 : Electricity bill of Amir Saheb dt. 3.3.2017
- Ex.D-9 : Letter dt. 16.4.2016 of Development Officer, Gram Panchayath, Laila, D.K. District
- Ex.D-10 : Resolution dt. 16.4.2016
- Ex.D-11 : Letter dt. 23.3.2017 of Chief Executive Officer, Zilla Panchayath, Mangalore
- Ex.D-12 : Letter dt. 5.4.2017 of Development Officer, Gram Panchayath, Laila, D.K. District
- Ex.D-13 : Photograph

Dated this the 22nd March 2018

(S. Gopalappa)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore



KARNATAKA LOKAYUKTA

No:UPLOK-2/DE/411/2017/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated: 23.03.2018

RECOMMENDATION

Sub:- Departmental inquiry against Shri Prakash Shetty,
Panchayath Development Officer, Laila Gram
Panchayath, Belthangadi Taluk, Dakshina Kannada
District - reg.

- Ref:- 1) Government Order No. ಗ್ರಾಅಪ 20 ಗ್ರಾಪಂಕಾ 2017
dated 18.02.2017.
2) Nomination order No. UPLOK-2/DE/411/2017
dated 18.03.2017 of Upalokayukta-2, State of
Karnataka.
3) Inquiry Report dated 22.03.2018 of Additional
Registrar of Enquiries-10, Karnataka Lokayukta,
Bengaluru.

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The Government by its Order dated 18.02.2017, initiated the disciplinary proceedings against Shri Prakash Shetty, Panchayath Development Officer, Laila Gram Panchayath, Belthangadi Taluk, Dakshina Kannada District [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/411/2017 dated 18.03.2017 nominated Additional

Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO - Shri Prakash Shetty, Panchayath Development Officer, Laila Gram Panchayath, Belthangadi Taluk, Dakshina Kannada District was tried for the following charges:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ.ಪ್ರಕಾಶ್ ಶೆಟ್ಟಿ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಲ್ಯಾಲ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಲ್ಯಾಲ ಗ್ರಾಮ, ಬೆಳ್ತಂಗಡಿ ತಾಲ್ಲೂಕು, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಆದ ನೀವು : -

ಅ) ದಿ:16-10-2015 ರಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್, ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ, ಉಪವಿಭಾಗ, ಮಂಗಳೂರು ರವರ ಪತ್ರದಲ್ಲಿ ಪಿಡಿಒ, ಗ್ರಾ.ಪಂ, ಲ್ಯಾಲ, ಬೆಳ್ತಂಗಡಿ ರವರಿಗೆ ಗ್ರಾ.ಪಂ. ಕಾಯ್ದೆ 1993 ಪ್ರಕರಣ 64 ಮತ್ತು 70 ಉಪಬಂಧ 2ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಯಾವುದೇ ಗ್ರಾ.ಪಂ. ಪರವಾನಗಿ ಇಲ್ಲದೇ ನಿರ್ಮಿಸಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿ/ಕಟ್ಟಡ ಇತ್ಯಾದಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಗ್ರಾ.ಪಂ. ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವುದರಿಂದ ಈ ಕೂಡಲೇ ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿದ್ದರೂ ಸಹ ಸದರಿ ಗೂಡಂಗಡಿಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ.

ಆ) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ದಿ: 31-3-2015, ದಿ:4-5-2015 ಹಾಗೂ ದಿ:4-8-2015 ರಂದು ನೋಟೀಸು ಮತ್ತು ಅಂತಿಮ ನೋಟೀಸನ್ನು ಸದರಿ ಅನಧಿಕೃತ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ನೀಡಿದ್ದು, ನಂತರ ಸದರಿ ಗೂಡಂಗಡಿಯನ್ನು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ.

ಇ) ಗ್ರಾಮ ಪಂಚಾಯತಿ ಕಾಯ್ದೆ 1993 ಪ್ರಕರಣ 64 ಮತ್ತು 70 ಉಪಬಂಧ 2 ರಂತೆ ಯಾವುದೇ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಪರವಾನಗಿ ಇಲ್ಲದೇ ನಿರ್ಮಿಸಿರುವ ಅನಧಿಕೃತ ಅಂಗಡಿ ತೆರವುಗೊಳಿಸಲು ಗ್ರಾ.ಪಂ.

ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬಂದರೂ ಸಹ ತೆರವುಗೊಳಿಸದೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGO - Shri Prakash Shetty, Panchayath Development Officer, Laila Gram Panchayath, Belthangadi Taluk, Dakshina Kannada District.

5. On re-consideration of report of inquiry, 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 DGO furnished by the Inquiry Officer, DGO is due for retirement on 30.09.2026.

7. Having regard to the nature of charge '*proved*' against DGO - Shri Prakash Shetty, Panchayath Development Officer, Laila Gram Panchayath, Belthangadi Taluk, Dakshina Kannada District, it is hereby recommended to the Government to impose

penalty of '*withholding four annual increments payable to DGO - Shri Prakash Shetty with cumulative effect*'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 24/3  
Upalokayukta,  
State of Karnataka.