

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/452/2018/ARE-15

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 19th August, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shri Krishnakumar, Village Accountant, Taluk Office, Mudigere, Chikkamagalur District-reg.,

Ref: 1) Government Order No.ಕಂಇ 18 ಬಿಡಿಬಿ 2018, Bengaluru, dated: 28/08/2018.

2) Nomination Order No.UPLOK-2/DE/452/2018, Bengaluru, dated: 25/09/2018 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 12/08/2022 of Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 28/08/2018 initiated the disciplinary proceedings against Shri Krishnakumar, Village Accountant, Taluk Office, Mudigere, Chikkamagalur 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/452/2018, Bengaluru, dated: 25/09/2018 nominated Additional Registrar of Enquiries-3, 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. Subsequently, by Order No.UPLOK-1 & 2/DE/Transfers/2018, Bengaluru, dated: 02/11/2018, the Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGO.
3. The DGO, Shri Krishnakumar, Village Accountant, Taluk Office, Mudigere, Chikkamagalur District were tried for the following charges:

ANNEXURE-1
CHARGE

You the DGO, Sri Krishna Kumar, Village Accountat O/o Tahsildar, Mudigere, while working as such, has committed the following misconduct since failed to maintain absolute integrity and acted in a manner unbecoming of a Government servant and the details of your such misconduct are as follows:

According to the complaint filed by Sri C.L.Puttaswamy Gowda of Kannehally Village of Gonibeedu Hobli, Mudigere

Taluk of Chikkamagaluru district, he is in unauthorized occupation of 2.28 acres of Government Kharab land and cultivating the said land which is situated abutting to his land in Sy. No. 52 of Kannehally village. According to him, you, on promising him that, the said land which is in his unauthorized occupation will be regularized in his favour and persuaded him and demanded and received Rs. 2.5 lakhs from him by way of illegal gratification and towards guarantee to do such act of regularizing his unauthorised occupation of the said land, you have issued him/C.L. Puttaswamy Gowda an undated cheque for Rs. 2.5 lakhs bearing no. 888509 drawn on Syndicate Bank, Mandya Branch. Since he came to know that, you are trying to get the said land allotted in favour of Sri K.S. Harish, on receiving higher amount of illegal gratification, he filed a complaint to this institution complaining against you and your act of demanding and receiving 2.5 lakhs from him, by way of illegal gratification, to do an official act.

In your reply, you have claimed that, you have borrowed Rs. 2.50 lakhs as loan from him and issued him the said cheque by way of security for repayment and you have claimed in your reply that, you have repaid the said loan and taken back cheque from him.

But on considering your reply dated 22/02/2018 in the light of the allegations made against you by the complainant, you have not obtained prior permission of the competent authority to borrow loan and you never intimated the borrowing and repayment of alleged loan claimed to have been borrowed from the complainant, to him, the purpose for which you have borrowed the said alleged loan and the source from where you have repaid the said loan and further you have failed to declare the said loan transaction in your annual assets and liabilities statement, thus you have contravened Rule 21(4)(i)(a) of KCS(Conduct) Rules 1966 and thereby acted in a manner unbecoming of a Government servant, and failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-15) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Proved' the charges leveled

against DGO, Shri Krishnakumar, Village Accountant, Taluk Office, Mudigere, Chikkamagalur District.

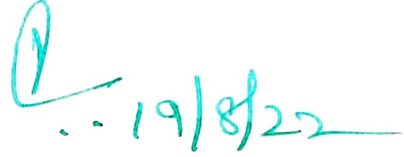
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO, the Disciplinary Authority has examined one witness i.e., PW-1 and Ex. P-1 to P-7 documents were got marked.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, I do not 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 the Inquiry Officer.
7. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO, Shri Krishnakumar will retire from service on 31/07/2037.
8. Having regard to the nature of charge 'Proved' against DGO, Shri Krishnakumar, Village Accountant, Taluk Office, Mudigere, Chikkamagalur District and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to impose penalty of compulsory retirement of DGO,

Shri Krishnakumar, Village Accountant, Taluk
Office, Mudigere, Chikkamagalur District”.

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

Connected records are enclosed herewith.


..19/8/22

(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA LOKAYUKTA

NO:Uplok-2/DE/452/2018/ARE-15

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 12.08.2022.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against Sri. Krishnakumar, Village Accountant, Taluk Office, Mudigere Chikkamagalur District – reg.

Ref: 1. Government Order No.RD 18 BDP 2018
Dated: 28/08/2018

2. Nomination Order No:Uplok-2/DE/452/2018/ARE-15, Bengaluru, dt:25.9.2017 of Hon'ble Uplokayukta.

The Departmental Enquiry is initiated against the Delinquent Government Official Sri. Krishnakumar, Village Accountant, Taluk Office, Mudigere Chikkamagalur District (*hereinafter referred as D.G.O for short*).

1) In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta 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 D.G.O.

Brief facts;

2) The Complainant Sri. C.L. Puttaswamygowda, resident of Kannehalli village, Mudigere Taluk, Chikmagaluru District was in un-authorized possession of 2.2 acres in S.y. No. 52. It is alleged in his complaint that the DGO, who was a Village Accountant, induced him to pay sum of Rs. 2,50,000/- to regularize his un-authorized possession. After receiving the amount, DGO had issued a cheque for the said amount assuring that if the work is not done, he will return the money. Sometime later, he falsely represented that work was done and took back the cheque from the complainant and thereafter colluded with one Shri. K.S. Harish and trying to regularize the said land in his favour after receiving Rs. 3,00,000/- from him.

3) Hon'ble Upalokayukta on perusal of prima facie material, submitted Report Dated:29.06.2018 u/s. 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against D.G.O.

4) Notice of Articles of Charge with Statement of Imputation of misconduct, list of documents and witnesses were served upon the D.G.O.

5) As per Note No.Uplok-1&2/DE/Transfer/2018 dated 2.11.2018 of the Registrar, Karnataka Lokayukta, Bengaluru, this file is transferred to ARE-15 Section.

6) He had appeared before ARE-15 on 29.11.2018 and denied the charges when his First Oral Statement was recorded. He pleaded not guilty.

7) The D.G.O had filed Written Statement that the allegations made against him in the complaint are false and baseless. He had not demanded or received any amount from the complainant. The order passed by the Assistant Commissioner setting aside the order passed by the Tahasildar dated: 30/11/1998 shows that he had not colluded or received bribe amount from Harish. He has discharged his duty properly and has not committed any misconduct or dereliction duty. A false complaint is given by the complainant without ascertaining true facts. Therefore, he has prayed to exonerate him from the charge.

8) The Articles of Charge framed by ARE-3 is as follows:

You the DGO, Sri Krishna Kumar, Village Accountat O/o Tahsildar, Mudigere, while working as such, has committed the following misconduct since failed to maintain absolute integrity and acted in a manner unbecoming of a Government servant and the details of your such misconduct are as follows:

According to the complaint filed by Sri C.L. Putta Swamy Gowda of Kannehally Village of Gonibeedu Hobli, Mudigere Taluk of Chikkamagaluru district, he is in unauthorized occupation of 2.28 acres of Government Kharab land and cultivating the said land which is situated abutting to his land in sy.no. 52 of Kannehally village. According to him, you, on promising him that, the said land which is in his unauthorized occupation will be regularised in his favour and persuaded him and demanded and received Rs. 2.5 lakhs from him by way of illegal gratification and towards guarantee to do such act of regularizing his unauthorised occupation of the said land, you have issued him/C.L. Puttaswamy Gowda an undated cheque for Rs. 2.5 lakhs bearing no. 888509 drawn on Syndicate Bank, Mandya Banch. Since he came to know that, you are trying to get the said land allotted in favour of Sri K.S. Harish, on receiving higher amount of illegal gratification, he filed a complaint to this institution complaining against you and your act of demanding and receiving 2.5 lakhs from him, by way of illegal gratification, to do an official act.

In your reply, you have claimed that, you have borrowed Rs. 2.50 lakhs as loan from him and issued him the said cheque by way of security for repayment and you

have claimed in your reply that, you have repaid the said loan and taken back cheque from him.

But on considering your reply dated 22.2.2018 in the light of the allegations made against you by the complainant, you have not obtained prior permission of the competent authority to borrow loan and you never intimated the borrowing and repayment of alleged loan claimed to have been borrowed from the complainant, to him, the purpose for which you have borrowed the said alleged loan and the source from where you have repaid the said loan and further you have failed to declare the said loan transaction in your annual assets and liabilities statement, thus you have contravened Rule 21(4)(i)(a) of KCS(Conduct) Rules 1966 and thereby acted in a manner unbecoming of a Government servant, and failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct)Rules 1966.

9) The Statement of Imputation of Misconduct as framed by ARE-3 is as follows:

ಶ್ರೀ.ಸಿ.ಎಲ್.ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ಬಿನ್ ಲೇಟ್. ಲಿಂಗೇಗೌಡ, ಕನ್ನೇಹಳ್ಳಿ ಗ್ರಾಮ, ಬೆಟ್ಟದಮನೆ ಅಂಚೆ, ಗೋಣಿಬೀಡು ಹೋಬಳಿ, ಮೂಡಿಗರೆ ತಾಲ್ಲೂಕು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ಶ್ರೀ.ಕೃಷ್ಣಕುಮಾರ್, ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಕಚೇರಿ, ಮೂಡಿಗರೆ, ಚಿಕ್ಕಮಗಳೂರು

ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ಆಸನೌ ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರ ವಿರುದ್ಧ ದೂರು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ದತ್ತವಾದ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

2) ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಮೂಡಿಗರೆ ತಾಲ್ಲೂಕು, ಗೋಣಿಬೀಡು ಹೋಬಳಿ, ಕನ್ನೇಹಳ್ಳಿ ಗ್ರಾಮದ ಸ.ನಂ.52 ರಲ್ಲಿ 5 ಎಕರೆ ಜಮೀನು ದೂರುದಾರರ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದು, ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದಾರೆ. ಸದರಿ ಜಮೀನಿಗೆ ಶ್ರೀ.ಎ.ಎಸ್.ಹರೀಶ್ ಎನ್ನುವವರು ಅಕ್ರಮವಾಗಿ ನಮೂನೆ-53 ರಲ್ಲಿ 2.2 ಎಕರೆ ಜಮೀನನ್ನು ಮಂಜೂರು ಮಾಡಿಸಿಕೊಳ್ಳಲು ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಸ್ವತ್ತನ್ನು ದೂರುದಾರರಿಗೆ ಮಂಜೂರು ಮಾಡಿಕೊಡುತ್ತೇನೆಂದು ಹೇಳಿ ಆಸನೌರವರು ರೂ.2,50,000/- ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ ಮತ್ತು ಅದಕ್ಕೆ ಪ್ರತಿಯಾಗಿ ಅವರ ಚೆಕ್‌ನ್ನು ದೂರುದಾರರಿಗೆ ನೀಡಿರುತ್ತಾರೆ. ನಂತರ ಶ್ರೀ.ಕೆ.ಎಸ್.ಹರೀಶ್ ಇವರಿಂದ ರೂ.3.00 ಲಕ್ಷ ಹಣ ಪಡೆದು ಸದರಿ ಸ್ವತ್ತನ್ನು ಶ್ರೀ.ಹರೀಶ್ ರವರಿಗೆ ಮಂಜೂರು ಮಾಡಿಕೊಡಲು ಮುಂದಾಗಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ಆಸನೌರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಆಪಾದಿಸಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

3) ದೂರುದಾರರ ದೂರಿನ ಮೇಲೆ ಆಕ್ಷೇಪಣೆ ಸಲ್ಲಿಸುವಂತೆ ಆಸನೌರಿಗೆ ಆದೇಶಿಸಲಾಗಿತ್ತು. ಆಸನೌರು ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಆಸನೌರು ಮೂಡಿಗರೆ ತಾಲ್ಲೂಕು ಕಚೇರಿಯಲ್ಲಿ ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಯಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು, ಅವರಿಗೆ ಕುಟುಂಬದ ತುರ್ತು ಅವಶ್ಯಕತೆಗಾಗಿ ಸಿ.ಎಲ್.ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ಬಿನ್ ದಿ.ಲಿಂಗೇಗೌಡ, ಕನ್ನೇಹಳ್ಳಿ ಗ್ರಾಮ, ಬೆಟ್ಟದಮನೆ ಅಂಚೆ, ಗೋಣಿಬೀಡು ಹೋಬಳಿ, ಮೂಡಿಗರೆ ತಾಲ್ಲೂಕು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ಇವರಿಂದ ರೂ.2,50,000/- ಗಳನ್ನು ಸಾಲವಾಗಿ ಪಡೆದು ಚೆಕ್‌ನ್ನು ಆಧಾರವಾಗಿ ನೀಡಿರುತ್ತೇನೆ. ಸದರಿ ಸಾಲವನ್ನು ಬಡ್ಡಿಗಾಗಿ ಪಡೆದು, ನಂತರ ಸಿ.ಎಲ್.ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ಇವರಿಗೆ ನೀಡಬೇಕಾದ ಅಸಲು ಮತ್ತು ಬಡ್ಡಿ ಹಣನ್ನು ಇದೇ ಮೂಡಿಗರೆ ತಾಲ್ಲೂಕು, ಬಕ್ಕಿ ಗ್ರಾಮದ ರವಿ ಮತ್ತು ಅವರ ಇಲಾಖೆಯಲ್ಲಿ ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಯಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಮಲ್ಲಿಕಾರ್ಜುನ ಇವರ ಸಮ್ಮುಖದಲ್ಲಿ ಮರುಪಾವತಿ ಮಾಡಿ, ನಂತರ ಅವರು ನೀಡಿದಂತಹ ಚೆಕ್‌ನ್ನು ವಾಪಸ್ಸು ಪಡೆದಿರುತ್ತಾರೆ. ತದನಂತರ ಆಸನೌರವರು ಸದರಿ ಅಸಲು ಹಣ ಮತ್ತು ಬಡ್ಡಿಯನ್ನು ವಾಪಸ್ಸು ಮರುಪಾವತಿ ಮಾಡಿದಾಗ್ಯೂ ಸಹ ಪುನಃ ಸದರಿ ಸಿ.ಎಲ್.ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ಇವರು ಇನ್ನು ಹೆಚ್ಚು ಹಣ ನೀಡುವಂತೆ ಒತ್ತಾಯ ಮಾಡುತ್ತಿರುತ್ತಾರೆ. ಅದಕ್ಕೆ ಆಸನೌರವರು ಒಪ್ಪದಿದ್ದ ಕಾರಣ ಅವರ ವಿರುದ್ಧ ಈ ರೀತಿ ಆರೋಪ ಮಾಡಿ ದೂರನ್ನು ನೀಡಿರುತ್ತಾರೆ. ದೂರಿನಲ್ಲಿ ಮಾಡಿರುವ ಆರೋಪಗಳೆಲ್ಲಾ ಸತ್ಯಕ್ಕೆ ದೂರವಾದವುಗಳು.

4) ದೂರುದಾರರು ಆರೋಪ ಮಾಡಿದಂತೆ ಸಿ.ಎಲ್.ಪುಟ್ಟಸ್ವಾಮಿಗೌಡರವರಿಂದ ಅವರಿಗೆ ಜಮೀನು ಮಂಜೂರು ಮಾಡುವ ಅಮಿಷ ಒಡ್ಡಿ ಯಾವುದೇ ಹಣವನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ ಮತ್ತು ಕೆ.ಎಸ್.ಹರೀಶ್ ಎಂಬುವರಿಗೆ 2.28 ಎಕರೆ ಜಮೀನು ಮಂಜೂರು ಮಾಡಲು ಮುಂದಾಗಿದ್ದಾರೆಂದು ಹೇಳುವುದು ಸಹ ಸುಳ್ಳು. ಮಾನ್ಯ ಉಪ ವಿಭಾಗಾಧಿಕಾರಿಗಳು, ಚಿಕ್ಕಮಗಳೂರು ಇವರ ಆದೇಶದಂತೆ ಸದರಿ ಜಮೀನಿನ ಬಾಬು ಕಡತವನ್ನು ತಯಾರಿಸಿದ್ದು, ಅವರು ಸ್ವತಃ ಯಾವುದೇ ಪ್ರದೇಶವನ್ನು ಮಂಜೂರು ಮಾಡಿರುವುದಿಲ್ಲ. ವಿನಾಕಾರಣ ಅವರಿಗೆ ತೊಂದರೆ ಮಾಡುವ ಸಲುವಾಗಿ ಮತ್ತು ಅಕ್ರಮ ಲಾಭ ಗಳಿಸುವ ಸಲುವಾಗಿ ಇಲ್ಲಸಲ್ಲದ ಆರೋಪ ಮಾಡಿ, ಸುಳ್ಳು ದಾಖಲೆ ಸೃಷ್ಟಿಸಿ, ಸುಳ್ಳು ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

5) ಆಸನೌರ ಆಕ್ಷೇಪಣೆಯ ಮೇಲೆ ಪ್ರತ್ಯುತ್ತರ ಸಲ್ಲಿಸುವಂತೆ ದೂರುದಾರರಿಗೆ ಕಳುಹಿಸಿರುವ ನೋಟೀಸನ್ನು ದೂರುದಾರರು ಸ್ವೀಕರಿಸದೆ ತಿರಸ್ಕರಿಸಿರುತ್ತಾರೆಂದು ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಚಿಕ್ಕಮಗಳೂರು ಇವರು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

6) ದೂರುದಾರರ ದೂರನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ದೂರುದಾರರು ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಸ್ವತ್ತಿನ ವಿಚಾರವಾಗಿ ನಮೂನೆ 53 ರಲ್ಲಿ ಮಂಜೂರಾತಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಸ್ವತ್ತನ್ನು ದೂರುದಾರರಿಗೆ ಮಂಜೂರು ಮಾಡಿಸಿಕೊಡುವುದಾಗಿ ಆಸನೌರು ಹಣವನ್ನು ಪಡೆದು ಅದಕ್ಕೆ ಪ್ರತಿಯಾಗಿ ಚೆಕ್‌ನ್ನು ನೀಡಿರುತ್ತಾರೆಂದು ಮತ್ತು ಬೇರೆಯವರಿಗೆ ಜಮೀನು ಮಂಜೂರು ಮಾಡಿಕೊಡಲು ಪ್ರಯತ್ನಿಸುತ್ತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ಜಮೀನಿನ ಸ್ವಾಧೀನವನ್ನು ಉಳಿಸಿಕೊಡಬೇಕು ಹಾಗೂ ಹಣವನ್ನು ವಾಪಸ್ ಕೊಡಿಸಬೇಕೆಂದು ಕೋರಿರುತ್ತಾರೆ.

7) ಆಸನೌರವರು ತನ್ನ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಅವರು ಕುಟುಂಬದ ತುರ್ತು ಅವಶ್ಯಕತೆಗಾಗಿ ದೂರುದಾರರಿಂದ ರೂ.2,50,000/- ಗಳನ್ನು ಸಾಲವಾಗಿ ಪಡೆದು ಚೆಕ್‌ನ್ನು ಆಧಾರವಾಗಿ ನೀಡಿರುತ್ತಾರೆ. ನಂತರ ದೂರುದಾರರಿಗೆ ನೀಡಬೇಕಾದ ಅಸಲು ಮತ್ತು ಬಡ್ಡಿ ಹಣವನ್ನು ಮರು ಪಾವತಿ ಮಾಡಿರುತ್ತಾರೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

8) ಆಸನೌರವರು ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು, ಅವರು ಸಾಲವನ್ನು ಪಡೆಯಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆಯಬೇಕಾಗುತ್ತದೆ. ಆದರೆ ಸಾಲವನ್ನು ಪಡೆಯಲು ಅನುಮತಿಯನ್ನು ಪಡೆದಿರುವ ಬಗ್ಗೆ ಆಸನೌರವರು

ಯಾವುದೇ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರು ಪಡಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ಅವರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

9) ದೂರುದಾರರಿಂದ ಸಾಲವಾಗಿ ಪಡೆದ ಹಣವನ್ನು ಮರುಪಾವತಿ ಮಾಡಿರುತ್ತಾರೆಂದು ಆಸನೌರವರು ತಿಳಿಸಿದ್ದು, ಆದರೆ ಯಾವ ಮೂಲಕ ಹಣದಿಂದ ಸದರಿ ಸಾಲವನ್ನು ಮರುಪಾವತಿ ಮಾಡಿರುತ್ತಾರೆನ್ನುವ ಬಗ್ಗೆ ಯಾವುದೇ ಅಂಶವನ್ನು ಉಲ್ಲೇಖಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ದಾಖಲಾತಿಯನ್ನು ಹಾಜರು ಪಡಿಸಿರುವುದಿಲ್ಲ. ಸಾಲ ಪಡೆದಿರುವ ಮತ್ತು ಸಾಲವನ್ನು ಮರುಪಾವತಿ ಮಾಡಿರುವ ಬಗ್ಗೆ ಇಲಾಖೆಗೆ ಮಾಹಿತಿ ನೀಡಿರುವುದು ಕಂಡುಬರುತ್ತಿಲ್ಲ.

10) ಆಸನೌರವರು ಸಲ್ಲಿಸಿರುವ ಆಕ್ಷೇಪಣೆಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಸನೌರು ಸಾಲವನ್ನು ಪಡೆಯಲು ಅನುಮತಿ ಪಡೆದಿರುತ್ತಾರೆಯೇ ಮತ್ತು ಇಲಾಖೆಗೆ ಮಾಹಿತಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆಯೇ ಎನ್ನುವ ಬಗ್ಗೆ ಹಾಗೂ ಹಣವನ್ನು ಯಾವ ಆದಾಯದ ಮೂಲದಿಂದ ಮರುಪಾವತಿ ಮಾಡಿರುತ್ತಾರೆನ್ನುವ ಬಗ್ಗೆ ಕೂಡ ವಿಚಾರಣೆ ನಡೆಸುವುದು ಸೂಕ್ತವೆಂದು ಕಂಡುಬರುತ್ತದೆ. ಮೇಲಿನ ಅಂಶಗಳನ್ನು ಗಮನಿಸಿದಾಗ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಆಸನೌರು ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿದ್ದು, ಆಸನೌರು ಸಲ್ಲಿಸಿರುವ ಆಕ್ಷೇಪಣೆಯು ಅವರ ಮೇಲಿನ ಆರೋಪವನ್ನು ಅಲ್ಲಗಳೆಯಲು ಸೂಕ್ತ ಹಾಗೂ ಸಮಂಜಸವಾಗಿರುವುದಿಲ್ಲ. ಆ ಕಾರಣ ಆಸನೌರು ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯಸ್ಥರಾಗಿರುತ್ತಾರೆ.

11) ಆಸನೌರವರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ಕೆ.ಸಿ.ಎಸ್.ಆರ್.ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966 ರ ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಅವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ, ಆಸನೌರ ವಿರುದ್ಧ ವಿಚಾರಣೆ ನಡೆಸಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3) ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದ್ದು 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.

10) In order to prove the charge framed against D.G.O, the Disciplinary Authority has examined one witness as PW.1. In all Seven documents came to be marked as Ex.P1 to P7.

11) After closing the evidence of Disciplinary Authority, Second Oral Statement of D.G.O was recorded on 12.01.2022. He claimed that false evidence was given against him. It was further submitted that he had no defence evidence to offer. Therefore, on 29/04/2022, DGO were Questioned as per Rule 11(18) of KCSR and his answers were recorded.

12) Heard both sides and perused the material on record. I have also perused the Written Arguments filed on behalf of D.G.O.

13) The Points that arise for consideration are as follows :

- 1) **Whether the Disciplinary Authority proves that the DGO, who was Village Accountant in the Office of Tahasildar, Mudigere, demanded and received bribe amount of Rs. 2,50,000/- to regularize the un-authorized possession of 2.2 acres in S.y No. 52 of Kannehalli Village in favour of the complainant and issued a cheque bearing No. 888509 drawn on**

Syndicate Bank, Mudigere Branch by way of security and later received back the cheque falsely representing that the work is done and has thereby committed misconduct, dereliction of duty, acted unbecoming of a Government Servant and not maintained absolute integrity thereby violating R.3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966?

14) **What Finding ?**

15) My findings to the above points are :

- 1) In the Affirmative ,
- 2) As per Finding for the following;

:: REASONS ::

16) **Point No.1:** It is the case of the complainant that he is in possession of land measuring 5 acres, including un-authorized possession of 2.2 acres, in Sy. No. 52 of Kannehalli Village of Mudigere Taluk, Chikamangaluru District. He has alleged that the DGO, who was a Village Accountant, demanded and received bribe of amount of Rs. 2,50,000/- to regularize the un-authorized possession and issued a cheque as security and later received back the cheque falsely representing that the work is done but colluded with one Shri. K.S. Harish and trying to regularize the said land in his favour after receiving Rs. 3,00,000/- from him.

17) During the scrutiny of complaint, comments were sought from the DGO who had submitted the same claiming that he had borrowed Rs. 2,50,000/- from the complainant and way of security for re-payment had handed over his cheque and later repaid the loan and taken back the cheque from him. However, in the written statement filed before this Authority, there are no averments regarding the loan taken or handing over cheque as security for re-payment. His defence, as per his written statement, is of entire denial.

18) The complainant Shri. C.L. Puttaswamygowda is examined as PW-1. He has given evidence in terms of the allegations made in his complaint. It is his case that DGO had demanded Rs. 5,00,000/- to regularize the unauthorized possession and in the month of June 2017, he had received Rs. 2,50,000/- and told him that in case of his failure, he will return the said amount and handed over a cheque for the above amount. He has also given evidence that the DGO met him 6 months later and took back the cheque by saying that his work is done, but he came to know that by receiving bribe amount of Rs. 3,00,000/-, DGO was attempting to regularize the above land in favour of one Shri. Harish. The copy of the said cheque is marked as Ex.P-5. DGO has not denied that the

said cheque does not belong to him or for that matter he does not have any bank account in Syndicate Bank, Mudigere.

19) In his cross examination at para 7, PW-1 has stated that he had withdrawn Rs. 1,00,000/- from his account the Karnataka Bank on 13/06/2017 and Rs. 1,50,000/- from his account in State Bank of India and had given the amount to the DGO. No suggestions are put denying the above statements. Further, no suggestions are put to PW-1 stating that DGO had taken a loan from him by giving Ex.P-5 cheque as secured and repaid the same and collected the cheque. It is only suggested at para 6 of the cross examination that Ex.P-5 cheque pertains to a personal transaction between him and DGO. However, it is not elaborated as to what was the said personal transaction between them. There is no material to presume whether the amount mentioned in the cheque was returned to the complainant or not. The DGO did not step into the witness box to explain the circumstances under which he had given Ex.P-5 cheque to the complainant or for that matter, the personal transaction or business he had with him.

20) After evidence for Disciplinary Authority was treated as closed, the Second Oral Statement of DGO was

recorded on 12/01/2022. After claiming that evidence given against him by the complainant was false, the DGO had stated that he had no Defence Evidence to offer. Therefore, on 29/04/2022, his answers to the Questionnaire under **Rule 11(18) of Karnataka Civil Services (CCA) Rules 1957** came to recorded. When he was asked about evidence given by the complainant regarding taking back original of Ex.P-5 cheque from him, he had answered that he had no financial transaction with the complainant. This statement goes against the suggestion put by him to PW-1 during his cross examination that Ex.P-5 cheque pertains to a personal transaction between them. Therefore, it can be reasonably inferred that as a Village Accountant, the DGO had received amount of Rs. 2,50,000/- from the complainant to regularize his unauthorized possession.

21) Be that as it may, even though the above allegation of the complainant that DGO had received amount of Rs. 2,50,000/- from him to regularize his unauthorized possession is not accepted, yet the fact that there was transaction of lending/borrowing between the complainant and DGO cannot be ruled out as DGO himself has suggested to PW-1 that Ex.P-5 cheque relates to a personal transaction between them. In this context, it

is relevant to extract **Rule 21(4) of Karnataka Civil Services (Conduct) Rules 1966** which reads as follows;

- **21. Investment, lending and borrowing:**

(1) xxxx

(2) xxxx

(3) xxxx

(4)(i) No Government Servant shall [except with the previous sanction of the Government and] save in the ordinary course of business with a bank or a firm of standing duly authorized to conduct banking business either himself or through any member of his family or any other person acting on his behalf.-

(a) Lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person; or

(b) Lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Government Servant may give to, or accept from, a relative or personal friend, a purely temporary loan of [an amount not exceeding his total monthly emoluments] or operate, a credit account with a bona fide tradesman or make an advance of pay to his private employee.

(ii) When a Government Servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) of sub rule(4), he shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be made by the Government.

22) It is not the case of the DGO that the complainant is his relative or personal friend. There is no evidence or material to presume that DGO had obtained interest free loan. No specific defence is taken in his written statement. As observed above, during his Questionnaire under Rule 11(18) of KCSR, no specific statements are made by DGO regarding handing over of cheque or about his personal transaction with the complainant. There is also no material placed by the DGO

that he had intimated the Competent Authority/Superior Officers about the loan/personal transaction by issuing cheque or during filing annual statement of Assets or Liabilities. The DGO has nowhere denied, either in his written statement or by putting suggestions of denial to the complainant during his cross examination, regarding receiving money from the complainant. Therefore, considering the evidence, both oral and documentary, adduced on behalf of the Disciplinary Authority, the case put forth by the complainant that DGO had received Rs. 2,50,000/- from him for regularization of unauthorized possession appears to be probable. In other words, in the absence of plausible explanation by the DGO regarding his 'personal transaction' with the complainant, it has to be invariably presumed that the amount of Rs. 2,50,000/- which he had received from the complainant is nothing but illegal gratification.

23) Since, the Disciplinary Authority has adduced cogent evidence and has established beyond probability that the D.G.O has committed dereliction of duty or misconduct as alleged, I hold that the charge framed against him is proved. Consequently, Point No.1 is answered in the ***Affirmative.***

24) **Point No.2** : In view of the above discussion, reasons stated and finding given to point No.1, the following is made:

:: FINDING ::

The Disciplinary Authority has proved the charges against the D.G.O.

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


(C.CHANDRA SEKHAR)

Additional Registrar Enquiries-15,
Karnataka Lokayukta,
Bengaluru.

ANNEXURES

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

PW.1	Puttaswamy Gowda dt:04/11/2018
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2. LIST OF WITNESSES EXAMINED ON BEHALF OF

DGO:


Nil

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

Ex.P1 Ex.P1(a)	Written Complaint dt:23.11.2017 Signature of PW.1
Ex.P2 Ex.P2(a)	Another Written complaint dated 24/11/2017 Signature of PW-1
Ex.P3 Ex.P3(a)	Copy of complaint Form No.I dt:11.01.2018 Signature of PW.1
Ex.P4 Ex.P4(a)	Copy of complaint Form No.II dt:11.01.2018 Signature of PW.1
Ex.P5	The copy of Check
Ex.P6 and 7	Copies of application given to the sub- division and the D.C. dt:17.11.2017

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

Nil


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