

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/52/2022/ARE-19

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 30th January, 2023.

RECOMMENDATION

Sub: Departmental Inquiry against Shri T.Ashwathappa S/o late Obalappa, Hostel Warden & First Division Assistant, office of the Assistant Director, Social Welfare Department, Bagepalli Taluk, Chikkaballapur District-reg.

Ref: 1) Government Order No.ಸಕಇ 5 ಪಕನೇ 2022, Bengaluru, dated: 19/02/2022.

2) Nomination Order No.UPLOK-2/DE/52/2022, Bengaluru, dated: 15/03/2022 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 23/01/2022 of Additional Registrar of Enquiries-19, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 19/02/2022 initiated the disciplinary proceedings against Shri T.Ashwathappa S/o late Obalappa, Hostel Warden & First Division Assistant, office of the Assistant Director, Social Welfare Department, Bagepalli Taluk, Chikkaballapur 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/52/2022, Bengaluru, dated: 15/03/2022 nominated Additional Registrar of Enquiries-19, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.
3. The DGO, Shri T.Ashwathappa S/o late Obalappa, Hostel Warden & First Division Assistant, office of the Assistant Director, Social Welfare Department, Bagepalli Taluk, Chikkaballapur District was tried for the following charges:

ANNEXURE-I

Charge:-

That, you DGO on 23/10/2016, when complainant contacted you on your mobile phone at about 02:10 p.m., have demanded bribe of Rs.10,000/- from complainant for paying the encouragement amount to complainant for marrying women belonging to SC/ST. On 24/10/2016 at about 01:40 p.m. in front of your office, on Shankarmuth Road, you demanded and accepted bribe of Rs.10,000/- from complainant, for above said purpose, and thereby you-DGO have committed, misconduct dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity violating Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. Hence, this Charge.

4. Notice of Articles of charge, Statement of Imputation of misconduct with list of witnesses and documents was served upon the DGO on



05/04/2022 and posted for appearance. On 22/04/2022, DGO appeared before this Authority and his First Oral Statement was recorded and enquiry was posted for Written Statement. DGO has filed his Written Statement on 01/07/2022.

5. During the pendency of the Inquiry, Advocate for the DGO has filed Memo along with documents and relevant citations stating that, even prior to the Entrustment of this Inquiry vide Government Order No.ಸಕಇ 5 ಪಕಸೇ 2022, Bengaluru, dated: 19/02/2022 to this Authority; the Commissioner and Disciplinary Authority, Social Welfare Department has decided to hold the Departmental Inquiry against the present DGO on the same of charges under Order No. ಸಕನಿ/ಸಿಬ್ಬಂದಿ-2/ಸಿ.ಆರ್-19/2016-17, dated: 18/09/2021. In this respect, Retired District Judge has been appointed as Inquiry Officer to conduct Departmental Inquiry and evidence has already been completed and posted for Report.
6. On perusal of the Order laid down by the Commissioner and Disciplinary Authority of Social Welfare Department and on consideration of the totality of circumstances, since the Inquiry is already been initiated on the same set of charges vide order No.ಸಕನಿ/ಸಿಬ್ಬಂದಿ-2/ಸಿ.ಆರ್-19/2016-17, dated: 18/09/2021 and evidence



has already been completed and posted for Report, this Inquiry on the basis of the same set of allegations against DGO, Shri T.Ashwathappa S/o late Obalappa cannot be preceded by this Institution, the instant proceedings against the DGO do not survive for consideration at present.

“The proceedings initiated against DGO, Shri T.Ashwathappa S/o late Obalappa, Hostel Warden & First Division Assistant, office of the Assistant Director, Social Welfare Department, Bagepalli Taluk, Chikkaballapur District needs to be stopped in view of the fact that Inquiry is already been initiated on the same set of charges vide order No.ಸಕನಿ/ಸಿಬ್ಬಂದಿ-2/ಸಿ.ಆರ್-19/2016-17, dated: 18/09/2021 and evidence has already been completed and posted for Report, this Inquiry on the basis of the same set of allegations cannot be preceded by this Institution”.

7. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and to close the proceedings against DGO, Shri T.Ashwathappa S/o late Obalappa, Hostel Warden & First Division Assistant, office of the Assistant Director, Social



Welfare Department, Bagepalli Taluk, Chikkaballapur District, since Inquiry is already been initiated on the same set of charges vide order No.ಸಕನಿ/ಸಿಬ್ಬಂದಿ-2/ಸಿ.ಆರ್-19/2016-17, dated: 18/09/2021 and evidence has already been completed and posted for Report, this Inquiry on the basis of the same set of allegations cannot be preceded by this Institution.

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

NO:Uplok-2/DE/52/2022/ARE-19

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:23.01.2023

:: R E P O R T ::

Sub: Departmental Enquiry against Shri. T. Ashwathappa S/o late Obalappa, Hostel Warden and FDA, O/o Assistant Director, Social Welfare Department, Bagepalli Taluk, Chikkaballapur District - reg.

Ref: 1. Government Order No.ಸಕಇ 5 ಪಕಸೇ 2022,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:19/02/2022.

2. Nomination Order No:Uplok-2/DE/52/
2022/ARE-19, Bengaluru, dt:15.03.2022
of Hon'ble Uplokayukta.

The Departmental Enquiry is initiated against Delinquent Government Official Shri. T. Ashwathappa S/o late Obalappa, Hostel Warden and FDA, O/o Assistant Director, Social Welfare Department, Bagepalli Taluk, Chikkaballapur District (hereinafter referred as D.G.O for short).

2. 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-19

to frame Articles of Charge and to conduct enquiry against aforesaid D.G.O.

3. Report u/s 12(3) of Karnataka Lokayukta Act was forwarded by Hon'ble Upalokayukta on 07.12.2021 and based on the report the Competent Authority i.e. Social Welfare Department, Government of Karnataka entrusted the enquiry to Hon'ble Upalokayukta on 19.02.2022.

4. The Articles of charge as framed by ARE-19 was served on the DGO. Responding to the service of notice of enquiry and service of Articles of Charge the DGO appeared with his counsel.

5. Then Shri. G.L.G. Advocate for DGO has filed memo with documents and also another memo with citation and submits that even prior to the entrustment of this enquiry vide Government Order No.ಸಕಇ 5 ಪಕಸೇ 2022, ಬೆಂಗಳೂರು ದಿ:19/02/2022 to this authority, the disciplinary authority, the Department of Social Welfare decided to hold the departmental enquiry against the present DGO under order No. ಸಕನಿ/ಸಿಬ್ಬಂದಿ-2/ಸಿಆರ್-19/2016-17, ದಿನಾಂಕ:18/09/2021 and accordingly proceeded to appoint a Retired District Judge as the enquiry officer. The certified copy of said order and other connected records are furnished. It is also


seen from the records that the evidence for the disciplinary authority has already been completed and it is reserved for submission of report.

6. The perusal of the AOC served on the present DGO by the disciplinary authority and the AOC served here on the DGO in this proceeding do make it clear that both the enquiries are on the same set of charges.

7. In view of the decision of the Hon'ble Supreme Court in the case of Nandakumar Verma V/s State of Jharkhand and other reported in (2012) 3, SCC 580, the conducting of a second enquiry on the very same charges is not justified.

8. Keeping in view the Departmental Enquiry already initiated by the Disciplinary Authority, the Hon'ble Upalokayukta has been pleased to order the closure of this Enquiry.

9. Hence, this closure report is submitted.


(PRAKASH L. NADIGER)
Additional Registrar Enquiries-19,
Karnataka Lokayukta,
Bengaluru.

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

	NIL
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2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:


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

	NIL
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4. LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:

	NIL
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(PRAKASH L. NADIGER) 11/23
Additional Registrar Enquiries-19,
Karnataka Lokayukta,
Bengaluru.