



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/688/2017/ARE-16

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 04.01.2022.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri B.P.Yashwanth, Village Accountant, Kumathi Grama, Gudekote Hobli, Kudligi Taluk, Bellary District, and (2) Smt.Asha Latha Sumithra, Revenue Inspector, Gudekote Hobli, Kudligi Taluk, Bellary District - reg.

Ref:- 1) Government Order No.RD 30 BDP 2017 dated 02.05.2017 and corrigendum dt.02.06.2018.

2) Nomination order No. UPLOK-2/DE/688/2017 dated 23.05.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 31.12.2021 of Additional Registrar of Enquiries-16, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 02.05.2017 and corrigendum dt.02.06.2018, initiated the disciplinary proceedings against (1) Shri B.P.Yashwanth, Village Accountant, Kumathi Grama, Gudekote Hobli, Kudligi Taluk, Bellary District, and (2) Smt.Asha Latha Sumithra, Revenue

Inspector, Gudekote Hobli, Kudligi Taluk, Bellary 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/688/2017 dated 23.05.2017 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.  
Subsequently, the matter was transferred to Additional  
Registrar of Enquiries-16 to continue the said enquiry.

3. The DGOs were tried for the charge of failing to effect  
change of katha in respect of land purchased by the  
complainant in spite of not receiving any objections within the  
prescribed 30 days and thereby committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries-16) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO 1 Shri B.P.Yashwanth, Village Accountant, Kumathi Grama, Gudekote Hobli, Kudligi Taluk, Bellary District, and DGO 2 Smt.Asha Latha Sumithra, Revenue Inspector, Gudekote Hobli, Kudligi Taluk, Bellary District, is ' proved'.

5. On re-consideration of report of inquiry and all other materials on record, 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 Enquiry Officer.

6. As per the First Oral Statement of DGOs furnished by the Enquiry Officer,


- i) DGO 1 Shri B.P.Yashwanth, is due to retire from service on 31.07.2048 and
- ii) DGO 2 Smt.Asha Latha Sumithra, has retired from service on 31-05-2015.

7. Having regard to the nature of charge 'proved' against the DGOs and considering the totality of circumstances, it is hereby recommended to the Government:

- i) to impose penalty of 'withholding one annual increment payable to DGO-1 Shri B.P.Yashwanth with cumulative effect; and
- ii) to impose penalty of 'withholding 05% of pension payable to DGO-2 Smt.Asha Latha Sumithra for a period of two years'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No.UPLOK 2/DE/688/2017/ARE-16

M.S. Building  
Dr.B.R. Ambedkar Road  
Bangalore-560 001  
Date: 31/12/2021.

**ENQUIRY REPORT**

- Present :** Vijaykumar M Pawale,  
Additional Registrar of Enquiries-16,  
Karnataka Lokayukta,  
Bengaluru.
- Sub:** Departmental Enquiry against DGOs  
1) Sri. B.P. Yashwanth, Village  
Accountant, Kumathi Grama,  
Gudekote Hobli, Kudligi Taluk,  
Bellalry District  
2) Smt. Ashalatha Sumithra, Revenue  
Inspector, Gudekote Hobli, Kudligi  
Taluk, Bellary District (**Retired**) – Reg.
- Ref:** 1. Government Order No. ಕಂಇ 30 ಬಿಡಿಪಿ  
2017 ಬೆಂಗಳೂರು, ದಿ: 02/05/2017.  
2. Corrigendum No. ಕಂಇ 30 ಬಿಡಿಪಿ 2017  
ಬೆಂಗಳೂರು, ದಿ: 02/06/2018  
3. Nomination Order No: UPLOK- 2/  
DE/688/2017, Bengaluru, Dated:  
23/05/2017 of Hon'ble Upalokayukta,  
Bengaluru.  
4. This Office Note No. Uplok-1 & 2/  
DE/Transfers/2019 dt. 7/2/2019

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This is a Departmental Enquiry directed on the basis of Government Order No. ಕಂಇ 30 ಬಿಡಿಪಿ 2017 ಬೆಂಗಳೂರು, ದಿ: 02/05/2017 and Corrigendum No. ಕಂಇ 30 ಬಿಡಿಪಿ 2017 ಬೆಂಗಳೂರು, ದಿ: 02/06/2018 against 1) Sri. B.P. Yashwanth, Village Accountant, Kumathi Grama, Gudekote Hobli, Kudligi Taluk, Bellary District and 2) Smt. Asha Latha Sumithra, Revenue Inspector, Gudekote Hobli, Kudligi Taluk, Bellary District (herein after referred to as Delinquent Government Officials in short 'DGOs-1 & 2 respectively').

2. The Hon'ble Upalokayukta has nominated Additional Registrar of Enquiries-11, office of the Karnataka Lokayukta, Bengaluru to frame the charge and to conduct inquiry against the aforesaid DGOs as per the nomination order dated 02/06/2018. Accordingly, Articles of Charge was framed by Additional Registrar Enquires-11. Vide order No. Uplok-1 & 2/DE/ Transfers/2019 dated 07/02/2019, this file is transferred to Additional Registrar of Enquiries -16. Articles of Charge as against DGOs are as under:

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ

ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಆಶಾಲತ ಸುಮಿತ್ರ, ಆದ ನೀವು ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆಯ ಕೂಡ್ಲಿಗಿ ತಾಲ್ಲೂಕಿನ ಗುಡೇಕೋಟೆ ಹೋಬಳಿಯ ಕಂದಾಯ ನಿರೀಕ್ಷಕರಾಗಿ ಮತ್ತು ಬಿ.ಪಿ.ಯಶವಂತ ಆದ ನೀವು ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ ಕೂಡ್ಲಿಗಿ ತಾಲ್ಲೂಕಿನ ಗುಡೇಕೋಟೆ ಹೋಬಳಿಯ ಕುಮತಿ ಗ್ರಾಮದ ಗ್ರಾಮ ಲೆಕ್ಕಿಗರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ, ದೂರುದಾರರಾದ

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ಶ್ರೀ ನಾಗೇಂದ್ರಪ್ಪ ಬಿನ್ ದೊಡ್ಡಸೂರಯ್ಯ ಇವರು ಕುಮತಿ ಗ್ರಾಮದ ಬಿ.ವೀರಣ್ಣ ಬಿನ್ ಲೇಟ್ ಬಿ.ತಿಪ್ಪೇಸ್ವಾಮಿ ಇವರಿಂದ ಕುಮತಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.139/ಎ/ಎ/1ರಲ್ಲಿನ 3 ಎಕರೆ 29 ಗುಂಟೆ ಜಮೀನನ್ನು ಕ್ರಯಪತ್ರದ ಮುಖಾಂತರ ಹಕ್ಕು ಬದಲಾವಣೆಯನ್ನು ಕೂಡ್ಲಿಗಿ ಉಪನೋಂದಣಿ ಕಚೇರಿಯಲ್ಲಿ ನೋಂದಣಿ ಸಂಖ್ಯೆ.5676/2012-13 ರಲ್ಲಿ ದಿನಾಂಕ: 18/01/2013 ರಂದು ಮಾಡಿಸಿಕೊಂಡಿದ್ದು, ಸದರಿ ಆಸ್ತಿಯ ಹಕ್ಕು ಬದಲಾವಣೆ ಸಂಬಂಧ ನಮೂನೆ-21ನ್ನು ದಿನಾಂಕ: 23/01/2013 ರಂದು ಗ್ರಾಮದಲ್ಲಿ ಪ್ರಚುರಪಡಿಸಿ 30 ದಿನದೊಳಗೆ ಅಂದರೆ ದಿನಾಂಕ: 23/02/2013ರೊಳಗೆ ಯಾವುದೇ ಲಿಖಿತ ತಕರಾರು ಅರ್ಜಿ ಬಾರದಿದ್ದರೂ ಸಹ, ಗ್ರಾಮದ ಶ್ರೀಮತಿ ನಾಗಮ್ಮ ಬಿನ್ ಕಾಳಿಂಗಯ್ಯ ಇವರು ಸದರಿ ಜಮೀನು ಪಿತ್ರಾರ್ಜಿತ ಆಸ್ತಿಯಾಗಿದ್ದು, ಸದರಿಯವರು ವಾರಸುದಾರರಾಗಿರುವುದರಿಂದ ಹಕ್ಕು ಬದಲಾವಣೆಗೆ ಮೌಖಿಕವಾಗಿ ತಕರಾರು ಇದೆ ಎಂದು ತಿಳಿಸಿ ನಂತರ ದಿನಾಂಕ: 04/03/2013 ರಂದು ಲಿಖಿತ ರೂಪದಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ನಿಯಮಾನುಸಾರ 30 ದಿನಗಳು ಕಳೆದ ಬಳಿಕ ಹಕ್ಕು ಬದಲಾವಣೆ ಮಾಡಿಕೊಡಬೇಕಾಗಿದ್ದರೂ ಮಾಡದೇ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i)(ii)(iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

### ಅನುಬಂಧ-2

### ದೋಷಾರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ನಾಗೇಂದ್ರಪ್ಪ ಬಿನ್ ದೊಡ್ಡಸೂರಯ್ಯ, ಚಿಕ್ಕುಂತಿಗ್ರಾಮ, ಮೊಳಕಾಲ್ಮೂರು ತಾಲ್ಲೂಕು, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ ಇವರು ದಿನಾಂಕ: 13/01/2013 ರಂದು ಬಿ.ವೀರಣ್ಣ ಇವರಿಂದ ರಿ.ಸ.ನಂ.134/ಎ/3/1ರಲ್ಲಿನ 3 ಎಕರೆ 29 ಗುಂಟೆ ಜಮೀನನ್ನು ಶುದ್ಧಕ್ರಯಕ್ಕೆ ಪಡೆದುಕೊಂಡು ಭೂಮಾಪಕರಿಂದ ಅಳತೆ ಮಾಡಿಸಿ ನಂತರ ಸದರಿಯವರ ಹೆಸರಿಗೆ ಪಹಣಿಯಾಗಿದ್ದು ಪಹಣಿ ನೋಂದಾಯಿಸಲು ಹೋದ ಸಂದರ್ಭದಲ್ಲಿ ಆಪಾದಿತರಾದ ನೀವು ರೂ.6,000/- ಗಳ ಲಂಚವನ್ನು ಕೇಳಿದ್ದು, ಲಂಚದ ಹಣವನ್ನು ಕೊಡಲು ಒಪ್ಪದ ಕಾರಣ ಕ್ರಯಪತ್ರವಾದ 61 ದಿನಗಳ ನಂತರ ಆಪಾದಿತರಾದ ನೀವುಗಳು ಇನ್ನೊಂದು ಕ್ರಯಪತ್ರವಿದೆ ಎಂದು ಸಂಬಂಧಪಟ್ಟವರಿಂದ ದೂರು ಅರ್ಜಿ ಪಡೆದುಕೊಂಡು ದೂರುದಾರರ ಹೆಸರಿಗೆ

03/12

ಪಹಣಿಯನ್ನು ಬದಲಾವಣೆ ಮಾಡದಂತೆ ಮಾಡಿರುತ್ತೀರಿ ಎಂದು ಆಪಾದಿಸಿ ಸಂಬಂಧಪಟ್ಟ ಆಪಾದಿತರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿರುತ್ತಾರೆ.

ಸದರಿ ದೂರಿನಲ್ಲಿನ ಅಂಶಗಳ ಕುರಿತು ಆಪಾದಿತರಿಂದ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೇಳಲಾಗಿ ಆಪಾದಿತರು ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ದೂರುದಾರರು ಮಾಡಿರುವ ಆಪಾದನೆಗಳಿಗೆ ಆಪಾದಿತರ ಪೈಕಿ ಒಂದನೆಯ ಆಪಾದಿತರು ಸದರಿ ಜಮೀನಿನ ಹಕ್ಕು ಬದಲಾವಣೆ ವಿಷಯದಲ್ಲಿ ಕೂಡ್ಲಿಗಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಸಲು ದಾವೆ ಸಂಖ್ಯೆ.71/13 ಹೂಡಿರುವ ಕಾರಣ ಹಾಗೂ ಸದರಿ ಅಸಲು ದಾವೆಗೆ ದೂರುದಾರರು ಯಾವುದೇ ಆಕ್ಷೇಪಣೆ ಸಲ್ಲಿಸದ ಕಾರಣ, ಅಸಲು ದಾವಾ ಬಾಕಿ ಇರುವ ಕಾರಣದಿಂದ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿಗೆ ಬದ್ಧರಾಗಬೇಕಾದ ಕಾರಣ ಹಕ್ಕು ಬದಲಾವಣೆ ಮಾಡಿಲ್ಲವೆಂದು ಸಲ್ಲಿಸಿರುತ್ತೀರಿ. ದೂರುದಾರರು ಕೊಟ್ಟಿರುವ ದೂರು, ಅದರಲ್ಲಿನ ಅಂಶ, ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿ ಮತ್ತು ಆಪಾದಿತರು ಕೊಟ್ಟಂತಹ ಆಕ್ಷೇಪಣೆ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡು ಬರುತ್ತವೆ.

- 1) ದಿನಾಂಕ: 13/01/2013 ರಂದು ಕ್ರಯ ಪತ್ರವಾದ ಬಳಿಕ ಅಸಲು ದಾವೆ ಸಂಖ್ಯೆ.71/13 ಹೂಡಿರುವ ಮಾಹಿತಿ ಅರಿತಿದ್ದರೂ ಆಪಾದಿತರಾದ ನೀವುಗಳು 30 ದಿನದೊಳಗೆ ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಅವಕಾಶವಿದ್ದರೂ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.
- 2) ನಮೂನೆ-21ನ್ನು ಪ್ರಚುರಪಡಿಸಿದ 30 ದಿನದೊಳಗೆ ಕ್ರಯ ಪತ್ರದಂತೆ ಕಲಂ 128 ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ ಅಧಿನಿಯಮದಡಿಯಲ್ಲಿ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿದ್ದರೂ ಆಪಾದಿತ-2 ಆದ ನೀವು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.
- 3) ಕಲಂ 128 ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ ಅಧಿನಿಯಮದಡಿಯಲ್ಲಿ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿದ್ದರೂ ಆಪಾದಿತ-2 ಆದ ನೀವು 61 ದಿನಗಳ ನಂತರ ತಕರಾರು ಅರ್ಜಿ ಸ್ವೀಕರಿಸಿ ವಿವಾದಾಸ್ಪದ ಪ್ರಕರಣ ಎಂದು ಪರಿಗಣಿಸಿರುತ್ತೀರಿ.
- 4) ಆಪಾದಿತ-1 ಆದ ನೀವು ನಮೂನೆ-21ರ ನೋಟಿಸ್ ಸದರಿಯವರಿಗೆ ವಿಳಂಬ ಮಾಡಿ ನೀಡಿರುತ್ತೀರಿ ಎಂದು ತಿಳಿಸಿರುವುದಕ್ಕೆ ಯಾವುದೇ ದಾಖಲಾತಿ ಹಾಜರುಪಡಿಸದೇ ಕರ್ತವ್ಯತೋಷ ಎಸಗಿರುತ್ತೀರಿ.
- 5) ಆಪಾದಿತ-1 ಮತ್ತು 2 ಆದ ನೀವುಗಳು ನಮೂನೆ-21ನ್ನು ಪ್ರಚುರಪಡಿಸಿದ 30 ದಿನದೊಳಗೆ ಯಾವುದೇ ತಕರಾರು ಬಾರದೇ ಇದ್ದರೂ ಸಹ ಬಾಯಿಮಾತಿನ ತಕರಾರನ್ನು



ಪರಿಗಣಿಸಿ 30 ದಿನಗಳು ಕಳೆದ ನಂತರವೂ ಸಹ ಕಡತದಲ್ಲಿ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

ದೂರು ಹಾಗೂ ಆಪಾದಿತರು ಸಲ್ಲಿಸಿರುವ ವಿವರಣೆ ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕಾನೂನುಬಾಹಿರವಾಗಿ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1)(i)(ii)(iii) ರಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆ ಮಾಡಿದ್ದೀರೆಂದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು 1957ರಡಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ-1 ರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವಾದ ಸರ್ಕಾರವು ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ಇವರಿಗೆ ವಹಿಸಿದ್ದು, ಉಲ್ಲೇಖ-2 ರ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರ ಆದೇಶದಂತೆ ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿ ಸಲ್ಲಿಸಲು ನೇಮಕ/ನಾಮನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತಾರೆ. ಉಲ್ಲೇಖ-3 ರ ಕಚೇರಿ ಟಿಪ್ಪಣಿಯ ಪ್ರಕಾರ ಸದರಿ ಇಲಾಖಾ ವಿಚಾರಣಾ ಕಡತವು ಎ.ಆರ್.ಇ-11 ರಿಂದ ಎ.ಆರ್.ಇ-16 ಶಾಖೆಗೆ ವರ್ಗಾವಣೆಗೊಂಡಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ಆಪಾದನೆ ಇರುತ್ತದೆ.

3. DGOs have appeared before this Authority in pursuance of service of Articles of Charge.

31/12

4. First Oral Statement of DGOs-1 & 2 were recorded on 22/05/2019 wherein D.G.Os pleaded not guilty and claimed for conducting enquiry.
5. DGO-1 and 2 have filed their common written statement by denying the allegations made against them.
6. The following witnesses were examined on behalf of the Disciplinary Authority
- (1) PW1: Sri. Nagendrappa (Complainant)  
(2) PW2: Sri. N.R. Mahanthareddy (I.O.)
7. The following documents were marked as exhibits on behalf of the disciplinary authority.

|          |                                                                             |
|----------|-----------------------------------------------------------------------------|
| Ex.P-1:  | Complaint dt. 12/11/2014                                                    |
| Ex.P-2:  | Form no.1 (complaint)                                                       |
| Ex.P-3:  | E- Stamp Affidavit -Form no. 2                                              |
| Ex.P-4:  | Survey no. 134/A1 Sketch                                                    |
| Ex.P-5:  | Purchase letter dt. 03/01/2013                                              |
| Ex.P-6:  | Form no.12-Mutation dt. 20/05/2013                                          |
| Ex.P-7:  | Objection letter (undated)                                                  |
| Ex.P-8:  | Record of rights and RTC                                                    |
| Ex.P-9:  | Rejoinder of complainant dt. 30/03/2015                                     |
| Ex.P-10: | Judgment in O.S.No. 71/2013                                                 |
| Ex.P-11: | Order sheet in FR No. R.A.18/2018                                           |
| Ex.P-12: | Report of Sri. N.R. Mahanthareddy, Dy.S.P., KLA, Hospete, Bellalry District |

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3/1/2

|          |                               |
|----------|-------------------------------|
| Ex.P-13: | Form no. J (Rule 44 and 63)   |
| Ex.P-14: | Form no. 21 (Rule-66) Notice  |
| Ex.P-15: | Form no. 12-Mutation Register |

8. Second Oral Statement of DGO-2 Smt. Ashalatha Sumithra was recorded on 23/03/2021.

9. The DGO-2 examined herself as DW-1, and no documents were marked on behalf of defense side

10. The Presenting Officer filed written brief on behalf of Disciplinary Authority. Defense side has not filed written arguments.

11. Points that arise for determination are as follows:-

- 1) Whether the charges framed against the DGOs-1 & 2 is proved by the Disciplinary Authority?
- 2) What Order?

12. Answer to the aforesaid points are as follows:

Point No. 1 - In the **Affirmative**.

Point no. 2 - As per the Final order, for the following.

### **REASONS**

#### **POINT No. 1:**

13. The charge against DGOs-1 & 2 is that while DGO-1 was working as Village Accountant in Kumati Village, Guddekote Taluk, Kudligi, Bellari District and DGO-2

31/12

Smt. Ashalatha Sumithra while working as Revenue Inspector in Gudekote hobli, Kudligi Taluk, Bellary district, on 18/01/2013 the complainant-Sri. Nagendrappa had purchased the land bearing sy.no. 139/A/A/1 to an extent of 3 acres 29 guntas from one Sri. B. Veeranna S/o Late B. Thippeswamy of Kumathi village through registered sale deed. The complainant-Sri. Nagendrappa approached DGOs requesting them for effecting mutation in his favour on 18/01/2013. Thereafter Form no.21 was published in the village on 23/01/2013 by Village Accountant, but no written objections have been received within 30 days in response to said notice. Subsequently, one Smt. Nagamma w/o Kalingaiah said to have orally raised objections for change of khata as she claimed that the property sold was her ancestral property and thereafter on 04/03/2013 she filed written objections. The DGOs did not change the khata in his name even though, there was no objections received within prescribed 30 days time and thereby they committed misconduct.

14. To substantiate the case of the Disciplinary Authority, complainant Sri. Nagendrappa is examined as PW-1 and Sri. N.R. Mahanthareddy, Dy.S.P., Lokayukta Office, Hospet is examined as P.W.2 and got marked Ex.P-1 to Ex.P-15 documents.

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3/1/2

15. On behalf of the defense side, DGO-1 Sri. B.P. Yashwanth (as per Articles of Charge, he is DGO-2) got himself examined as DW-1 and DGO-2 Smt. Asha Latha (as per Articles of Charge, she is DGO-1) got herself examined as DW-2. No documents have been got marked on behalf of DGOs in their evidence.
16. PW-1 Complainant Sri. Nagendrappa in his evidence in chief examination deposed to the effect that DGO-2 was working as Revenue Inspector and DGO-1 was working as Village Accountant of Chikkunthi village. In the year 2013 he purchased the land bearing sy.no. 134/A/A/1 measuring 3 acres 29 guntas from Sri. B. Veeranna. He met Sri. B.P. Yashwanth, Village Accountant requesting to effect his name in the record of rights and at that time Sri. B.P. Yashwanth, Village Accountant demanded illegal gratification of Rs. 6,000/- but he did pay the said amount as he was not in position to pay the said Rs. 6,000/-. Even after lapse of 61 days, Sri. B.P. Yashwanth, Village Accountant did not affect mutation in his name.
17. Further PW-1 deposed that Sri. B.P. Yashwanth, Village Accountant told him that since case is pending against Sri. B. Veeranna (vendor of the property) in the court in respect of said land, mutation cannot be done in his name till disposal of the said case. Further he deposed that afterwards he gave complaint to

02/11/12

Lokayukta office, Chitradurga. Further PW-1 deposed that even Smt. Asha Latha Sumithra, Revenue Inspector has also not shown any response, when he asked her to make mutation in his name by going to her house.

18. Further PW-1 deposed that one Nagamma has given objections to Tahsildar office requesting not to enter his name in the pahani. Further PW-1 deposed to the effect that civil suit has been disposed off in favour of Nagamma and against the said judgment, he has preferred appeal and in the said appeal he has got stay to the operation of the judgment and said appeal is still pending. Further he deposed that he has filed the complaint as per Ex.P.1 to Ex.P.3, Sketch as per Ex.P.4, Xerox copy of the sale deed as per Ex.P.5, mutation order as per Ex.P.6 and also produced the documents as per Ex.P.7 to 11.
19. In cross examination of P.W.1, it is elicited that he is not educated but he knows to put his signature and he is not aware that the property purchased by him is the ancestral property of Sri. Veeranna. Further it is elicited that Smt. Asha Latha Sumithra, Revenue Inspector had told him that since Nagamma has filed the objections for mutation, khata cannot be changed in his name. Further PW-1 in the cross examination

Q 3/1/12

denied all the suggestions put to him that the DGOs have not committed any misconduct.

20. PW-2 Sri. N.R. Mahanthareddy, retired Deputy Superintendent of Police, in his evidence has deposed that he has been directed to submit the Investigation report in respect of the present case and he had received all the documents and enquired DGO-1 & 2. During inquiry he came to know that one Sri. Nagendrappa has purchased the property measuring 3 acres 29 guntas in sy.no. 134/A/A1 of Kumathi village from one Sri. B. Veeranna s/o Late Thippeswamy under the registered sale deed dt. 18/01/2013 and Form no. 21 has been issued for change of mutation on 23/01/2013. The Revenue Inspector soon after lapse of 30 days has not passed any order and considered the objections filed by one Smt. Nagamma through letter dt. 4/3/2013 and submitted the file for enquiry to the office of the Tahsildar on 27/03/2013. Nagamma raised objections after lapse of 30 days and he submitted report as per Ex.P.12 and Ex.P.13, J-form has been forwarded by the office of the Sub Registrar. Ex.P.14 is Form 21 notice and Ex.15 is Mutation register extract sent to Tahasildar for taking further action as Nagamma has filed objections to effect mutation. This evidence of PW-2 has not been cross examined by DGOs.

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31/12

21. DW-1 Sri. Yashwanth (Village Accountant) and DW-2 Smt. Ashalatha (Revenue Inspector) in their evidence in the chief examinations, which are in the form of affidavits, deposed to the effect that the property purchased by the complainant is the ancestral property of one Eranna. One Nagamma came to the office and raised objections orally not to transfer the revenue records in the name of the complainant. Nagamma has filed the suit with respect to the said property in the year 2013 and hence they directed the complainant and Smt. Nagamma to get settled the matter in the court and they have not at all demanded any bribe or illegal gratification and not committed any misconduct.
22. DW-1 & 2 in their cross examination denied the suggestions put to them that they had demanded bribe of Rs. 6,000/- from the complainant for effecting mutation in his name. However, DW-1 & 2 both have admitted that Form no. 21 has been published on 23/01/2013 in the village and further they admit that objections, if any, to Form No.21, have to be filed within 30 days from the date of publication of Form no. 21 notice. It is to be noted that DW-1 & 2 both in their cross examination stated that Nagamma had filed objections on 04/03/2013. DW-1 in cross examination stated that orally he informed the Revenue Inspector i.e., DW-2 stating that since in this case no objections

3/12



are received, khata may be changed. However DW-1 in cross examination admits the suggestion that he has to inform the Revenue Inspector in writing to change khata in case objections are not filed within 30 days from the date of publication of Form no. 21 notice. Further DW-1 & 2 in their cross examination categorically stated that Nagamma had filed objections after lapse of 30 days. Further DW-1 in cross examination stated that in the civil suit filed by Nagamma, himself, Revenue Inspector and the Tahsildar are not parties. Looking to Ex.P10 copy of judgment passed on 12.12.2017 in O.S.No71/2013, it appears that suit was filed by Nagamma and others against Veeranna and others on 27.4.2013.

23. It is to be noted here that DGOs-1 & 2 contended that prior to filing written objections by Nagamma, she had orally objected by coming to their office. But to this effect there is no acceptable and cogent evidence except their tainted oral evidence. Moreover DGO-1 & 2, who filed common written statement have not at all stated exactly on which day and date Nagamma had come to their office and orally objected to effect mutation in favour of complainant Sri. Nagendrappa. Even in their evidence before this authority also they have not stated exactly on which day and date Nagamma had come to

Q. 31/2

their office and orally objected to effect mutation in favour of complainant Sri. Nagendrappa.

24. Further it is to be noted here that in Ex.P.15-Form no.12 also DGO-Revenue Inspector has not at all mentioned on which day and date Nagamma filed objections and whether such objections were oral objections or in writing. On the contrary, in Ex.P.15, simply it is mentioned that after publishing Form no.21 notice, within prescribed period Nagamma filed objections for change of khata and hence file is submitted for further action. Further it is to be noted that as already stated above DW-1 & 2 in their cross examination categorically stated that Nagamma filed objections on 04/03/2013 and Form no. 21 has been published on 23/01/2013. Even in Ex.P.14 it is specifically stated that on 25/01/2013 Form no.21 has been published in the village. Further it is to be noted here that complainant-Nagendrappa in his rejoinder to the DGOs comments i.e. Ex.P.9 stated that in Form no. 21 i.e., Ex.P.14 somebody's thumb impression has been taken and same is not his signature and he used make signature by writing his name in Kannada. It is to be noted here that in Ex.P.1 to Ex.P.3, complainant-Nagendrappa made his signature by writing his name in Kannada. Moreover, in Ex.P.14, there is no mention of names of witnesses in whose presence alleged thumb

impression appearing in Ex.P.14 has been obtained and there is no signature of the person identifying the alleged thumb impression of Nagendrappa in Ex.P.14. So looking to all these facts, it appears that Ex.P.14 might have been created later on as contended by the Complainant-Nagendrappa in Ex.P.9 to suppress the misconducts of DGOs.

25. On looking to the facts and circumstances of the case and after perusal of oral and documentary evidence available on record, it appears that DGO-1 and 2 have committed misconduct by not discharging their prescribed official duties within prescribed period. The case of the disciplinary authority appears to be more probable than the case of the DGOs. Hence, I am of the considered opinion that the disciplinary authority has proved the charges leveled against DGO-1 & 2.

26. For the reasons stated above, I answer Point No.1 in the **Affirmative**.

27. **Point No.2:**

For the above said reasons, I proceed to record the following;

### **FINDINGS**

28. Disciplinary Authority has **proved** the charges leveled against DGO-1) Sri. B.P. Yashwanth, Village

31/12

Accountant, Kumathi Grama, Gudekote Hobli, Kudligi Taluk, Bellary District and 2) Smt. Ashalatha Sumithra, Revenue Inspector, Gudekote Hobli, Kudligi Taluk, Bellary District.

Hence this report is submitted to Hon'ble Upalokayukta for further action.

Dated this 31<sup>st</sup> day of December 2021

*Q. M. Pawale*  
*31/12/2021*

(Vijaykumar M Pawale)  
Additional Registrar Enquiries-16  
Karnataka Lokayukta,  
Bengaluru.

**Date of Retirement:**

- 1) Sri. B.P. Yashwanth (DGO-1) : **31/07/2048**
- 2) Smt. Asha Latha Sumithra( DGO-2) : **31/05/2015**

**ANNEXURE**

**List of witness examined on behalf of Disciplinary Authority.**

- (1)PW1: Sri. Nagendrappa (Complainant)
- (2)PW2 : Sri. N.R. Mahanthareddy (I.O.)

**List of Documents marked on behalf of Disciplinary Authority:**

|         |                          |
|---------|--------------------------|
| Ex.P-1: | Complaint dt. 12/11/2014 |
|---------|--------------------------|

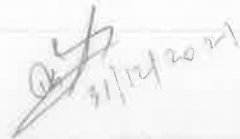
|           |                                                                             |
|-----------|-----------------------------------------------------------------------------|
| Ex.P-2:   | Form no.1 (complaint)                                                       |
| Ex.P-3:   | E- Stamp Affidavit -Form no. 2                                              |
| Ex.P-4:   | Survey no. 134/A1 Sketch                                                    |
| Ex.P-5:   | Purchase letter dt. 03/01/2013                                              |
| Ex.P-6:   | Form no.12-Mutation dt. 20/05/2013                                          |
| Ex.P-7:   | Objection letter (undated)                                                  |
| Ex.P-8:   | Record of rights and RTC                                                    |
| Ex.P-9:   | Rejoinder of complainant dt. 30/03/2015                                     |
| Ex.P-10:  | Judgment in O.S.No. 71/2013                                                 |
| Ex.P-11 : | Order sheet in FR No. R.A.18/2018                                           |
| Ex.P-12:  | Report of Sri. N.R. Mahanthareddy, Dy.S.P., KLA, Hospete, Bellalry District |
| Ex.P-13:  | Form no. J (Rule 44 and 63)                                                 |
| Ex.P-14:  | Form no. 21 (Rule-66) Notice                                                |
| Ex.P-15:  | Form no. 12-Mutation Register                                               |

**List of witness examined on behalf of DGOs :**

- (1)DW-1 : Sri. B.P. Yashwanth (DGO-1)  
(2)DW-2 : Smt. Ashalatha Sumithra (DGO-2)

**List of Documents marked on behalf of DGOs : NIL**

Dated this 31<sup>st</sup> day of December 2021



(Vijaykumar M Pawale)  
Additional Registrar Enquiries-16  
Karnataka Lokayukta,  
Bengaluru.

