

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/670/2017/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-56001
Date: 10/01/2019.

:: ENQUIRY REPORT ::

Sub:- Departmental Enquiry against,
Sri. Prakash E, Deputy Director of
Land Records and Technical Assistant
to Deputy Commissioner, Tumkur
District.

Ref : 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BD-3457/2014/ARLO-2,
Dtd. 29/07/2016.

2) Govt Order No.ಕಂಇ 30 ಭೂದಾಸೇ(1) 2016,
ಬೆಂಗಳೂರು dated :18/04/2017.

3) Nomination Order No.UPLOK-2/DE/
670/2017, Bangalore, Dated :20/05/2017
of the Hon'ble Upalokayukta-2.

1. This Departmental Enquiry is directed against Sri. Prakash E, Deputy Director of Land Records and Technical Assistant to Deputy Commissioner, Tumkur District (herein after referred to as the Delinquent Government Official in short "DGO" respectively).

2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated 20/05/2017 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Article of Charges, Statement of Imputations of misconduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of their defence.
4. As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 Dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.
5. The Article of Charges framed by ARE-4 against the DGO is as below:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

6. ನೀವು/ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಶ್ರೀ.ಇ. ಪ್ರಕಾಶ್, ಭೂಮಾಪನ ತಾಂತ್ರಿಕ ಸಹಾಯಕರು ಹಾಗೂ ಪದನಿಮಿತ್ತ ಭೂ ದಾಖಲೆಗಳ ಉಪ ನಿರ್ದೇಶಕರು, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಚೇರಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು ತುಮಕೂರು ತಾಲ್ಲೂಕು ಸಾಂದೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.9/1 ಮತ್ತು 9/2ರ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಾಗೂ ಗೌರವಾನ್ವಿತ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣಗಳು ವಜಾಗೊಂಡಿರುತ್ತದೆ. ದೂರುದಾರರು ಕೋರಿರುವಂತೆ ಅವರ ಜಮೀನಿನ ಹದ್ದು ಬಸ್ತಿ

ದುರಸ್ತಿ ಆಗಬೇಕಾಗಿದ್ದು, ಇದನ್ನು ಎ.ಡಿ.ಎಲ್.ಆರ್ ರವರು ಮಾಡಬಹುದು ಅಂತ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿನಾಂಕ:05/01/2015 ರ ಹಿಂಬರಹದಲ್ಲಿ ತಿಳಿಸಿದ್ದು, ಒಂದು ವೇಳೆ ಎ.ಡಿ.ಎಲ್.ಆರ್ ರವರು ದೂರುದಾರರ ಸಮಸ್ಯೆಯನ್ನು ಪರಿಹರಿಸದೇ ಹೋದರೆ ಅವರ ಮೇಲಾಧಿಕಾರಿಗಳಾದ ನೀವು ಅವರಿಗೆ ಸೂಕ್ತ ನಿರ್ದೇಶನ ನೀಡಿ ದೂರುದಾರರ ಕೆಲಸ ಮಾಡಿಕೊಡುವ ಅಧಿಕಾರ ಹೊಂದಿದ್ದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕೇವಲ ಪತ್ರ ವ್ಯವಹಾರದಲ್ಲಿಯೇ ಸಾಕಷ್ಟು ಸಮಯ ವ್ಯಯ ಮಾಡಿ ದೂರುದಾರರಿಗೆ ನ್ಯಾಯ ಕೊಡಿಸುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದೀರಿ. ಆದ್ದರಿಂದ, ನೀವು ನಿಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ಸಮರ್ಪಕವಾಗಿ ಮಾಡದೇ ನಿರ್ಲಕ್ಷ್ಯತೆ ತೋರಿದ್ದೀರಿ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್ ಮೆಂಟ್ ಆಫ್ ಇಂಕ್ವಿರಿಟೇಷನ್ ಆಫ್ ಮಿಸ್ ಕಾಂಡೆಕ್ಟ್)

7. ಶ್ರೀ.ಎಸ್.ವಿ. ಶ್ರೀನಿವಾಸ ಮೂರ್ತಿ ಬಿನ್ ಲೇಟ್ ವೆಂಕಟಾಚಲಾಚಾರ್, ಸ್ವಾಂದೇನಹಳ್ಳಿ, ಅಂಚೆ, ಕಸಬಾ ಹೋಬಳಿ, ತುಮಕೂರು ತಾಲ್ಲೂಕು ಮತ್ತು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ “ದೂರುದಾರರು” ಎಂದು ಸಂಬೋಧಿಸಲಾಗುವ) ರವರು ದೂರನ್ನು ಈ ಸಂಸ್ಥೆಗೆ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

8. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ಅವರ ದೂರಿನಲ್ಲಿ ತುಮಕೂರು ತಾಲ್ಲೂಕು ಸಾಂದೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಜಮೀನು ಸ.ನಂ.9 ರಲ್ಲಿ 1 ಮತ್ತು 2ನೇ ಹಿಸ್ಸೆಗಳ ಮಧ್ಯದ ಗಡಿಯನ್ನು ಅಳತೆ ಮಾಡುವ ಸಮಯದಲ್ಲಿ ಮೋಜಣಿದಾರರು ತಪ್ಪಾಗಿ ದಾಖಲೆ ಮಾಡಿದ್ದು, ಇದು ಇಲಾಖೆಯಲ್ಲಿ ತಾಂತ್ರಿಕ ದೋಷವೆಂದು

ಪರಿಗಣಿಸಿ ಪ್ರಕರಣದ ಸಂಖ್ಯೆ:ಬೂಸನಿತಂ ಇತರೆ 53-92/93 ಅಂತ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಾಖಲಿಸಿಕೊಂಡು ಮೇಲ್ಕಂಡ ದೋಷವನ್ನು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿ ಅಳತೆ ಮಾಡಿ ಇತ್ಯರ್ಥಪಡಿಸುವ ಅಧಿಕಾರ ಹೊಂದಿದ್ದರೂ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ನಿರ್ಲಕ್ಷ್ಯ ವಹಿಸಿ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ನಿಮ್ಮ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ದೂರು ಸಲ್ಲಿಸಿದ್ದರು.

9. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ದೂರಿನಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದು ದೂರುದಾರರು ಕೋರಿರುವ ಸ.ನಂ.9/1 ಮತ್ತು 9/2 ಹಿಸ್ಸಾಗಡಿಗಳಲ್ಲಿ ಮತ್ತು ವಿಸ್ತೀರ್ಣದಲ್ಲಿ ಬದಲಾವಣೆಯಾಗಿರುವುದರಿಂದ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ನಿಯಮಾವಳಿಗಳು 1966 ನಿಯಮ 36(1)ರ ವ್ಯಾಪ್ತಿಗೆ ಬರುವುದಿಲ್ಲವೆಂದು, ಆದ್ದರಿಂದ, ತಹಶೀಲ್ದಾರ್ ರವರು ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ ಎಂದು ಈಗಾಗಲೇ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸಲಾಗಿದ್ದು, ಈ ಜಮೀನುಗಳ ಬಗ್ಗೆ ದೂರುದಾರರು ಓ.ಎಸ್.ನಂ.943/1993 ಅಂತ ಸಿವಿಲ್ ದಾವೆ ದಾಖಲಿಸಿದ್ದು ಅದು ವಜಾಗೊಂಡಿರುತ್ತದೆ. ಆದ್ದರಿಂದ, ದೂರಿನಲ್ಲಿ ಯಾವುದೇ ಸತ್ಯಾಂಶವಿಲ್ಲದ ಕಾರಣ ಅದನ್ನು ವಜಾಗೊಳಿಸಬೇಕೆಂದು ಕೋರಿರುತ್ತೀರಿ.

10. ದೂರುದಾರರು ಅವರ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ ಆಕ್ಷೇಪಣೆಯ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದು ಅವರ ಪ್ರಕರಣದಲ್ಲಿ ನೀವೇ ಇತ್ಯರ್ಥಗೊಳಿಸುವ ಅಧಿಕಾರ ಹೊಂದಿದ್ದು, ಆದರೆ ಅವರು ತಹಶೀಲ್ದಾರ್ ರವರ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಹೊಂದಿದ್ದಾರೆಂದು ಸುಳ್ಳು ಹೇಳುತ್ತಿದ್ದಾರೆಂದು ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ ಹಾಗೂ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಿಡುವಳಿದಾರನ ಹಕ್ಕು ಅನುಸರಿಸಿ ಅಳತೆ ಮಾಡಿ ದಾಖಲೆ ಮಾಡಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದ್ದು, ಆದ್ದರಿಂದ, ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಂಡಿದ್ದರು.

11. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ಅ) “ಸರ್ವೆ ನಂ.9/1 ಮತ್ತು 9/2 ರ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಾಗೂ ಗೌರವಾನ್ವಿತ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣಗಳು ವಜಾಗೊಂಡಿರುತ್ತದೆ. ದೂರುದಾರರು

ಕೋರಿರುವಂತೆ ಅವರ ಜಮೀನಿನ ಹದ್ದು ಬಸ್ತಿ ದುರಸ್ತಿ ಆಗಬೇಕಾಗಿದ್ದು, ಇದನ್ನು ಎ.ಡಿ.ಎಲ್.ಆರ್ ರವರು ಮಾಡಬಹುದು ಅಂತ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿನಾಂಕ 05/01/2015ರ ಹಿಂಬರಹದಲ್ಲಿ ತಿಳಿಸಿದ್ದಾರೆ. ಒಂದು ವೇಳೆ ಎ.ಡಿ.ಎಲ್.ಆರ್ ರವರು ದೂರುದಾರರ ಸಮಸ್ಯೆಯನ್ನು ಪರಿಹರಿಸದೇ ಹೋದರೆ ಅವರ ಮೇಲಾಧಿಕಾರಿಗಳಾದ ನಿಮಗೆ ಸೂಕ್ತ ನಿರ್ದೇಶನ ನೀಡಿ ದೂರುದಾರರ ಕೆಲಸ ಮಾಡಿಕೊಡುವ ಅಧಿಕಾರ ಹೊಂದಿರುತ್ತಾರೆ. ಆದರೆ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕೇವಲ ಪತ್ರ ವ್ಯವಹಾರದಲ್ಲಿಯೇ ಸಾಕಷ್ಟು ಸಮಯ ವ್ಯಯ ಮಾಡಿ ದೂರುದಾರರಿಗೆ ನ್ಯಾಯ ಕೊಡಿಸುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯವನ್ನು ಸಮರ್ಪಕವಾಗಿ ಮಾಡದೇ ನಿರ್ಲಕ್ಷ್ಯತೆ ತೋರಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

12. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ನಿಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

13. ಈ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡಾಗ, ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೇ, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುತ್ತೀರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

14. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966 ರ 3(1)(i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

15. The DGO appeared before this Enquiry Authority on 07/08/2017 and on 07/08/2017 his First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO has filed his written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that he has committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly prayed to exonerate him from the charges framed in this case.

16. In order to substantiate the charge, the Disciplinary Authority examined one witness as PW-1 and got marked documents at Ex.P-1 to P-8 and closed the evidence.

17. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein he has submitted that, the witness has deposed falsely against him. The DGO got himself examined as DW-1 and produced the

documents at Ex.D-1 to D-11 and closed his side. Since the DGO got himself examined as DW-1, the questioning of the DGO as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 was dispensed.

18. When the case was posted for submission of written brief, the Defence Assistant for DGO submitted written brief and in addition the arguments submitted by him was heard and Presenting Officer also submitted his oral arguments.

19. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority by way of oral and documentary evidence, the only point that arises for my consideration is as under:

Whether the Disciplinary Authority has satisfactorily proved that, the DGO who was working as Deputy Director of Land Records, Tumkuru, even though the complainant repeatedly approached the DGO for rectification and settlement of boundary dispute of Sy.No.9/1 and 9/2 of Swandenahalli Village of Tumkuru taluka, the DGO went of postponing the same on one or the other pretext, he shirked his responsibility by giving an endorsement on 05/01/2015, that the complainant has to approach the ADLR, the DGO without giving necessary directions to

the ADLR, went on postponing the rectification and settlement of boundary dispute of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village of Tumkuru taluka and committed dereliction of his duty and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

20. My finding on the above point is held in **“Affirmative”** for the following:

:: REASONS ::

21. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The Complainant by name Sri. S.V. Srinivasmurthy S/o Venkatachala resident of Swandenahalli of Tumkuru taluk has been examined as PW-1. He has reiterated the facts stated in the complaint. He states that, he knows the DGO who was working as DDLR in the office of Deputy Commissioner, Tumkuru. He states that, he had approached the DGO for rectification and settlement of boundary dispute of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village of Tumkuru taluka. However the

DGO went of postponing the same on one or the other pretext, he shirked his responsibility by giving an endorsement on 05/01/2015, that the complainant has to approach the ADLR. PW-1 further states that, the DGO without giving necessary directions to the ADLR, went on postponing the rectification and settlement of boundary dispute of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village of Tumkuru taluka.

22. PW-1 in support of his contention has produced the following documents. Ex.P-1 is the Complaint. Ex.P-2 is the Form No-1. Ex.P-3 is the Form No-2, Ex.P-1(a) to Ex.P-3(a) are the signatures of the complainant. Ex.P-4 is the Letter of Assistant Commissioner Tumkur to the DDLR Tumkur dated 14/11/2013. On perusal of this letter, the Assistant Commissioner has directed the DDLR to carry out the measurements of Sy.No.9/1 and 9/2 of Swandenahalli Village and rectify the mistake as per law. Ex.P-5 are the comments of DGO/DDLR Tumkur dated 23/01/2015. Ex.P-6 are the documents submitted by DGO along with his comments. Ex.P-7 is the Rejoinder of the complainant dated 23/11/2015 to the comments of DGO. Ex.P-8 is the Xerox copy of the documents submitted by the complainant along with his rejoinder. PW-1 has been cross examined at length by the Defence Assistant for the DGO.

23. On the other hand the DGO has got himself examined as DW-1. He states that, from 2012 to 2016 he was working as DDLR Tumkur, he has submitted his comments to the complaint

of complainant. He further submits that, he has not committed any misconduct. He further submits that, as per section 140(2) of Karnataka Land Revenue Act 1964, the Learned Tahsildar alone has the powers to rectify the boundaries of Sy.No.9/1 and 9/2 of Swandenahalli Village. He further submits that, only after the Learned Tahsildar takes action U/s 140(2) of Karnataka Land Revenue Act 1964, the DGO can act under Rule 36 of Karnataka Land Revenue Rules 1966 and he can rectify the records.

24. DW-1 further submits that, the Learned Tahsildar is the competent person to deal with the matter U/s 140(2) of Karnataka Land Revenue Act 1964. DW-1 further states that, the Writ Petition filed by the complainant bearing No.W.P.18653/2003 has been dismissed. He categorically denies of having unnecessarily delayed the application of the complainant.

25. DW-1 further states that, for rectification of the boundaries of Sy.No.9/1 and 9/2, he is not the competent person and the work has to be done by Learned Tahsildar Tumkur. DW-1 has narrated in detail as to why he was unable to carry out the rectification of boundaries.

26. In support of his contentions the DGO/DW1 has produced the following documents.

Ex.D-1 endorsement issued by Deputy Commissioner's office (Land Records Section) Tumkuru, dated 28/01/2016. On perusal of this document, it is observed that, the DDLR Tumkuru has given an endorsement that the power to rectify the boundaries is with the Tahsildar Tumkuru U/s 140(2) of Karnataka Land Revenue Act 1964.

27. Ex.D-2 is the reminder No-1 issued by the Commissioner for Land Records, Bangalore to the Tahsildar Tumkuru taluka dated 04/03/2015. The Commissioner has issued a reminder to the Learned Tahsildar Tumkuru to rectify the boundaries of lands bearing Sy.No.9/1 and 9/2 of Swandenahalli Village.

28. Ex.D-3 is the letter issued by the Commissioner for land Records, Bangalore to the Tahsildar Tumkuru taluka dated 15/12/2016. The Commissioner has directed the Learned Tahsildar, Tumkuru to rectify the boundaries of lands bearing Sy.No.9/1 and 9/2 of Swandenahalli Village.

29. Ex.D-4 is the Xerox copy of order of Hon'ble High Court of Karnataka in W.P. No.18653/2003(KLR) dated 26/05/2003. On perusal of this document it is observed that, the present complainant Sri.S.V. Srinivasamurthy had filed the Writ Petition against The Joint Director of Land Records, Bangalore Division, Bangalore.

30. The Hon'ble High Court has rejected the Writ Petition, however in the body of the order it has been observed as follows:

“ It is open to the petitioner to urge all the grounds before the Assistant Director of Land Records(ADLR) ”.

31. Ex.D-5 is the reminder No-3 issued by issued by the Commissioner for Land Records, Bangalore to the Tahsildar Tumkuru taluka dated 28/01/2016. The Commissioner has issued a reminder to the Learned Tahsildar, Tumkuru to rectify the boundaries of lands bearing Sy.No.9/1 and 9/2 of Swandenahalli Village.

32. Ex.D-6 is the letter addressed by The Joint Director of Land Records, Bangalore to the Tahsildar, Tumkuru taluka directing him to take action U/s 140(2) of Karnataka Land Revenue Act 1964 in respect of Sy.No.9/1 and 9/2.

33. Ex.D-7 is the letter of the Commissioner for Land Records, Bangalore addressed to the Principal Secretary, Revenue Department, Government of Karnataka, Bangalore dated 2/01/2017. The Commissioner has observed that, the Learned Tahsildar Tumkuru has to take action U/s 140(2) of Karnataka Land Revenue Act 1964 in respect of Sy.No.9/1 and 9/2 of Swandenahalli Village and he has requested not to take any action against Smt.R. Yasmin banu, ADLR Tumkuru.

34. Ex.D-8 is the letter of the Commissioner for Land Records, Bangalore addressed to the Principal Secretary, Revenue Department, Government of Karnataka, Bangalore dated 20/03/2017. The Commissioner has observed that, the Learned Tahsildar, Tumkuru has to take action U/s 140(2) of Karnataka Land Revenue Act 1964 in respect of Sy.No.9/1 and 9/2 of Swandenahalli Village and he has requested not to take any action against Smt.R. Yasmin banu, ADLR Tumkuru.

35. Ex.D-9 is the letter of the Commissioner for Land Records, Bangalore addressed to the Principal Secretary, Revenue Department, Government of Karnataka, Bangalore dated 06/05/2017. The Commissioner has observed that, the Learned Tahsildar Tumkuru has to take action U/s 140(2) of Karnataka Land Revenue Act 1964 in respect of Sy.No.9/1 and 9/2 of Swandenahalli Village and he has requested not to take any action against Smt. R. Yasmin banu, ADLR Tumkuru.

36. Ex.D-10 is the letter addressed by the office of Commissioner, Land Records, Bangalore to the Learned Tahsildar, Tumkuru dated 06/07/2017, directing him to take action U/s 140(2) of Karnataka Land Revenue Act 1964 in respect of Sy.No.9/1 and 9/2 of Swandenahalli Village.

37. Ex.D-11 is the letter addressed from the office of Commissioner, Land Records, Bangalore to the Learned

Tahsildar, Tumkuru dated 24/11/2017, directing him to take action U/s 140(2) of Karnataka Land Revenue Act 1964 in respect of Sy.No.9/1 and 9/2 of Swandenahalli Village.

38. The Defence Assistant has submitted his arguments that, the DGO is not having any powers for rectification of boundaries and U/s 140(2) of Karnataka Land Revenue Act 1964, the Learned Tahsildar, Tumkuru is the only competent person to rectify the boundaries.

39. On the other hand the Learned Presenting Officer has canvassed his arguments that, there is responsibility on the DGO to pursue the matter with the Learned Tahsildar and he should have attended to the grievance of the Complainant.

40. I have carefully gone through the oral and documentary evidence adduced by both the sides. The complainant had approached the ADLR, Tumkuru and later on the DDLR, Tumkuru i.e the present DGO for rectification and settlement of boundaries of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village. However the ADLR and the present DGO have went on postponing the same on one or the other pretext. The Defence Assistant has submitted his written submissions and the only contention taken up him is his that, the DGO is not the competent person to rectify and settle the boundaries of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village. He has

drawn the attention to section U/s 140(2) of Karnataka Land Revenue Act 1964. He submits that, the Tahsildar, Tumkuru is the competent person to deal with the matter. He has drawn the attention to the documents at Ex.D-1 to Ex.D-11.

41. However the contentions of the Defence Assistant for DGO cannot be accepted. It is pertinent to note that, the complainant has been made to wander to several offices to get the fruits of the decree passed in O.S.No. 943/93 and O.S.No.301/93 on the file of Civil Judge, Tumkuru. The DGO has issued an endorsement on 05/01/2015, directing the complainant to approach the ADLR Tumukur .

42. It is pertinent to note that, the complainant has knocked the doors of several authorities, i.e. ADLR, DDLR, Joint Director of Land Records and Commissioner for Survey and land records. All these authorities have tried to put the blame on one another and they have never redressed the grievance of the complainant.

43. It is pertinent to note that, the complainant being fed up with the attitude of the DGO and the ADLR Tumkur, had approached the Hon'ble High Court of Karnataka twice.

44. He had filed W.P.No.23219/2004(KLR-Res). The Writ Petition was filed by the complainant Sri.S.V. Srinivasmurthy against the ADLR Tumkur Sub Division.

45. The Writ Petition has been disposed of with a direction to the respondent authority to consider the application filed by the petitioner and do the needful at the earliest.

46. The Hon'ble High Court has also directed the Civil Court at Tumkuru to dispose of O.S.No.943/93 and O.S.No.301/93 expeditiously.

47. Thereafter the complainant again approached the Hon'ble High Court of Karnataka in W.P.No.18653/2003(KLR). The present complainant Sri.S.V. Srinivasamurthy had filed the Writ Petition against the Joint Director of Land Records Bangalore Division, Bangalore.

48. The Hon'ble High Court has rejected the Writ Petition however it is observed in the body of the order as follows:

“ It is open to the petitioner to urge all the grounds before the Assistant Director of Land Records(ADLR) ”.

49. The complainant was not able to enjoy the fruits of the decree. It is pertinent to note that, even the Hon'ble High Court of Karnataka in the above referred Writ Petitions had directed the ADLR to dispose of the matter expeditiously. The Hon'ble High Court of Karnataka had also directed the Civil Court to dispose of

the Civil Suits expeditiously. Inspite it the DGO and the ADLR Tumkuru have not attended to the work of the complainant.

50. The Defence Assistant for the DGO has submitted his written submissions and he has laid much stress on section U/s 140(2) of Karnataka Land Revenue Act 1964.

51. I have carefully gone through Section U/s 140(2) of Karnataka Land Revenue Act 1964 and also Rule 36 of Karnataka Land Revenue Rule 1966.

52. It pertinent to note that, technically the ADLR and the DDLR i.e the present DGO are the competent persons to carry out the survey work and rectification of boundaries of Agricultural lands. No doubt the Tahasildar is the person who has to initiate the proceedings. However the actual work is done by the DGO and his Department. Instead of addressing the grievance of the complainant, the DGO has shirked from his responsibility by giving an endorsement to the complainant on 05/01/2015, to approach the ADLR, Tumkuru.

53. It is pertinent to note that, since 2014, the complainant is moving from pillar to post to get the rectification and settlement of boundaries of Sy.No.9/1 and 9/2. The complainant has approached the ADLR, DDLR, Joint Director and even the Government. Instead of attending to the file of the complainant,

the DGO and other officials have given lame excuses and postponed the same on one or the other pretext. The DGO ought to have issued necessary directions to the ADLR Tumkuru to work in association with the Tahsildar Tumkuru and carry out the rectification and settlement of boundaries of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village. The DGO instead of issuing the endorsement on 05/01/2015, he should have taken steps by contacting the Learned Tahsildar Tumkuru and ADLR Tumkuru to settle the matter of the complainant. Instead of it he has just issued an endorsement to the complainant to approach the ADLR.

54. It is pertinent to note that, the complainant has tried to get the rectification and fixation of boundaries of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village since 2014. He has knocked on the doors of all the Government Officials concerned i.e. up to the level of the Commissioner of land records, Bangalore. In spite of it the grievance of the complainant was not redressed.

55. The Defence Assistant for the DGO has tried to canvass his arguments that U/s 140(2) of Karnataka Land Revenue Act 1964, the Tahsildar alone is the competent person for determination of boundaries of land bearing Sy.No.9/1 and 9/2 of Swandenahalli Village. However this contention of the DGO cannot be accepted. The ADLR works in co-ordination with the Tahsildar Tumkuru. The DGO is the next superior officer of the ADLR.

When the complainant had approached the DGO, he should have directed the ADLR to work in co-ordination with the Tahsildar Tumkuru and redress the grievance of the complainant. The DGO and the ADLR should have acted promptly to address the grievance of the complainant. It is pertinent to note that, the complainant had approached the Hon'ble High court of Karnataka in two writ petitions referred above. Even the Hon'ble High Court of Karnataka had directed the complainant to approach the ADLR for resolving boundary dispute of Sy.No.9/1 and 9/2 of Swandenahalli Village. Even the observations of the Hon'ble High Court have been ignored. Hence for all these reasons I am of opinion that, the Disciplinary Authority by cogent evidence has substantiated the charge that the DGO instead of redressing the grievance of the complainant has prolonged the matter by issuing the endorsement on 05/01/2015. Hence, I am of the opinion that the DGO has committed dereliction of duty by not attending to the file of the complainant.

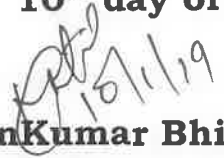
56. For the reasons stated above, the DGO being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charge leveled against the DGO., is established. Hence, I answer point No.1 in the "**Affirmative**"

:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO Sri. Prakash E, Deputy Director of Land Records and Technical Assistant to Deputy Commissioner, Tumkur District.

57. This report is submitted to Hon'ble Upa-lokayukta-2 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 10th day of January 2019

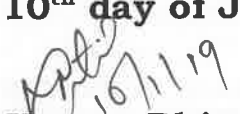

(Patil Mohan Kumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

ANNEXURE

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri.S.V. Srinivasamurthy (Original)
Witness examined on behalf of the Defence
DW-1 : Sri. Prakash E (Original)
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Complaint dated 13/10/2014 (Original)
Ex. P-1(a): Relevant entry in Ex.P-1.
Ex.P-2: Complaint in Form No.1 dated 13/10/2014(Original)
Ex. P-2(a) : Relevant entry in Ex.P-2
Ex. P-3: Complaint in Form No.2 dated 13/10/2014 (Original Copy)
Ex. P-3(a) : Relevant entry in Ex.P-3
Ex. P-4 : Letter of Assistant Commissioner Tumkur to the DDLR Tumkur dated 14/11/2013(Xerox)
Ex. P-5 : The comments of DGO/DDLR Tumkur dated 23/01/2015(Xerox)
Ex. P-6: The documents submitted by DGO along with his comments (Certified copies) (12 pages)
Ex.P-7: The Rejoinder of the complainant dated 23/11/2015 to the comments of DGO(Original)
Ex.P-8: The Xerox copy of the documents submitted by the complainant along with his rejoinder
Documents marked on behalf of the DGO
Ex.D-1: Endorsement issued by Deputy Commissioner's office (Land Records Section) Tumkuru dated 28/01/2016
Ex.D-2: The reminder No-1 issued by the Commissioner for land Records Bangalore to the Tahsildar Tumkuru taluka dated 04/03/2015
Ex.D-3: The Letter issued by the Commissioner for Land Records Bangalore to the Tahsildar Tumkuru taluka dated 15/12/2016.

Ex.D-4 : The Xerox copy of order of Hon'ble High Court of Karnataka W.P. No. 18653/2003 (KLR) dated 26/05/2003(Attested copies)
Ex.D-5 : The reminder -3 issued by issued by the Commissioner for Land Records Bangalore to the Tahsildar Tumkuru taluka dated 28/01/2016(Attested copies)
Ex.D-6 : The letter addressed by Joint Director of Land Records Bangalore (Attested copies)
Ex.D-7 : The letter of the Commissioner for Land Records, Bangalore addressed to the Principle Secretary, Revenue Department, Government of Karnataka, Bangalore dated 2/01/2017 (Attested copies)
Ex.D-8 : The letter of the Commissioner for Land Records, Bangalore addressed to the Principle Secretary, Revenue Department, Government of Karnataka, Bangalore dated 20/03/2017 (Attested copy)
Ex.D-9 : The letter of the Commissioner for Land Records, Bangalore addressed to the Principle Secretary, Revenue Department, Government of Karnataka, Bangalore dated 06/05/2017(Attested copy)
Ex.D-10 : Letter addressed from the office of Commissioner, Land Records Bangalore to the Learned Tahsildar Tumkuru dated 06/07/2017(Attested copy)
Ex.D-11 : The letter addressed from the office of Commissioner, Land Records Bangalore to the Learned Tahsildar Tumkuru dated 24/11/2017 (Attested copy)

Dated this the 10th day of January 2019


(Patil Mohankumar Bhimanagouda)
 Additional Registrar Enquiries-13
 Karnataka Lokayukta
 Bangalore

670/17



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/670/2017/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 14.01.2019

RECOMMENDATION

Sub:- Departmental inquiry against Shri E. Prakash, the then Deputy Director of Land Records and Technical Assistant to the Deputy Commissioner, Tumakuru District - reg.

- Ref:- 1) Government Order No. ಕಂಇ 30 ಭೂದಾಸೇ (1) 2016 dated 18.04.2017.
2) Nomination order No. UPLOK-2/DE/670/2017 dated 20.05.2017 of Upalokayukta-2, State of Karnataka.
3) Inquiry report dated 10.01.2019 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 18.04.2017 initiated the disciplinary proceedings against Shri E. Prakash, the then Deputy Director of Land Records and Technical Assistant to the Deputy Commissioner, Tumakuru 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/670/2017 dated 20.05.2017 nominated Additional

Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by order No.UPLOK1&2/DE/Transfer/2018 dated 06.08.2018, Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru, was re-nominated to continue the said departmental inquiry against the DGO.

3. The DGO - Shri E. Prakash, the then Deputy Director of Land Records and Technical Assistant to the Deputy Commissioner, Tumakuru District was tried for the following charge:-

“ನೀವು/ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಶ್ರೀ.ಇ. ಪ್ರಕಾಶ್, ಭೂಮಾಪನ ತಾಂತ್ರಿಕ ಸಹಾಯಕರು ಹಾಗೂ ಪದನಿಮಿತ್ತ ಭೂ ದಾಖಲೆಗಳ ಉಪ ನಿರ್ದೇಶಕರು, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಚೇರಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು ತುಮಕೂರು ತಾಲ್ಲೂಕು ಸಾಂದೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.9/1 ಮತ್ತು 9/2ರ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಾಗೂ ಗೌರವಾನ್ವಿತ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣಗಳು ವಜಾಗೊಂಡಿರುತ್ತದೆ. ದೂರುದಾರರು ಕೋರಿರುವಂತೆ ಅವರ ಜಮೀನಿನ ಹದ್ದು ಬಸ್ತಿ ದುರಸ್ತಿ ಆಗಬೇಕಾಗಿದ್ದು, ಇದನ್ನು ಎ.ಡಿ.ಎಲ್.ಆರ್ ರವರು ಮಾಡಬಹುದು ಅಂತ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿನಾಂಕ 05.01.2015ರ ಹಿಂಬರಹದಲ್ಲಿ ತಿಳಿಸಿದ್ದು, ಒಂದು ವೇಳೆ ಎ.ಡಿ.ಎಲ್.ಆರ್‌ರವರು ದೂರುದಾರರ ಸಮಸ್ಯೆಯನ್ನು ಪರಿಹರಿಸದೇ ಹೋದರೆ ಅವರ ಮೇಲಾಧಿಕಾರಿಗಳಾದ ನೀವು ಅವರಿಗೆ ಸೂಕ್ತ



ನಿರ್ದೇಶನ ನೀಡಿ ದೂರುದಾರರ ಕೆಲಸ ಮಾಡಿಕೊಡುವ ಅಧಿಕಾರ ಹೊಂದಿದ್ದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕೇವಲ ಪತ್ರ ವ್ಯವಹಾರದಲ್ಲಿಯೇ ಸಾಕಷ್ಟು ಸಮಯ ವ್ಯಯ ಮಾಡಿ ದೂರುದಾರರಿಗೆ ನ್ಯಾಯ ಕೊಡಿಸುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದೀರಿ. ಆದ್ದರಿಂದ, ನೀವು ನಿಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ಸಮರ್ಪಕವಾಗಿ ಮಾಡದೇ ನಿರ್ಲಕ್ಷ್ಯತೆ ತೋರಿರುತ್ತೀರಿ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತಿರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above charge against the DGO - Shri E. Prakash, the then Deputy Director of Land Records and Technical Assistant to the Deputy Commissioner, Tumakuru District.


5. 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.

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO - Shri E. Prakash is due for retirement on 31.10.2026.

7. Having regard to the nature of charge '*proved*' against DGO - Shri E. Prakash, the then Deputy Director of Land Records and Technical Assistant to the Deputy Commissioner, Tumakuru District, it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO - Shri E. Prakash with cumulative effect'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 