

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-2/DE/498/2015

ENQUIRY REPORT Dated: 27/09/2019

Enquiry Officer: V.G.Bopaiah
Additional Registrar Enquiries-11
Karnataka Lokayukta, Bengaluru.

Delinquent Government Official No.1: Sri. Rachaiah

Discharged duties as Sub-Inspector of Police, Turuvekere Police Station, Tumakuru District in the year 2013.

Retired on superannuation on 30/04/2014.

Delinquent Government Official No.2: Sri. M. Kumar

Discharged duties as Chief Officer, Turuvekere Pattana Panchayathi, Tumakuru District from 03/06/2011 to the month of June 2014.

Due for retirement on superannuation on 29/02/2024.

1. Delinquent Government Official No.1(in short, "DGO 1")by name Sri. Rachaiah was working as Sub-Inspector of Police attached to Turuvekere Police Station, Tumakuru District in the year 2013. He retired on superannuation on 30/04/2014. Delinquent Government Official No.2 (in short, "DGO 2") by name Sri. M. Kumar was working as Chief Officer, Pattana Panchayathi, Turuvekere, Tumakuru District from 03/06/2011 to the month

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of June 2014. He is due for retirement on superannuation on 29/02/2024.

2. Background for initiating the present inquiry against DGOs 1 and 2 needs to be set out in brief. One Sri. T.S. Harisha (hereinafter will be referred to as "complainant") is the resident of Sriramamandira road, Turuvekere, Tumakuru District. His complaint dated 22/11/2013 in FORM NO.1 against DGOs 1 and 2 came to be registered in COMPT/UPLOK/BD/5860/2013/ARLO-2. He also has enclosed complaint in three plain sheets setting out the details of allegations levelled against DGOs 1 and 2. According to the complainant, in connection with construction of commercial complex near old bus stand within the limits of Turuvekere Pattana Panchayathi agreement came to be entered into between the Chief Officer, Pattana Panchayathi, Turuvekere and the contractor by name Kodandaramaraju at the cost of Rs.2,68,58,000/-. As per the terms of the said agreement the work has to be commenced from 08/12/2010 and to be completed on 08/12/2012. Cheque for Rs.75,00,000/- has been issued to the said contractor on 18/12/2010. Despite the fact that the contractor has not taken up any process of construction one more cheque for Rs.75,00,000/- has been issued to the contractor on 31/12/2010 and again, within thirteen days another cheque for Rs.50,00,000/- has been issued. According to the complainant, security documents furnished by the complainant through the bank are found fake and in that connection the then Chief Officer of Pattana Panchayathi, Turuvekere lodged complaint which came to be registered in crime number 157/2013 on the file of Turuvekere Police Station. It is alleged by the complainant that DGO 1

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failed to cause arrest of the contractor. The complainant has also alleged that DGOs 1 and 2 have colluded with the contractor and safeguarded the contractor.

3. In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta-2 Karnataka took up investigation and referred the matter to the Superintendent of Police, Karnataka Lokayukta, Tumakuru to probe into the allegations levelled in the complaint and to submit report. Thereafter, the Superintendent of Police, Karnataka Lokayukta, Tumakuru entrusted the matter to the Police Inspector (hereinafter will be referred to as "Investigating Officer") to conduct investigation and to submit report. Thereafter, the Investigating Officer probed into the matter and on the basis of evidence collected by him arrived at conclusion that DGOs 1 and 2 are prima facie guilty of the respective misconduct and submitted report to the Superintendent of Police, Karnataka Lokayukta, Tumakuru. The said report of the Investigating Officer has been thereafter submitted to the Hon'ble Upalokayukta-2, Karnataka by the Superintendent of Police, Karnataka Lokayukta, Tumakuru. On the basis of the report of the Investigating Officer and also on the basis of the relevant documents, Hon'ble Upalokayukta-2, Karnataka prima facie arrived at conclusion that though case in crime number 157/2013 for the offences punishable under section 420, 465, 468 and 471 of The Indian Penal Code has been registered on the file of Turuvekere Police Station, Tumakuru District, DGO 1 failed to cause arrest of the contractor and thereby has committed misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. Hon'ble Upalokayukta-2, Karnataka prima facie arrived at conclusion

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that though the contractor received a sum of Rs.1,25,00,000/- and cheated the Government in respect of which case in crime number 157/2013 has been registered by the Sub-Inspector of Police attached to Turuvekere Police Station, Tumakuru District for the offences punishable under section 420, 465, 468 and 471 of The Indian Penal Code DGO 2 has not initiated any action for entrusting the contract work to some other contractor and equally has not initiated any action for recovery of the amount from the contractor and thereby DGO 2 has committed misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against DGOs 1 and 2 under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and since DGO 1 retired from service recommended to accord permission against DGO 1 under Rule 214(2)(b)(i) of The Karnataka Civil Services Rules.

4. Subsequent to the report dated 29/04/2015 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಜಇ 137 ಪೊಸಇ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 17/06/2015 has been issued against DGO 1 by the Under Secretary to the Government of Karnataka, Department of Home (Police Services-A) entrusting the inquiry against DGO 1 to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 with permission under Rule 214(2)(b)(i) of The Karnataka Civil Services Rules.

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5. Subsequent to the report dated 29/04/2015 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ನಅಇ 61 ಡಿ ಎಂ ಕೆ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 24/06/2015 has been issued by the Under Secretary to the Government of Karnataka, Department of Urban Development entrusting the inquiry against DGO 2 to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
6. Subsequent to the Government Order ಒಇ 137 ಪೊಸಇ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 17/06/2015, order number UPLOK-2/DE/498/2015, Bengaluru dated 19/10/2015 has been ordered by the Hon'ble Upalokayukta, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges against DGO 1 and to conduct departmental inquiry against DGO1 under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
7. Subsequent to Government Order number ನಅಇ 61 ಡಿ ಎಂ ಕೆ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 24/06/2015, Order number UPLOK-2/DE/498/2015, Bengaluru dated 19/10/2015 has been ordered by the Hon'ble Upalokayukta, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru to frame charges against DGO 2 and to conduct departmental inquiry against DGO 2.
8. Articles of charge dated 05/08/2016 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed against DGOs 1 and 2 is the following:

“ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

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ನೀವು 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ರಾಚಯ್ಯ, ತುರುವೇಕೆರೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ 2013ರಲ್ಲಿ ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಆಗಿ ಮತ್ತು 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಕುಮಾರ್ ನೀವು ತುರುವೇಕೆರೆ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಯ ಮುಖ್ಯಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವಾಗ ತುರುವೇಕೆರೆಗೆ ಟೌನ್, ಪಟ್ಟಣ ಪಂಚಾಯ್ತಿಗೆ ಸೇರಿದ ಹಳೇ ಬಸ್ ಸ್ಟಾಂಡ್ ಜಾಗದಲ್ಲಿ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ನಿರ್ಮಿಸಿಕೊಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಗುತ್ತಿಗೆದಾರನೊಂದಿಗೆ ಅಗ್ರಿಮೆಂಟ್ ಮಾಡಿಕೊಂಡು, ಕಾಮಗಾರಿ ಪ್ರಾರಂಭಿಸಿ 10 ದಿನಗಳಲ್ಲಿ ಗುತ್ತಿಗೆದಾರನಿಗೆ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿದೆ ಎಂದು ಮತ್ತು ಸದರಿ ಹಣದಿಂದ ಗುತ್ತಿಗೆದಾರ ಯಾವುದೇ ಕೆಲಸ ಪ್ರಾರಂಭಿಸದೇ ಇದ್ದರೂ ಸಹ ಮತ್ತೆ 13 ದಿನಗಳಲ್ಲಿಯೇ ಹಣವನ್ನು ನೀಡಿದ್ದು, ಗುತ್ತಿಗೆದಾರರು ನೀಡಿರುವ ಬ್ಯಾಂಕ್ ಪತ್ರಗಳು ಖೋಟಾ ಆಗಿರುವ ಕಾರಣ ತುರುವೇಕೆರೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದೂರು ದಾಖಲಿಸಿದ್ದು, ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.157/2013ರಲ್ಲಿ ದೂರು ದಾಖಲಾಗಿದ್ದರೂ ಸಹ ಆರೋಪಿಯನ್ನು ಬಂಧಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಗುತ್ತಿಗೆದಾರರ ಮಾಹಿತಿ ತಿಳಿದಿದ್ದರೂ ಸಹ 2ನೇ ಆಪಾದಿತರಾದ ನೀವು ಪೊಲೀಸರಿಗೆ ತಿಳಿಸದೇ ಇರುವ ಕಾರಣ ಕರ್ತವ್ಯಲೋಪ ಮಾಡಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2
ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ಟಿ.ಎಸ್. ಹರೀಶ್ ಬಿನ್ ಶಂಕರನಾರಾಯಣ, 3ನೇ ಡಿವಿಜನ್, ಶ್ರೀ ರಾಮಮಂದಿರದ ರಸ್ತೆ, ತುರುವೇಕೆರೆ, ತುಮಕೂರು ಇವರು ತುರುವೇಕೆರೆ ನಗರದ ಪಟ್ಟಣ ಪಂಚಾಯ್ತಿಗೆ ಸೇರಿದ ಹಳೇ ಬಸ್ ನಿಲ್ದಾಣದ ಜಾಗದಲ್ಲಿ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ನಿರ್ಮಿಸಿಕೊಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಗುತ್ತಿಗೆದಾರ ಶ್ರೀ ಸಿ.ಎಸ್. ಕೋದಂಡರಾಮ ಎಂಬ ಗುತ್ತಿಗೆದಾರನೊಂದಿಗೆ ಕರಾರು ಮಾಡಿಕೊಂಡು, ಕಾಮಗಾರಿ ಪ್ರಾರಂಭಿಸಿ ಹತ್ತು ದಿನಗಳಲ್ಲಿಯೇ ಗುತ್ತಿಗೆದಾರನಿಗೆ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿದೆ ಎಂದು ಗುತ್ತಿಗೆದಾರ ಯಾವುದೇ ಕೆಲಸ ಪ್ರಾರಂಭಿಸದೇ ಇದ್ದರೂ ಸಹ ಪುನಃ 13 ದಿನಗಳಲ್ಲಿಯೇ ಹಣವನ್ನು ನೀಡಲಾಗಿದೆ ಎಂದು ಗುತ್ತಿಗೆದಾರ ಶ್ರೀ ಸಿ.ಎಸ್. ಕೋದಂಡ ರಾಮ ಇವರು ನೀಡಿರುವ ಬ್ಯಾಂಕ್ ಪತ್ರಗಳು ಖೋಟಾ ಆಗಿದ್ದು ಈ ಬಗ್ಗೆ ತುರುವೇಕೆರೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಪೊಲೀಸರು ಗುತ್ತಿಗೆದಾರ ಕೋದಂಡರಾಮನನ್ನು ಬಂಧಿಸುವಲ್ಲಿ ವಿಫಲರಾಗಿರುತ್ತಾರೆ ಹಾಗೂ

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ಗುತ್ತಿಗೆದಾರನ ಬಗ್ಗೆ ಮಾಹಿತಿ ತಿಳಿಸಿದ್ದರೂ ಸಹ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಅಧಿಕಾರಿಗಳು ಪೊಲೀಸರಿಗೆ ತಿಳಿಸದೇ ಇರುತ್ತಾರೆಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ದೂರು ಪ್ರಕರಣವನ್ನು ತನಿಖೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಲು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರಿಗೆ ವಹಿಸಿದ್ದು, ಅದರಂತೆ, ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಪೊಲೀಸ್ ಉಪನಿರೀಕ್ಷಕರಾದ ಶ್ರೀ ಎಂ.ಆರ್. ಗೌತಮ್ ಇವರಿಗೆ ತನಿಖೆ ಮಾಡಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ, ಶ್ರೀ ಎಂ.ಆರ್. ಗೌತಮ್ ತನಿಖಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಶ್ರೀ ಕುಮಾರ್, ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ತುರುವೇಕೆರೆ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗೆ ಸೇರಿದ ಜಾಗದಲ್ಲಿ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ನಿರ್ಮಾಣ ಮಾಡಲು ನಕಲು ಬ್ಯಾಂಕ್ ಗ್ಯಾರಂಟಿ ನೀಡಿ ಗುತ್ತಿಗೆದಾರ ಶ್ರೀ ಕೋದಂಡರಾಮರಾಜು ಇವರು ರೂ.1,25,00,000/-ಗಳನ್ನು ಪಡೆದು ಸರ್ಕಾರಕ್ಕೆ ವಂಚಿಸಿದ್ದು, ಇವರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಾಗಿದ್ದರೂ ಸಹ ಮುಖ್ಯಾಧಿಕಾರಿಯವರು ಕಾಮಗಾರಿ ಟೆಂಡರ್ ಬೇರೆ ಗುತ್ತಿಗೆದಾರರಿಗೆ ನೀಡಿರುತ್ತಾರೆ. ಗುತ್ತಿಗೆದಾರಿಂದ ಆದ ನಷ್ಟ, ಮುಂಗಡ ಹಣ ವಾಪಸ್ ಪಡೆಯಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದ್ದರೂ ಸಹ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸದೇ ಸದರಿ ಗುತ್ತಿಗೆದಾರನಿಂದಲೇ ವಿವಾದಿತ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ಕಾಮಗಾರಿಗೆ ಅನುವು ಮಾಡಿಕೊಟ್ಟಿರುತ್ತಾರೆ ಹಾಗೂ ರಾಜಯ್ಯ ಇವರಿಗೆ ಗುತ್ತಿಗೆದಾರರ ಮನೆ ವಿಳಾಸ, ಮೊಬೈಲ್ ನಂಬರ್ ತಿಳಿದಿದ್ದರೂ ಹಾಗೂ ಸದರಿ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣದ ಕಾಮಗಾರಿಯನ್ನು ಸುಬ್ಬರಾಜು @ ಸುಬ್ಬರಾಯ ಎಂಬುವರು ನಿರ್ವಹಿಸುತ್ತಿದ್ದು, ಕಾಮಗಾರಿ ಮೇಲುಸ್ತುವಾರಿಗೆ ಹಣ ಹಾಗೂ ಇತರೆ ಸವಲತ್ತುಗಳನ್ನು ಆರೋಪಿ ಗುತ್ತಿಗೆದಾರರ ನೀಡುತ್ತಿದ್ದರೂ ಸಹ ಸದರಿಯವರನ್ನು ದಸ್ತಗಿರಿ ಮಾಡಲು ನಿರಾಸಕ್ತಿ ವಹಿಸಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ತನಿಖಾ ವರದಿಯ ಪ್ರತಿಯನ್ನು 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಮತ್ತು 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕಳುಹಿಸಿ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೇಳಲಾಗಿ ಸದರಿ ಇಬ್ಬರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿ, ತನಿಖಾ ವರದಿ ಮತ್ತು ದೂರಿನಲ್ಲಿನ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದು, ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲು ಕೋರುತ್ತಾ, ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಸ್ಪಷ್ಟವಾಗುತ್ತವೆ.

- 1) 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಗುತ್ತಿಗೆದಾರ ಇವರ ವಿರುದ್ಧ ಮೊಕದ್ದಮೆ ದಾಖಲಾಗಿದ್ದು, ಇವರ ಮನೆಯ ವಿಳಾಸ ಹಾಗೂ ಮೊಬೈಲ್ ನಂಬರ್ ಗೊತ್ತಿದ್ದರೂ ಸಹ ಆತನ

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ಉಸ್ತುವಾರಿಯಲ್ಲಿ ಸುಬ್ಬರಾಜು ಇವರ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರೂ ಸಹ ಸದರಿಯವರನ್ನು ದಸ್ತಗಿರಿ ಮಾಡಲು ಆಸಕ್ತಿ ವಹಿಸದೇ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತಾರೆ.

- 2) 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, ತುರುವೇಕೆರೆ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗೆ ಸೇರಿದ ಜಾಗದಲ್ಲಿ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ನಿರ್ಮಾಣ ಮಾಡಲು ನಕಲು ಬ್ಯಾಂಕ್ ಗ್ಯಾರಂಟಿ ನೀಡಿ ಗುತ್ತಿಗೆದಾರ ಶ್ರೀ ಕೋದಂಡರಾಮರಾಜು ಇವರು ರೂ.1,25,00,000/-ಗಳನ್ನು ಪಡೆದು ಸರ್ಕಾರಕ್ಕೆ ವಂಚಿಸಿದ್ದು, ಇವರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಾಗಿದ್ದರೂ ಸಹ ಮುಖ್ಯಾಧಿಕಾರಿಯವರು ಕಾಮಗಾರಿ ಟೆಂಡರ್ ಬೇರೆ ಗುತ್ತಿಗೆದಾರರಿಗೆ ನೀಡಿರುತ್ತಾರೆ. ಗುತ್ತಿಗೆದಾರಿಂದ ಆದ ನಷ್ಟ, ಮುಂಗಡ ಹಣ ವಾಪಸ್ ಪಡೆಯಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದ್ದರೂ ಸಹ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸದೇ ಸದರಿ ಗುತ್ತಿಗೆದಾರನಿಂದಲೇ ವಿವಾದಿತ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ಕಾಮಗಾರಿಗೆ ಅನುವು ಮಾಡಿಕೊಟ್ಟು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತಾರೆ.

1ನೇ ಮತ್ತು 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೊಟ್ಟಂತಹ ವಿವರಣೆ ಒಪ್ಪ ಬರುವುದಿಲ್ಲ ಹಾಗೂ ಸದರಿಯವರುಗಳು ತಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡುಬಂದಿದ್ದು, ಆ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿಪಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರ ಅಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆ ಮಾಡಿರುವುದು ಕಂಡುಬಂದ ಕಾರಣ ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಗೌರವಾನ್ವಿತ ಉಪಲೋಪಯುಕ್ತರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರದವರು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿದ್ದು, ಅದರಂತೆ, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11, ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಆದೇಶಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ”.

9. Office copy of the articles of charge would show that as endorsed by DGO 1 he received the articles of charge on 31/08/2016. Despite service of articles of charge, DGO 1 has not entered appearance before this authority on the date scheduled for his appearance.

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10. In response to due service of articles of charge DGO 2 entered appearance before this authority on 14/09/2016 and engaged Advocate for his defence. In the course of first oral statement of DGO 2 recorded on 14/09/2016 he pleaded not guilty.

11. In the course of written statement of DGO 2 filed on 09/01/2017 while admitting that he was working as Chief Officer, Pattana Panchayathi, Turuvekere he has denied the charge levelled against him and contended that the report of the Investigating Officer has been manipulated. According to him, he is not guilty of the alleged misconduct.

12. The disciplinary authority has examined the Investigating Officer Sri. M.R. Gautham who was working as Police Inspector attached to Karnataka Lokayukta Police Station, Tumakuru from the year 2012 to the month of September 2015 as PW1, the complainant Sri. T.S. Harisha as PW2.

13. During evidence of PW1, original complaint dated 22/11/2013 in FORM NO.I in a single sheet of PW2 is marked as per Ex P1, original affidavit dated 22/11/2013 in FORM NO.II in a single sheet of PW2 is marked as per Ex P2, original complaint dated 22/11/2013 in three plain sheets of PW2 is marked as per Ex P3, xerox copy of agreement dated 08/12/2010 in a single sheet entered into between the Chief Officer Town Panchayath, Turuvekere and the contractor by name C.S.Kodandaramaraju is marked as per Ex P4, xerox copy of the bank guarantee dated 09/12/2010 in a single sheet executed by contractor in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P5, xerox copy of bank guarantee dated 08/12/2010 in a single sheet executed by the contractor in favour of the Chief Officer, Town

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Panchayath, Turuvekere is marked as per Ex P6, xerox copy of bank guarantee in a single sheet executed by the contractor in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P7, xerox copy of endorsement dated 10/12/2010 in respect of a cheque in a single sheet is marked as per Ex P8, xerox copy of endorsement dated 31/12/2010 in a single sheet in respect of a cheque is marked as per Ex P9, xerox copy of the letter dated 21/01/2013 in a single sheet addressed to the Chief Officer, Pattana Panchayath, Turuvekere said to have been signed by the authorised signatory attached to ICICI Bank Limited Commissariat road, Bengaluru is marked as per Ex P10, xerox copy of letter dated 10/04/2013 in a single sheet addressed to Sri. T.S.Harisha complainant) signed by the authorised signatory attached to ICICI Bank Limited Commissariat road, Bengaluru is marked as per Ex P11, xerox copy of the complaint dated 08/07/2013 in a single sheet of DGO 2 filed before the Sub-Inspector of Police, Turuvekere Police Station is marked as per Ex P12, xerox copy of endorsement dated 24/10/2013 in a single sheet issued to PW2 by the Sub-Inspector of Police, Turuvekere Police Station is marked as per Ex P13, xerox copy of information sheet in a single sheet issued by the Public Information Officer, Pattana Panchayathi, Turuvekere is marked as per Ex P14, xerox copy of news paper cutting in a single sheet is marked as per Ex P15, xerox copy of photograph in a single sheet is marked as per Ex P16, xerox copy of photograph in a single sheet is marked as per Ex P17, xerox copy of photograph in a single sheet is marked as per Ex P18, xerox copy of photograph in a single sheet is marked as per Ex P19, xerox copy of information sheet in a single sheet dated 04/07/2013 issued by the Public Information Officer,

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Pattana Panchayathi, Turuvekere is marked as per Ex P20, xerox copy of the entire file commencing from page numbers 208 to 621 touching the commercial complex near Municipal bus stand, Turuvekere is marked as per Ex P21, original letter dated 14/03/2014 in two sheets signed by DGO1 on 15/03/2014 addressed to the Police Inspector, Lokayukta Police Station, Tumakuru is marked as per Ex P22, attested copy of FIR dated 12/07 2013 in two sheets in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P23, attested copy of the complaint dated 08/07/2013 in a single sheet of DGO 2 filed before the Sub-Inspector of Police, Turuvekere is marked as per Ex P24, attested copy of case diary in three sheets dated 12/07/2013 in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P25, attested copy of the letter dated 24/07/2013 in a single sheet of the in-charge Chief Officer, Pattana Panchayathi Turuvekere addressed to the Sub-Inspector of Police, Turuvekere Police Station is marked as per Ex P26, attested copy of bank guarantee dated 09/12/2010 in a single sheet in favour of the Chief Officer, Town Panchayath, Turuvekere said to have been executed by ICICI Bank Limited is marked as per Ex P27, attested copy of bank guarantee dated 10/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P28, attested copy of bank guarantee said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere in a single sheet is marked as per Ex P29, attested copy of the agreement dated 08/12/2010 in a single sheet entered into between the Chief Officer, Pattana Panchayath, Turuvekere and the contractor is marked as per Ex P30,

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attested copy of bank guarantee in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P31, attested copy of bank guarantee dated 10/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P32, attested copy of the order dated 16/08/2010 in two sheets of the Commissioner of Municipal Administration, Bengaluru is marked as per Ex P33, attested copy of the letter dated 21/01/2013 in a single sheet executed by the authorised signatory attached to ICICI Bank Limited, Commissariat road, Bengaluru to the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P34, attested copy of the letter of the contractor in a single sheet addressed to the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P35, attested copy of the bank guarantee dated 09/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P36, attested copy of the bank guarantee dated 10/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P37, attested copy of bank guarantee said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P38, attested copy of mahazar dated 24/07/2013 in a single sheet drawn by the Sub-Inspector of Police attached to Turuvekere Police Station in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P39, attested copy of Property Form number 91/2013 dated 24/07/2013 in a single sheet in crime number 157/2013 of

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Turuvekere Police Station is marked as per Ex P40, attested copy of case diary dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P41, attested copy of letter dated 07/08/2013 in a single sheet signed on 17/07/2013 by the Sub-Inspector of Police, Turuvekere Police Station addressed to the Manager, ICICI Bank Commercial Branch, Commercial Road, Bengaluru is marked as per Ex P42, attested copy of statement dated 06/08/2013 in two sheets of PW2 recorded under section 162 of The Code of Criminal Procedure by the Sub-Inspector of Police attached to Turuvekere Police Station is marked as per Ex P43, attested copy of case diary dated 07/08/2013 in two sheets in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P44, attested copy of report dated 23/10/2013 in a single sheet of the Assistant Sub-Inspector of Police, Turuvekere Police Station in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P45, attested copy of case diary dated 23/10/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P46, attested copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station placed in connection with crime number 157/2013 of Turuvekere Police Station is marked as per Ex P47, attested copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station placed in connection with crime number 157/2013 of Turuvekere Police Station is marked as per Ex P48, attested copy of report dated 31/12/2013 in a single sheet of the Assistant Sub-Inspector of Police, Turuvekere Police Station placed in crime number 157/2013 of Turuvekere Police Station is marked

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as per Ex P49, attested copy of case diary dated 31/12/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P50, attested copy of statement dated 03/01/2014 of Sathyanaranrao U.R. in two sheets recorded under section 162 of The Code of Criminal Procedure is marked as per Ex DP51, attested copy of the statement dated 03/01/2014 in a single sheet of Sathyanarayananrao U.R. recorded by DGO 1 in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P52, attested copy of case diary dated 03/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P53, xerox copy of unsigned letter dated nil in a single sheet addressed to the Circle Inspector of Police, Turuvekere Circle is marked as per Ex P54, attested copy of letter dated 04/01/2014 in a single sheet of DGO 1 addressed to the State Public Prosecutor, Karnataka is marked as per Ex P55, attested copy of statement dated 08/01/2014 in a single sheet of Subbaraju recorded under section 162 of The Code of Criminal Procedure is marked as per Ex P56, attested copy of case diary dated 03/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P57, attested copy of report dated 16/01/2014 in a single sheet placed in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P58, attested copy of case diary dated 16/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P59, attested copy of further statement dated 21/01/2014 of M.Kumar recorded under section 162 of The Code of Criminal Procedure is marked as per Ex P60, attested copy of further statement dated 21/01/2014 of Sri. Eranna recorded under section 162 of The Code of Criminal

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Procedure is marked as per Ex P61, attested copy of further statement dated 21/01/2014 of Deepak recorded under section 162 of The Code of Criminal Procedure is marked as per Ex P62, attested copy of statement dated 21/01/2014 of Juhailal Yadav recorded under section 162 of The Code of Criminal Procedure is marked as per Ex P63, attested copy of case diary dated 21/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P64, attested copy of statement dated 13/03/2014 in two sheets of T.R. Venkatesha Shetty recorded under section 162 of The Code of Criminal Procedure is marked as per Ex P65, xerox copy of bank guarantee dated 09/12/2010 in a single sheet said to have issued by ICICI bank Limited in favour of the Chief Officer, Town Panchayath is marked as per Ex P66, xerox copy of bank guarantee dated 10/12/2010 in a single sheet said to have been issued by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P67, xerox copy of bank guarantee in a single sheet said to have been issued by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex P68, xerox copy of mahazar dated 24/07/2013 in a single sheet drawn in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P69, xerox copy of Property Form dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P70, xerox copy of case diary dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P71, xerox copy of statement dated 06/08/2013 in two sheets of PW2 recorded under section 162 of The Code of Criminal Procedure is marked as per Ex P72, xerox copy of case diary 07/08/2013 in a single

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sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P73, xerox copy of case diary 30/09/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P74, xerox copy of case diary dated 23/10/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P75, xerox copy of report dated 23/10/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P76, xerox copy of the letter dated 07/08/2013 in a single sheet signed on 17/07/2013 by the Sub-Inspector of Police, attached to Turuvekere Police Station addressed to the Manager, ICICI Bank, Commercial Branch, Commercial road, Bengaluru is marked as per Ex P77, xerox copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P78, xerox copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P79, xerox copy of the report in a single sheet dated 31/12/2013 of the Assistant Sub-Inspector of Police, Turuvekere Police Station in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P80, xerox copy of statement dated 03/01/2014 in a single sheet of Sathyanaranrao recorded under section 162 is marked as per Ex P81, xerox copy of the case diary dated 31/12/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P82, xerox copy of case diary dated 03/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex D83, xerox copy of statement dated 03/01/2014 of

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Satyanarana Rao U.R in a single sheet recorded by DGO 1 under section 162 of The Code of Criminal Procedure is marked as per Ex D84, xerox copy of the letter dated 04/01/2014 in a single sheet addressed by DGO 1 to the State Public Prosecutor, Karnataka is marked as per Ex P85, xerox copy of the letter dated nil in a single sheet of DGO 1 addressed to the Circle Inspector of Police, Turuvekere is marked as per Ex P86, xerox copy of the statement dated 08/01/2014 in a single sheet of Subbaraju recorded under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P87, xerox copy of case diary dated 03/01/2014 in a single sheet signed by DGO 1 in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P88, xerox copy of the report dated 16/01/2014 in a single sheet placed before DGO 1 in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P89, xerox copy of case diary dated 16/01/2014 in a single sheet signed by DGO 1 in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P90, xerox copy of further statement dated 21/01/2014 in a single sheet of DGO 2 recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P91, xerox copy of statement dated 21/01/2014 in a single sheet of Eranna recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P92, xerox copy of statement dated 21/01/2014 in a single sheet of Deepak recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P93, xerox copy of statement dated

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21/01/2014 in a single sheet of Juhailal Yadav recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P94, xerox copy of case diary dated 21/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station is marked as per Ex P95, xerox copy of statement dated 13/03/2014 in two sheets of T.R.Venkatesha Shetty recorded by DGO 1 under section 157/2013 of Turuvekere Police Station is marked as per Ex P96, original report dated 22/03/2014 in six sheets of PW1 is marked as per Ex P97, signature of PW1 found on sheet number 6 of Ex P97 is marked as per Ex P97(a). No documents are tendered in evidence during evidence of PW2.

14. In the course of second oral statement of DGO 2 recorded on 18/12/2017 DGO 2 has stated that he would get examined himself as defence witness and that he would also examine one Sathyanarayana Rao as defence witness.

15. DGO 2 got himself examined as DW1. He has not examined any defence witness. During evidence of DGO 2 attested copy of notice dated 05/02/2013 in a single sheet issued by him to the contractor is marked as per Ex D1, attested copy of notice dated 12/03/2013 in a single sheet issued by him to the contractor is marked as per Ex D2, attested copy of notice dated 14/05/2013 in a single sheet issued by him to the contractor is marked as per Ex D3, attested copy of his letter dated 21/08/2013 in two sheets addressed to the Deputy Commissioner, Tumakuru is marked as per Ex D4, attested copy of bank guarantee dated 31/07/2013 of Karnataka Bank Limited, Malleswaram Branch, Bengaluru in two sheets issued in favour of the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex D5, attested copy of letter dated 25/10/2013

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in a single sheet of Karnataka Bank Limited, Malleswaram Branch, Bengaluru addressed to the Chief Officer, Town Panchayath, Turuvekere is marked as per Ex D6, attested copy of his letter dated 28/01/2014 in four sheets addressed to the Commissioner of Municipal Administration, Bengaluru is marked as per Ex D7, attested copy of his letter dated 24/02/2014 in two sheets addressed to the Commissioner of Municipal Administration, Bengaluru is marked as per Ex D8, attested copy of his letter dated 24/02/2014 in two sheets addressed to the Deputy Commissioner, Tumkur is marked as per Ex D9.

16. Since DGO 2 has adduced defence evidence incriminating circumstances which appeared against him in the evidence of PWs 1 and 2 are not put to him by way of questionnaire.

17. DGO 1 has remained absent throughout the inquiry proceedings.

18. The Presenting Officer Smt.K.S.Jyothilakshmi has filed written argument on 07/06/2018. Upon perusal of the wordings employed by her in the course of her written argument it can be gathered that she sought to contend that charge stands established.

19. In the course of written argument signed by the Advocate for DGO 2 filed on 07/06/2018 reference is made to articles of charge and also the evidence on record. With reference to portion of cross examination of PW 1 it is contended that evidence of PW 1 in cross examination establishes that at the time when work order has been issued i.e., on 18/12/2010 DGO 2 was not working as Chief Officer, Pattana Panchayathi, Turuvekere. With reference to certain portion of cross examination of PW 1 it is contended that DGO 2 has brought

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into the notice of his higher officers to initiate further action and that despite the same there was no response from his higher officers. On the strength of certain answers elicited during cross examination of PW 2 it is contended that PW 2 who is the complainant herein has not lodged complaint with DGO 2 and that at the time of issue of work order DGO 2 was not working as Chief Officer, Pattana Panchayathi, Turuvekere. It is contended that evidence of DGO 2 and documents at Exs D1 to D9 would show that DGO 2 has not committed any acts amounting to misconduct. It is thus sought to contend that DGO 2 is not guilty of misconduct.

20. In tune with the articles of charge points which arise for determination are the following:

Point number 1:- Whether during the tenure of DGO 1 as Sub-Inspector of Police, Turuvekere Police Station, Turuvekere during the year 2013, DGO 1 being fully aware of registration of case against Sri.Kodandaramaraju in crime number 157/2013 for the offences punishable under section 420, 465, 468 and 471 of The Indian Penal Code, DGO 1 has failed to cause arrest of Sri.Kodandaramaraju without any lawful excuse and thereby DGO 1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

Point number 2: Whether it stands established that during the tenure of DGO 2 as Chief Officer, Turuvekere Pattana Panchayathi from 03/06/2011 to the month of June 2014, DGO 2 being fully aware of registration of case against Sri.Kodandaramaraju in crime number 157/2013 of Turuvekere Police Station, Tumakuru

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District for the offences punishable under section 420, 465, 468 and 471 of The Indian Penal Code failed to initiate suitable action against Sri.Kodandaramaraju without any lawful excuse at the earliest point of time and thereby DGO 2 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

21. Point numbers 1 and 2:- Since matters involved in point numbers 1 and 2 supra are interlinked with each other these two points are taken up together for moulding the views.
22. Evidence of PW 1 that he conducted investigation is not under challenge. In the course of evidence he has referred to Exs P1 to P96 and also his report at Ex P97. Exs P4 and P30 are one and the same. Exs P5, P27, P36 and P66 are one and the same. Exs P6, P28, P32, P37 and P67 are one and the same. Exs P7, P29, P31, P38 and P68 are one and the same. Exs P39 and P69 are one and the same. Exs P40 and P70 are one and the same.
23. Exs P4 and P30 would show that Kodandaramaraju entered into agreement with the Chief Officer attached to Pattana Panchayathi, Turuvekere in respect of construction of commercial building at the cost of Rs. 2,68,58,000/- within the limits of Pattana Panchayathi, Turuvekere. These two documents are not under challenge. Exs P5, P27, P36 and P66 would show that Sri.Kodandaramaraju has placed the bank guarantee said to have been issued by ICICI Bank Limited. Exs P6, P28, P32, P37 and P67 would show that Kodandaramaraju placed the originals of these documents before the Chief Officer, Pattana Panchayathi, Turuvekere and made to believe that


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originals of these documents are the bank guarantees issued by ICICI Bank Limited. Exs P7, P29, P31, P38 and P68 are the copies of bank guarantee said to have been issued by ICICI Bank Limited in favour of the Chief Officer, Town Panchayathi, Turuvekere. It seems that Kodandaramaraju made to believe the then Chief Officer, Pattana Panchayathi, Turuvekere that these bank guarantees are genuine. It is in the evidence of PW 1 that his investigation revealed that during investigation it came into light that on the strength of Ex P10 it came into light that bank guarantees are fake documents. Upon perusal of his cross examination I find nothing worthy to disbelieve the said portion of his evidence and therefore on the strength of his oral evidence coupled with Ex P10 it needs to be held that Kodandaramaraju has placed false bank guarantees. It is in the evidence of PW 1 that after having gone through Ex P5 it came into light that the said bank guarantee is fake and concocted by Kodandaramaraju. After having gone through the entire cross examination of PW 1, I find nothing worthy to disbelieve the said portion of his evidence and therefore it stands established that Kodandaramaraju concocted the original bank guarantee the xerox copy of which is at Ex P5. It is in the evidence of PW 1 that original of Ex P5 came into the knowledge of DGO 2 through the bank.

24. During cross examination of PW 1 from the side of DGO 2 though it is brought out that at the time of release of a sum of Rs. 75 lakhs and also at the time of release of a sum of Rs. 50 lakhs one Venkatesha Shetty was working as Chief Officer, Pattana Panchayathi, Turuvekere the said answer will not lend support to the defence of DGO 2 for the reason that during the tenure of DGO 2 no effective steps are initiated by DGO 2 after

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coming to know of the acts committed by Kodandaramaraju. It is brought out during cross examination of PW 1 from the side of DGO 2 that on 07/12/2012 DGO 2 addressed letter for extension of bank guarantee. This answer elicited during cross examination of PW 1 instead of lending assurance to the defence set out by DGO 2 incriminates DGO 2. It is brought out during cross examination of PW 1 from the side of DGO 2 that PW 1 questioned DGO 2 about fake bank guarantees and on being questioned by him DGO 2 has stated that after coming to know of the fact that bank guarantees are fake documents two notices are caused by DGO 2 to the contractor Kodandaramaraju to speed up the work of construction and since Kodandaramaraju has stated that work will be completed at the earliest complaint is not lodged by DGO 2 to the jurisdictional Police Station. This portion of answer elicited during cross examination of PW 1 instead of lending assurance to the defence runs against DGO 2 and thus incriminates DGO 2. It is brought out during cross examination from the side of DGO 2 that investigation disclosed that soon after DGO 2 came to know that bank guarantees are fake DGO 2 has not initiated any steps to lodge Police complaint against the contractor Kodandaramaraju but lodged Police complaint after considerable length of time of six months. This portion of his answer elicited during his cross examination incriminates DGO 2. It is brought out during cross examination of PW1 that investigation disclosed that DGO 2 came to know on the strength of Ex P10 which is the xerox copy of the letter dated 21/01/2013 issued by the authorised signatory of ICICI Bank Limited that bank guarantees are fake. This portion of answer elicited during his cross examination incriminates DGO 2. It is also brought out during cross

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examination of PW1 from the side of DGO 2 that after coming to know of the fact that bank guarantees are fake DGO 2 secured genuine bank guarantees from Karnataka Bank Limited. Suggestion made to PW1 during cross examination from the side of DGO 2 suggesting that DGO 2 has initiated suitable legal action has been denied by him. It is brought out further during his cross examination that it has not come to his knowledge that since no communication is received from the Deputy Commissioner, Tumakuru District and from the Commissioner of Municipal Administration, Government of Karnataka DGO 2 has not initiated action. It is also brought out during his cross examination that it has not come to his knowledge that after receipt of order in writing from the Deputy Commissioner, Tumakuru DGO 2 lodged Police complaint. At this juncture it needs to be expressed that in order to set law into motion written order either from the Deputy Commissioner, Tumakuru or from the Commissioner of Municipal Administration, Government of Karnataka was not required. DGO 2 was then representing the Town Panchayathi, Turuvekere in the capacity of Chief Officer. It needs to be borne in mind that the Chief Officer of any Town Municipal Council or Pattana Panchayathi is the competent authority to sue or being sued. Likewise, whenever the Chief Officer of Town Panchayathi acquires knowledge of any criminal acts committed against the Town Panchayathi the Chief Officer in the capacity of party aggrieved is bound to lodge Police complaint at the earliest without seeking any permission either from the concerned Deputy Commissioner or from the Commissioner of Municipal Administration.

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25. It is in the evidence of PW 1 that his investigation unearthed that even after seven to eight months of registration of the case in crime number 157/2013 of Turuvekere Police Station DGO 1 has not evinced any interest to cause arrest of Kodandaramaraju who is the accused in crime number 157/2013. It is also in the evidence of PW 1 that though Kodandaramaraju was arrayed as the accused in crime number 157/2013 DGO 1 has not evinced interest to initiate suitable action to trace Kodandaramaraju. DGO 1 has not participated in the proceedings. Evidence of PW 1 as referred to above touching DGO 1 has remained unchallenged and therefore that portion of his evidence needs acceptance which incriminates DGO 1. In addition to the oral evidence of PW 1, though certified copies of case dairies at Exs P41, P44, P46, P50, P53, P57, P59, P64, P79, P74, P75, P82, P83, P88, P90 and P95 would show that Kodandaramaraju could not be secured it is worthy to mention that attested copy of the report dated 31/12/2013 at Ex P49 would show that cell phone number 9845057457 of Kodandaramaraju was very much with the knowledge of DGO 1 and therefore, if really DGO 1 was interested to secure the contractor Kodandaramaraju, then, DGO 1 could have bestowed efforts to trace Kodandaramaraju with the help of the concerned mobile tower through which the location of Kodandaramaraju could have been certainly traced. In this background it needs to be expressed that without any lawful excuse DGO 1 has not initiated effective steps to trace and cause arrest of Kodandaramaraju against whom case for cognizable and non bailable offences was registered in crime number 157/2013.

26. It is in the evidence of PW 1 that upon appreciation of the records in Ex P21 it came into light that DGO 2 has not initiated

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steps for setting criminal law into motion. It is in his evidence that as found in Ex P20 DGO 2 has not lodged complaint against Kodandaramaraju till 04/07/2013. Ex P24 which is the attested copy of the complaint dated 08/07/2013 of DGO 2 against Kodandaramaraju. It is seen that on the basis of the said complaint case in crime number 157/2013 has been registered which is found in Ex P23 which is the attested copy of the FIR in crime number 157/2013. It is seen in Ex P24 that though DGO 2 signed the said complaint on 08/07/2013 the said complaint is placed at 5.30 P.M on 12/07/2013 by the Sub-Inspector of Police attached to Turuvekere Police Station and thus still there was delay in lodging of complaint which delay has not been explained by DGO2. Though it is brought out during cross examination of PW1 that DGO 2 was not conferred upon with the powers of cancelling the agreement touching the execution of building work it needs to be remembered that nothing had prevented DGO 2 to promptly recommend either the Deputy Commissioner, Tumakuru or The Commissioner of Municipal Administration, Government of Karnataka. It is also brought out during cross examination of PW1 that complaint has been lodged against Kodandaramaraju six months after coming to know of the acts committed by Kodandaramaraju.

27. It is in the evidence of PW2 who is the complainant that he came to know that work was not executed by the contractor Kodandaramaraju to the extent of a sum of Rs.1,25,000/- released to Kodandaramaraju. In the course of evidence PW2 has stated that he came to know that the originals of Exs P5 to P7 which are the bank guarantees are not furnished by the concerned bank. It is in his evidence that even after lodging of

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Police complaint against Kodandaramaraju construction work has continued. This portion of his evidence has not been assailed during his cross examination which establishes that DGO 2 being aware of the acts committed by Kodandaramaraju failed to initiate suitable action which was at his reach. It is in his evidence that even in order to trace Kodandaramaraju DGO 2 has not extended any help to DGO 1. It is in his evidence that there was collusion between DGOs 1 and 2.

28. Though it is brought out during cross examination of PW2 that on the day on which contract work was entrusted to Kodandaramaraju DGO 2 was not working as Chief Officer of Pattana Panchayathi, Turuvekere the said portion of evidence in cross examination will not derive any strength to the defence set out by DGO 2. It is brought out during his cross examination that in the month of April 2013 he came to know that the bank guarantee was bogus one. Though it is in his cross examination that DGO 2 was not working as Chief Officer, Pattana Panchayathi, Turuvekere at the time of release of total sum of Rs.1,25,000/- that portion of his evidence equally will not derive strength to the defence of DGO 2. Though it is brought out during cross examination of PW2 that after verification of the bank guarantee by DGO 2, DGO 2 came to know that the bank guarantee is bogus one and thereafter DGO 2 secured bank guarantee from Karnataka Bank Limited that portion of his evidence equally not derive strength to the defence set out by DGO 2. Though it is brought out during cross examination of PW2 that he cannot say whether during the tenure of DGO 2 amount is released or not that portion of answer will not lend assurance to the defence set out by DGO 2. Suggestion made to PW2 during cross examination suggesting

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that DGO 2 has set at right the things the said suggestion has been denied by him. Suggestions made to PW2 during cross examination setting out the motive behind lodging of complaint are denied by him. Upon appreciation of the entire cross examination of PW2 I find nothing worthy to support the defence set out by DGO 2.

29. In the course of evidence DGO 2 who got examined himself as DW1 has referred to Exs D1 to D9 and stated that Exs D1 to D9 would point out the action initiated by him and that during his tenure he has lawfully discharged his duties. After having gone through Exs D1 to D9 I am not persuaded to hold that DGO 2 has initiated prompt and effective steps at the earliest point of time and opportunity. During cross examination of DGO 2 it is brought out that records would show that at the time of release of 2nd instalment to the contractor building work was not commenced. This would establish that DGO 2 was very much aware that work of construction of building was not commenced and in that background DGO 2 should have brought the same into the notice of the Deputy Commissioner, Tumakuru and also the Commissioner of Municipal Administration, Government of Karnataka. He admits during cross examination that his complaint the attested copy of which is at Ex P12 is dated 08/07/2013. This would show that there was considerable delay in lodging Police complaint against the contractor by name Kodandaramaraju. It is in his cross examination that about 6 or 7 months after he assuming charge of his office he came to know that the work of construction has not been completed. At this juncture it needs to be expressed that DGO 2 intentionally has not initiated any action against the contractor by name Kodandaramaraju. It in his cross

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examination that the very first notice was issued to Kodandaramaraju on 05/02/2013 i.e., one year nine months after he assumed charge of his office.

30. In the presence of overwhelming evidence as discussed about I am not persuaded to accept the defence set out in the course of written statement of DGO 2 and also contentions raised in the course of written argument of DGO 2.

31. Thus, upon meticulous appreciation of the entire oral and documentary evidence on record I am of the considered view that DGOs 1 and 2 are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and being of this view I proceed with the following:

R E P O R T

Charge against DGO 1 by name Sri. Rachaiah that during the tenure of DGO 1 as Sub-Inspector of Police, Turuvekere Police Station, Turuvekere during the year 2013, DGO 1 being fully aware of registration of case against Sri.Kodandaramaraju in crime number 157/2013 for the offences punishable under section 420, 465, 468 and 471 of The Indian Penal Code, DGO 1 has failed to cause arrest of Sri.Kodandaramaraju without any lawful excuse and thereby DGO 1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 2 by name Sri. M.Kumar that during the tenure of DGO 2 as Chief Officer, Turuvekere Pattana Panchayathi from 03/06/2011 to the month of June 2014, DGO 2 being fully aware of registration of case against Sri.Kodandaramaraju in crime number 157/2013 of Turuvekere Police Station, Tumakuru District for the offences punishable

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under section 420, 465, 468 and 471 of The Indian Penal Code failed to initiate suitable action against Sri.Kodandaramaraju without any lawful excuse at the earliest point of time and thereby DGO 2 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

DGO 1 retired from service on superannuation on 30/04/2014.

DGO 2 is due for retirement on superannuation on 29/02/2024.

Submit this report to Hon'ble Upalokayukta-2, Karnataka in a sealed cover forthwith along with the connected records.


(V.G. BOPAI AH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXURE

List of witnesses examined on behalf of Disciplinary Authority:-

PW1:- Sri. M.R. Gautham

PW2:- Sri. T.S. Harisha

List of witnesses examined on behalf of DGOs 1 and 2:-

DW1:- Sri. M. Kumar (DGO 2)

List of witnesses examined on behalf of the Disciplinary Authority:-

Ex P1 Original complaint dated 22/11/2013 in FORM NO.I in a single sheet of PW2.

Ex P2 Original affidavit dated 22/11/2013 in FORM NO.II in a single sheet of PW2.

Ex P3 Original complaint dated 22/11/2013 in three plain sheets of PW2.

- Ex P4 Xerox copy of agreement dated 08/12/2010 in a single sheet entered into between the Chief Officer Town Panchayath, Turuvekere and the contractor by name C.S.Kodandaramaraju.
- Ex P5 Xerox copy of the bank guarantee dated 09/12/2010 in a single sheet executed by contractor in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P6 Xerox copy of bank guarantee dated 08/12/2010 in a single sheet executed by the contractor in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P7 Xerox copy of bank guarantee in a single sheet executed by the contractor in favour of the Chief Officer, Town Panchayath, Turuvekere .
- Ex P8 Xerox copy of endorsement dated 10/12/2010 in respect of a cheque in a single sheet.
- Ex P9 Xerox copy of endorsement dated 31/12/2010 in a single sheet in respect of a cheque.
- Ex P10 Xerox copy of the letter dated 21/01/2013 in a single sheet addressed to the Chief Officer, Pattana Panchayath, Turuvekere said to have been signed by the authorised signatory attached to ICICI Bank Limited Commissariat road, Bengaluru.
- Ex P11 Xerox copy of letter dated 10/04/2013 in a single sheet addressed to Sri. T.S.Harisha complainant) signed by the authorised signatory attached to ICICI Bank Limited Commissariat road, Bengaluru.
- Ex P12 Xerox copy of the complaint dated 08/07/2013 in a single sheet of DGO 2 filed before the Sub-Inspector of Police, Turuvekere Police Station.
- Ex P13 Xerox copy of endorsement dated 24/10/2013 in a single sheet issued to PW2 by the Sub-Inspector of Police, Turuvekere Police Station.
- Ex P14 Xerox copy of information sheet in a single sheet issued by the Public Information Officer, Pattana Panchayathi, Turuvekere.

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- Ex P15 Xerox copy of news paper cutting in a single sheet.
- Ex P16 Xerox copy of photograph in a single sheet.
- Ex P17 Xerox copy of photograph in a single sheet.
- Ex P18 Xerox copy of photograph in a single sheet.
- Ex P19 Xerox copy of photograph in a single sheet.
- Ex P20 Xerox copy of information sheet in a single sheet dated 04/07/2013 issued by the Public Information Officer, Pattana Panchayathi, Turuvekere.
- Ex P21 Xerox copy of the entire file commencing from page numbers 208 to 621 touching the commercial complex near Municipal bus stand, Turuvekere.
- Ex P22 Original letter dated 14/03/2014 in two sheets signed by DGO1 on 15/03/2014 addressed to the Police Inspector, Lokayukta Police Station, Tumakuru.
- Ex P23 Attested copy of FIR dated 12/07 2013 in two sheets in crime number 157/2013 of Turuvekere Police Station.
- Ex P24 Attested copy of the complaint dated 08/07/2013 in a single sheet of DGO 2 filed before the Sub-Inspector of Police, Turuvekere.
- Ex P25 Attested copy of case diary in three sheets dated 12/07/2013 in crime number 157/2013 of Turuvekere Police Station.
- Ex P26 Attested copy of the letter dated 24/07/2013 in a single sheet of the in-charge Chief Officer, Pattana Panchayathi Turuvekere addressed to the Sub-Inspector of Police, Turuvekere Police Station.
- Ex P27 Attested copy of bank guarantee dated 09/12/2010 in a single sheet in favour of the Chief Officer, Town Panchayath, Turuvekere said to have been executed by ICICI Bank Limited.
- Ex P28 Attested copy of bank guarantee dated 10/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere .

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- Ex P29 Attested copy of bank guarantee said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere in a single sheet.
- Ex P30 Attested copy of the agreement dated 08/12/2010 in a single sheet entered into between the Chief Officer, Pattana Panchayath, Turuvekere and the contractor.
- Ex P31 Attested copy of bank guarantee in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P32 Attested copy of bank guarantee dated 10/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P33 Attested copy of the order dated 16/08/2010 in two sheets of the Commissioner of Municipal Administration, Bengaluru.
- Ex P34 Attested copy of the letter dated 21/01/2013 in a single sheet executed by the authorised signatory attached to ICICI Bank Limited, Commissariat road, Bengaluru to the Chief Officer, Town Panchayath, Turuvekere.
- Ex P35 Attested copy of the letter of the contractor in a single sheet addressed to the Chief Officer, Town Panchayath, Turuvekere .
- Ex P36 Attested copy of the bank guarantee dated 09/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere .
- Ex P37 Attested copy of the bank guarantee dated 10/12/2010 in a single sheet said to have been executed by ICICI Bank Limited in favour the Chief Officer, Town Panchayath, Turuvekere.
- Ex P38 Attested copy of bank guarantee said to have been executed by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P39 Attested copy of mahazar dated 24/07/2013 in a single

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sheet drawn by the Sub-Inspector of Police attached to Turuvekere Police Station in crime number 157/2013 of Turuvekere Police Station.

- Ex P40 Attested copy of Property Form number 91/2013 dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P41 Attested copy of case diary dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P42 Attested copy of letter dated 07/08/2013 in a single sheet signed on 17/07/2013 by the Sub-Inspector of Police, Turuvekere Police Station addressed to the Manager, ICICI Bank Commercial Branch, Commercial Road, Bengaluru.
- Ex P43 Attested copy of statement dated 06/08/2013 in two sheets of PW2 recorded under section 162 of The Code of Criminal Procedure by the Sub-Inspector of Police attached to Turuvekere Police Station.
- Ex P44 Attested copy of case diary dated 07/08/2013 in two sheets in crime number 157/2013 of Turuvekere Police Station.
- Ex P45 Attested copy of report dated 23/10/2013 in a single sheet of the Assistant Sub-Inspector of Police, Turuvekere Police Station in crime number 157/2013 of Turuvekere Police Station.
- Ex P46 Attested copy of case diary dated 23/10/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P47 Attested copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station placed in connection with crime number 157/2013 of Turuvekere Police Station.
- Ex P48 Attested copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station placed in connection with crime number 157/2013 of Turuvekere Police

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Station.

- Ex P49 Attested copy of report dated 31/12/2013 in a single sheet of the Assistant Sub-Inspector of Police, Turuvekere Police Station placed in crime number 157/2013 of Turuvekere Police Station.
- Ex P50 Attested copy of case diary dated 31/12/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station .
- Ex P51 Attested copy of statement dated 03/01/2014 of Sathyanaranrao U.R. in two sheets recorded under section 162 of The Code of Criminal Procedure.
- Ex P52 Attested copy of the statement dated 03/01/2014 in a single sheet of Sathyanarayananrao U.R. recorded by DGO 1 in crime number 157/2013 of Turuvekere Police Station.
- Ex P53 Attested copy of case diary dated 03/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station .
- Ex P54 Xerox copy of unsigned letter dated nil in a single sheet addressed to the Circle Inspector of Police, Turuvekere Circle.
- Ex P55 Attested copy of letter dated 04/01/2014 in a single sheet of DGO 1 addressed to the State Public Prosecutor, Karnataka.
- Ex P56 Attested copy of statement dated 08/01/2014 in a single sheet of Subbaraju recorded under section 162 of The Code of Criminal Procedure .
- Ex P57 Attested copy of case diary dated 03/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station .
- Ex P58 Attested copy of report dated 16/01/2014 in a single sheet placed in crime number 157/2013 of Turuvekere Police Station.
- Ex P59 Attested copy of case diary dated 16/01/2014 in a single sheet in crime number 157/2013 of Turuvekere

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Police Station.

- Ex P60 Attested copy of further statement dated 21/01/2014 of M.Kumar recorded under section 162 of The Code of Criminal Procedure.
- Ex P61 Attested copy of further statement dated 21/01/2014 of Sri. Eranna recorded under section 162 of The Code of Criminal Procedure .
- Ex P62 Attested copy of further statement dated 21/01/2014 of Deepak recorded under section 162 of The Code of Criminal Procedure.
- Ex P63 Attested copy of statement dated 21/01/2014 of Juhailal Yadav recorded under section 162 of The Code of Criminal Procedure.
- Ex P64 Attested copy of case diary dated 21/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P65 Attested copy of statement dated 13/03/2014 in two sheets of T.R. Venkatesha Shetty recorded under section 162 of The Code of Criminal Procedure.
- Ex P66 Xerox copy of bank guarantee dated 09/12/2010 in a single sheet said to have issued by ICICI bank Limited in favour of the Chief Officer, Town Panchayath.
- Ex P67 Xerox copy of bank guarantee dated 10/12/2010 in a single sheet said to have been issued by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P68 Xerox copy of bank guarantee in a single sheet said to have been issued by ICICI Bank Limited in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex P69 Xerox copy of mahazar dated 24/07/2013 in a single sheet drawn in crime number 157/2013 of Turuvekere Police Station.
- Ex P70 Xerox copy of Property Form dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.

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- Ex P71 Xerox copy of case diary dated 24/07/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P72 Xerox copy of statement dated 06/08/2013 in two sheets of PW2 recorded under section 162 of The Code of Criminal Procedure.
- Ex P73 Xerox copy of case diary 07/08/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P74 Xerox copy of case diary 30/09/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P75 Xerox copy of case diary dated 23/10/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station .
- Ex P76 Xerox copy of report dated 23/10/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P77 Xerox copy of the letter dated 07/08/2013 in a single sheet signed on 17/07/2013 by the Sub-Inspector of Police, attached to Turuvekere Police Station addressed to the Manager, ICICI Bank, Commercial Branch, Commercial road, Bengaluru.
- Ex P78 Xerox copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station in crime number 157/2013 of Turuvekere Police Station.
- Ex P79 Xerox copy of report dated 12/12/2013 in a single sheet of the Sub-Inspector of Police attached to Dandinashivara Police Station in crime number 157/2013 of Turuvekere Police Station.
- Ex P80 Xerox copy of the report in a single sheet dated 31/12/2013 of the Assistant Sub-Inspector of Police, Turuvekere Police Station in crime number 157/2013 of Turuvekere Police Station .
- Ex P81 Xerox copy of statement dated 03/01/2014 in a single

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sheet of Sathyanaranrao recorded under section 162.

- Ex P82 Xerox copy of the case diary dated 31/12/2013 in a single sheet in crime number 157/2013 of Turuvekere Police Station .
- Ex P83 Xerox copy of case diary dated 03/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P84 Xerox copy of statement dated 03/01/2014 of Satyanarana Rao U.R in a single sheet recorded by DGO 1 under section 162 of The Code of Criminal Procedure.
- Ex P85 Xerox copy of the letter dated 04/01/2014 in a single sheet addressed by DGO 1 to the State Public Prosecutor, Karnataka.
- Ex P86 Xerox copy of the letter dated nil in a single sheet of DGO 1 addressed to the Circle Inspector of Police, Turuvekere.
- Ex P87 Xerox copy of the statement dated 08/01/2014 in a single sheet of Subbaraju recorded under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station.
- Ex P88 Xerox copy of case diary dated 03/01/2014 in a single sheet signed by DGO 1 in crime number 157/2013 of Turuvekere Police Station.
- Ex P89 Xerox copy of the report dated 16/01/2014 in a single sheet placed before DGO 1 in crime number 157/2013 of Turuvekere Police Station.
- Ex P90 Xerox copy of case diary dated 16/01/2014 in a single sheet signed by DGO 1 in crime number 157/2013 of Turuvekere Police Station.
- Ex P91 Xerox copy of further statement dated 21/01/2014 in a single sheet of DGO 2 recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station.
- Ex P92 Xerox copy of statement dated 21/01/2014 in a single sheet of Eranna recorded by DGO 1 under section 162

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of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station.

- Ex P93 Xerox copy of statement dated 21/01/2014 in a single sheet of Deepak recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station.
- Ex P94 Xerox copy of statement dated 21/01/2014 in a single sheet of Juhailal Yadav recorded by DGO 1 under section 162 of The Code of Criminal Procedure in crime number 157/2013 of Turuvekere Police Station.
- Ex P95 Xerox copy of case diary dated 21/01/2014 in a single sheet in crime number 157/2013 of Turuvekere Police Station.
- Ex P96 Xerox copy of statement dated 13/03/2014 in two sheets of T.R.Venkatesha Shetty recorded by DGO 1 under section 157/2013 of Turuvekere Police Station.
- Ex P97 Original report dated 22/03/2014 in six sheets of PW1.
- Ex P97(a) Signature of PW1 found on sheet number 6 of Ex P97.

List of witnesses examined on behalf DGOs1 and 2:-

- Ex D1 Attested copy of notice dated 05/02/2013 in a single sheet issued by him to the contractor.
- Ex D2 Attested copy of notice dated 12/03/2013 in a single sheet issued by him to the contractor.
- Ex D3 Attested copy of notice dated 14/05/2013 in a single sheet issued by him to the contractor.
- Ex D4 Attested copy of his letter dated 21/08/2013 in two sheets addressed to the Deputy Commissioner, Tumakuru.
- Ex D5 Attested copy of bank guarantee dated 31/07/2013 of Karnataka Bank Limited, Malleswaram Branch, Bengaluru in two sheets issued in favour of the Chief Officer, Town Panchayath, Turuvekere.
- Ex D6 Attested copy of letter dated 25/10/2013 in a single sheet of Karnataka Bank Limited, Malleswaram

 27.9.2019

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Branch, Bengaluru addressed to the Chief Officer, Town Panchayath, Turuvekere.

Ex D7 Attested copy of his letter dated 28/01/2014 in four sheets addressed to the Commissioner of Municipal Administration, Bengaluru.

Ex D8 Attested copy of his letter dated 24/02/2014 in two sheets addressed to the Commissioner of Municipal Administration, Bengaluru.

Ex D9 Attested copy of his letter dated 24/02/2014 in two sheets addressed to the Deputy Commissioner, Tumakuru.



(V.G. BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.



KARNATAKA LOKAYUKTA

No. UPLOK-2/DE/498/2015/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 01.10.2019.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri Rachaiah, the then Sub-Inspector of Police, (now retired) Turuvekere Police Station, Tumkur District, and (2) Sri M.Kumar, the then Chief Officer, Pattan Panchayath, Turuvekere Taluk, Tumkur District - reg.

Ref:- 1) Government Order No. HD 137 PSE 2015 dated 17.06.2015 and (2) No.UDD 61 DMK 2015 dated 24.06.2015.

2) Nomination order No. UPLOK-2/DE/498/2015 dated 19.10.2015 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 27.09.2019 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its orders dated 17.06.2015 and 24.06.2015, initiated the disciplinary proceedings against (1) Shri Rachaiah, the then Sub-Inspector of Police, (now retired) Turuvekere Police Station, Tumkur District, and (2) Sri M.Kumar, the then Chief Officer, Pattan Panchayath,

Turuvekere Taluk, Tumkur 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 Order No. UPLOK-2/DE/498/2015 dated 19.10.2015 nominated Additional Registrar of Enquiries-11, 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 DGO 1 Shri Rachaiah, the then Sub-Inspector of Police, (now retired) Turuvekere Police Station, Tumkur District, and DGO 2 Sri M.Kumar, the then Chief Officer, Pattan Panchayath, Turuvekere Taluk, Tumkur District, were tried for the following charges:-

“ನೀವು 1ನೇ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ರಾಜಯ್ಯ, ತುರುವೇಕೆರೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ 2013ರಲ್ಲಿ ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಆಗಿ ಮತ್ತು 2ನೇ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಕುಮಾರ್ ನೀವು ತುರುವೇಕೆರೆ ಪಟ್ಟಣ ಪಂಚಾಯತಿಯ ಮುಖ್ಯಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವಾಗ ತುರುವೇಕೆರೆಗೆ ಟೌನ್, ಪಟ್ಟಣ ಪಂಚಾಯಿಗೆ ಸೇರಿದ ಹಳೇ ಬಸ್ ಸ್ಟಾಂಡ್ ಜಾಗದಲ್ಲಿ ವಾಣಿಜ್ಯ ಸಂಕೀರ್ಣ ನಿರ್ಮಿಸಿಕೊಡುವ

ಉದ್ದೇಶಕ್ಕಾಗಿ ಗುತ್ತಿಗೆದಾರನೊಂದಿಗೆ ಅಗ್ರಿಮೆಂಟ್ ಮಾಡಿಕೊಂಡು, ಕಾಮಗಾರಿ ಪ್ರಾರಂಭಿಸಿ 10 ದಿನಗಳಲ್ಲಿ ಗುತ್ತಿಗೆದಾರನಿಗೆ ಹಣ ಚಡುಗಡೆ ಮಾಡಲಾಗಿದೆ ಎಂದು ಮತ್ತು ಸದರಿ ಹಣದಿಂದ ಗುತ್ತಿಗೆದಾರ ಯಾವುದೇ ಕೆಲಸ ಪ್ರಾರಂಭಿಸದೇ ಇದ್ದರೂ ಸಹ ಮತ್ತೆ 13 ದಿನಗಳಲ್ಲಿಯೇ ಹಣವನ್ನು ನೀಡಿದ್ದು, ಗುತ್ತಿಗೆದಾರರು ನೀಡಿರುವ ಬ್ಯಾಂಕ್ ಪತ್ರಗಳು ಖೋಟಾ ಆಗಿರುವ ಕಾರಣ ತುರುವೇಕೆರೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದೂರು ದಾಖಲಿಸಿದ್ದು, ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.157/2013ರಲ್ಲಿ ದೂರು ದಾಖಲಾಗಿದ್ದರೂ ಸಹ ಆರೋಪಿಯನ್ನು ಬಂಧಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಗುತ್ತಿಗೆದಾರರ ಮಾಹಿತಿ ತಿಳಿದಿದ್ದರೂ ಸಹ 2ನೇ ಆಪಾದಿತರಾದ ನೀವು ಪೊಲೀಸರಿಗೆ ತಿಳಿಸದೇ ಇರುವ ಕಾರಣ ಕರ್ತವ್ಯಲೋಪ ಮಾಡಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ. ”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that ' the charge against DGO 1 by name Sri Rachaiah that during the tenure of DGO 1 as Sub-Inspector of Police, Turuvekere Police Station, during the year 2013, DGO 1 being fully aware of registration of case against Sri Kodandaramaraju in Crime number 157/2013 for the offences punishable under section 420, 465, 468 and 471 of the Indian Penal Code, DGO 1 has failed to cause arrest of Sri Kodandaramaraju without any lawful excuse and thereby DGO 1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services(Conduct) Rules, 1966 is proved'.

5. Further the Enquiry Officer has held that ' charge against DGO 2 by name Sri M.Kumar that during the tenure of DGO 2 as Chief Officer, Turuvekere Pattana Panchayath, from 03/06/2011 to the month of June 2014, DGO 2 being fully aware of registration of case against Sri Kodandaramaraju in Crime number 157/2013 of Turuvekere Police Station, Tumkur District, for the offences punishable under section 420, 465, 468 and 471 of the Indian Penal Code, failed to cause initiate suitable action against Sri Kodandaramaraju without any lawful excuse at the earliest point of time and thereby DGO 2 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services(Conduct) Rules, 1966 is proved'.

6. On re-consideration of report of inquiry, 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 Inquiry Officer.

7. As per the First Oral Statement of DGO 2 and the information furnished by the Inquiry Officer,

- i) DGO 1 - Sri.Rachaiah, has retired from service on 30.04.2014;


- ii) DGO-2 Sri.M.Kumar, is due for retirement on 29.02.2024.

8. Having regard to the nature of charge '*proved*' against DGO 1 Shri Rachaiah, the then Sub-Inspector of Police, (now retired) Turuvekere Police Station, Tumkur District, and DGO 2 Sri M.Kumar, the then Chief Officer, Pattan Panchayath, Turuvekere Taluk, Tumkur District ,

- i) it is hereby recommended to the Government to impose penalty of ' withholding 10% of pension payable to DGO.1 Sri Rachaiah, for a period of ten years;
- ii) it is hereby recommended to the Government to impose penalty of ' withholding four annual increments payable to DGO-2 Sri.Kumar, with cumulative effect.'

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 1/10  
Upalokayukta,  
State of Karnataka.

