

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/794/2017/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-560001.
Date: 22/9/2020**: Present:****Patil Mohankumar Bhimanagouda**Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Sri H.J. Mohankumar, Village
Accountant, Kodigehalli Circle,
Kasaba Hobli, Turuvekere Taluk,
Tumkur District.**Ref :-** 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BD/223/2015/ARLO-1,
Dated : 23/02/2017.2) Govt. Order No.ಕಂಇ 32 ಬಡಿಪಿ 2017,
Bengaluru, dated:11/05/2017.3) Nomination Order No.UPLOK-2/DE/
794/2017, Bengaluru, dated:
20/06/2017.

1. This departmental enquiry is directed against Sri H.J. Mohankumar, Village Accountant, Kodigehalli Circle, Kasaba Hobli, Turuvekere Taluk, Tumkur District (herein after referred to as the Delinquent Government Official in short "DGO").

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 Upa Lokayukta-2, vide order dated : 20/06/2017 cited above at reference-3, nominated Additional Registrar of Enquiries-10 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGO. The Additional Registrar Enquiries-10 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charges. Copies of same were issued to the DGO calling upon him to appear before this authority and to submit written statement of his defence.
4. As per order bearing No. Uplok-1 & 2/DE/Transfers/2020 of Registrar, Karnataka Lokayukta dated : 28/05/2020 this enquiry file was transferred from ARE-10 to ARE-13.
5. The Articles of Charges framed by ARE-10 against the DGO is as below:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ-1

6. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಹೆಚ್.ಜೆ ಮೋಹನ್ ಕುಮಾರ್, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಕೊಡಿಗೆಹಳ್ಳಿ ವೃತ್ತ, ಕಸಬಾ ಹೋಬಳಿ, ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು:

ಕಲೆರೆ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಅರ್ಹತೆಯನ್ನು ಪರಿಶೀಲಿಸಿ ತಹಶೀಲ್ದಾರ್ ರವರಿಗೆ ವರದಿ ನೀಡುವುದು ಆ.ಸ.ನೌಕರರ ಕರ್ತವ್ಯವಾಗಿದೆ. ಅಲ್ಲದೇ ಸದರಿ ಗ್ರಾಮದಲ್ಲಿ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರ ನಿಗದಿಪಡಿಸಲಾದ ಮಾರ್ಗಸೂಚಿಯನ್ವಯ ಪಡಿತರ ಚೀಟಿ ಪಡೆಯುವ ಫಲಾನುಭವಿಗಳು ಅರ್ಹರಿರುತ್ತಾರೋ ಅಥವಾ ಇಲ್ಲವೋ ಎಂಬುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಆ.ಸ.ನೌಕರರಾದ ನಿಮ್ಮ ಕರ್ತವ್ಯವಾಗಿದೆ. ಸದರಿ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಆ.ಸ.ನೌಕರರ ಸುಮಾರು 52 ಜನ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಿಸಿರುತ್ತೀರಿ. ಅದೇ ರೀತಿ ಒಂದೇ ಕುಟುಂಬದ ಬೇರೆ ಬೇರೆ ವ್ಯಕ್ತಿಗಳಿಗೆ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡಿರುತ್ತೀರಿ. ಕೆಲವು ಅನರ್ಹ ವ್ಯಕ್ತಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿದೆ. ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರಿಯಾದ ರೀತಿ ತನಿಖೆ ಮಾಡದೇ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆ ಮಾಡಿ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ 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)ರ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2
ದೋಷಾರೋಪಣೆಯ ವಿವರ
(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

7. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ: ತುಮಕೂರು ಜಿಲ್ಲೆ, ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು, ಕಲ್ಲೆರೆ ಗ್ರಾಮದಲ್ಲ ಆ.ಸ.ನೌಕರರು ಲಂಚ ಪಡೆದು ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ಮಂಜೂರು ಮಾಡಿರುವುದಾಗಿ ಹೇಳಿದ್ದಾರೆ.

8. ದೂರಿಗೆ ಆ.ಸ.ನೌಕರರಿಂದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ. ಆ.ಸ.ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ-

2013-14 ನೇ ಸಾಲಿನಲ್ಲಿ ಆ.ಸ.ನೌಕರರು ಕೊಡಿಗೇಹಳ್ಳಿ ವೃತ್ತದ ಪ್ರಭಾರ ಗ್ರಾಮಲೆಕ್ಕಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ತಹಶೀಲ್ದಾರ್ ರವರ ಅಧಿಕೃತ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ:ಕಂದಾಯ/ಆಹಾರ/ಸಿ.ಆರ್.62/2013-14 ರಂತೆ ಕಲ್ಲೆರೆ ಗ್ರಾಮದ ಪಡಿತರ ಚೀಟಿಯನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವಂತೆ ತಂಡ ರಚಿಸಿದ್ದು, ಆ ತಂಡದಲ್ಲಿ ರಾಜಸ್ವ ನಿರೀಕ್ಷಕರು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಹಾಗೂ ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳಿದ್ದು ದಿ:05/06/2014 ರಂದು ಸಮೀಕ್ಷೆ ನಡೆಸಿ, ಮಹಜರ್‌ನೊಂದಿಗೆ ವರದಿಯನ್ನು ಕಂದಾಯ ನಿರೀಕ್ಷಕರವರ ಮೂಲಕ ತಾಲ್ಲೂಕು ಕಚೇರಿಗೆ ಸಲ್ಲಿಸಲಾಗಿದೆ. ಸದರಿ ವರದಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ:18ರ ಪಡಿತರ ಚೀಟಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ವ್ಯಕ್ತಿ ಅಂದರೆ ದೂರುದಾರರು ಆರೋಪವನ್ನು ಹೊಂದಿರುವುದರಿಂದ ಸದರಿಯವರಿಗೆ ನೀಡಿದ್ದ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ಎಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಗೆ ವರ್ಗಾಯಿಸಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವುದಾಗಿ ಹೇಳಿದ್ದಾರೆ.

9. ದೂರಿನ ಬಗ್ಗೆ ತನಿಖೆ ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ತಹಶೀಲ್ದಾರ್, ತುರುವೇಕೆರೆ (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿಗಳು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರಿಗೆ ಆದೇಶಿಸಲಾಗಿ, ಸದರಿಯವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ,

ಈ ಹಿಂದೆ ಶ್ರೀ ಕೆ.ಬಿ. ನಂಜಪ್ಪ, ಕಲ್ಲೆರೆ ಗ್ರಾಮದವರು ಸದರಿ ಗ್ರಾಮದಲ್ಲ ಅನರ್ಹರಿಗೆ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆಯಾಗಿದೆಯೆಂದು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಗೆ ದೂರು ನೀಡಿದ್ದು, ಈ ಬಗ್ಗೆ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ಪರಿಶೀಲಿಸಿ ವರದಿ ಸಲ್ಲಿಸಿದ್ದು, ಅದರಂತೆ 28 ಅನರ್ಹ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ಎಪಿಎಲ್‌ಗೆ ಬದಲಾಯಿಸಿ 10 ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಗಳನ್ನು ರದ್ದುಪಡಿಸಲಾಗಿದೆ. ಆ ನಂತರ ಸದರಿ ಬಿಪಿಎಲ್ ಕಾರ್ಡುಗಳ ಪರಿಶೀಲನೆಗಾಗಿ ಒಂದು ತಂಡ ರಚಿಸಿದ್ದು, ಅದರಲ್ಲಿ ಪರಿಶೀಲನಾ ವರದಿ ಸಲ್ಲಿಸಿದ್ದು, ಅನರ್ಹ

ಪಡಿತರ ಚೀಟಿಗಳನ್ನು ಎಪಿಎಲ್‌ಗೆ ಬದಲಾಯಿಸಿ ಹಾಗೂ ಕೆಲವು ಪಡಿತರ ಚೀಟಿಗಳನ್ನು ರದ್ದುಪಡಿಸಲಾಗಿದೆಯೆಂದು ಹೇಳಿದ್ದಾರೆ.

10. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ-

ಕಲೆರೆ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಅರ್ಹತೆಯನ್ನು ಪರಿಶೀಲಿಸಿ ತಹಶೀಲ್ದಾರ್ ರವರಿಗೆ ವರದಿ ನೀಡುವುದು ಆ.ಸ.ನೌಕರರ ಕರ್ತವ್ಯವಾಗಿದೆ. ಅಲ್ಲದೇ ಸದರಿ ಗ್ರಾಮದಲ್ಲಿ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರ ನಿಗದಿಪಡಿಸಲಾದ ಮಾರ್ಗಸೂಚಿಯನ್ವಯ ಪಡಿತರ ಚೀಟಿ ಪಡೆಯುವ ಫಲಾನುಭವಿಗಳು ಅರ್ಹರಿರುತ್ತಾರೋ ಅಥವಾ ಇಲ್ಲವೋ ಎಂಬುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಆ.ಸ.ನೌಕರರ ಕರ್ತವ್ಯವಾಗಿದೆ. ಸದರಿ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಆ.ಸ.ನೌಕರರು ಸುಮಾರು 52 ಜನ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಿಸಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಅದೇ ರೀತಿ ಒಂದೇ ಕುಟುಂಬದ ಬೇರೆ ಬೇರೆ ವ್ಯಕ್ತಿಗಳಿಗೆ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಿಸಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಕೆಲವು ಅನರ್ಹ ವ್ಯಕ್ತಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡಿರುವುದು ಸಹ ಕಂಡು ಬಂದಿದೆ. ಕೆಲವು ಅನರ್ಹ ವ್ಯಕ್ತಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿದೆ. ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರಿಯಾದ ರೀತಿ ತನಿಖೆ ಮಾಡದೇ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆ ಮಾಡಿ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ.

11. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು, ದಾಖಲಾತಿಗಳನ್ನು ಹಾಗೂ ಆ.ಸ.ನೌಕರರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ಇಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

12. ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಆ.ಸ.ನೌಕರರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

13. ಅದಲ್ಲದೆ, ಆ.ಸ.ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ, 1966 ರ ನಿಯಮ 3(1) ರ ಅಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ/ದುವರ್ತನೆ ಕಂಡು ಬರುವುದರಿಂದ, ಸದರಿ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3)ರ ಅಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಅವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಉಲ್ಲೇಖ (1) ರ ಆದೇಶದಲ್ಲ ಗೌರವಾನ್ವಿತ ಉಪ ಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು-10 ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

14. The DGO appeared before this Enquiry Authority on 03/10/2017 and on the same day 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. The DGO prayed for exonerating him from the charges leveled against him.

15. In order to substantiate the charge, the Disciplinary Authority examined three witnesses as PW-1 to PW-3 and got marked the documents at Ex.P-1 to P-13 and closed the evidence.

16. 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 witnesses have deposed falsely against him. The DGO got examined himself as DW-1, produced the documents at Ex.D-1 to D-12 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.

17. The Advocate for DGO filed his written submissions. Heard the oral arguments of Learned Presenting Officer.

18. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority by way of oral and documentary evidence and their written brief/submissions, the point that arises for my consideration is as under:

Point No-1) Whether the Disciplinary Authority has satisfactorily proved that the DGO Sri H.J. Mohankumar while working as Village Accountant, Kodigehalli Circle, Kasaba Hobli, Turuvekere Taluk, Tumkur District was responsible for identifying the persons in Kalkere Village eligible for distribution of BPL cards and report the same to Tahasildar and the DGO was supposed to follow the guidelines issued by the

Government of Karnataka to select the beneficiaries for holding BPL cards, however the DGO had not followed the guidelines and illegally selected 52 persons for distribution of BPL cards, who were ineligible to hold the BPL cards and distributed the BPL cards to these ineligible persons and thereby the DGO 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.

19. My finding on the point No-1 is held in the “**Affirmative**” for the following:

:: REASONS ::

20. **Point No-1:-** The complainant Sri Shivakumar S/o Krishnappa of Kalkere Village, Turuvekere Taluk, Tumkur District has been examined as PW-1 and he has reiterated the facts stated in the complaint. The complainant states that, in the year 2016-17, the DGO was working as Village Accountant in Kodigehalli Circle. The DGO had cancelled the BPL card of the complainant because the complainant owns a Goods Auto Rickshaw. He further states that, the DGO has issued the BPL card to a person who owns a tractor.

He further states that, the DGO had issued BPL cards for about 10 to 15 ineligible persons. Hence he has lodged the complaint. Ex.P-1 is the complaint. Ex.P-2 and P-3 are Form No.1 and II. Ex.P-4 and P-5 are the list of BPL card holders. The rejoinder is marked as Ex.P-6. Another list of BPL card holders is marked as Ex.P-7.

21. PW-2 Sri G. Nanjappa is the retired Tahasildar. He states that he was working as Tahasildar of Turuvekere Taluk from 12/09/2013 to 07/03/2014. The DGO was working as Village Accountant of Kodigehalli Circle during the year 2014-15. He further states that on 26/09/2013 the Village Accountant of Kodigehalli Village submitted a report regarding BPL cards issued in Kalkere Village to ineligible persons. He further states that on 17/12/2013 the villagers of Kalkere Village met him and stated that the report of the Village Accountant is incorrect and requested him to verify the matter once again. He further states that on 13/01/2014 he issued a memo to PDO, Kalkere Gram Panchayath, Village Accountant and Revenue Inspector to submit a report.

22. PW-2 further states that on 07/03/2014 he was transferred from Turuvekere to Bijapur. He has produced one memo which is marked as Ex.P-8. He further states that his successor has verified the matter and submitted the report.

23. PW-3 Sri M. Shivalingamurthy is also retired Tahasildar, who has served in Turuvekere of Tumkur District. He states that he

knows the DGO Sri Mohan Kumar, who was working as Village Accountant of Kodigehalli Circle. The DGO was also having the concurrent charge of Revenue Inspector, Kasaba Hobli, Turuvekere. He further states that, with regard to the complaint of issue of BPL cards to ineligible persons, he formed a team of Revenue Inspector, Village Accountant and Food Inspector. He directed them to investigate into the matter and submit the report. He further states that, they investigated the matter and submitted the report which is at Ex.P-10. The Mahazar is at Ex.P-9. He further states that, the report of the investigation team reported that the BPL cards were issued to ineligible person. He further states that, on the basis of the report of the investigation team several BPL cards were cancelled and some BPL cards were changed to APL cards.

24. PW-3 further states that after verifying the report of Revenue Inspector and Mahazar, he submitted his report dated :14/08/2017 to Deputy Commissioner, Tumkur. He identifies the copy of the said report which is at Ex.P-11.

25. PW-3 further states that, he has also submitted a report to the ARLO-2, Karnataka Lokayukta, Bengaluru. The copy of the said report is marked as Ex.P-12. He has identified his signature on the report which is at Ex.P-12(a). PW-3 further states that he has sent another report to ARLO-2, Karnataka Lokayukta, Bengaluru and copy of the same is marked as Ex.P-13.

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26. After closure of the Disciplinary Authority, the DGO has got himself examined as DW-1. He submits that he has not committed any misconduct or dereliction of duty and charges leveled against him are false and baseless. He further states that the complainant has lodged a false complaint due to personal vengeance. The complainant's BPL card was changed to APL card in the light of the fact that he owned an Auto Rickshaw. Hence out of personal vengeance the complainant has lodged a false complaint. He further states that the allegations leveled against him are all false and baseless. Hence he prays for exonerating him from the charges leveled against him.

27. DW-1 in support of his contentions has produced the following documents. The comments of the DGO are at Ex.D-1. The written statement of the DGO is at Ex.D-2. The Official Memorandum dated :13/01/2014 is at Ex.D-3. The report of the Revenue Inspector is at Ex.D-4. The list of ration card holders is at Ex.D-5. The copy of the Mahazar is at Ex.D-6. The copy of the Official Memorandum dated : 19/6/2017 is at Ex.D-7. The copy of the explanation given by the DGO to the Tahasildar is at Ex.D-8. The report of the Tahasildar dated: 14/08/2017 is at Ex.D-9. The proceedings of the Government dated: 24/08/2012 is at Ex.D-10. The letter of the DGO addressed to the Tahasildar is at Ex.D-11. The endorsement issued by the Tahasildar dated :10/01/2018 is at Ex.D-12.

28. I have carefully gone through the oral and documentary evidence adduced by the Disciplinary Authority and the DGO. The Disciplinary Authority in support of its contentions has examined three witnesses. PW-1 is the complainant. PW-2 and P-3 are the Tahasildars, who have worked as the Tahasildars of Turuvekere Taluk, District Tumkur during the relevant period. The complainant has specifically alleged that the DGO has issued BPL cards to ineligible persons.

29. PW-3, the then Tahasildar of Turuvekere is a material witness. He states that as per the directions of this institution i.e the Karnataka Lokayukta, Bengaluru, he formed a investigation team of three persons i.e Revenue Inspector, Village Accountant and food inspector. The team has investigated into the complaint and submitted the report which is at Ex.P-10. PW-3 further states that he has submitted his report to the Deputy Commissioner, Tumkur, which is at Ex.P-11. The Tahasildar i.e PW-3 has submitted his report to this institution and it is at Ex.P-12.

30. On careful perusal of the reports at Ex.P-10, Ex.P-11 and Ex.P-12, it reveals that, the BPL card beneficiaries were not properly selected as per the guidelines issued by the Government of Karnataka. The investigation team of three officials consisting of the Revenue Inspector, Village Accountant and Food Inspector have drawn the Mahazar as per Ex.P-9 and submitted a report as per Ex.P-10. On careful perusal of the reports at Ex.P-10, Ex.P-11 and

Ex.P-12, it is observed that the DGO had issued BPL cards to several ineligible persons. On the basis of the report of the investigation team, the Tahasildar, Turuvekere has cancelled several BPL cards and some of the BPL cards have been changed to APL cards.

31. On careful perusal of the evidence of PW-3 and his reports at Ex.P-11 and Ex.P-12, it is observed that the DGO had not selected the BPL card beneficiaries as per the guidelines. Several ineligible persons were selected as BPL card beneficiaries.

32. PW-1 to 3 have been cross examined at length by the Defence Assistant of the DGO. Nothing material has been elicited in the cross examination so as to discredit their testimony. On careful perusal of the evidence of PW-3, I am of the opinion that, PW-3 has got the investigation done through his subordinates and it reveals that the DGO had issued BPL cards to ineligible persons. The reports of the PW-3 and his oral evidence are believable and hence I believe the reports at Ex.P-10, Ex.P-11 and Ex.P-12 and also the oral evidence of PW-1 to 3.

33. The Tahasildar of Turuvekere Taluk, District Tumkur has formed a team of officials to investigate into the matter. The Investigation team consisting of three persons i.e Revenue Inspector, Village Accountant and Food Inspector have conducted a detailed investigation. The team has conducted physical

verification of the BPL card holders and they have drawn a Mahazar and submitted the report. The Mahazar and the report of the investigation team are at Ex.P-9 and Ex.P-10 respectively. The evidence of PW-3 and his reports at Ex.P-11 and Ex.P-12 are believable because there is nothing on record to doubt the veracity of the reports at Ex.P-11 and Ex.P-12.

34. The evidence of PW-3 places the actual facts on record. Though PW-3 has been cross examined at length there is no material to disbelieve or discredit his version. The evidence of PW-3 and his report at Ex.P-12 therefore deserve to be believed. Hence, I believe the report at Ex.P-12.

35. I have carefully gone through the oral evidence of DGO/DW-1 and the documents produced by him at Ex.D-1 to Ex.D-11. However, I am of the opinion that, these documents are of no help to the DGO to exonerate him. On the other hand the report of the investigation team and the report of PW-3 Tahasildar clearly reveal that the DGO had issued BPL cards to ineligible persons.

36. On careful perusal of the evidence of Disciplinary Authority, I am of the opinion that, the charge leveled against the DGO has been proved.

37. 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 H.J. Mohankumar, Village Accountant, Kodigehalli Circle, Kasaba Hobli, Turuvekere Taluk, Tumkur District.

38. 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 22nd day of September 2020

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

ANNEXURES

Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Complaint (Original) Ex. P-1(a): Signature of the complainant.
Ex.P-2: Form No-I (Original) Ex. P-2(a): Signature of the complainant.
Ex.P-3: Form No-II (Original) Ex. P-3(a): Signature of the complainant.
Ex.P-4: The List of the BPL card holders (Xerox copies)
Ex. P-5: The List of the BPL card holders (Xerox copies)
Ex.P-6: The rejoinder of the complainant (Xerox) Ex. P-6(a): Signature of the complainant.
Ex.P-7: Another list of BPL card holders (Xerox copies)
Ex.P-8: The copy of the memo(Xerox)
Ex. P-9: The copy of the Mahazar (Xerox copies)
Ex.P-10: Investigation report(Xerox)
Ex. P-11: The Revenue Inspector submitted his report dated 14/08/2017 to Deputy Commissioner, Tumkur (Xerox copies)
Ex.P-12: The Revenue Inspector submitted a report to ARLO-2.(Original) Ex. P-12(a): Signature of the complainant.
Ex.P-13: The report of I.O to ARLO-2 (Xerox copies)
Documents marked on behalf of the DGO
Ex.D-1: The comments of the DGO(Original)

Ex.D-2: The written statement of the DGO, page no.74-81 original, page no.82-94 xerox, page no.95-98 original.
Ex.D-3 The Official Memorandum dated : 13/01/2014 (Certified copy)
Ex.D-4: The report of the Revenue Inspector (Certified copy)
Ex.D-5: The list of ration card holders (Certified copies)
Ex.D-6: The copy of the Mahazar (Certified copies)
Ex.D-7: The copy of the Official Memorandum dated :19/06/2017 (Certified copy)
Ex.D-8: The copy of the explanation given by the DGO to the Tahasildar (Certified copies)
Ex.D-9: The report of the Tahasildar dated: 14/08/2017 (Certified copies)
Ex.D-10: The proceedings of the Government dated: 24/08/2012 (Certified copies)
Ex.D-11: The letter of the DGO addressed to the Tahasildar, page no.126-128 Xerox copies, page no.129-130 originals.
Ex.D-12: The endorsement issued by the Tahasildar dated: 10/01/2018 (Original)

Dated this the 22nd day of September 2020

(Patil Mohankumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore.

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KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/794/2017/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 23.09.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri
H.J.Mohankumar, Village Accountant,
Kodigehalli Circle, Kasaba Hobli, Turuvekere
Taluk, Tumkur District - reg.

Ref:- 1) Government Order No.RD 32 BDP 2017 dated
11.05.2017.

2) Nomination order No. UPLOK-2/DE/794/2017
dated 20.06.2017 of Upalokayukta, State of
Karnataka.

3) Inquiry report dated 22.09.2020 of Additional
Registrar of Enquiries-13, Karnataka
Lokayukta, Bengaluru.

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The Government by its order dated 11.05.2017 initiated the disciplinary proceedings against Shri H.J.Mohankumar, Village Accountant, Kodigehalli Circle, Kasaba Hobli, Turuvekere Taluk, Tumkur 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/794/2017 dated 20.06.2017 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. Subsequently, by order dated 28.05.2020, Additional Registrar of Enquiries-13 was re-nominated as Inquiry Officer to continue the said departmental inquiry.

3. The DGO - Shri H.J.Mohankumar, Village Accountant, Kodigehalli Circle, Kasaba Hobli, Turuvekere Taluk, Tumkur District, was tried for the following charges :-

“ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಹೆಚ್.ಜಿ.ಮೋಹನ್ ಕುಮಾರ್, ಗ್ರಾಮ ಲೆಕ್ಕಿಗರು, ಕೊಡಿಗೆಹಳ್ಳಿ ವೃತ್ತ, ಕಸಬಾ ಹೋಬಳಿ, ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು:

ಕೆಲವೆರಡು ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಅರ್ಹತೆಯನ್ನು ಪರಿಶೀಲಿಸಿ ತಹಶೀಲ್ದಾರ್ ರವರಿಗೆ ವರದಿ ನೀಡುವುದು ಅ.ಸ.ನೌಕರರ ಕರ್ತವ್ಯವಾಗಿದೆ ಅಲ್ಲದೇ ಸದರಿ ಗ್ರಾಮದಲ್ಲಿ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರಿ ನಿಗದಿಪಡಿಸಲಾದ ಮಾರ್ಗಸೂಚಿಯನ್ವಯ ಪಡಿತರ ಚೀಟಿ ಪಡೆಯುವ ಫಲಾನುಭವಿಗಳು ಅರ್ಹರಿರುತ್ತಾರೋ ಅಥವಾ ಇಲ್ಲವೋ ಎಂಬುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಅ.ಸ.ನೌಕರರಾದ ನಿಮ್ಮ ಕರ್ತವ್ಯವಾಗಿದೆ. ಸದರಿ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅ.ಸ.ನೌಕರ ಸುಮಾರು 52 ಜನ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಿಸಿರುತ್ತೀರಿ. ಅದೇ ರೀತಿ ಒಂದೇ ಕುಟುಂಬದ ಬೇರೆ ಬೇರೆ ವ್ಯಕ್ತಿಗಳಿಗೆ ಬಿಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡಿರುತ್ತೀರಿ. ಕೆಲವು

ಅನರ್ಹ ವ್ಯಕ್ತಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿದೆ. ಐಪಿಎಲ್ ಪಡಿತರ ಚೀಟಿಯನ್ನು ವಿತರಣೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರಿಯಾದ ರೀತಿ ತನಿಖೆ ಮಾಡದೇ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಪಡಿತರ ಚೀಟಿ ವಿತರಣೆ ಮಾಡಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ 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)ರ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Shri H.J.Mohankumar, Village Accountant, Kodigehalli Circle, Kasaba Hobli, Turuvekere Taluk, Tumkur 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 Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri H.J.Mohankumar, is due for retirement on 30-04-2043.

7. Having regard to the nature of charge 'proved' against the DGO - Shri H.J.Mohankumar, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding two annual increments payable to DGO Shri H.J.Mohankumar with cumulative effect.'

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.

BS\*