

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/916/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 16.4.2022

:: ENQUIRY REPORT ::**:: Present ::****(PUSHPAVATHI.V)**

**Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sri.
Lakshmikantha, Supervisor and I/c Section
Officer, Brahmasandra Branch, BESCO, M,
Kallambella Hobli, Shira Taluk, Tumkur
District (presently City sub division-1,
Chikkapete Bevikam, Tumkur) - Reg.

Ref: 1. G.O.No. Kavipraninik /b21/69865/2017-18
Bangalore dated 7.6.2017.
2. Nomination Order No: UPLOK-2/DE/916/2017/ARE-
9 Bangalore dated: 31.7.2017 of Hon'ble
Upalokayukta-2

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This Departmental Enquiry is initiated against Sri.
Lakshmikantha, Supervisor and I/c Section Officer,
Brahmasandra Branch, BESCO, Kallambella Hobli, Shira
Taluk, Tumkur District (hereinafter referred to as the
Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at
reference No.2, Hon'ble Upalokayukta vide order dated
31.7.2017 cited above at reference No.2 has nominated

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Additional Registrar of Enquiries-9 (in short ARE-9) to issue Articles of charges and to conduct the inquiry against the aforesaid DGO.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

2) ಶ್ರೀ ಲಕ್ಷ್ಮೀಕಾಂತ, ಭ್ರಹ್ಮಸಂದ್ರ ಪರ್ಯಾವೇಕ್ಷಕ ಮತ್ತು ಪ್ರಭಾರ ಶಾಖಾಧಿಕಾರಿ, ಬೆಸ್ಕಾಂ ಶಾಖೆ, ಕಳ್ಳಂಬೆಳ್ಳ ಹೋಬಳಿ, ಶಿರಾ ತಾಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು -

ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ನಿಮ್ಮ ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಅಕ್ರಮ ಹಣವನ್ನು ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ತುಮಕೂರು ಜಿಲ್ಲೆ, ಶಿರಾ ತಾಲೂಕು ಕಳ್ಳಂಬೆಳ್ಳ ಹೋಬಳಿ, ಜೋಗಿಹಳ್ಳಿ ವಾಸಿ ಗುಬ್ಬಯ್ಯ ಜೀವಂತವಿದ್ದಾಗ 2006ನೇ ಸಾಲಿನಲ್ಲಿ ಜೋಡಿದೇವರಹಳ್ಳಿ ದೇವರ ಗ್ರಾಮದ ಸ. ನಂ.24ರಲ್ಲಿರುವ ಜಮೀನಿನಲ್ಲಿ ಬೋರವೆಲ್ ಕೂರಿಸಿದ್ದು ಸದರಿ ಬೋರವೆಲ್‌ಗೆ ವಿದ್ಯುತ್ ಕಂಬ ಹಾಗೂ ಲೈನ್ ಎಳೆದುಕೊಳ್ಳುವ ಸಲುವಾಗ ರೂ.16,000/-ಗಳನ್ನು ಕಟ್ಟಿದ್ದು ಅವನ ಮರಣ ನಂತರ ಗುಬ್ಬಯ್ಯನವರ ಮಗ ದೂರುದಾರ- ಜೆ. ಜೆ. ವಸಂತಕುಮಾರರವರು ಈಗ್ಗೆ ಕೆಲವು ತಿಂಗಳ ಹಿಂದೆ ತಮ್ಮ ಜಮೀನಿಗೆ ಕಂಬ ಹಾಗೂ ಲೈನ್‌ನ್ನು ಎಳೆದಿದ್ದು ಅದಕ್ಕೆ ಚಾರ್ಜ್ ಮಾಡಿರುವುದಿಲ್ಲ, ಚಾರ್ಜ್ ಮಾಡಿಕೊಡುವಂತೆ ಭ್ರಹ್ಮಸಂದ್ರ ಕೆ.ಇ.ಬಿ ಕಛೇರಿಗೆ ಹೋಗಿ ನಿಮ್ಮನ್ನು ಲೈನ್ ಚಾರ್ಜ್ ಬಗ್ಗೆ ಕೇಳಿದಾಗ ದಿ: 17/10/2015 ರಂದು ತಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ

M. G. U. W.

ಪಿಯಾದುದಾರರಿಂದ ನೇರವಾಗಿ ರೂ.1,500/- ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿ ದಿ: 19/10/15 ರಂದು ನೀವು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಕಛೇರಿ ಆವರಣದಲ್ಲಿನ ದಕ್ಷಿಣದ ಗೋಡೆಯ ಮರೆಯಲ್ಲಿ ನೇರವಾಗಿ ಪಿಯಾದುದಾರರಿಂದ ನೆರಳು ಸಾಕ್ಷಿ ಶ್ರೀ ಎಸ್. ಮಹದೇವಪ್ಪರವರ ಸಮಕ್ಷಮ ರೂ.15,00/- ಲಂಚದ ಹಣವನ್ನು ಪಡೆಯುವ ಉದ್ದೇಶದಿಂದ ಲಂಚದ ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿ ದುರ್ನಡತೆಯನ್ನು ಹಾಗೂ ಭ್ರಷ್ಟಾಚಾರ ತೋರಿಸಿರುತ್ತೀರಿ. ಈ ಸಂಬಂಧ ತುಮಕೂರು 2ನೇ ಅಧಿಕ ಮತ್ತು ಸತ್ರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆ ತುಮಕೂರು ಇದರ ಕ್ರೈಮ ನಂ.11/15 ರಲ್ಲಿ ಕಲಂ 7, 13(1)(ಡಿ) ಜೊತೆಗೆ 13(2) ಲಂಚ ನಿಶೇಧ ಕಾಯಿದೆ 1988ರ ಅಡಿಯಲ್ಲಿ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ನಿಮ್ಮ ವಿರುದ್ಧ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

ANNEXURE-2

STATEMENT OF IMPURATIONS OF MISCONDUCT

- 1) ಮಾನ್ಯ ಅಪರ ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರ (ಇನ್ನು ಮುಂದೆ "ತನಿಖಾಧಿಕಾರಿ" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತನಿಖಾ ವರದಿ ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳೊಂದಿಗೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ವರದಿಯನ್ವಯ ತುಮಕೂರು ಜಿಲ್ಲೆ ಶಿರಾ ತಾಲೂಕು ಕಳ್ಳಂಬೆಳ್ಳ ಹೋಬಳಿ ಬೆಸ್ಕಾಂ ಶಾಖೆ ಬ್ರಹ್ಮಸಂದ್ರದ ಪರ್ಯಾವೇಕ್ಷಕ ಮತ್ತು ಪ್ರಭಾರ ಶಾಖಾಧಿಕಾರಿಯಾದ ಶ್ರೀ. ಕೆ. ಲಕ್ಷ್ಮೀಕಾಂತ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ "ಆಸನಾ" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ದೂರುದಾರರಾದ ಶ್ರೀ ಜಿ.ಜಿ.ವಸಂತಕುಮಾರ್ ಬಿನ್ ಲೇ ಗುಬ್ಬಯ್ಯ ಜೋಗಿಹಳ್ಳಿ, ಕಳ್ಳಂಬೆಳ್ಳ ಹೋಬಳಿ, ಶಿರಾ ತಾಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ

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(ಇನ್ನು ಮುಂದೆ “ದೂರುದಾರರು” ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರಿಂದ ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ ಲಂಚದ ಹಣವನ್ನು ಪಡೆದು ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984ರ ಕಲಂ 7(2)ರನ್ವಯ ಸ್ವಯಂ ಪ್ರೇರಿತ ದೂರು ದಾಖಲಿಸಿಕೊಂಡು ತನಿಖೆ ತೆಗೆದುಕೊಂಡಾಗ, ಈ ಕೆಳಗೆ ಹೇಳಿರುವ ಸಂಗತಿಗಳು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

ಅ) ದೂರುದಾರರ ತಂದೆ 2006ರಲ್ಲಿ ಶಿರಾ ತಾಲೂಕು ಜೋಡಿ ದೇವರಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.24ರಲ್ಲಿ ಬೋರವೆಲ್ ಕೊರೆಸಿದ್ದು, ವಿದ್ಯುತ್ ಸಂಪರ್ಕಕ್ಕಾಗಿ ರೂ.16,000/- ಗಳನ್ನು ಕಟ್ಟಿದ್ದು, ಆದರೆ 2008ರಲ್ಲಿ ಅವರು ಮರಣ ಹೊಂದಿದ ನಂತರ ದೂರುದಾರರು ಜಮೀನಿಗೆ ವಿದ್ಯುತ್ ಕಂಬ ಎಳೆದು ಅದಕ್ಕೆ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ನೀಡಲು ಆಸನಾ ರವರನ್ನು ಸಂಪರ್ಕಿಸಿದಾಗ, ಆಸನಾ ರವರು ರೂ.1500/- ಹಣ ನೀಡಿದರೆ ಮಾತ್ರ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ನೀಡುವುದಾಗಿ ಹೇಳಿದ್ದರಿಂದ, ಅದನ್ನು ಮೋಬೈಲಿನಲ್ಲಿ ಮುದ್ರಿಸಿಕೊಂಡು ದೂರು ಸಲ್ಲಿಸಿದ್ದಾರೆ.

ಆ) ದೂರುದಾರರಿಗೆ ಲಂಚದ ಹಣ ಕೊಡಲು ಇಷ್ಟವಾಗದೇ, ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹೋಗಿ ಆಸನಾ ರವರು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿದ ವಿಷಯವನ್ನು ಹೇಳಿ, ಆ ಪ್ರಕಾರ ಆಸನಾ ರವರು ಲಂಚದ ಹಣ ಬೇಡಿಕೆ ಇಟ್ಟಿದ್ದನ್ನು ಮೋಬೈಲಿನಲ್ಲಿ ರೆಕಾರ್ಡ್ ಮಾಡಿದ್ದನ್ನು ಕಳಿಸಿದ್ದಾರೆ;

ಇ) ಅದರ ಪ್ರಕಾರ ಸದರಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮೊಕದ್ದಮೆ ಸಂ.11/2015 ಕಲಂ 7, 13(1)ಲ ಸಹ ಕಲಂ 13(2) ಪಿಸಿ ಕಾಯಿದೆ, 1988 ರಡಿ ಆಸನಾ ವಿರುದ್ಧ ಪ್ರಕರಣ ದಾಖಲಿಸಿದೆ;

ಈ) ದಿ: 19/10/2015 ರಂದು ಬೆಳಿಗ್ಗೆ 9.20 ಗಂಟೆಗೆ ದೂರುದಾರರ ಹಾಗೂ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಶ್ರೀ ಎಸ್. ಮಹದೇವಪ್ಪ ರವರು ಆಸನಾ ರವರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಬ್ರಹ್ಮಸಂದ್ರ ಬೆಸ್ಕಾಂ ಶಾಖೆಯ ದಕ್ಷಿಣ ದಿಕ್ಕಿನ ಗೋಡೆಯ ಮರೆಗೆ ಆಸನಾ ಕರೆದುಕೊಂಡು ಹೋಗಿ, ಲಂಚದ ಹಣ ಕೇಳಿದ್ದು, ದೂರುದಾರರು ಆಸನಾ ರವರ ಕೈಗೆ ರೂ.1,500/-ಗಳನ್ನು ನೀಡಿದ್ದು, ಅದನ್ನು ಆಸನಾ ರವರು ಪ್ಯಾಂಟಿನ ಹಿಂಭಾಗದ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿದ್ದಾರೆ. ಆಗ ತನಿಖಾಧಿಕಾರಿಗಳು ಆಸನಾ ರವರ ಮೇಲೆ ದಾಳಿ ಮಾಡಿದ್ದಾರೆ;

ಉ) ಅದರಂತೆ, ಸದರಿ ಲಂಚದ ಹಣ ರೂ.1,500/- ಗಳನ್ನು ಆಸನಾ ರವರಿಗಿಂದ ದೊರೆತ ಹಣವನ್ನು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಈ ಬಗ್ಗೆ ವಿಚಾರಿಸಲಾಗಿ ಆಸನಾ ರವರು ಯಾವುದೇ ಸಮಂಜಸವಾದ ಉತ್ತರ, ವಿವರಣೆ ಅಥವಾ ಲೆಕ್ಕ ನೀಡಿಲ್ಲ.

ಊ) ಆಗ ಸದರಿ ಆಸನಾ ರವರಿಂದ ದೊರೆತ ಹಣವನ್ನು ಜಪ್ತು ಮಾಡಿಕೊಂಡು ಪಂಚರ ಸಮಕ್ಷಮ ಪಂಚನಾಮೆ ಜರುಗಿಸಿದ್ದಾರೆ.

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ಋ) ತನಿಖಾ ವರದಿಯ ವಿವರಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಆಸನೌ ರವರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ, 1984 ಕಲಂ 2(6)ರ ಪ್ರಕಾರ ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ಅದೇ ಅಧಿನಿಯಮದ 2(2)ರಂತೆ ಕರ್ತವ್ಯ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ತಮ್ಮ ಸ್ವಲಾಭಕ್ಕಾಗಿ ಭ್ರಷ್ಟಾಚಾರ ಎಸಗಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಒಳಪಡಿಸಲು ಅರ್ಹರಾಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

- 2) ಮೇಲೆ ಹೇಳಿದ ಕಾರಣಕ್ಕಾಗಿ ಆಸನೌ ರವರ ಮೇಲೆ ಶಿಸ್ತು ಕ್ರಮಕ್ಕಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಬಾರದೆನ್ನುವ ಬಗ್ಗೆ ಆಸನೌ ರವರಿಂದ ಕಾರಣ ಪಡೆಯಲು ಪರಿವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಆಸನೌ ರವರಿಗೆ ಕಳುಹಿಸಲಾಗಿದೆ, ಆಸನೌ ರವರು ಪರಿವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಗೆ ತಮ್ಮ ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದಾರೆ. ಆದರೆ, ಆಸನೌ ರವರು ನೀಡಿರುವ ಉತ್ತರದಲ್ಲಿ, ಅವರ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು/ಸೂಕ್ತ/ಸಮಂಜಸ/ ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.
- 3) ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಆಸನೌ ಸರ್ಕಾರಿ/ ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವರ್ತನೆ/ ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.
- 4) ಆಸನೌ ವರು ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆ ತೋರಿಸಿ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮ 3(i) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದು, ಆಸನೌ ರವರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ

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ಉಪಲೋಕಾಯುಕ್ತರವರು, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-09 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಈ ದೋಷಾರೋಪಣೆ.

5. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

6. DGO appeared on 20.12.2017 before this inquiry authority in pursuance to the service of Article of charges. Plea of the DGO has been recorded and he pleaded not guilty and claimed for holding inquiry.

7. DGO filed written statement. In the said written statement, he has denied the allegations made against him in Article of charge and contended that the amount which was seized by the Karnataka Lokayukta police was given by the complainant to him to hand over the same to one Muthuraju the electric contractor. The Lokayukta police seized the said amount pretending that it is bribe. He has not received bribe from the complainant and he has not committed any dereliction of duty and worked honestly. Hence he prays to drop the charges leveled against him.

8. The disciplinary authority has examined the complainant Sri.J.G.Vasanthkumar, S/o Late Gubbaiah as PW -1 and Sri. Rangaswamy, the then Police Inspector, Karnataka Lokayukta, Tumkur as PW-2. Sri. S.Mahadevappa S/o Late Sanjeevaiah, FDA, Taluk Health Office, Tumkur as PW-3. They got marked documents at **Ex.P-1 to Ex.P19**.

9. The Second Oral Statement of DGO has been recorded, wherein he submitted that he has got evidence.

[Handwritten signature]
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10. Therefore, opportunity has been provided to him to lead evidence. In pursuance to the same, DGO has given evidence as DW-1 and also got examined Sri. H.B.Muthuraj S/o Kariyappa, Electrical contractor as DW-2 and got marked documents at Ex.D-1 to Ex.D-2.

11. Heard submission of Presenting Officer. The DGO filed written arguments. Perused the entire records. I answer the above charge in **AFFIRMATIVE** for the following;

REASONS

12. The undisputed facts are that between 10.10.2015 to 19.10.2015, the DGO was working as supervisor at Bhramasandra BESCO Branch, Sira, Tumkur District. Thus, it is admitted that as on the date of trap, the DGO was working in Bhramasandra BESCO Branch. Further it is not in dispute that the complainant's father Sri. Gubbaiah had filed an application during 2006 for electricity connection to the bore-well situated in his land bearing Sy. No. 24 of Jodivevara halli and as on the date of trap i.e., 19.10.2015, no steps were taken on the said application. The DGO has admitted in the written statement that the complainant has paid Rs. 1,500/- and said amount has been seized by the Karnataka Lokayukta police (trap team) on the alleged date of trap. Thereby, the allegation that the amount of Rs. 1500/- is seized by the Karnataka Lokayukta Police (trap team) on the alleged date of trap from the DGO is proved. It is the contention of the DGO that said amount was paid by the complainant to hand over the same to Muthuraju the electric

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contractor. So, it is not necessary to go into the point of proof of trap process and about seized amount of Rs. 1500/- from the DGO.

13. Now, the point that is left for consideration is that whether the amount seized from DGO is bribe or not.

14. In view of pendency of the work of complainant before O/o DGO as on to the date of trap, and the tainted amount of Rs. 1500/- was seized from DGO given by the complainant to DGO on 19.10.2015, the initial presumption that can be drawn is that Rs. 1500/- received by DGO was towards bribe. Of course, CW-1 the complainant turned hostile and stated that the amount paid to DGO on 19.10.2015 was not towards bribe and it was the amount which had to be handed over to Sri.Muthuraj, the contractor for extra materials used for the alleged work. But, he admits Ex.P-1 is the complaint given by him wherein, he has stated that DGO had demanded bribe and hence he approached Karnataka Lokayukta police. PW-1 has turned hostile even to the complaint contents. But he says in his chief examination itself that he had been to DGO's office on Saturday, ie., on 17.10.2015 and approached the DGO to get his work done, with Rs. 1500/-. But, DGO did not respond, hence he approached Karnataka Lokayukta office. Here, he did not deny the trap process & his participation in the trap, about the amount paid to the DGO and about amount seized from DGO by the Lokayukta Police. This witness did not say why DGO did not receive the amount on 17.10.2015. So, here there can be only two probable reasons for DGO for not

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receiving the amount on 17.10.2015. One among which is, the DGO might have assured complainant that without bribe he would complete the alleged work of complainant. The 2nd reason might be bribe amount offered by complainant was not upto the satisfaction of DGO. In case of 1st reason, that if the DGO had assured the complainant that he would complete his alleged work without bribe, there was no necessity for the complainant to approach Lokayukta. In this case, the complainant had approached Karnataka Lokayukta. So, the DGO might have refused to receive the amount for the reason it was not upto his satisfaction. Except this there cannot be any other probable reason.

15. The complainant further says that Karnataka Lokayukta police got his signatures to his statement, mahazar etc., But he did not say that Karnataka Lokayukta Police forced him to put his signatures to the above said documents. Further, he says he did not know the contents of the above said documents. This cannot be believed. Because, he says when DGO refused to receive the amount on 17.10.2015, he approached Karnataka Lokayukta. This shows that he is a prudent person having knowledge to approach Karnataka Lokayukta if a government servant refuses to do work which was to be done by him. So, his say that without knowing the contents of statement, mahazar, etc., he puts his signature before Karnataka Lokayukta Police cannot be believed as an ordinary prudent man would know the contents of the documents and put his signature to any papers. Further, here, a doubt obviously arise as to why Karnataka Lokayukta Police should target DGO. The DGO

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has not established the reasons as to why Karnataka Lokayukta police has targeted the DGO. Even otherwise, as payment of Rs. 1500/- by complainant and receipt of the same by DGO on the date of trap is proved, the burden shifts to the DGO to prove that the said amount is not towards bribe. In order to prove the same, the DGO got examined himself as DW-1. He, in his chief examination has stated that he has not received bribe from the complainant, the complainant had given Rs.1500/- to hand over to one Sri.Muthuraju, and while he was receiving the said amount, Lokayukta Police caught the DGO and seized the amount pretending it as bribe. He has further stated that he was working as supervisor in the Bhramasandra BESCO Branch, he was just following the instructions of Section Officer. There was a scheme of regularizing the electricity connection to the bore-wells of farmers. The farmers used to submit applications. On the instructions of section officer he used to receive the application along with fee of Rs. 50/- and register the application. Thereafter the work of wiring would be handed over to contractor on tender basis. The contractor had to give completion certificate to the Assistant Executive Engineer. Thereafter, Assistant Executive Engineer used to call for report from inspector (electrical). Thereafter on the basis of report of inspector, Assistant Executive Engineer used to provide electricity connection. The fee for fixing TC was to be borne by the applicant. He has further stated that he does not know about the complainant's father filing application for electricity connection to his bore-well situated in his land bearing Sy. No. 24 of Jodi Devarahalli and no

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contractor had given completion certificate during 2015 with regard to the completion wiring in connection to complainant's father's application. Even the complainant had not given any application before him. Even Assistant Executive Engineer BESCO Sub Division had not passed any orders to give electricity connection to the bore-well of complainant. The complainant did not meet him at any time in connection with electricity connection to his bore well. The complainant did not even contact him in this regard over phone, much less on 17.10.2015.

16. But during the cross examination, he has admitted as follows;

“ನಾನು ವಸಂತ ಕುಮಾರ್‌ರವರಿಂದ ಲಂಚದ ಹಣವಾದ ರೂ. 1500/-ಗಳನ್ನು ಸ್ವೀಕರಿಸಿದಾಗ ಪೊಲೀಸ್ ರವರು ಬಂದು ನನನ್ನು ಹಿಡಿದುಕೊಂಡು ಕೈ ತೊಳೆಸುವ ಸಮಯದಲ್ಲಿ ಮೇಲೆ ಹೇಳಿದ ಘೋಟೋವನ್ನು ತೆಗೆದಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ”.

17. In this way DGO himself has admitted that the amount Rs.1500/- received by him from the complainant is a bribe.

18. DGO has not claimed this as stray admission. Even to treat this as a stray admission, the DGO has not placed supportive materials to substantiate his oral evidence. Of course, he has also examined one Sri.Muthuraju as DW-2. In his chief examination he has stated that he had told complainant to hand over Rs.1500/- to DW-2. The said amount was to be paid by the complainant to him towards extra materials used for connecting electricity to the bore-well which was situated in complainant's land. During the cross

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examination, he has stated that on Saturday i.e., 17.5.2015, he told complainant to hand over the amount to DGO. On that day itself, he had handed over the amount to DGO. The DGO received the same on the same day, DGO paid the same to him after 5-6 days of receipt. Here there is lot of contradiction in the evidence of DW-1 and 2. According to DW-2 he told the complainant to pay the amount on 17.10.2015. On the same day DGO received the same and paid to him after 5-6 days.

19. But according to DW-1, he received the amount on 19.10.2015 and Karnataka Lokayukta Police seized it. This shows the evidence of DW-2 is not trustworthy.

20. Of course, DGO has taken contention that the work was not pending before him. But DW-2 his own witness says as follows;

“ಶಿರಾ ತಾಲ್ಲೂಕಿನ ಜೋಗಿ ಹಳ್ಳಿ ಸ. ನಂ: 24ರಲ್ಲಿ ವಸಂತ ಕುಮಾರ್ ರವರ ತಂದೆ ಕೊಳವೆ ಬಾವಿ ಕೊರೆಸಿದ್ದರು ಎಂದರೆ ಸರಿ. ಅದಕ್ಕೆ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಕಲ್ಪಿಸುವ ಗುತ್ತಿಗೆ ಕೆಲಸವನ್ನು ನನಗೆ ಟೆಂಡರ್ ಮೂಲಕ ಕೊಟ್ಟಿದ್ದರು ಎಂದರೆ ಸರಿ. ನಾನು ಹೇಳುವುದೇನೆಂದರೆ ಟೆಂಡರ್ ಮೂಲಕ ಕೊಟ್ಟಿದ್ದರು. ಟೆಂಡರ್‌ನಲ್ಲಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕಕ್ಕೆ ಎಷ್ಟು ಹಣ ಕಾಯ್ದಿರಿಸಲಾಗಿತ್ತು ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಾನು ಈ ಕೆಲಸಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಟೆಂಡರ್ ಮೂಲಕ ಎಷ್ಟು ಹಣ ಪಡೆದೆ ಎಂದು ನಾನು ಹೇಳಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಆದರೆ ಒಟ್ಟು 10 ಕೆಲಸಕ್ಕೆ ರೂ.30,000/- ಬಿಲ್ ಮಾಡಿದ್ದೆ. ನನಗೆ ರೂ.30,000/- ಕೊಟ್ಟಿದ್ದರು. ಪ್ರತ್ಯೇಕವಾಗಿ ಈ ಕೆಲಸಕ್ಕೆ ಎಷ್ಟು ಹಣ ವೆಚ್ಚ ಆಗಿತ್ತು ಎಂದು ನನಗೆ ಈಗ ಹೇಳಲು ಸಾಧ್ಯವಿಲ್ಲ, ದಾಖಲೆ ನೋಡಿ ಹೇಳುತ್ತೇನೆ. ಈ ಕೆಲಸಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಾನು ವಸಂತಕುಮಾರ್ ರವರ ಬಳಿ ರೂ.1,500/- ಪಡೆದಿದ್ದೆ. ನಾನು ಹೇಳುವುದೇನೆಂದರೆ ಹೆಚ್ಚಿನ ಮೆಟೀರಿಯಲ್ ಹಾಕಿದ್ದರಿಂದ ಈ ಹಣವನ್ನು ಪಡೆದಿದ್ದೆ.

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ಗುತ್ತಿಗೆ ತೆಗೆದುಕೊಂಡ ಪ್ರಾರಂಭದಲ್ಲಿ ನಾನು ವಸಂತಕುಮಾರ್ ರವರ ತಂದೆಯ ಬಳಿ ರೂ.16,000/- ಪಡೆದಿದ್ದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಕಲ್ಪಿಸಲು ತಯಾರು ಮಾಡುವುದು ನನ್ನ ಕರ್ತವ್ಯ ಎಂದರೆ ಸರಿ. ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಕಲ್ಪಿಸುವುದು ಆ.ಸ.ನೌ.ರವರ ಕರ್ತವ್ಯ ಎಂದರೆ ಸರಿ. ನಾನು ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಕಲ್ಪಿಸಲು ಪೈಪ್‌ಗಳನ್ನು & ವೈರ್‌ಗಳನ್ನು ಅಳವಡಿಸಿದ್ದೆ ಎಂದರೆ ಸರಿ. ವಸಂತಕುಮಾರ್ ರವರ ತಂದೆ 2008 ರಲ್ಲಿ ತೀರಿ ಹೋದರು ಎಂದರೆ ಸರಿ. ತದನಂತರ ವಸಂತಕುಮಾರ್ ರವರ ಅವರ ವ್ಯವಹಾರಗಳನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದರು ಎಂದರೆ ಸರಿ. ರೂ. 1500 ವಸಂತ ಕುಮಾರ್ ರವರು ಈ ಪ್ರಕರಣದ ಗುತ್ತಿಗೆ ಕೆಲಸ ಮಾಡಿದ್ದು, ಆ.ಸ.ನೌ ರವರಿಗೆ ತಿಳಿದಿತ್ತು. ನಾನೇ ಹೇಳಿದ್ದೆ. ಆ.ಸ.ನೌ ರವರು ನನಗೆ ಇಲಾಖೆಯಿಂದ ಅನುಮತಿ ಪಡೆದು ಹೆಚ್ಚಿನ ಮೆಟಿರಿಯಲ್ಸ್ /ಸರಂಜಾಮುಗಳಿಗೆ ಹಣ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನನಗೆ ತಿಳಿಸಿಲ್ಲ.“

21. If his cross examination is read with the say of DGO that he was the supervisor of the Brahamasandra BESCO branch, the probability is that the section officer had entrusted the work of giving electricity connection to the borewell of complainant and the said work was in the hands of DGO, and that the application of the complainant was within the knowledge of DGO.

22. In addition to this, the witness of DGO himself i.e., DW-2 has stated that Rs.1500/- was with regard to extra materials used for the alleged work of the complainant and it was within the knowledge of DGO. During the cross examination he says that DGO did not tell him about permission had to be taken from the department to take the amount for extra materials. Further normally the Rule is that the project should be completed in accordance with estimation. If any extra materials are required the concerned

16.4.2017

officer / engineer should take permission from the department by submitting re-estimation or additional estimation. In this case, as per the evidence of DW-2, he had fixed 4 angles, 3 clamps, 6 boards in addition to the materials shown in the estimation and he cannot say the names of materials shown in estimation. First-of-all, as said above, he has to obtain permission from the department to use extra materials by submitting revised estimate /additional estimate. There is no Rule to collect amount from the applicant directly for the extra materials. The defence of the DGO that Rs.1500/- is collected from the complainant towards extra materials is not established. Under these circumstances, the probability is collection of Rs.1500/- from the complainant is nothing but the bribe amount.

23. The overall evidence before this authority establishes that through contractor, the DGO has demanded bribe from the complainant, when the complainant approached the DGO with Rs.1500/- on 17.10.2015, the DGO refused. Hence, the complainant approached Karnataka Lokayukta Police. On 19.10.2015, during trap, Rs.1500/- which was given by complainant to DGO was seized. Later, the complainant by colluding with DGO has turned hostile. The DW-2 being contractor of the electricity department, and who knows the DGO has deposed falsely in order to help the DGO.

24. Overall, evidence placed by the disciplinary authority established the charge. Hence, I proceed to record the following:-

2
16.4.2022

FINDINGS

25. The Disciplinary Authority has proved charge leveled against DGO.

26. Date of retirement of DGO is 31.6.2028

Puigi V
(PUSHPAVATHI.V) 16.4.2022

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

PW.1	Sri. J.G.Vasanthkumar, S/o Late Gubbaiah, Agriculturist, Jogihalli, Sira Taluk, Tumkur District original
PW-2	Sri. Rangaswamy, S/o Late Huchappa, CPI, Gubbi Circle, Gubbi original.
PW-3	Sri. S.Mahadevappa, S/o Late Sanjeevaiah, FDA, THO Office, Tumkur Original

ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1	Ex.P-1 is the written statement dated: 17.10.2015 of PW-1
Ex.P-2	Ex.P-2 is the entrustment mahazar dated: 17.10.2015
Ex.P 3	Ex.P-3 is the mahazar dated: 19.10.2015
Ex.P-4	Ex.P-4 is the trap mahazar dated: 19.10.2015
Ex.P5	Ex.P-5 is the statement containing currency note details like note Numbers etc.,
Ex.P6	Ex.P-6 is the letter dtd: 19.10.2015 to Police Inspector, Karnataka Lokayukta, Tumkur from PW-1
Ex.P7	Ex.P-7 is the attendance register and other documents.
Ex.P8	Ex.P-8 is the written conversation dated: 17.10.2015
Ex.P9	Ex.P-9 is the written conversation dated 19.10.2015
Ex.P-10	Ex.P-10 is the kacha plan prepared by

	Investigation officer
Ex.P-11	Ex.P-11 is the pakka plan prepared by Investigation officer
Ex.P-12	Ex.P-12 is the photographs taken at the time of trap
Ex.P-13	Ex.P-13 is the FIR copy
Ex.P-14	Ex.P-14 is the letter dated: 17.10.2015 of Police Inspector, Karnataka Lokayukta Tumkur to Assistant Commissioner, Tumkur Sub Division
Ex.P-15	Ex.P-14 is the letter dated: 17.10.2015 of Police Inspector, Karnataka Lokayukta Tumkur to District health officer, Tumkur
Ex.P-16	Ex.P-16 is the letter dated: 18.10.2015 from Investigation officer to Executive Engineer, BESCOM Madhugiri.
Ex.P-17	Ex.P-17 is the letter dated: 19.10.2015 from Investigation officer to AEE BESCOM Rural Sub Division, Sira
Ex.P-18	Ex.P-18 is the letter dated: 20.2.2015 from Investigation officer to PDO, Chennenahalli grama panchayath, Sira Taluk.
Ex.P-19	Ex.P-19 is the letter from Chemical Examiner, to SP, Karnataka Lokayukta, Tumkur

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO Sri. Lakshmikantha, Supervisor and I/c Section Officer, Brahmasandra Branch, BESCOM, Kallambella Hobli, Shira Taluk, Tumkur District original
DW-2	Sri. Muthuraj H.B., S/o Kariyappa, Hosakote, Koratagere Taluk, Tumkur District original

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the letter from AEE (ele) BESCO Sira to Police Inspector, Karnataka Lokayukta, Tumkur
Ex.D-2	Ex.D-2 extract of rules pertaining to BESCO

(PUSHPAVATHI.V)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/162/2018/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 21st May, 2022.

RECOMMENDATION

Sub: Departmental inquiry against Smt/Shri-

- (1) H.D.Hunugunda, the then Block Education Officer, Devadurga, Presently working as Senior Lecturer, DIET, Yadgiri and,
- (2) Chennamma, Head Mistress, Kasturaba Residential School, Alkod, Devadurga Taluk-reg.,

Ref: 1) Government Order No.ED 01 DGO 2018, Bengaluru, dated: 16/02/2018.

2) Nomination Order No.UPLOK-1/DE/162/2018, Bengaluru dated: 23/03/2018 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 30/04/2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 16/02/2018 initiated the disciplinary proceedings against (1) Shri H.D.Hunugunda, the then Block Education Officer, Devadurga, Presently working as Senior Lecturer, DIET, Yadgiri and (2) Smt. Chennamma, Head

Mistress, Kasturaba Residential School, Alkod, Devadurga Taluk (hereinafter referred to as Delinquent Government Officials, for short as 'DGO Nos.1 and 2') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE/162/2018, Bengaluru, dated: 23/03/2018 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO Nos.1 and 2 for the alleged charge of misconduct, said to have been committed by them.
3. The DGO No.1, Shri H.D.Hunugunda, the then Block Education Officer, Devadurga, Presently working as Senior Lecturer, DIET, Yadgiri and DGO No.2, Smt. Chennamma, Head Mistress, Kasturaba Residential School, Alkod, Devadurga Taluk were tried for the following charges:

ANNEXURE-1
CHARGE

- 1) You-DGO No.2 working as Assistant Teacher in KGBV Alkod School from 30/11/2013 to 19/08/2014 and working as head Mistress from 30/09/2014 and You have in-charge of entire school from 30/09/2014. You DGO have taken charge of account of Pragathi Grameena Bank and SBM Bank of the school and an amount of Rs.8,71,438/- was in the S.B. Account of Pragathi Grameena Bank and Rs.5,29,196/- in SBM Bank account.

Including bank interest and other grants deposited in SBM, account, there was an amount of Rs.24,05,720/- in SBM Account. You-DGO have spent Rs.12,75,597/- out of it towards maintenance of the school and other expenses. You-DGO have spent Rs.4,63,302/- towards food for the hostel students and You-DGO have paid Rs.3,45,044/- to Mahalakshmi Agency towards supply of food. Totally you-DGO have spent Rs.8,08,346/- towards food for 99 students and the amount spent each month works out to Rs.1,46,972/-. But in the attendance register average attendance of student is only 75 students every month. Therefore you-DGO have shown excess expenses for 24 students every month i.e., Rs.35,629.25/-.

- 2) You-DGO have withdrawn Rs.1,50,000/- on 05/05/2015 through cheque Nos. 708425, 708426, and 708427 in the names of two persons and you have redeposited the amount on 7.8.2015. Though You-DGO-2 stated that You have withdrawn the amount for purchase of Computer, there were no records for having processed for purchase of computers. Therefore, you-DGO-2 have temporarily misappropriated Rs.1,50,000/-.
- 3) You-DGO No.1 being Supervising Officer of the above said act of the DGO No.2 you have not taken any action against the DGO No.2 even though you-DGO aware of the above said illegality committed by the DGO No.2.

Thereby you DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are

guilty of misconduct under rule 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has ‘proved’ the charges No.1 and 2 exclusively leveled against DGO No.2, Smt. Chennamma, Head Mistress, Kasturaba Residential School, Alkod, Devadurga Taluk and not proved the charge No.3 leveled against the DGO No.1, Shri H.D.Hunugunda, the then Block Education Officer, Devadurga, Presently working as Senior Lecturer, DIET, Yadgiri.
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO Nos.1 and 2 the Disciplinary Authority examined two witnesses i.e., PW-1 and PW-2 and got marked the Ex. P-1 to P-7. In fact, DGO Nos.1 and 2 were also examined as DW-1 and DW-2 and Ex. D-1 to Ex. D-26 documents were marked. The charge No.3 was only leveled against DGO No.1, which has not been proved. Because the Inquiry Officer found that, there is no evidence against him.

On relooking into the materials on record particularly, the cross-examination of DGO No.2 she has infact admitted the allegations made against her. But she pleaded that, she had no experience on administration side. Because of that reason, she

has committed certain mistakes. She also gave explanation that, teachers and parents of the students, who have visited the school to see their children also used to eat food and therefore in order to manage that, she has written the said aspects to adjust the amount. Therefore, looking to the above said explanation given by her, the said explanation cannot be accepted as rightly appreciated by the Inquiry Officer. However, same can be taken into consideration while imposing penalty on her.

Further, appreciating the entire materials on record, the charges 1 and 2 leveled against DGO No.2 has been established.


6. 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 Inquiry Officer.
7. As per the First Oral Statement of DGOs furnished by the Inquiry Officer, DGO No.1, Shri H.D.Hunugunda is retired from service on 31/08/2018 and DGO No.2, Smt. Chennamma is due for retire from service on 30/06/2045.
8. Having regard to the nature of charge against DGO No.1, Shri H.D.Hunugunda, the then Block Education Officer, Devadurga, Presently working as Senior Lecturer, DIET, Yadgiri 'Not proved'

and 'proved' against DGO No. 2, Smt. Chennamma, Head Mistress, Kasturaba Residential School, Alkod, Devadurga Taluk and on consideration of the totality of circumstances:-

- i. 'It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate DGO No.1, Shri H.D.Hunugunda, the then Block Education Officer, Devadurga, Presently working as Senior Lecturer, DIET, Yadgiri, of the charges leveled against him'.
- ii. 'It is hereby recommended to the Government to impose penalty of 'withholding two annual increments to DGO No.2, Smt. Chennamma, Head Mistress, Kasturaba Residential School, Alkod, Devadurga Taluk for three years, with cumulative effect'.

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

Connected records are enclosed herewith.


- 21/5/22
(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.