

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/769/2016/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 17th January, 2023.**RECOMMENDATION**

Sub: Departmental Inquiry against Shri Aravind Kumar, Revenue Inspector, Maddur Kasaba, Maddur Taluk, Mandya District-reg.

Ref: 1) Government Order No.ಕೂಇ 48 ಬಿಡಿಪಿ 2016, Bengaluru, dated: 14/12/2016.

2) Nomination Order No.UPLOK-2/DE/769/2016, Bengaluru, dated: 31/12/2016 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 12/01/2023 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 14/12/2016 initiated the disciplinary proceedings against Shri Aravind Kumar, Revenue Inspector, Maddur Kasaba, Maddur Taluk, Mandya 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/769/2016, Bengaluru, dated: 31/12/2016 nominated Additional Registrar of Enquiries-8, 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 Aravind Kumar, Revenue Inspector, Maddur Kasaba, Maddur Taluk, Mandya District was tried for the following charges:

ANNEXURE No.I
CHARGE

That, you - DGO while discharging your duties as Revenue Inspector had issued false certificate to one Sri.Veerendra Shama S/o B.R.Sharma in order to purchase agricultural land in contravention of the provisions of the Karnataka Land Reforms Act though Sri.Veerendra Shama is a Village Accountant and thereby you - DGO have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a public/Government Servant and thereby you-DGO have committed misconduct as enumerated under Rule 3(1)(i), (ii) & (iii) of Karnataka Civil Services(Conduct) Rules, 1966.

4. During the pendency of the Inquiry, at the stage of First Oral Statement, DGO has appeared before this Authority and submitted copy of Application No.524/2017, filed before Karnataka State Administrative Tribunal, Bengaluru Bench, wherein the matter was stayed. Later, on the order of KSAT in Application

No.524/2017 is received, wherein Application filed by DGO is allowed and impugned order bearing No.ಕಂಇ 48 ಬಿಡಿಪಿ 2016, dated 14/12/2016 passed by the 1st Respondent/ Disciplinary Authority is set aside vide judgement dated: 26/08/2019. Opinion was sought from Chairman of Legal Cell, Karnataka Lokayukta, Bengaluru in this regard. In turn, CLC sent file to Additional Registrar (Enquiries-7), Karnataka Lokayukta, Bengaluru to give opinion in this regard.

5. On 13/10/2020, Additional Registrar (Enquiries-7), Karnataka Lokayukta, Bengaluru has given opinion that the fault cannot be found with the order passed by the KSAT, Bengaluru Bench, and however the simultaneous enquiry initiated against DGO by the Competent Authority i.e., Deputy Commissioner, Mandya at EST(2)09/2015-16, dated: 01/07/2015.
6. Later on, Chairman of Legal Cell, Karnataka Lokayukta, Bengaluru has sent letter dated: 02/12/2022 with an opinion that, matter is not fit case to prefer Writ Petition before Hon'ble High Court of Karnataka.
7. On perusal of the judgement laid down by the KSAT in Application No.524/2017, Bengaluru Bench and on consideration of the



totality of circumstances, since, the impugned Government Order bearing No.ಕಂಇ 48 ಬಿಡಿಪಿ 2016, dated: 14/12/2016 passed by the 1st Respondent/Disciplinary Authority is set aside by KSAT in Application No.524/2017, vide order dated: 26/08/2019 and the same is not challenged by the Chairman, Legal Cell, Karnataka Lokayukta, Bengaluru and to close this enquiry against DGO. Hence, the instant proceedings against DGO do not survive for consideration.

8. 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 the Inquiry Officer.

“It is hereby recommended to the Government, the proceedings initiated against DGO, is closed in view of the fact that impugned Government Order bearing No. ಕಂಇ 48 ಬಿಡಿಪಿ 2016, dated 14/12/2016 passed by the 1st Respondent/Disciplinary Authority is set aside by KSAT in Application No.524/2017, vide order dated:

26/08/2019 and as this Authority decided it is not fit to challenge the order passed by KSAT^o.

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

Connected records are enclosed herewith.

 12/11/23

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



KARNATAKA LOKAYUKTA

No: UPLOK-2/DE/769/2016/ARE-8

M.S.Building
Dr.B.R.Ambedkar Veedhi
Bengaluru - 560001
Dated: 12/01/2023.**REPORT****Present :** Rajashekar.V.Patil
Addl. Registrar of Enquiries-8,
Karnataka Lokayukta,
Bengaluru.**Sub:** Departmental Enquiry against Sri.
Aravinda Kumar, Revenue Inspector,
Madduru Kasaba, Madduru Taluk,
Mandya District- reg.**Ref:** 1. Report U/Sec 12(3) of the Karnataka
Lokayuktha Act 1984, in Complt/Uplok
/MYS/2219/2014/DRE-4, Dtd.28/09/2016.
2. Government Order No. ಕಂಇ/48/ಬಿಡಿಪಿ/2016,
ಬೆಂಗಳೂರು, dated: 14/12/2016.
3. Nomination Order No: Uplok-
2/DE/769/2016/ARE-8, Bengaluru, dated:
31/12/2016 of Hon'ble Uplokayukta.

Present Departmental Enquiry was directed on the basis of Government Order No. ಕಂಇ/48/ಬಿಡಿಪಿ/2016, ಬೆಂಗಳೂರು, dated: 14/12/2016, passed under Rule 14(A) of K.C.S. (CC&A) Rules, against Sri. Aravinda Kumar, Revenue

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12/01/2023

Inspector, Madduru Kasaba, Madduru Taluk, Mandya District.

2. On the basis of the complaint lodged by one Sri. N. Parasanna S/o Nagaraju, r/o Holebeedhi, Near Babaiah Masjid, Madduru Town, Mandya District, with the allegation that DGO while discharging his duties as Revenue Inspector had issued false certificate to the effect that one Sri. Veerendra Sharma S/o B.R. Sharma is an agriculturist, to enable the said Veerendra Sharma, in order to purchase agricultural land in contravention of the provisions of the Karnataka Land Reforms Act, though Sri. Veerendra Sharma is a Village Accountant.
3. An investigation was undertaken by invoking Section 9 (3) of the Karnataka Lokayuktha Act, DGO submitted his comments. No technical expert is appointed to collect any investigation report. Based on the allegations of the complaint and preliminary notes, Hon'ble Upa-Lokayuktha had sent the report U/Sec. 12(3) of Karnataka Lokayuktha Act on 28/09/2016 as per Ref. No.1-Complt/Uplok/MYS/2219/2014/DRE-4.
4. The Competent Authority by issuing G.O.No. ಕಂಇ/48/ಬಿಡಿಪಿ/2016, ಬೆಂಗಳೂರು, dated: 14/12/2016, entrusted to the enquiry to Lokayuktha.

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5. The Hon'ble Upalokayukta-2 nominated this Enquiry Officer i.e. Additional Registrar of Enquiries-8, of the office of Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGO as per the nomination order dated 31/12/2016. Accordingly Articles of Charge was framed by Additional Registrar Enquires-8 against DGO.

6. On the basis of the nomination, Article of Charge was prepared under 11(3) of KCSR & CCA Rules and concerned DGO.

ANNEXURE No.I
CHARGE

2. That, you – DGO while discharging your duties as Revenue Inspector had issued false certificate to one Sri.Veerendra Shama S/o B.R.Sharma in order to purchase agricultural land in contravention of the provisions of the Karnataka Land Reforms Act though Sri.Veerendra Shama is a Village Accountant and thereby you – DGO have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a public/Government Servant and thereby you – DGO have committed misconduct as enumerated under Rule 3(1)(i), (ii) & (iii) of Karnataka Civil Services(Conduct) Rules, 1966.

ANNEXURE No.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

3. On the complaint filed by Sri.N.Prasanna S/o Nagaraju resident of Holebeedhi, Near Babaiah Masjjid, Maddur Town,

Uplok-2/DE/769/2016/ARE-8

Mandya District (hereinafter referred to as 'complainant' for short) against Sri.Aravind Kumar, Revenue Inspector, Maddur Kasaba, Maddur Taluk, Mandya District, an investigation was taken up under section 7(2) of the Karnataka Lokayukta Act, 1984.

4. According to the complainant: The DGO has issued false certificate to the effect that one Sri.Veerendra Shama S/o B.R.Sharma is an Agriculturist, to enable the said Veerendra Sharma, in order to purchase agricultural land in contravention of the provisions of the Karnataka Land Reforms Act. Further, it is alleged that said Sri.Veerendra Shama is a Village Accountant.

5. When copy of complaint was sent to DGO for his comments. DGO has submitted his comments stating that a person claiming to belong to agriculturist family and desiring to obtain a certificate in that regard has to submit an application before the Atalji Janasnehi Kendra and send the duly filled form to the Revenue Inspector by post and after submission of Village Accountant's report and report of the Revenue Inspector, such application is to be entered in the computer and thereafter, certificate is to be issued. He pleaded that there was no such application given by Sri.Veerendra Shama S/o B.R.Sharma, Kote Beedhi, Maddur for grant of certificate to the effect that he belongs to agriculturist family and no such application was received by him. He denied that he issued false certificate in respect of Sri.Veerendra Sharma S/o B.R.Sharma as an agriculturist and he requested for dismissing the complaint.

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6. When copy of comments was sent to the complainant for his rejoinder, he submitted his rejoinder dated 16/01/2015, questioning as to how a certificate came to be issued without requisite application being entered in the computer.

7. The complainant has produced a copy of the Show Cause Notice dated 22/3/2014 issued to the DGO Sri.Aravind, Smt.Poornima, Village Accountant and one Sri.Pradeep, Data Entry Operator of Taluk Office at Maddur by the Tahsildar of Maddur asking their explanation as to how the said certificate came to be issued in favour of Sri.Veerendra Sharma S/o B.R.Sharma, Kote Beedhi, Maddur in respect of 23 guntas of land in Sy.No.798/2A(P2) of Maddur. The Tahsildar has also issued Show Cause Notice dated 21/6/2014 to the DGO Aravind Kumar to show cause within 3 days as to how the above certificate came to be issued in favour of Sri.Veerendra Shama S/o B.R.Sharma. In respect of the above subject matter, the Deputy Commissioner, directed an enquiry being held and in that connection, the Asst.Commissioner, Mandy Sub Division, addressed a letter dated 11/6/2013 to the Tahsildar, Mandya to submit report. The said certificate was issued in favour of Sri.Veerendra Shama S/o B.R.Sharma, Kote Beedhi, Maddur to the effect that he is resident of Mandya District and he owns 23 Guntas of land in Sy.No.2A(P2) on 03/02/2014 by the office of the Deputy Tahsildar, Kasaba Hobli, Maddur Taluk. The mutation register extract pertaining to Sy.No.319/RS/1 measuring 29 Guntas of Kadaluru village, Ataguru Hobli, Maddur Taluk, shows that the mutation was



accepted in favour of Sri.Veerendra Shama S/o B.R.Sharma on 21/04/2014 as ordered by the Revenue Inspector of Ataguru Hobli.

8. The explanation of the DGO that he is not responsible for issue of the above Certificate in favour of Sri.Veerendra Shama S/o B.R.Sharma is not worthy of acceptance. The DGO does not dispute that the said Sri.Veerendra Shama S/o B.R.Sharma is a Village Accountant. Section 79A of the Karnataka Land Reforms Act prohibits a person, whose family has assured income from sources other than agricultural lands, from acquiring any land whether as an owner, land lord or tenant with possession or otherwise or partly in one capacity or partly in another, with effect from 01/03/1974.

9. Section 79B of the said Act prohibits a person who does not cultivate the land personally, from holding a land. A certificate to the effect that the purchaser is an agriculturist or a person belonging to agriculturist family was needed to enable such person to purchase agricultural land.

10. The DGO being a Revenue Inspector of Kasaba Hobli, Maddur Taluk, prima facie can be said to have a role to play in the issue of the above certificate in favor of said Sri.Veerendra Shama S/o B.R.Sharma. The complainant allegations cannot be said to be a baseless one. They indicate DGO acted in a manner unbecoming of Government/Public Servant and thereby committed misconduct and made himself liable for disciplinary action.

11. Since the said facts and materials on record prima facie show that DGO have committed misconduct under Rule

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3(1)(i) to (iii) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate Disciplinary Proceedings against the DGO under Rule 14-A of K.C.S. (CCA) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS(CCA) Rules. Hence, the charge.

7. Article of Charges were served on DGO on 15/03/2017, DGO being present in the proceedings filed certified copy of the order passed by KSAT, Bangalore, in A.N.No.524/2017 and also produced the stay order. When the case was adjourned from time to time from 15/03/2017 till 22/07/2020. On 27/07/2020 final order of the KSAT passed in A.N.No.524/2017, dtd.26/08/2019 in which the entrustment G.O. issued by the Competent Authority has been quashed and accordingly the D.E. recommended against DGO under 214(A) has been dropped. Then copy of the Government order was sent to CLC section and final order of the KSAT passed in A.N.No.524/2017 was received and then the order was sent to CLC Department and the CLC section sent the entire records of A.N.No.524/2017 and requested to submit the opinion, that whether the impugned order passed by the KSAT requires to be challenged by filing a writ petition before Hon'ble High

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Court of Karnataka. Then ARE-7 passed detailed order dtd.26/08/2018 in KSAT A.N.No.524/2017. On 13/10/2020 arriving at the final conclusion that the fault cannot be found with the order passed by the Hon'ble KSAT, Bangalore, and however the simultaneous enquiry initiated against DGO by the Competent Authority i.e., Deputy Commissioner, Mandya, at EST(2)09/2015-16 dtd. 01/07/2015 was to be ascertained. Then several notices were issued to D.C. Mandya, by his letter dtd.15/01/2021 informed that enquiry against DGO Aravinda Kumar was conducted between 23/12/2015 to 27/01/2018 and the enquiry shall be completed. Again, recommendations were made to withdraw the file from CLC and sent it to this authority ARE-8/original enquiry authority to take further steps. This ARE-8 enquiring authority received the file from CLC Section and it was disclosed that as per the approval of Hon'ble Upalokayuktha, it was intimated that the decision has been taken not to challenge the impugned order passed by KSAT and letter has been forwarded to the Government/Competent Authority intimating about non-filing writ petition against impugned order passed by the KSAT and note and letters were sent to Competent Authority of DGO signed by CLC-2 section.

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8. On 02/12/2022 ARE-8 while submitting the opinion recommended that file may be closed and as it has been held that the impugned order passed by the KSAT is not fit case to be challenged on merits before Hon'ble High Court of Karnataka by preferring writ petition and sought for the permission to prepare a final report in this D.E.No.Uplok-2/DE/769/2016.

9. Further with regard to simultaneous pendency of domestic enquiry pending before D.C. office, Mandya, and express the opinion that there was no need to wait for final conclusion of D.E. No.EST(2)09/2015-16, pending before D.C. office as it is a parallel enquiry and in this case the G.O. of entrustment/enquiry by the Competent Authority and in consequence of initiating D.E. by framing AOC by ARE-8 has been quashed. So prayed for permission to prepare the final report and same has been placed before Hon'ble Upalokayuktha and Hon'ble Upalokayuktha accorded permission to prepare the final report.

10. In view of the approval of Hon'ble Upalokayuktha case was posted for final report and it is prepared on the basis of fact that, legal opinion submitted by ARE-7 and ARE-8 not to challenge the impugned order passed by the KSAT in A.N.No.524/2017 and the fact that intimation has been given to the Competent Authority about the

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decision of the Lokayuktha office not to challenge the impugned order with the approval of Hon'ble Upalokayuktha.

11. Then file was sent to CLC Section. CLC Section submitted the note and intimation letter to the Government/Competent Authority intimating about the non-filing of WP against KSAT intimation was sent to the Competent Authority.

12. In view of the development of above said facts and finally it has been decided not to challenge the impugned order passed by the KSAT in AN.No.524/2017, dtd.26/08/2019 and further opinion of not filing writ petition is approved by Hon'ble Upalokayuktha dtd.02/01/2023. (para-50) Further present enquiry is required to be closed/dropped and appropriate information of letter is sent to Competent Authority of DGO.

13. Accordingly, further proceedings cannot be continued and present enquiry requires to be closed and proceed to pass the following order;

ORDER

Disciplinary Enquiry against DGO Sri. Aravinda Kumar, Revenue Inspector, Madduru Kasaba, Madduru Taluk, Mandya District, cannot be continued and this


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enquiry treated as 'closed', in view of order that, not to challenge the KSAT order by preferring W.P.

Submitted to His Lordship Hon'ble Upalokayukta for further action in the matter.



(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8
Karnataka Lokayukta, Bengaluru.

