

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/55/2018/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 26.7.2022

:: ENQUIRY REPORT ::**:: Present ::****(S.GOPALAPPA)**

**I/c Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against Sri.Ramesh,
Tahasildar Channapattan Taluk Office,
Ramangara District - reg.

Ref: 1. G.O.No. RD 192 ADE 2017 dated:
30.10.2017

2.Nomination Order No: UPLOK-
2/DE/55/2018/ARE-9 Bangalore
dated:5.2.2018 of Hon'ble Upalokayukta-2

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This Departmental Inquiry is initiated against Sri.Ramesh,
Tahasildar Channapattan Taluk Office, Ramangara District
(hereinafter referred to as the Delinquent Government Official for
short "DGO").

2. In pursuance of the Government Order cited above at
reference No.1, Hon'ble Upalokayukta vide order dated 5.2.2018
cited above at reference No.2 has nominated Additional Registrar of
Enquiries-9 (in short ARE-9) to frame Articles of charges and to
conduct the inquiry against the aforesaid DGO.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGO are as under :

ANNEXURE-I
CHARGE

ಆಸನೌ ಆದ ನೀವು -

ಆಸನೌ -ತಹಶೀಲ್ದಾರ್ ಆದ ನಿಮ್ಮ ಮುಂದೆ ದೂರುದಾರರು ಸ.ನಂ: 88ರಲ್ಲಿ 35 ಗುಂಟೆ ದರಕಾಸ್ತಿನಲ್ಲಿ ಮಂಜೂರಾದ ಜಮೀನಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುವಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ನೀವು ಸದರಿ ಅರ್ಜಿಯನ್ನು ವಿಲೇವಾರಿ ಮಾಡದೇ ಇದ್ದುದರಿಂದ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ಕಂಪ್ಲೇಂಟ್/ಉಪಲೋಕ/ಬಿಡಿ/543/08ನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ತರಹಶೀಲ್ದಾರರ ಮುಂದೆ ದೂರುದಾರರು ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುವಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಹಣ ಸಂದಾಯ ಮಾಡಿದ ನಂತರವೂ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸದೇ ಇದ್ದಲ್ಲಿ ಪುನಃ ದೂರು ಸಲ್ಲಿಸಬಹುದೆಂದು ಮುಕ್ತಾಯವಾಗಿತ್ತು. ದೂರುದಾರರ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸದೇ ಇದ್ದುದರಿಂದ ಪುನಃ ಅವರು ಉಪಲೋಕ/ಬಿಡಿ/8214/2015/ಡಿ.ಆರ್.ಇ-5ರಲ್ಲಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ದೂರಿನಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು, ಒಂದು ವಾರದಲ್ಲಿ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ತಹಶೀಲ್ದಾರ ಆದ ನಿಮಗೆ ಸೂಚಿಸಿದ್ದು, ಒಂದು ವೇಳೆ ದೂರುದಾರರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಪಡೆಯಲು ಅರ್ಹತೆ ಇದ್ದಲ್ಲಿ 15 ದಿನಗಳೊಳಗಾಗಿ ಕ್ರಮ ಕೈಗೊಂಡು ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ್ದರು. ಆದರೆ, ಆ.ಸ.ನೌ ಆದ ನೀವು ಯಾವುದೇ ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸಿಲ್ಲ. ಆದ್ದರಿಂದ ಆ.ಸ.ನೌ ಆದ ನಿಮಗೆ ನೋಟೀಸು ಕೊಡಲಾಗಿದ್ದು, ನೋಟೀಸು ಸ್ವೀಕೃತಿಯಾದ ನಂತರವೂ ಸಹ ಆ.ಸ.ನೌ ಆದ ನೀವು ಯಾವುದೇ ವರದಿಯನ್ನಾಗಲಿ ಆಕ್ಷೇಪಣೆಯನ್ನಾಗಲಿ ಸಲ್ಲಿಸಿಲ್ಲ. ದಿನಾಂಕ: 11.8.2015 ರಂದು ಕೊಟ್ಟಿರುವ ನೋಟೀಸು ಸ್ವೀಕೃತಿಯಾಗಿದೆ, ನಂತರದಲ್ಲಿಯೂ ಸಹ

29.9.2015ರಂದು ನೆನಪೋಲೆ ಜಾರಿಯಾಗಿದೆ. ಆದರೂ ಸಹ ಆ.ಸ.ನೌ ಆದ ನೀವು ಯಾವುದೇ ತಕರಾರು ಸಲ್ಲಿಸಿಲ್ಲ.

ಆ.ಸ.ನೌ ಆದ ನೀವು 2 ಸಲ ನೋಟೀಸ್‌ಗಳನ್ನು ಸ್ವೀಕರಿಸಿದ್ದರೂ ಸಹ ಯಾವುದೇ ತಕರಾರುಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರ ನಿರ್ದೇಶನದಂತೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೆ ಅನುಪಾಲನಾ ವರದಿ ಅಥವಾ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸದೇ ಕರ್ತವ್ಯಲೋಪವನ್ನು ಎಸಗಿದ್ದೀರಿ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

ANNEXURE - 2

STATEMENT OF IMPUTATIONS OF MISCONDUCT

ಈ ದೂರನ್ನು ಶ್ರೀ.ರಾಜು ತಂದೆ ರಾಜೇಗೌಡ, ವಾಸ: ಪುಟ್ಟಪ್ಪನ ದೊಡ್ಡಿ ಗ್ರಾಮ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ರಾಮನಗರ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು ಶ್ರೀ ಕೆ. ರಮೇಶ, ತಹಶೀಲ್ದಾರ್ ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ರಾಮನಗರ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆ.ಸ.ನೌ ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರ ವಿರುದ್ಧ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರ:

ದೂರುದಾರರು ಈ ಹಿಂದೆ ಕಂಪ್ಲೆಂಟ್/ಉಪಲೋಕ್/ಬಿ.ಡಿ-543/2008 ರಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ದೂರಿನಲ್ಲಿ ಅಂತಿಮ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯಲ್ಲಿ ತಹಶೀಲ್ದಾರರ ಮುಂದೆ ದೂರುದಾರರು ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುವಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಹಣ ಸಂದಾಯ ಮಾಡಿದ ನಂತರ ಒಂದು ವೇಳೆ ತಹಶೀಲ್ದಾರರು ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸದಿದ್ದಲ್ಲಿ ಪುನಃ ದೂರು ಸಲ್ಲಿಸಬಹುದು ಅಂತ ಕಾರಣ ತಿಳಿಸಿ ಮುಕ್ತಾಯವಾಗಿದೆ. ಈಗ ಅದೇ ದೂರುದಾರರು ತಹಶೀಲ್ದಾರ್ ರವರ ಮುಂದೆ ನಾನು ಸ.ನಂ: 88ರಲ್ಲಿ 35 ಗುಂಟೆ

ದರಕಾಸ್ತಿನಲ್ಲಿ ಮಂಜೂರಾದ ಜಮೀನಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುವಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಆದರೆ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುತ್ತಿಲ್ಲ ಇದೇ ಜಮೀನಿನಲ್ಲಿ ಕಾನೂನನ್ನು ಉಲ್ಲಂಘಿಸಿ ತಹಶೀಲ್ದಾರ್ ರವರು 2 ಎಕರೆ ಜಮೀನನ್ನು ಕೆ.ಪುಟ್ಟಸ್ವಾಮಿ ಎನ್ನುವವರಿಗೆ ತಹಶೀಲ್ದಾರ್ ರವರು ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ನನಗೆ ಮಾತ್ರ ಕೊಟ್ಟಿಲ್ಲ ಅಂತ ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರು ರಾಮನಗರ ಕ್ಯಾಂಪಿನಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಕುಂದು ಕೊರತೆ ವಿಚಾರಣೆ ವೇಳೆಯಲ್ಲಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದಾರೆ.

ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರು, ಒಂದು ವಾರದಲ್ಲಿ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ತಹಶೀಲ್ದಾರರಿಗೆ ಸೂಚಿಸಿದ್ದಾರೆ. ಒಂದು ವೇಳೆ ದೂರುದಾರರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಪಡೆಯಲು ಅರ್ಹತೆ ಇದ್ದಲ್ಲಿ 15 ದಿನಗಳೊಳಗಾಗಿ ಕ್ರಮ ಕೈಗೊಂಡು ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ್ದಾರೆ. ಆ.ಸ.ನೌ ರವರು ಯಾವುದೇ ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸಿಲ್ಲ. ಆದ್ದರಿಂದ ಆ.ಸ.ನೌ ರವರಿಗೆ ನೋಟೀಸು ಕೊಡಲಾಗಿದೆ. ನೋಟೀಸು ಸ್ವೀಕೃತಿಯಾದ ನಂತರವೂ ಸಹ ಆ.ಸ.ನೌ ರರು ಯಾವುದೇ ವರದಿಯನ್ನಾಗಲಿ ಆಕ್ಷೇಪಣೆಯನ್ನಾಗಲಿ ಸಲ್ಲಿಸಲಿಲ್ಲ. ದಿನಾಂಕ: 11.8.2015 ರಂದು ಕೊಟ್ಟಿರುವ ನೋಟೀಸು ಸ್ವೀಕೃತಿಯಾಗಿದೆ, ನಂತರದಲ್ಲಿಯೂ ಸಹ 29.9.2015ರಂದು ನೆನಪೋಲೆ ಜಾರಿಯಾಗಿದೆ. ಆದರೂ ಸಹ ಆ.ಸ.ನೌ ಯಾವುದೇ ತಕರಾರು ಸಲ್ಲಿಸಿಲ್ಲ.

ಈ ಪ್ರಕರಣದ ಆ.ಸ.ನೌ ರವರು 2 ಸಲ ನೋಟೀಸ್‌ಗಳನ್ನು ಸ್ವೀಕರಿಸಿದ್ದರೂ ಸಹ ಯಾವುದೇ ತಕರಾರುಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರ ನಿರ್ದೇಶನದಂತೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೆ ಅನುಪಾಲನಾ ವರದಿ ಅಥವಾ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸದೇ ಕರ್ತವ್ಯಲೋಪವನ್ನು ಎಸಗಿದ್ದಾರೆ.

ತಹಶೀಲ್ದಾರರು ತಾಲ್ಲೂಕು ಕಛೇರಿ ಚನ್ನಪಟ್ಟಣ ಇವರು ವರದಿ ಸಲ್ಲಿಸಿ ತಹಶೀಲ್ದಾರರವರ ಹೆಸರು ಕೆ. ರಮೇಶ ಎಂದು, ಅವರ ನಿವೃತ್ತಿ ದಿನಾಂಕ: 30-10-2023 ಆಗಿರುತ್ತದೆ ಅಂತ ತಿಳಿಸುವುದರ ಜೊತೆಗೆ ಈಗ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದಾರೆ. ತಮ್ಮ ಆಕ್ಷೇಪಣೆಗಳಲ್ಲಿ ಗೋಮಾಲದ ಜಮೀನುಗಳಿಗೆ ಈವರೆಗೆ ಕಿಮ್ಮತ್ತು ಹಣ ಕೊಟ್ಟಿರುವುದಿಲ್ಲವಾದ ಕಾರಣ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಟ್ಟಿಲ್ಲ. ದೂರುದಾರರ ಅರ್ಜಿಯು ಬಗರ ಹುಕುಂ ಸಮೀತಿಯ ಮುಂದೆ ವಜಾ ಆಗಿದೆ. ಗೌರವಾನ್ವಿತ ಸೂಪ್ರಿಂ ಕೋರ್ಟ್ ಮತ್ತು ಹೈಕೋರ್ಟ್‌ಗಳ ಆದೇಶಗಳಲ್ಲಿ ಗೋಮಾಲದ ಜಮೀನುಗಳನ್ನು ಕಾಯ್ದಿರಿಸಲು ಸ್ಪಷ್ಟ

ಆದೇಶ ಇರುವುದರಿಂದ ದೂರುದಾರರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಟ್ಟಿಲ್ಲ ಅಂತ ತಿಳಿಸಿದ್ದಾರೆ. ಆ.ಸ.ನೌ ರವರು 2 ಸಲ ನೋಟಿಸ್ ತೆಗೆದುಕೊಂಡರೂ ಸಹ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸೆಗಿದ್ದಾರೆ.

ಆಸನೌ ರವರು ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆ ತೋರಿಸಿ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮ 3(i) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದು, ಆಸನೌ ರವರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-9 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಈ ದೋಷಾರೋಪಣೆ.

5. The Article of charge was issued to the DGO calling upon him to appear before this authority and to submit written statement.

6. The DGO appeared before this inquiry authority in pursuance to the service of the Article of charges. First Oral Statement was recorded on 17.3.2018 and plea of the DGO has been recorded and he pleaded not guilty and claimed for holding inquiry. Thereafter, he submitted written statement.

7. In his written statement, he has stated that during his duty period, the complainant Sri. Raju S/o Rajegowda residing in

Puttappanadoddi village has encroached 1 acres of land in Sy. No. 88 of Belakere Village and has used it for agricultural activities, and has submitted a complaint to the revenue department to regularize the said land. He has ordered in an office note to submit a report to his lower officer to take action accordingly. He has rejected the complainant's application because a case was pending before civil court and there was restriction of Gomala land and then action was taken as per the order of notification dtd: 16.2.2017 and issued sagulavi chit after collecting prescribed fee from the complainant. With these grounds, he prayed to drop the charges leveled against him.

8. The disciplinary authority has examined the scrutiny officer Sri. Venkatesh the then DRE-5, Karnataka Lokayukta Bengaluru as PW.1 and got marked documents as **Ex.P-1 to ExP-9**. CW-1 was reported to be dead.

9. Thereafter, second oral statement of DGO has been recorded. DGO Sri.Ramesh, Tahasildar Channapattan Taluk Office, Ramangara District has got examined himself as DW-1 and has got marked documents as **Ex.D-1 to Ex.D-12**.

10. Heard the submissions of Presenting Officer. DGO submitted written arguments. Perused the entire records. The only point that arise for my consideration is:

1. Whether the Disciplinary Authority proves the charge framed against the DGO ?

My finding on the above point is in **NEGATIVE** for the following:

REASONS

11. PW-1 is the scrutiny officer Sri. Venkatesh the then DRE-5, Karnataka Lokayukta Bengaluru, has deposed in his evidence that he worked as DRE-5 in Karnataka Lokayukta Bengaluru from May 2016 to May 2018. He has further deposed that the complaint No. UPLOK/BD 8214/2015/ was filed by the complainant Sri. Raju against Tahasildar, Channapatna Taluk, Ramanagara District. Earlier complainant had filed complaint against Tahasildar before Hon'ble Lokayukta in case No. UPLOK/BD 543/2008, in this case, complainant asked to file fresh application before Tahasildar to sanction land in Sy. No. 88 of Belakere Village. In case the Tahasildar has not considered the application, the complainant was asked to approach Karnataka Lokayukta office again and to file fresh complaint with these directions the said complaint was closed. After that when the complainant submitted the fresh application, he was allotted 35 guntas of land in the said survey number. But cultivation certificate was not given. Therefore the complainant had made a request to give a cultivation certificate. Apart from this a person named K.Puttaswamy has been illegally allotted 2 acres of land in the same land. Complainant complained before Assistant Commissioner about the illegal sanction of land, then it was got cancelled. Hence legal action is requested by him against the respondent.

12. Further PW-1 has deposed that, after filing the complaint, even though two notices were served to DGO to file comments, he did

not submit his comment. DGO has committed dereliction of duty by not submitting the comments. Later DGO filed an objection and said that since it is the land of Gomala, no kimmat has been paid by the complainant, hence the application was dismissed before bagarhukum committee and informed that cultivation certificate has not been given as there are orders of Hon'ble Supreme Court and Hon'ble High courts for reservation of cattle lands. DGO has not submitted action taken report in spite of notices served to him on 11.8.2015 and 29.9.2015, Show cause notice dtd: 8.5.2017 was issued to DGO on 16.5.2017 on the direction of Hon'ble Upalokayukta. Prior to that reminders dtd: 10.9.2015 & 15.2.2016 were issued to DGO.

13. He further deposed that since no comments were filed by DGO, he has submitted the final note before Hon'ble Upalokayukta-2 on 8.5.2017 stating that DGO has committed dereliction of duty. Hon'ble Upalokayukta has approved the said final note and has submitted a report under section 12(3) of Karnataka Lokayukta Act on 3.8.2017. Ex.P-1 to 3 are the detailed complaint, and form No.1 and 2. Ex.p-4 are the documents submitted along with complaint. Ex.P-5 are the comments dtd: 22.5.2017 and enclosures submitted on 1.6.2017 in this office. Ex.P-6 is the explanation dtd: 8.6.2017 given by DGO. Ex.p-7 and 8 are the reminders dtd: 10.9.2015 & 8.5.2017. Ex.P-9 is the Show cause notice dtd: 8.5.2017

14. In the cross examination PW-1 admits that his period of working is May 2016 to May 2018. The receipt and dispatch registers have been maintained during his period in his office. He accepted that in this complaint file, the entire documents related to the prior complaint file were not there. But in the case file the copy of

endorsement and final scrutiny note of case No. UPLOK/BD 543/2008 were there. He was not aware that the complainant was illegally cultivating 4 acres of land in Sy. No. 88. He denies that DGO has given information at the appropriate time in this case. He does not know that the cultivation certificate was not given because the land was not allotted in the name of the complainant in the Darkas committee. There are no documents showing that DGO has given record to show that the said case was pending before court. It is not noticed in the case No. UPLOK/BD 543/2008 that Hon'ble Upalokayukta has ordered that complainant should be issued cultivation certificate within 10 days. On 10.4.2017 a letter was written to the Tahasildar Channapatna taluk asking him to inform the name and address of the Tahasildar who worked from 11.8.2015 to 29.9.2015. The notice given by PW-1 is not issued in the name of DGO.

15. DW-1 is the DGO Sri.Ramesh, Tahasildar Channapattan Taluk Office, Ramangara District has deposed in his evidence that he worked as Tahasildar in Ramanagara District Channapatana taluk from 25.7.2015 to 31.1.2018. In between he worked in M.S.Building in April and May 2018 for election purposes. Raje gowda father of Raju of Puttappanadoddi village, Channapatana taluk had filed an application in the taluk office for issue of cultivation certificate in Sy. No. 88 of Bilekere village in the year 2006. Tahasildar does not have the authority to issue cultivation certificate. But prior to that there should be a sanction or procedure in the committee concerned to issue cultivation certificate. At the taluk level there is a Land Grant

Committee and a committee for land allotment under the legal Act. Before that Deputy commissioner and Assistant Commissioner level Darkast committee was there.

16. DW-1 was not knowing that on 23.4.2015 a complaint was registered in Karnataka Lokayukta office by the complainant. When he received notice in 2nd complaint then only he came to know about the 1st complaint filed by complainant in Karnataka Lokayukta office in the year 2008. In Sy. No. 88 the complainant has applied for sanction of 2 acres of land, but only 35 guntas of land was sanctioned in the name of the complainant in the committee. Puttaswamy Gowda got allotted 2 acres of land.

17. Further DW-1 has deposed that a case was registered between the complainant and Puttaswamy Gowda in the office of the Assistant Commissioner. The Assistant Commissioner has cancelled 2 acres of land allotted to Puttaswamy Gowda in the said case. Later Puttaswamy Gowda filed an appeal in the Deputy commissioner Court. In the said appeal the Deputy commissioner has issued an order quashing the order of the Assistant Commissioner.

18. Further DW-1 has deposed that if there are 100 cattle in the village, there is a government order that 35 acres of land should be reserved for cattle and the remaining land should be allotted and cultivation certificate should be issued. Therefore, the previous Tahasildar has given a letter that he cannot issue cultivation certificate to the complainant. Then at the government level, if submitted in form -53, the government will order to issue a cultivation certificate for the concerned land, limited to a period. According to the order he issued 35 guntas of cultivation certificate to complainant

on 6.6.2017. Complainant has not paid money to issue of cultivation certificate, hence it was delayed. The cultivation certificate was issued only after the deposit of premium amount by complainant.

19. Further DW-1 has deposed that he has replied to the reminders dtd: 17.7.2015, 10.9.2015 and show cause notice dtd: 15.2.2016. The delay in submitting the reply was due to grama panchayath election and formation of new district work. He has assumed charge as Tahasildar Grade-2 in Channapatna Taluk on 8.1.2015. The CTC of the said transfer of charge is Ex.D-1. Later he promoted from Grade 2 post to Grade-1 post with effect from 30.8.2016. The CTC of the said (promotion) transfer of charge is Ex.D-2. On 2.8.2018 he was transferred from Channapatna to Hoskote, so he relieved from Channapatna and handed over the charge to Yogananda. The CTC of the said transfer of charge is Ex.D-3. The Bagar Hokum committee was chaired by the MLA. The complainant was allotted 35 guntas of land in Sy. No. 88. On 16.2.2017 vide letter No. RD/37/LGP/2016 Bengaluru the government issued a notification directing to consider all the applications submitted in form No. 50 & 53 of the Karnataka Land Revenue Rules, 1966 at once. A letter dtd: 1.4.2017 was also given. Accordingly, he has issued cultivation certificate for 35 guntas in sy. No. 88 to complainant. The notification, letter dtd: 1.4.2017 and cultivation certificate are got marked as Ex.D-4 to Ex.D-6. Ex.D-7 is the affidavit given by the complainant. The replies given by him on 20.8.2015, 30.10.2015, & 30.4.2016 are marked as Ex.D-9 to Ex.D-11, action taken report as Ex.D-12.

20. He has worked as Channapatana Grade-1 Tahasildar from July 2015 to 2.8.2018. Puttappanadoddi village comes within the jurisdiction of Channapatana taluk. He admits that the complainant had applied for a cultivation certificate for 35 guntas of land in Sy. No. 88. The said application was not immediately disposed of. Because gomala land was to be reserved according to number of cows. After the notification dtd: 16.2.2017 issued by Government all the applications were considered and given a notice to pay the money. He denies that the complainant was not given cultivation certificate, immediately even after paying the money. He voluntarily deposed that on 1.5.2017 a notice was given to complainant to pay the money, the complainant paid the money through the bank on 27.9.2017 by that time he had already prepared the cultivation certificate. He further denies that he did not submit compliance report within 15 days. He admits that a notice was given by this office. He denies that after the receipt of notice he did not submit report or comments.

21. Further DW-1 has deposed that cultivation certificate was issued after 9 years of application given by complainant for that he answered that he came to office as Grade-1 Tahasildar in July 2015 and when he checked that there was restriction of Gomala land and then action was taken as per the order of notification dtd: 16.2.2017 and it was the reason for delay to issued cultivation certificate. He denies that he has not submitted action taken report and comments after the issue of two notices. He denies that he has not properly performed his duty.

22. The DGO has worked from 25.7.2015 to 31.7.2018 as Tahasildar in Channapatana Taluk office. In between in April -2018

and May 2018 he worked in M.S. Building on election duty. After resuming the charge he found the complainant's application was pending from the year 2006 for issue of saguvali chit. The Tahasildar has no independent authority to issue saguvali chit. The land grant committee is the authority to grant the land and order for issuance of saguvali chit. The earlier complaint was not within the knowledge of present DGO. Only when the notice was issued in the second complaint he came to know about the matter. The complainant had submitted an application for grant of two acres of land in Survey No. 88. But the land grant committee granted only 35 guntas of land in favour of the complainant. The land grant committee granted two acres of land to one Puttaswamy Gowda. The earlier Tahasildar gave an endorsement to the complainant stating that land cannot be granted because in every village for 100 cattle 35 acres of land has to be reserved for gomala. Subsequently, as per the orders of Government he issued a saguvali chit to the complainant on 6.6.2017. Then on 27.9.2017 the complainant has paid kimmat amount since the complainant had not paid prescribed fees there was delay in issuing saguvali chit much before depositing kimmat he had prepared saguvali chit. Ex.D-8 is the saguvali chit issued in favour of complainant in respect of Survey No. 88 measuring 35 guntas.

23. Ex.D-9 is the reply given by the DGO for reminder dated: 11.8.2015 our office has received the same on 20.8.2015. Ex.D-10 is the reply dated: 30.10.2015 given by the DGO to the reminder dated: 29.9.2015 our office has received this reply on 30.10.2015. Ex.D-11 is the another reply dated: 30.4.2016 given by the DGO. In all Ex.D-9 to Ex.D-11 the DGO sought for time to submit compliance report.

DRE-5 section received Ex.D-9 to Ex.D-11 and endorsed the same. Probably this was not brought to the notice of scrutiny officer. After the show cause notice was issued on 8.5.2017, DGO submitted action taken report dated: 8.6.2017 was received in our office on 13.6.2017. The saguvali chit was issued on 8.6.2017.

24. According to the complainant since prescribed fee was not paid due to grama panchayath elections and for inaction of new district there was delay in issuing saguvali chit but, finally the Tahasildar has issued the saguvali chit in favour of the complainant. For the notices issued by the scrutiny officer, the DGO has submitted his replies and sought for time. The DGO has replied to the notice dated: 11.8.2015 and to the reminder dated: 29.9.2015.

25. Therefore, overall examination of the evidence on record show that the disciplinary authority has not established the charges leveled against DGO. Hence, I proceed to record the following:-

FINDINGS

26. The Disciplinary Authority has not proved the charges leveled against DGO. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

27. Date of retirement of DGO is 31.10.2027.

sdt-

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

PW.1	Sri. Venkatesh the then DRE-5, Karnataka Lokayukta Bengaluru original
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1 & 2	Ex.p-1 and 2 are the complaint in form No.1 and 2 filed by Sri. Raju in Karnataka Lokayukta office
Ex.P 3	Ex.P-3 is the detailed complaint dated: 23.4.2015 filed by Sri. Raju in Karnataka Lokayukta office
Ex.P- 4	Ex.P-4 is the endorsement dtd: 11.2.2009 from DRE-2 to complainant Sri. Raju, final scrutiny note of this institution and other documents.
Ex.P-5	Ex.P-5 is the comments dtd: 22.5.2017 of DGO and other documents.
Ex.P-6	Ex.p-6 is the explanation dtd: 8.6.2017 submitted by DGO
Ex.p-7	Ex.P-7 is the reminder dtd: 10.9.2015 from DRE-5 to DGO
Ex.p-8	Ex.P-8 is the reminder- 2 dtd: 15.2.2016 from DRE-5 to DGO
Ex.P-9	Ex.P-9 is the show cause notice dated: 8.5.2017 from DRE-5 to DGO

iii) List of witnesses examined on behalf of DGO

DW-1	Sri.Ramesh, Tahasildar Channapattan Taluk Office, Ramangara District original
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iv) List of documents marked on behalf of DGO

Ex.D-1	ExD-1 is the CTC dtd: 8.1.2015 of Sri. H.S.Arunprabha and DGO
Ex.D-2	Ex.D-2 is the CTC dtd: 30.8.2016 of DGO

Ex.D-3	ExD-3 is the CTC dtd: 2.8.2018 of DGO
Ex.D-4	Ex.D-4 is the notification dtd: 16.2.2017 of Government
Ex.D-5	Ex.D-5 is the letter dtd: 1.4.2017 of Under Secretary to Government Revenue Department (Land grant-1)
Ex.D-6	Ex.D-6 is the official memorandum dtd: 6.6.2017 of Tahasildar Channapatana
Ex.D-7	Ex.D-7 is the affidavit dtd:6.9.2017 of complainant
Ex.D-8	Ex.D-8 is the saguvali Chit issued to complainant on 8.6.2017
Ex.D-9	Ex.D-9 is the letter dtd: 20.8.2015 of DGO to DRE-5
Ex.D-10	Ex.D-10 is the letter dtd: 30.10.2015 of DGO to DRE-5
Ex.D-11	Ex.D-11 is the letter dtd: 30.4.2016 of DGO to DRE-5
Ex.D-12	Ex.D-12 is the report dtd: 8.6.2017 of DGO to DRE-5

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(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/55/2018/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 29th July, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shri Ramesh,
Tahsildar, Channapattana Taluk Office,
Ramanagara District-reg.,

Ref: 1) Government Order No.ಆರ್‌ಡಿ 192 ಎಡಿಇ 2017,
Bengaluru, dated: 30/10/2017.

2) Nomination Order No.UPLOK-2/DE/55/2018,
Bengaluru, dated: 05/02/2018 of Upalokayukta,
State of Karnataka, Bengaluru.

3) Inquiry Report dated: 26/07/2022 of
Additional Registrar of Enquiries-9, Karnataka
Lokayukta, Bengaluru.

The Government by its order dated: 30/10/2017 initiated the disciplinary proceedings against Shri Ramesh, Tahsildar, Channapattana Taluk Office, Ramanagara 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/55/2018, Bengaluru, dated: 05/02/2018 nominated Additional Registrar of Enquiries-9, 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 Ramesh, Tahsildar, Channapattana Taluk Office, Ramanagara District was tried for the following charges:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ:

ಆಸನಾ -ತಹಶೀಲ್ದಾರ್ ಆದ ನಿಮ್ಮ ಮುಂದೆ ದೂರುದಾರರು ಸ.ನಂ: 88ರಲ್ಲಿ 35 ಗುಂಟೆ ದರಕಾಸ್ತಿನಲ್ಲಿ ಮಂಜೂರಾದ ಜಮೀನಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುವಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ನೀವು ಸದರಿ ಅರ್ಜಿಯನ್ನು ವಿಲೇವಾರಿ ಮಾಡದೇ ಇದ್ದುದರಿಂದ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ಕಂಪ್ಲೇಂಟ್/ಉಪಲೋಕ/ಬಿಡಿ/543/08ನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ತರಹಶೀಲ್ದಾರರ ಮುಂದೆ ದೂರುದಾರರು ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡುವಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಹಣ ಸಂದಾಯ ಮಾಡಿದ ನಂತರವೂ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸದೇ ಇದ್ದಲ್ಲಿ ಪುನಃ ದೂರು ಸಲ್ಲಿಸಬಹುದೆಂದು ಮುಕ್ತಾಯವಾಗಿತ್ತು. ದೂರುದಾರರ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸದೇ ಇದ್ದುದರಿಂದ ಪುನಃ ಅವರು ಉಪಲೋಕ/ಬಿಡಿ/8214/2015/ಡಿ.ಆರ್.ಇ-5ರಲ್ಲಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ದೂರಿನಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು, ಒಂದು ವಾರದಲ್ಲಿ ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ತಹಶೀಲ್ದಾರ್ ಆದ ನಿಮಗೆ ಸೂಚಿಸಿದ್ದು.

ಒಂದು ವೇಳೆ ದೂರುದಾರರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿ ಪಡೆಯಲು ಅರ್ಹತೆ ಇದ್ದಲ್ಲಿ 15 ದಿನಗಳೊಳಗಾಗಿ ಕ್ರಮ ಕೈಗೊಂಡು ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ್ದರು. ಆದರೆ, ಆ.ಸ.ನೌ ಆದ ನೀವು ಯಾವುದೇ ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸಿಲ್ಲ. ಆದ್ದರಿಂದ ಆ.ಸ.ನೌ ಆದ ನಿಮಗೆ ನೋಟೀಸು ಕೊಡಲಾಗಿದ್ದು, ನೋಟೀಸು ಸ್ವೀಕೃತಿಯಾದ ನಂತರವೂ ಸಹ ಆ.ಸ.ನೌ ಆದ ನೀವು ಯಾವುದೇ ವರದಿಯನ್ನಾಗಲಿ ಆಕ್ಷೇಪಣೆಯನ್ನಾಗಲಿ ಸಲ್ಲಿಸಲಿಲ್ಲ. ದಿನಾಂಕ: 11.8.2015 ರಂದು ಕೊಟ್ಟಿರುವ ನೋಟೀಸು ಸ್ವೀಕೃತಿಯಾಗಿದೆ, ನಂತರದಲ್ಲಿಯೂ ಸಹ 29.9.2015ರಂದು ನೆನಪೋಲೆ ಜಾರಿಯಾಗಿದೆ. ಆದರೂ ಸಹ ಆ.ಸ.ನೌ ಆದ ನೀವು ಯಾವುದೇ ತಕರಾರು ಸಲ್ಲಿಸಿಲ್ಲ.

ಆ.ಸ.ನೌ ಆದ ನೀವು 2 ಸಲ ನೋಟೀಸ್‌ಗಳನ್ನು ಸ್ವೀಕರಿಸಿದ್ದರೂ ಸಹ ಯಾವುದೇ ತಕರಾರುಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರ ನಿರ್ದೇಶನದಂತೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೆ ಅನುಪಾಲನಾ ವರದಿ ಅಥವಾ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸದೇ ಕರ್ತವ್ಯಲೋಪವನ್ನು ಎಸಗಿದ್ದೀರಿ.

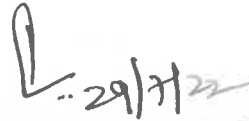
ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Not Proved' the charges leveled against the DGO, Shri Ramesh, Tahsildar, Channapattana Taluk Office, Ramanagara 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 and P-9 documents were marked. In fact, DGO was also examined himself as DW-1 and Ex. D-1 and D-12 documents were 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 Inquiry Officer and to exonerate DGO, Shri Ramesh, Tahsildar, Channapattana Taluk Office, Ramanagara District, of the charges leveled against him.
7. 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.