

KARNATAKA LOKAYUKTA

NO:Uplok-2/DE/412/2017/ARE-15

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 30.11.2021

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against :

- (1) Sri T. Nagaraju, Commercial Tax Officer,
- (2)G.N.Prakash, Commercial Tax Inspector,
- (3)Sri Hanumantha Shetty, Second Division Assistant and
- (4) Sri Ramana Gowda, Group D Employee Bellary Anantapura National Highway-63 Hagari, Bellary District - reg.

Ref: 1. Government Order No. FD 01 CTT 2017
dt: 20.2.2017.2. Nomination Order No:Uplok-2/DE/412/
2017/ARE-3, Bengaluru, dt:20.03.2017
of Hon'ble Uplokayukta-2.

The Departmental Enquiry is initiated against Delinquent Government Officials namely (1) Sri T. Nagaraju, Commercial Tax Officer, (2)G.N.Prakash, Commercial Tax Inspector, (3)Sri Hanumantha Shetty, Second Division Assistant and (4) Sri Ramana Gowda, Group D Employee Bellary Anantapura National Highway-63 Hagari, Bellary District (*hereinafter referred as D.G.Os. No.1 to 4 in short*).



2. In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta-2 vide Order cited at reference No.2, has nominated Additional Registrar of Enquiries-3 to frame Articles of Charge and to conduct enquiry against aforesaid DGOs.No.1 to 4. On 02.11.2018, the said matter was transferred to this ARE.

3. It is the case of Disciplinary Authority that on 23.08.2016 at about 5 am when the Lokayukta Police searched the Commercial Tax Check post at NH-63 (Ballari-Anantapura National Highway) under a search warrant a sum of Rs.15,300/- covered under receipts was found and apart from the said amount Rs.1400/- was also recovered which was not supported with any valid receipt or document and none of the Officers claimed responsibility. Other allegations are that no Army Flags were found to have been sold and the stock supplied was intact but it was shown that Rs.140 was collected by selling Army Flags and gave no explanation about unaccounted money. Further, D.G.O. 1 was having Rs.70 with him during search but in the Cash Declaration Register it was shown that he was having Rs.690/- but, did not give explanation for not possessing Rs.620/-.

4. Hon'ble Upalokayukta on perusal of prima facie material, submitted Report dt:04.01.17 u/s. 12(3) of



Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against D.G.Os.No.1 to 4.

5. Notices of Articles of charge with Statement of imputations of misconduct, list of documents and witnesses were served upon the D.G.Os.No.1 to 4. They first appeared before ARE-3 on 21.6.2017 and denied the charges. When their First Oral Statements were recorded, they had pleaded not guilty.

6. The D.G.Os.No.1 to 4 had filed common Written Statements that the charges alleged against them are false. The materials and documents collected do not reflect that they have committed any illegality or misappropriation. They have not caused any loss to the Government. By specifically denying all the allegations made against them, they sought discharge.

7. The Articles of Charge as framed by ARE-3 is as follows:

That you the DGOs 1 to 4 named above while working as such at Commercial Tax Check Post at N.H. 63 (Bellary Ananthapura National Highway) near Hagari of Bellary District, the check post when searched by Lokayukta police, Bellary on 23.8.2016 at about 5am. under search warrant,



apart Rs. 15,300/- covered under receipts, a sum of Rs. 1,400/- was also recovered not supported by any receipt or valid documents and none of you DGOs 1 to 4 have provided any valid or convincing explanation for this unauthorized amount of Rs. 1,400/- recovered during the raid and further none of the officers or staffs incharge of the said check post claimed responsibility about this amount of Rs. 1400/-.

Further, though it is shown that, Rs. 140/- recovered during the raid was the amount realized by selling Army flags, no army flags were found to have been sold, as all the Army flags supplied to the check post were found to be intact and were recovered during raid and none of the flags supplied were found to have been sold and thus Rs. 140/- recovered during raid was unauthorized and unaccounted money.

Further you DGO no.1 though declared in the Cash Declaration Register that , you were in possession of Rs. 690/-, during your personal search on that day, you were found in possession of only Rs. 70/- and you have failed to give proper explanation for not possessing Rs. 620/- as per the declaration you DGO no.1 has made in the



Cash Declaration Register, thereby giving room for doubts about the truthfulness of your declaration.

And thereby, you committed misconduct thus, you failed to maintain absolute integrity, negligence 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.

8. The Statement of Imputations of Misconduct as framed by ARE-3 is as follows :

ಬೆಂಗಳೂರಿನಲ್ಲಿರುವ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಪರ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು ತಮ್ಮ ಪತ್ರದೊಂದಿಗೆ ಮೈಸೂರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರ (ಇನ್ನು ಮುಂದೆ 'ತನಿಖಾಧಿಕಾರಿ' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತನಿಖಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಅದರಲ್ಲಿ, 1) ಶ್ರೀ.ಉ.ನಾಗರಾಜು, ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಅಧಿಕಾರಿ, ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಇಲಾಖೆ, ಬಳ್ಳಾರಿ ಅನಂತಪುರ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ-63, ಹಗರಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ, 2) ಶ್ರೀ.ಜಿ.ಎನ್.ಪ್ರಕಾಶ್, ವಾಣಿಜ್ಯ ತೆರಿಗೆ ನಿರೀಕ್ಷಕರು, ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಇಲಾಖೆ, ಬಳ್ಳಾರಿ ಅನಂತಪುರ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ-63, ಹಗರಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ, 3) ಶ್ರೀ.ಹನುಮಂತ ಶೆಟ್ಟಿ, ಡಿ.ದ.ಸ. ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಇಲಾಖೆ, ಬಳ್ಳಾರಿ ಅನಂತಪುರ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ-63, ಹಗರಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ ಹಾಗೂ 4) ಶ್ರೀ.ರಾಮನಗೌಡ, ಗ್ರೂಪ್ 'ಡಿ' ನೌಕರ, ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಇಲಾಖೆ, ಬಳ್ಳಾರಿ ಅನಂತಪುರ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ-63, ಹಗರಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರುಗಳು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ, ತಮ್ಮ ಕೆಲಸದಲ್ಲಿ ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ಎಸಗಿದ್ದಾರೆಂದು ತಿಳಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ



ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ. 7(2) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರ ವಿರುದ್ಧ ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಲಾಗಿದೆ.

2) ಪ್ರಕರಣದ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:-

(ಅ) ತನಿಖಾ ವರದಿಯಂತೆ:- ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆಯ ಹಗರಿ ಮಾರಾಟ ತೆರಿಗೆ ತನಿಖಾ ತಾಣಿಯ ಮುಂಭಾಗ ಪ್ರತಿನಿತ್ಯ ಸಂಚರಿಸುವ ಸರಕು ಸಾಗಾಣಿಕೆ ಮಾಡುವ ವಾಹನಗಳ ಚಾಲಕರುಗಳಿಂದ ಅಕ್ರಮವಾಗಿ ಹಣ ಪಡೆದು ವಾಹನಗಳನ್ನು ಬಿಡುತ್ತಿರುವುದು ಕಂಡುಬಂದ ಕಾರಣ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರಿಂದ ಶೋಧನಾ ವಾರೆಂಟನ್ನು ಪಡೆದುಕೊಂಡು, ದಿ:23-8-2016 ರಂದು ಬೆಳಿಗ್ಗೆ 5.00 ಗಂಟೆಗೆ 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರಿಗೆ ಶೋಧನಾ ವಾರೆಂಟನ್ನು ಜಾರಿ ಮಾಡಿ, ಸದರಿ ತನಿಖಾ ತಾಣಿಯನ್ನು ಶೋಧಿಸುವಾಗ, ತನಿಖಾ ತಾಣಿಯಲ್ಲಿ ಸದರಿ ದಿನದ ರಸೀದಿಗೆ ತಾಳೆಯಾಗುವಂತೆ ಒಟ್ಟು ರೂ.15,300/- ಗಳು ದೊರೆತಿದ್ದು, ರಸೀದಿ ಹೊರತುಪಡಿಸಿ ಅನಧಿಕೃತವಾಗಿ ರೂ.1,400/- ದೊರೆತಿರುತ್ತದೆ. ಈ ಬಗ್ಗೆ 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು ಸಮಂಜಸವಾದ ಉತ್ತರ ನೀಡಿಲ್ಲ.

(ಆ) ಸದರಿ ಅನಧಿಕೃತ ಹಣ ರೂ.1,400/- ಗಳನ್ನು ತನಿಖಾ ತಾಣಿಯಲ್ಲಿ ಕರ್ತವ್ಯದಲ್ಲಿದ್ದ ಯಾವುದೇ ಅಧಿಕಾರಿ ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರು ಕ್ಲೇಸರ್ ಮಾಡಿರುವುದಿಲ್ಲ. ಆದರೆ, ಆ ಹಣವು ತನಿಖಾ ತಾಣಿಯಲ್ಲಿ ದೊರೆತಿರುವ ಬಗ್ಗೆ ಕಚೇರಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು ಸಾಮೂಹಿಕ ಹೊಣೆಗಾರರಾಗಿರುತ್ತಾರೆ.

(ಇ) ಸಶಸ್ತ್ರ ಪಡೆಯ ಫ್ಲಾಗ್ ಮಾರಾಟದ ಹಣವೆಂದು ರೂ.140/- ಹಣ ತೋರಿಸಿದ್ದು, ಈ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಿದಾಗ ಯಾವುದೇ ಫ್ಲಾಗ್‌ಗಳನ್ನು ಮಾರಾಟ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಸರ್ಕಾರದಿಂದ ವಿತರಿಸಿದ ಎಲ್ಲಾ



ಫ್ಲಾಗ್‌ಗಳು ಮಂಗಳವಾಗದೇ ಇರುವುದು ಮಹಜರ್ ಕಾಲದಲ್ಲಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.

(ಈ) ವಾಣಿಜ್ಯ ಮಾರಾಟ ತೆರಿಗೆ ತಾಣಿಯಲ್ಲಿ ಕರ್ತವ್ಯದಲ್ಲಿ 1ನೇ ಆ.ಸ.ನೌ ರು ನಗದು ಫೋಷಣಾ ವಹಿಯಲ್ಲಿ ರೂ.690/- ಎಂಬ ಫೋಷಿಸಿಕೊಂಡಿದ್ದು, ಅಂಗಶೋಧನಾ ಕಾಲದಲ್ಲಿ 70/- ರೂ. ದೊರೆತಿದ್ದು, 620/- ರೂ.ಗಳು ಕಡಿಮೆ ಇದ್ದು ಅನುಮಾನ ಉಂಟು ಮಾಡಿರುತ್ತದೆ.

3) ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿರುವ ಸಂಗ್ರಹವಾದ ಆಧಾರಗಳಿಂದಾಗಿ '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ' ಅಕ್ರಮವಾಗಿ ಮತ್ತು ಅನಧಿಕೃತವಾಗಿ ಹಣವನ್ನು ತಮ್ಮ ಬಳಿಯಲ್ಲಿ ಇರಿಸಿಕೊಂಡಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರ' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ' ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿ ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

4) ನಂತರ, 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರಿಗೆ ವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಅವರ ದುರ್ನಡತೆಯ ಬಗ್ಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳುವ ಸಂಬಂಧ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸು ವರದಿ ಕಳುಹಿಸಬಾರದು? ಎಂಬ ಬಗ್ಗೆ ಕಾರಣಗಳನ್ನು ಕೇಳಲಾಯಿತು. ಅದರಂತೆ, 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 7(2) ರಡಿಯಲ್ಲಿ ಗೌ: ಲೋಕಾಯುಕ್ತರ ಆದೇಶದ ಮೇರೆಗೆ ಗೌ: ಉಪಲೋಕಾಯುಕ್ತರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ ಹೊರತು ಸ್ವಯಂ ಗೌ: ಉಪಲೋಕಾಯುಕ್ತರು ಕರ್ತವ್ಯವನ್ನು ನಿರ್ವಹಿಸಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಲೋಕಾಯುಕ್ತ ಪೋಲಿಸರಿಗೆ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ದಾಖಲಿಸುವ ಅಧಿಕಾರ ಇಲ್ಲದೇ ಇರುವುದರಿಂದ ಚೆಕ್‌ಪೋಸ್ಟ್ ಮೇಲೆ ಕಾನೂನು ಬಾಹಿರವಾಗಿ ದಾಖ ಮಾಡಿರುತ್ತಾರೆ ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಯವರು ತಿಳಿಸಿದಂತೆ ತನಿಖಾ ತಾಣಿಯಲ್ಲಿ



ಯಾವುದೇ ದಾಖಲೆ ಇಲ್ಲದೇ ಹಣ ಲಭ್ಯವಿರುವುದಿಲ್ಲ ಮತ್ತು ತಾವು ಯಾವುದೇ ತಪ್ಪು ಮಾಡಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೆ, 1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು ಆಕ್ಷೇಪಣೆಯಿಲ್ಲ ನೀಡಿರುವ ಕಾರಣಗಳು ಸೂಕ್ತ ಅಥವಾ ಸಮಾಧಾನಕಾರಕ ವಾಗಿರುವುದಿಲ್ಲ.

5) ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು' ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ, ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು' ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1977ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ '1 ರಿಂದ 4ನೇ ಆ.ಸ.ನೌ ರು' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

6) ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಆ.ಸ.ನೌ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ, ಉಲ್ಲೇಖ (1) ರಂತೆ ಆದೇಶ ಮಾಡಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.

9. In order to prove the charge framed against D.G.O. 1 to 4, the Disciplinary Authority has not examined any witnesses in spite of giving sufficient opportunity. Hence, by Order dt: 09.11.2021, evidence for Disciplinary



Authority was taken as nil. For the same reason, recording of Second Oral Statements came to be dispensed.

10. Heard and perused the material on record.

11. The Points that arise for consideration are as follows :

1) Whether the Disciplinary Authority proves that on 23.08.2016 at about 5 am when the Lokayukta Police searched the Commercial Tax Check post at NH-63 (Ballari-Anantapura National Highway) under a search warrant DGOs 1 to 4 did not account for Rs.1400/- that was recovered which was not supported with any valid receipt or document and though no Army Flags were found to have been sold and the stock supplied was intact Rs.140 was shown as collected by selling Army Flags and gave no explanation about unaccounted money. Further, D.G.O. 1 was having Rs.70 with him during search but in the Cash Declaration Register it was shown that he was having Rs.690/- but, did not give explanation for not possessing Rs.620/- and thereby have committed misconduct, dereliction of duty, acts unbecoming of a government servant and not maintained absolute integrity, violating R.3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966?

2) What Finding ?

12. My finding to the above points are :

1) In the Negative,

2) As per Final Findings, for the following,



:: REASONS ::

13. **Point No.1**: It is the case of Disciplinary Authority that on 23.08.2016 at about 5 am when the Lokayukta Police searched the Commercial Tax Check post at NH-63 (Ballari-Anantapura National Highway) under a search warrant a sum of Rs.15,300/- covered under receipts was found and apart from the said amount Rs.1400/- was also recovered which was not supported with any valid receipt or document and none of the Officers claimed responsibility. Other allegations are that no Army Flags were found to have been sold and the stock supplied was intact but it was shown that Rs.140 was collected by selling Army Flags and gave no explanation about unaccounted money. Further, D.G.O. 1 was having Rs.70 with him during search but in the Cash Declaration Register it was shown that he was having Rs.690/- but, did not give explanation for not possessing Rs.620/-.

14. On perusal of the Order Sheet, it is seen that D.G.Os 1 to 4 had first appeared before ARE-3 on 21.6.2017. In the Articles of Charge, 3 independent witnesses and one Investigation Officer were cited as witnesses. Though summonses were issued from time to time and thereafter warrants were issued, none of the witnesses appeared before this Authority in spite of giving



sufficient opportunity. It is pertinent to note that no progress was made in keeping the witnesses present for more than 4 years. Therefore, considering the above facts and the inconvenience and hardship faced by the DGOs, evidence for Disciplinary Authority was taken as nil.

15. Since there is no evidence, oral or documentary, placed before this Authority to substantiate the charge framed against the DGOs 1 to 4, I am of the opinion that the Disciplinary Authority has failed to prove the charge. Consequently, **Point No.1** is answered in the **Negative**.

16. **Point No.2** : In view of the reasons assigned and finding given to Point No.1 the following is made:

:: FINDING ::

The Disciplinary Authority has not proved the charges against the D.G.O.No.1 to 4.

Submitted to Hon'ble Upalokayukta for kind approval and further action in the matter.


35/11/21
(C.CHANDRA SEKHAR)

Additional Registrar Enquiries-15,
Karnataka Lokayukta,
Bengaluru.

ANNEXURES**1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:**

NIL

2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:

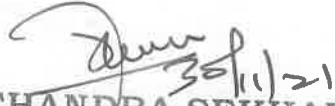
NIL

3. LIST OF DOCUMENTS MARKED ON BEHALF OF D.A:

NIL

4. LIST OF DOCUMENTS MARKED ON BEHALF OF D.G.O:

NIL


(C. CHANDRA SEKHAR)
Additional Registrar Enquiries-15,
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.412/2017/ARE-15

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 01.12.2021.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri T.Nagaraju, Commercial Tax Officer, (2) Shri G.N.Prakash, Commercial Tax Inspector, (3) Sri Hanumantha Shetty, Second Division Assistant and (4) Sri Ramana Gowda, Group 'D' Employee, Bellary Anantapura National Highway-63, Hagari, Bellary District - reg.

Ref:- 1) Government Order No.FD 01 CTT 2017 dated 20.02.2017.

2) Nomination order No. UPLOK-2/DE.412/2017 dated 20.03.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 30.11.2021 of Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 20.02.2017 initiated the disciplinary proceedings against (1) Shri T.Nagaraju, Commercial Tax Officer, (2) Shri G.N.Prakash, Commercial Tax Inspector, (3) Sri Hanumantha Shetty, Second Division Assistant and (4) Sri Ramana Gowda, Group 'D' Employee,

Bellary Anantapura National Highway-63, Hagari, Bellary District, [hereinafter referred to as Delinquent Government Officers/officials, for short as 'DGOs 1 to 4' respectively ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination UPLOK-2/DE.412/2017 dated 20.03.2017 nominated Additional Registrar of Enquiries-3, 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. Subsequently, the Additional Registrar of Enquiries -15 was re-nominated as Enquiry Officer to continue the said enquiry.

3. The DGOs were tried for the charge of not giving satisfactory account for the possession of excess/less amount than the declared amount and thereby committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries-15) has reported that, since there is no evidence, oral or

documentary, placed by the Disciplinary Authority to substantiate the charge framed against the DGOs 1 to 4, he has held that the above charge against the DGOs (1) Shri T.Nagaraju, Commercial Tax Officer, (2) Shri G.N.Prakash, Commercial Tax Inspector, (3) Sri Hanumantha Shetty, Second Division Assistant and (4) Sri Ramana Gowda, Group 'D' Employee, Bellary Anantapura National Highway-63, Hagari, Bellary District, is 'not proved'.

5. 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 DGOs (1) Shri T.Nagaraju, Commercial Tax Officer, (2) Shri G.N.Prakash, Commercial Tax Inspector, (3) Sri Hanumantha Shetty, Second Division Assistant and (4) Sri Ramana Gowda, Group 'D' Employee, Bellary Anantapura National Highway-63, Hagari, Bellary District, of the charges leveled against them.

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

Connected records are enclosed herewith.

*B.S. Patil* 11/12/21  
**(JUSTICE B.S.PATIL)**  
Upalokayukta,  
State of Karnataka.