

KARNATAKA LOKAYUKTA

No. Uplok-2/DE/784/2017/ARE-10

M.S. Building,
Dr.B.R. Ambedkar Road
Bangalore-560 001
Date: 25/03/2022.

ENQUIRY REPORT

Present : **Sri. G. Nanjundaiah,**
Additional Registrar of Enquiries-10
Karnataka Lokayukta
Bangalore

Sub: Departmental Inquiry against:-
Sri. A.C. Jagadish, Sub Registrar, Office of
the Sub-Registrar, Mysore East, Mysore
- Reg.

Ref: 1. Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/MYS/6602/2014
dated 07.04.2017.
2. Govt. Order No. RD 18 mu.no.se(2)
2017 Bengaluru dated 25.05.2017.
3. Nomination order No. Uplok-2/DE/784/2017
Bangalore dt. 17.06.2017 of Hon'ble
Upalokayukta-2

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1. On the basis of the complaint filed by Smt. Promoda Devi
W/o Sri. Srikantadatta Narasimharaj Wadiyar, Mysore Palace,
Mysore against the DGO Sri. A.C. Jagadish, Sub Registrar,
Mysore East, Mysore alleging dereliction of duty proceedings
were initiated.

25/3/22

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the GO dt. 25.05.2017 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO, nomination was issued by Hon'ble Upalokayukta on 17.06.2017 authorizing ARE-10 to hold enquiry and report as per reference No. 3.
3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGO on 06.09.2017.

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ-1

ಆ.ಸ.ನೌ. ಶ್ರೀ ಎ.ಸಿ.ಜಗದೀಶ್, ಉಪ ನೋಂದಣಾಧಿಕಾರಿ, ಉಪ ನೋಂದಣಿ ಕಚೇರಿ, ಮೈಸೂರು ಪೂರ್ವ (ಹಾಲಿ ನಂಜನಗೂಡು) ಆದ ನೀವು ದಿನಾಂಕ: 08/05/2013 ರಂದು ಮೈಸೂರಿನಲ್ಲಿ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ಇರದೇ ಇದ್ದರೂ ಸಹ, ಅಲ್ಲಿ ಇರುವರೆಂದು ತೋರಿಸಿ ಬೆಂಗಳೂರಿಗೆ ತೆರಳಿ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ದಸ್ತಾವೇಜಿನ ಮೇಲೆ ಪಡೆದುಕೊಂಡು, ಸದರಿ ದಸ್ತಾವೇಜಿಗೆ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ಸ.ನಂ.4ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ 15 ಎಕರೆ ಪೈಕಿ 7.5 ಎಕರೆ ಜಾಗವನ್ನು ಶ್ರೀ ವಿ.ಸಿ.ವೆಂಕಟೇಶ್ ರವರಿಗೆ ದಸ್ತಾವೇಜು ಸಂಖ್ಯೆ.1144/2013-14 ರೀತ್ಯಾ ದಾನ ಪತ್ರ ಬರೆದು ಕೊಟ್ಟಿರುವುದಾಗಿ ದಾಖಲೆಗಳನ್ನು ಸೃಷ್ಟಿ ಮಾಡಿದ್ದೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1) (ii) ಮತ್ತು (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

1. ದೂರುದಾರರ ಪತಿಯಾದ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರು ಮೈಸೂರಿನ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ದಿನಾಂಕ: 08/05/2013 ರಂದು ಸಂಜೆ 6.00 ಗಂಟೆಯಿಂದ 6.30ರ ವೇಳೆಯಲ್ಲಿ ಹಾಜರಿರುವುದಿಲ್ಲವೆಂದು, ಆದರೂ ಸಹಾ, ಆ.ಸ.ನೌಕರರು ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಹೆಚ್ಚಿಟ್ಟು ಹಾಗೂ ಸಹಿಯನ್ನು ನಕಲಿ ಮಾಡಿ ಹಾಗೂ ಅದಕ್ಕೆ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಫೋಟೋವನ್ನು ಅಂಟಿಸಿ ಮೈಸೂರಿನ ಕುರುಬಾರಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.4ರಲ್ಲಿನ ಸ್ವತ್ತನ್ನು ಶ್ರೀ ವಿ.ಸಿ.ವೆಂಕಟೇಶ್ ರವರಿಗೆ ದಸ್ತಾವೇಜು ಸಂಖ್ಯೆ:ಎಂ.ವೈ.ಎನ್-1/1144/2013-14 ರೀತ್ಯಾ ದಾನಪತ್ರವನ್ನು ನೋಂದಣಿ ಮಾಡಿರುತ್ತಾರೆಂದು ಹಾಗೂ ಶ್ರೀ ವಿ.ಸಿ.ವೆಂಕಟೇಶ್ ರವರೇ ರೂ.1,28,06,604 ಮತ್ತು ನೋಂದಣಿ ಶುಲ್ಕ ರೂ.22,88,050/- ಗಳನ್ನು ಭರಿಸಿರುವುದಾಗಿ ನಮೂದಿಸಿರುತ್ತಾರೆಂದು, ಆದರೆ, ಸದರಿ ದಿನಾಂಕ ಹಾಗೂ ಸಮಯದಂದು ದೂರುದಾರರ ಪತಿಯಾದ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರು ಹಾಜರಿರುವುದಿಲ್ಲವೆಂದು ಆರೋಪಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

(Handwritten signature)

2. ಆನಂತರ ಸದರಿ ದೂರಿನ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಮೈಸೂರು ಇವರಿಗೆ ವಹಿಸಿದ್ದು, (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿ ಎಂದು ಸಂಬೋಧಿಸಲಾಗುವುದು), ಸದರಿಯವರು ತಮ್ಮ ವರದಿಯನ್ನು ದಿನಾಂಕ: 05/01/2017 ರಂದು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಗಳು ತಮ್ಮ ವರದಿಯಲ್ಲಿ;

- ಶ್ರೀಕಂಠದತ್ತ ಒಡೆಯರ್ ರವರು ಕುರುಬಾರಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.4 ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ 15 ಎಕರೆ ಪೈಕಿ 7.5 ಎಕರೆ ಜಾಗವನ್ನು ಶ್ರೀ ವಿ.ಸಿ.ವೆಂಕಟೇಶ್ ರವರಿಗೆ ದಸ್ತಾವೇಜು ಸಂಖ್ಯೆ.1144/2013-14 ರೀತ್ಯಾ ದಾನ ಪತ್ರ ಬರೆದು ಕೊಟ್ಟಿರುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಹೆಚ್ಚಿಟ್ಟು, ಸಹಿ ಮತ್ತು ಭಾವಚಿತ್ರ ಅಂಟಿಸಿ ನೋಂದಣಿ ಮಾಡಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ.
- ಸದರಿ ಮೇಲ್ಕಂಡ ಪ್ರಶ್ನಿತ ದಸ್ತಾವೇಜಿನಲ್ಲಿರುವ ಒಡೆಯರದ್ದು ಎಂದು ಹೇಳುವ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟಿನ ಹೋಲಿಕೆಗಾಗಿ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಮಾದರಿ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ಸಂಗ್ರಹಿಸಿ ನಿರ್ದೇಶಕರು, ಟ್ರಾಕ್ಟ್ ಲ್ಯಾಬ್, ಬೆಂಗಳೂರು ರವರಿಗೆ ಪರಿಶೀಲನೆಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿರುತ್ತದೆ.
- ಈ ಸಂಬಂಧ, ಸದರಿಯವರು ಪರಿಶೀಲನಾ ವರದಿಯಲ್ಲಿ ದಸ್ತಾವೇಜಿನಲ್ಲಿರುವ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟು ಹಾಗೂ ಮಾದರಿ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟು ಎರಡೂ ಸಹ ಒಬ್ಬರದೇ ಎಂಬುದಾಗಿ ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿರುತ್ತಾರೆ.
- ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರು ದಿನಾಂಕ: 08/05/2013 ರಂದು ಮೈಸೂರಿನ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ಹಾಜರಿರುವುದಿಲ್ಲ ಎಂದು 01/02/2016 ರಂದು ರೇಸ್ ಕ್ಲಬ್‌ನ ಕಾರ್ಯದರ್ಶಿರವರು ವರದಿ ನೀಡಿರುತ್ತಾರೆ.
- ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಎ.ಸಿ.ಜಗದೀಶ್ ರವರು ಬೆಂಗಳೂರಿಗೆ ತೆರಳಿ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ದಸ್ತಾವೇಜಿನ ಮೇಲೆ

ಆ.ಸ.ನೌಕರರಾದ

ಪಡೆದುಕೊಂಡು, ಸದರಿ ದಸ್ತಾವೇಜಿಗೆ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ಮೈಸೂರಿನ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ಇಬ್ಬರು ಪಂಚ ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ತೆಗೆದುಕೊಂಡಂತೆ ದಾಖಲೆ ಸೃಷ್ಟಿ ಮಾಡಿರುತ್ತಾರೆ.

3. ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಮೈಸೂರು ರವರು ಸಲ್ಲಿಸಿರುವ ವರದಿಯನ್ನು ಆ.ಸ.ನೌಕರರಿಗೆ ಕಳುಹಿಸಿ ಈ ಬಗ್ಗೆ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಲಾಗಿ, ಆ.ಸ.ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿ, ದೂರಿನ ಆಪಾದನೆಗಳನ್ನು ನಿರಾಕರಿಸಿರುತ್ತಾರೆ. ಪ್ರಸ್ತುತ ಹಂತದಲ್ಲಿ ಸದರಿ ಆ.ಸ.ನೌಕರರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಒಪ್ಪಲಾಗುವುದಿಲ್ಲ.

4. ದೂರಿನಲ್ಲಿ ಇರುವ ಆಪಾದನೆ ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಆ.ಸ.ನೌಕರರು ಈ ಕೆಳಕಂಡಂತೆ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

- ದೂರುದಾರರ ಪತಿಯಾದ ಮಾನ್ಯ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರು ಮೈಸೂರಿನ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ದಿನಾಂಕ: 08/05/2013 ರಂದು ಸಂಜೆ 6.00 ಗಂಟೆಯಿಂದ 6.30 ರ ವೇಳೆಯಲ್ಲಿ ಹಾಜರಿರುವುದಿಲ್ಲ.
- ಆದರೆ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಎ.ಸಿ.ಜಗದೀಶ್ ರವರು ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರು ಮೈಸೂರಿನ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ಕುರುಬಾರಹಳ್ಳಿ ಗ್ರಾಮದ ಸ.ನಂ.4ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ 15 ಎಕರೆ ಪೈಕಿ 7.5 ಎಕರೆ ಜಾಗವನ್ನು ಶ್ರೀ ವಿ.ಸಿ.ವೆಂಕಟೇಶ್ ರವರಿಗೆ ದಸ್ತಾವೇಜು ಸಂಖ್ಯೆ.1144/2013-14 ರೀತ್ಯಾ ದಾನಪತ್ರ ಬರೆದು ಕೊಟ್ಟಿರುವುದಾಗಿ ಅವರ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ದಸ್ತಾವೇಜಿನ ಮೇಲೆ ಪಡೆದುಕೊಂಡು, ಇಬ್ಬರು ಪಂಚ ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ತೆಗೆದುಕೊಂಡಂತೆ ದಾಖಲೆ ಸೃಷ್ಟಿ ಮಾಡುವ ಮೂಲಕ ದಾನಪತ್ರ ನೋಂದಣಿ ಮಾಡಿರುತ್ತಾರೆ.
- ಆದರೆ, ವಾಸ್ತವವಾಗಿ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಎ.ಸಿ.ಜಗದೀಶ್ ರವರು ಬೆಂಗಳೂರಿಗೆ ತೆರಳಿ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ರವರ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ಮೇಲ್ಕಂಡ ಪ್ರಶ್ನಿತ ದಸ್ತಾವೇಜಿನ ಮೇಲೆ ಪಡೆದುಕೊಂಡು, ಸದರಿ ದಸ್ತಾವೇಜಿಗೆ ಸಹಿ ಮತ್ತು ಹೆಚ್ಚಿಟ್ಟನ್ನು ಮೈಸೂರಿನ ರೇಸ್ ಕ್ಲಬ್‌ನಲ್ಲಿ ಇಬ್ಬರು ಪಂಚ ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ತೆಗೆದುಕೊಂಡಂತೆ

ಆ.ಸಿ.

ದಾಖಲೆ ಸೃಷ್ಟಿ ಮಾಡುವ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

5. ಶ್ರೀಮತಿ ಹಂಸವೇಣಿ, ಜಿಲ್ಲಾ ನೋಂದಣಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ, ಮೈಸೂರು ರವರ ವಿರುದ್ಧ ಯಾವುದೇ ಆರೋಪವು ತನಿಖಾಧಿಕಾರಿಗಳ ವರದಿಯಲ್ಲಿ ಸಾಬೀತಾಗಿರದೇ ಇರುವ ಕಾರಣ ಅವರ ವಿರುದ್ಧ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಬಿಡಬಹುದಾಗಿದೆ.
6. ದೂರುದಾರರ ದೂರು, ತನಿಖಾಧಿಕಾರಿಗಳ ವರದಿ ಹಾಗೂ ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಮೇಲ್ನೋಟಕ್ಕೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡು ಬಂದಿದ್ದು, ಆ.ಸ.ನೌಕರರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ಸೇವಕರಾಗಿದ್ದು ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.
7. ಆದುದರಿಂದ ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಆ.ಸ.ನೌಕರರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ, ನಿಯಮ 3(1) (ii) ಮತ್ತು (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡು ಬಂದದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಅವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ, ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಉಲ್ಲೇಖ (2)ರ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ

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ನಿಬಂಧಕರು (ವಿಚಾರಣೆಗಳು 10) ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ.
ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ಆಪಾದನೆ.

4. The said article of charge was served on the DGO on 04/10/2017 and DGO did not appeared before this inquiring authority on 10/10/2017, 12/12/2017, 05/01/2018, 08/02/2018, 19/04/2018, 11/07/2018 and his first oral statement under Rule 11(9) was recorded on 16/02/2019. DGO pleaded not guilty.

5. DGO filed Written Statement on 12/12/2018 denying the charges. DGO worked as Sub Registrar, Mysore East from 01.01.2013 to 28.09.2013. He states that, without prejudice to the rights of the land measuring 7.5 acres out of 15 acres of land in Sy. No. 4 of Kurubara halli in connection with a registered Gift deed executed by Sri. Srikantadatta Narashima Raj Wodeyar in favour of Sri. Venkatesh vide registration No. 1144/2013-14 is carried out the same by him as per the provisions of the registration act extended. He personally attended the registration work as per the provisions of registration act and requested to drop the matter in the interest of equity and justice.

6. On behalf of the Disciplinary Authority, Smt. Pramoda Devi W/o Sriknatadatta Narasimharaja Wodeyer

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(Complainant) is examined as PW-1, Sri. Pradeed M.D, Police Constable, Lokayukta, Bengaluru as PW-2 and Sri. M. Narayan, Superintendent of Police, Karnataka Lokayukta, Mysore as PW-3 and got marked Ex P 1 to P 9 are marked. After the closure of the evidence of the Disciplinary Authority, Second Oral Statement of DGO was recorded on 16/02/2019 and he himself DGO Sri. A.C. Jagadish is examined as DW-1 and on behalf of DGO Sri. Venkatesh, Agriculturist, H.D. Kote is examined as DW-2 and Sri. Venkatasubbaiah, Advocate, Bengaluru is examined as DW-3 and got marked five documents Ex. D-1 to D-5.

7. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

8. My answers to the above points are as follows:

Point No. 1 : In the **Negative**.

Point no. 2 : As per final order
for the following ;

REASONS

9. **Point no. 1** : The complainant who was examined as PW1 has deposed that, Srikantadatta Narasimharaja Wadiyar had vast extent of properties in Mysore and other places. In Kurubaralli Sy.No.4 Srikantadatta Narasimharaja Wadiyar's father had about 1563 acres of land. On 8.5.2013 Srikantadatta Narasimharaja Wadiyar was in Bangalore Palace. Though Srikantadatta Narasimharaja Wadiyar was not present in Mysore city, his presence was shown at Mysore and the DGO A.C.Jagadish has registered the gift deed.

10. PW-1 complainant further deposed that, she did not know in which place the photograph and signature of Srikantadatta Narasimharaja Wadiyar were taken. The gift deed was registered in respect of 7.20 acres of land. The donee Sri.V.C.Venkatesh was not their relative, nor employee; he was not acquainted with any of the family members and was not a friend of Srikantadatta Narasimharaja Wadiyar. Therefore, she has lodged the complaint to Lokayukta office along with form no.1 and 2 as per **Ex. P-1 to 3.**

11. PW-1 complainant further deposed that, Copy of the gift deed is marked as **Ex.P.4.** (8 sheets). She has also filed rejoinder marked as **Ex.P.5.** DGO is the responsible official for registering the document.

12. PW-2 Sri. Pradeep M.D. Police Constable, Lokayukta, Mysore deposed that, he knows Sri. Ravikumar.M. the then Superintendent of Police, Karnataka Lokayukta, Mysore, he worked under him from October 2015 to 22.02.2017. He can type Kannada in laptop on dictation. Deceased CW-2 Sri. Ravikumar.M, the then Superintendent of

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Police, Lokayukta, Mysore (who submitted report) had dictated contents of report dated 05.01.2017 to him and he typed the same. PW-2 identified the Investigation Report **Ex. P-6** and he could identify the signature of CW-2 Sri. Ravi kumar.M CW-2 and it is marked as **Ex. P-6(a)**.

13. PW-3 Sri. M. Narayan, the then Superintendent of Police, Karnataka Lokayukta, Mysore deposed that, from January 2014 to November 2015 he served as Superintendent of Police, Karnataka Lokayukta, Mysore. Lokayukta office received a letter in this complaint file and it was under investigation. On 18.1.2015 Hon'ble Upalokayukta visited and stayed in Mysore reviewed the pending petitions/enquiry. At the time he was called and sought information regarding progress of the investigation. In respect of this matter, Superintendent of Police, Karnataka Lokayukta, Mysore by name Prasad had already collected copy of gift deed and other relevant documents.

14. PW-3 further deposed that, he verified the above materials, documents and wrote 3 or 4 letters to CW-1 complainant Smt. Pramoda Devi W/o Sri. Srikantadatta Narasimharaja Wodeyar, but she did not respond. Later, CW-1 furnished admitted signature contained in the document and disputed signature on the document and he sent the same to Truth Lab, Bangalore on 29.4.2015. Later, his successor had received report now shown and Xerox copy of said report is marked as **Ex P-7** and his letter marked as **Ex P-8**.

15. On behalf defense side DGO Sri. A.C. Jagadish examined himself as DW-1 and got marked **Ex. D-1 to D-5** and deposed that, during 01.01.2013 to 28.09.2013 he served as Sub

(Signature)

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Registrar, Mysore East. On 8th May 2013 a document styled as Gift deed dated 25.04.2013 executed by Sri. Srikanta Datta Narasimharaja Wodiyar in favour of Sri. Venkatesh in connection to the part of the property bearing Sy. No. 4 old survey No. 104 situated at Kurabara halli Nazarbad Mohalla, Mysore holding MCC Khatha No. 60 and 60/A measuring around 6,53,000 Sq. feet (15 acres) out of which Northern side of the vacant land admeasuring 7.5 acres i.e. 3,26,700 Sq. feet was presented for registration by Sri. V.C. Venkatesh and others along with the letter seeking for exemption from personal attendance Sri. Srikanta Datta Narasimharaja Wodiyar, along with necessary annexure and form. Accordingly on due calculation of the registration stamp duty and fee as per law, the registration process was carried out and the signature and photo of the presenter and that the witness was secured on the document as per the norms and the documents being kept pending for personal attendance and for completing the registration process.

16. DW-2 Sri. Venkatesh, Agriculturist presently residing at H.D. Kote deposed that, on 25th April 2013 late Sri. Srikanta Dutta Narasimharaja Wodeyar executed a Gift Deed in his favour and as per his instructions of Sri. Srikantadatta Narasimharaja Wodeyar he had presented the same for registration before the Sub Registrar Office at Mysore East as

Handwritten signature

on 8-5-2013. On that date, at the time of presentation of document for registration himself and two witnesses Viz Mr.R. Kumar and Mahesh were present and he requested personal attendance for registration of the document as per the letter extended by his highness. Sri. Srikanta Dutta Narasimha Raja Wodeyar had visited Mysore and got the document duly signed in the presence of his witnesses on 8-5-2013.

17. DW-3 Sri. Venkatasubbaiah, Advocate RMV IInd stage, Bengaluru deposed that, on 25th April 2013 Sri. Srikanta Dutta Narasimharaja Wodeyar executed the Gift Deed in favour of Venkatesh, and the same was presented for registration before the Sub Registrar, Mysore East as on 8-5-2013; on that day he was in Mysore due to his personal work and Sri. Srikanta Dutta Narasimharaja Wodeyar, had extended appointment to meet him in connection to the discussion on a legal issue of one of their properties and had asked him to meet him near Mysore Race Club around 6-00 P.M.

18. The deposition of PW-1 to 3 and the documents Ex. P-1 to P-9, the evidence of DW-1 to DW-3 and the documents Ex. D-1 to Ex. D-5 and the oral and the documentary evidence on record show that, the complainant Smt. Pramoda Devi in her evidence clearly deposed that, on 8.5.2013 Sri. Srikantadatta

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Narasimharaja Wodeyar was in Bangalore Palace. Though Sri. Srikantadatta Narasimharaja Wodeyar was not present in Mysore city, his presence was shown at Mysore and the DGO A.C. Jagadish has registered the gift deed. The gift deed was registered in respect of 7.20 acres of land. The donee Sri. V.C. Venkatesh is not her relative and not her employee nor acquainted to any of her family members and was not a friend of Sri. Srikantadatta Narasimharaja Wodeyar.

19. The DGO Sri. A.C. Jagadish, Sub Registrar, Mysore stated in his defense evidence on 8.5.2013 that, after registration process, except personal attendance of Sri. Srikanta Datta Narasimharaja Wodeyar to complete the process **he went near Mysore Race Club, at M.G. Road, Nazarbad Mohalla, Mysore at around 6-00 P.M.** and in the presence of witnesses, on due affirming by Sri. Srikanta Datta Narasimharaja Wodeyar, he obtained left thumb impression, signature of Sri. Srikantadatta Narasimharaja Wodeyar on the said deed and photograph was also obtained and affixed on the said deed and completed the formalities of registration.

20. As per Ex. P-6 Investigation Report of the then **Superintendent of Police, Karnataka Lokayukta, Mysore, there is no dispute regarding documents, signatures, photos, left hand thumb impression of Sri. Srikanta Datta**

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Narasimharaja Wodeyar as per report of Chairman, Truth Lab Ex. P-7. Ex. P-6 Investigation Report clearly goes to show that, when the Investigation Officer requested Mysore Race Club to submit information regarding presence of Sri. Srikanta Datta Narasimharaja Wodeyar on 08.05.2013 in the race club, the Secretary, Mysore Race Club in his letter dated 01.02.2016 **Ex. P-9** submitted that, Sri. Srikantadatta Narasimharaja Wodeyar was not present at the Mysore Race Club Limited between 6-00 P.M. to 6-30 P.M. on 08.05.2013. Ex. P-9 letter dated 01.02.2016 is produced by the Investigating Officer during the enquiry. The Secretary, Mysore Race Club who has issued the letter has not been examined in the enquiry. Therefore, the non examination of the author of the letter Ex. P-9 in the enquiry and subjecting him to the cross-examination would render the contents of Ex. P-9 unreliable.

21. **Section 32 (3) of Registration Act 1908** is as follows:

32 (3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar of Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

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Section 73 Karnataka registration rules is as follows;

73. Duties of the Registering Officer. – (i) It shall form no part of the Registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document, provided execution is duly admitted; but in case of executants who are unable to read, the document shall be read out and if necessary explained to them. If the document is in a language which they do not understand it must be interpreted to them.

22. As per the above said section the Sub-Registrar is having power to visit the house/place of the executants regarding the confirmation of the execution of the document. In the present case also as per the request (Ex. D-1) made by Srikantadatta Narasimharaj Wodeyar the DGO went near MRC Club M.G. Road, Nazarabad Mohalla and obtained thumb impression and signature of the executants in the presence of the witness and completed the registration process and there is no dispute regarding documents, signatures, photos, left hand thumb impression of Sri. Srikanta Datta Narasimharaja Wodeyar as per report of Chairman, Truth Lab Ex. P-7.

Ex. P-7

23. The citation reported in 2001(1) Kar.L.J., Page no. 215 Smt. Sulochanamma V/s H. Nanjundaswamy and others. In the said judgment Hon'ble High court has held that **“when the document was presented for registration fulfilling all the requirement then the Sub-Registrar has no options but to register the document unless the document is no in conformity with the provision of the Indian Registration Act and relevant rules”**.

24. Considering the oral and documentary evidence in the light of relevant provision of law, it has to be said that the DGO registered Ex.P-4 Gift deed as per the provision of Registration Act 1908. Further PW-1 has not challenged the said document before the competent court, even though she was having alternative remedy. There is no material evidence placed on record by the disciplinary authority to show that the DGO colluded with DW-2 Sri Venkatesh and created the document and registered the same in the absence of Srikantadatta Narasimharaj Wadiyar. Thereby the disciplinary authority has **failed to prove** the charge leveled against the DGO.

25. In the above said facts and circumstances, I hold that the charge leveled against the DGO **is not proved**. It is made clear that these findings are confined to inquiry into the alleged

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misconduct of the DGO and not regarding the validity or otherwise of the Gift Deed. Hence, I proceed to answer point No. I in the **Negative**.

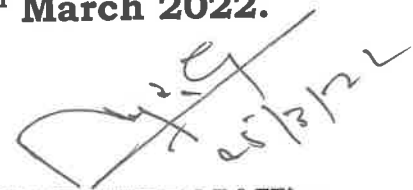
26. **Point No. 2** : For the reasons discussed above, I proceed to pass the following ;

ORDER

Disciplinary Authority has **failed to prove** the charges leveled against the DGO **Sri. A.C. Jagadish**, Sub Registrar, Office of the Sub-Registrar, Mysore East, Mysore.

Hence, this report is submitted to Hon'ble Upalokayukta-I for kind consideration.

25th March 2022.



(G. NANJUNDAIAH)

Additional Registrar Enquiries-10
Karnataka Lokayukta, Bangalore.

LIST OF WITNESS EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :	
PW-1 :	Smt. Pramoda Devi (Complainant) (original)
PW-2 :	Sri. Pradeep M.D., (PC, KLA, Mysore) (original)
PW-3 :	Sri M. Narayan, Superintendent of Police, Lokayukt, Mysore. (Original)
LIST OF WITNESS EXAMINED ON BEHALF OF DEFENSE :	
DW-1 :	Sri.A.C. Jagadish (DGO) - original
DW-2 :	Sri Venkatesh, H.D. Kote. (Original)
DW-3 :	Sri Venkatasubbaiah, Advocate. (Original)
LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:	
Ex.P.1 :	Compalaint of the complainant (original)
Ex.P.2 :	Form No.I (complaint) dated: 16-06-2014. (original)
Ex.P.3 :	Form No. II (Affidavit) dated: 15-06-2014. (original)
Ex.P.4 :	Copy of the gift deed dated: 25-04-2013. (Xerox)
Ex.P.5 :	Rejoinder of the complainant dated: 07-09-2016. (Original)
Ex.P.6 :	Investigation Report dated: 05-01-2017. (Original)
Ex.P.7 :	Copy of report of truth labs dated: 20-01-2015. (Xerox)
Ex.P.8 :	Copy of letter of Superintendent of Police, Karnataka Lokayuka, Mysore dated: 29-04-2015 addressed to Director, Truth Lab, Bengaluru. (Xerox)
Ex.P.9	Letter of Secretary, Mysore Race Club dated: 01-02-2016 addressed to Superintendent of Police, Lokayukta, Mysore. (Original)
LIST OF EXHIBITS MARKED ON BEHALF OF DEFENSE:	
Ex.D-1 :	Attested copy of the exception letter (Certified Xerox Copy)
Ex.D-2 :	Attested copy of the application form Schedule-8. (Certified Xerox Copy)
Ex.D-3 :	Certified copy of the tax paid receipt of the property. (Certified Xerox Copy)

Ex.D-4 :	Certified copy of Khatha Certificate (Certified Xerox copy)
Ex.D-5 :	Certified copy of Affidavit filed by Sri Narasimharaja odeyar. (Certified Xerox copy)

Date of Retirement of DGO is **30.09.2021 (Already Retired)**

25th March 2022

(G. NANJUNDAIAH)

Additional Registrar (Enquiries)-10
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/784/2017/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **30/03/2022**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri A.C. Jagadeesh, the then Sub Registrar, Mysuru
East, Mysuru - Reg.

Ref:- 1) Govt. Order No. ಕಂಇ 18 ಮುನೋಸೇ (2) 2017 Bengaluru
dated 25/5/2017.

2) Nomination order No.UPLOK-2/DE/784/2017,
Bengaluru dated 17/6/2017 of Upalokayukta, State
of Karnataka, Bengaluru.

3) Inquiry Report dated 25/3/2022 of Additional
Registrar of Enquiries-10, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 25/5/2017 initiated the disciplinary proceedings against Sri A.C. Jagadeesh, the then Sub Registrar, Mysuru East, Mysuru (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/784/2017, Bengaluru dated 17/6/2017 nominated Additional Registrar of Enquiries-10, 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 charge framed against DGO Sri A.C. Jagadeesh, the then Sub Registrar, Mysuru East, Mysuru was to the effect that the DGO has created documents to show that the then Maharaja of Mysuru Sri Srikatadatta Narasimharaja Wodeyar was at Mysuru

Race Club on 8/5/2013 though he was not actually present there, and obtained the signature and thumb impression of Srikantadatta Narasimharaja Wodeyar by travelling to Bengaluru and created a Gift Deed No.1144/2013-14 for having gifted the land bearing Sy. No.4 in an extent of 7.5 acres out of total extent of 15 acres in favour of Sri V.C. Venkatesh, thereby the DGO has committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has failed to prove the above charge against DGO Sri A.C. Jagadeesh, the then Sub Registrar, Mysuru East, Mysuru.
5. 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.
6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate the DGO Sri A.C. Jagadeesh, the then Sub Registrar, Mysuru East, Mysuru from the aforesaid charge.
7. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


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