

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/92/2019/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 17th June, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Sriyuths:

- (1) Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District.
- (2) Govindaraju, Superintendent, Office of the Taluk Social Welfare Department, Channarayapatna Taluk, Hassan District-reg.,

Ref: 1) Government Order No.ಸಕಇ 81 ಪಕಸೇ 2019, Bengaluru, dated: 13/03/2019.

2) Nomination Order No.UPLOK-2/DE/92/2019, Bengaluru, dated: 20/03/2019 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 09/06/2022 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 13/03/2019 initiated the disciplinary proceedings against (1) Shri Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District and, (2) Shri Govindaraju, Superintendent, Office of the Taluk Social Welfare Department, Channarayapatna Taluk, Hassan

District (hereinafter referred to as Delinquent Government Officials, for short as DGOs No.1 and 2) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/92/2019, Bengaluru, dated: 20/03/2019 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 and 2 for the alleged charge of misconduct, said to have been committed by them.
3. The DGO No.1, Shri Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District and DGO No.2, Shri Govindaraju, Superintendent, Office of the Taluk Social Welfare Department, Channarayapatna Taluk, Hassan District, were tried for the following charges:

ANNEXURE-I

CHARGE :

1. While you DGO No.1 while serving as Social Welfare Officer in Channarayapatna Taluk, Hassan District in relation to purchase of articles to the Hostels, he has committed following dereliction of duties:
 - (a) DGO No.1 has purchased 22 litre cooker having MRP rate Rs.900/- at the rate of Rs.3,890/-, 24 litre water filter at Rs.1,980/- where MRP rate was

Rs.1,005/- and purchased T.V. at the rate of Rs.12,000/-, where it's MRP rate was Rs.10,000/- and caused loss to the State Exchequer.

- (b) There is no document to show that the tenders were published in the District Level/State Level newspapers.
- (c) The opportunity of procuring the articles through Janatha Bazar was not utilized.
- (d) DGO No.1 instead of discharging the duties as mandated under Rules, as per the oral instructions of DGO No.2 has got the tender approved in respect of M/s P.G. Industries and the respondent himself has given his statement in this regard.
- (e) The tender conditions were not proper. The verification of quality and quantity of material supplied was to be done by the Taluk Social Welfare Officer. But, a condition in the tender was mentioned that the articles were to be supplied to the hostels itself.
- (f) The Bills of the contractor was not examined in relation to KST/CST.
- (g) Even though there was condition for rejection of quotation in case of any suspicion, the Bills were passed hurriedly before examination of quotations.
- (h) Even after supply of articles, the DGO No.1 has not visited the hostels and verified the articles supplied and by this the DGO No.1 has committed misconduct, dereliction of duty and acted in a manner unbecoming of a Government Servant, violating Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

2. While you DGO No.2 while serving as Office Superintendent of the office of the Taluk Social Welfare Officer, Hassan has committed following dereliction of duties:

- (a) There was no indent from the concerned hostel wardens for supply of 400 litre refrigerator, 29" colour T.V., Stabilizer, Tata Sky Disc, Even, then, quotations were called for and articles were procured and payment was made.
- (b) The market price of 29" T.V. was Rs.10,000/- but a sum of Rs.12,000/- was paid, causing loss to the State Exchequer.
- (c) The Refrigerator supplied to the Government Pre Metric Boys' Hostel, Channarayapatna for a sum of Rs.42,000/- was not useful to the Hostel and by this the DGO No.2 has committed misconduct, dereliction of duty and acted in a manner unbecoming of a Government Servant, violating Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Not Proved' the charges 1(a) and has 'Proved' the charges 1(b) to (h) leveled against DGO No.1, Shri Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District.

The Disciplinary Authority has 'Not Proved' the charges 2(b) and has 'Proved' the charges 2(a) and (c) leveled against

DGO No.2, Shri Govindaraju, Superintendent, Office of the Taluk Social Welfare Department, Channarayapatna Taluk, Hassan District.

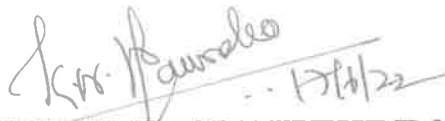
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGOs No.1 and 2, the Disciplinary Authority has examined one witness i.e., PW-1 and Ex. P-1 to P-3 documents were marked. In fact, DGO Nos.1 and 2 were examined as DW-1 and DW-2 respectively and Ex. D-1 to Ex. D-7 documents were marked.
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 the Inquiry Officer.
7. As per the First Oral Statement of DGOs No.1 and 2 furnished by the Inquiry Officer, DGO No.1, Shri Nagaraj, has retired from service on 31/10/2021 and DGO No.2, Shri Govindaraju, has retired from service on 31/03/2022.
8. Having regard to the nature of charge 'Partially Proved' against DGO No.1, Shri Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District and DGO No.2, Shri

Govindaraju, Superintendent, Office of the Taluk Social Welfare Department, Channarayapatna Taluk, Hassan District and on consideration of the totality of circumstances:-

- i. "It is hereby recommended to the Government to impose penalty of 'withholding 10% of pension payable to DGO No.1, Shri Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District, for a period of one year".
- ii. "It is hereby recommended to the Government to impose penalty of 'withholding 10% of pension payable to DGO No.2, Shri Govindaraju, Superintendent, Office of the Taluk Social Welfare Department, Channarayapatna Taluk, Hassan District, for a period of one year".

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

NO. UPLOK-2/DE/92/2019/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date:09/06/2022.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against:

(1) Sri.Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District and

(2) Sri. Govindaraju, Superintendent, O/o the Taluk Social Welfare Department, Channarayapatna, Hassan District-reg.

1. Government Order No. ಸಕಇ 81 ಪಕಸೇ 2019, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 13/03/2019.
2. Nomination Order No. UPLOK-2/DE/92/2019 Bengaluru dated 20/03/2013.

1. The Departmental Enquiry is initiated against (1) Sri.Nagaraj, Taluk Social Welfare Officer, Channarayapatna Taluk, Hassan District and (2) Sri. Govindaraju, Superintendent, Taluk Social Welfare Department, Channarayapatna, Hassan District (hereinafter referred to as the Delinquent Government Officials, in short DGOs 1 and 2 respectively).


9/6

2. An investigation was taken up under section 9 of the Karnataka Lokayukta Act, 1984 by registering a suo motu case against DGO-1 and 2 respectively on the basis of the information submitted by the Police Inspector, Karnataka Lokayukta, Hassan that DGO-1 while serving as Social Welfare Officer in Channarayapatna Taluk, Hassan District, in relation to purchase of articles to the Hostels, he has committed following dereliction of duties:

- (a) DGO-1 has purchased 22 liters cooker having MRP rate Rs.900/- at the rate of Rs.3,890/-, 24 liter water filter at Rs.1,980/- where MRP rate was Rs.1005/- and purchased T.V. at the rate of Rs.12,000/- where it's MRP rate was Rs.10,000/- and caused loss to the State exchequer
- (b) There is no document to show that the tenders were published in the District Level/State level newspapers.
- (c) The opportunity of procuring the articles through Janatha Bazar was not utilised.
- (d) DGO-1 instead of discharging the duties as mandated under rules, as per the oral instructions of DGO-2 has got the tender approved in respect of M/s P.G. Industries and the respondent himself has given his statement in this regard.
- (e) The tender conditions were not proper. The verification of quality and quantity of material


9/6

supplied was to be done by the Taluk Social Welfare Officer. But a condition in the tender was mentioned that the articles were to be supplied to the hostels itself.

(f) The Bills of the contractor was not examined in relation to KST/CST

(g) Even though there was condition for rejection of quotation in case of any suspicion, the Bills were passed hurriedly before examination of quotations.

(h) Even after supply of articles, the first respondent has not visited the hostels and verified the articles supplied.

3. Further the allegation against DGO-2 is that while he was serving as Office Superintendent of the office of the Taluk Social Welfare Officer, Hassan he has committed the following dereliction of duties:

(a) There was no indcnt from the concerned hostel wardens for supply of 400/- litre refrigerator, 29" colour T.V., Stabilizer, Tata Sky Disc, Even then, quotations were called for and articles were procured and payment was made.

(b) The market price of 29" T.V. was Rs.10,000/- but a sum of Rs.12,000/- was paid, causing loss to the State exchequer.

9/6

(c) The Refrigerator supplied to the Government Pre Metric Boy's Hostel, Channarayapatna for a sum of Rs.42,000 was not useful to the Hostel.

4. Hon'ble Upalokayukta on perusal of report of Police Inspector, Karnataka Lokayukta, Hassan and other documents found prima facie case against DGOs No.1 and 2 and forwarded Report dated 04/02/2019 under section 12(3) of Karnataka Lokayukta Act, 1984 to initiate disciplinary proceedings against DGOs No.1 and 2. The Government by its order dated 13/03/2019 entrusted the matter to Hon'ble Upalokayukta.

5. Hon'ble Upalokayukta by order dated 04/02/2019, nominated Additional Registrar Enquiries-11 to conduct the enquiry. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGOs. The DGOs denied the charges and claimed to be inquired. **The date of retirement of DGO-1 is 31/10/2021 and DGO-2 is 31/03/2022 as shown in their First Oral Statements.**

6. The Articles of charge as framed by this Additional Registrar Enquiries-11 is as follows:-


9/6

ಅನುಬಂಧ -1

ದೋಷಾರೋಪಣೆ

ಮೊದಲನೆಯದಾಗಿ:- ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ನಾಗರಾಜ್ ಆದ ನೀವು ಹಾಸನ ಜಿಲ್ಲೆಯ ಚನ್ನರಾಯಪಟ್ಟಣದಲ್ಲಿ ತಾಲ್ಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಅಡಗೆ ಮಾಡಲು ಬಳಸಲಾದ ಕುಕ್ಕರಗಳನ್ನು ಮತ್ತು ಟೆಲಿವಿಷನ್ ಅನ್ನು ಖರೀದಿ ಮಾಡುವ ಮುನ್ನ ಹಾಸನ ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯ ಮತ್ತು ಕರ್ನಾಟಕ ರಾಜ್ಯ ವ್ಯಾಪ್ತಿಯ ವೃತ್ತಪತ್ರಿಕೆಗಳಲ್ಲಿ ಟೆಂಡರ್ ಹೊರಡಿಸುವ ಮತ್ತು ಜನತಾ ಬಜಾರ್‌ನಲ್ಲಿ ಆ ವಸ್ತುಗಳನ್ನು ಖರೀದಿ ಮಾಡುವ ಅವಕಾಶವನ್ನು ಬಳಸಿಕೊಳ್ಳದೆ ಅಂದು ಹಾಸನ ಜಿಲ್ಲಾ ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯವರ ಮೌಖಿಕ ಸೂಚನೆಯಂತೆ ಮೆಸರ್ಸ್ ಪಿ.ಜಿ. ಇಂಡಸ್ಟ್ರೀಸ್ ಎಂದು ಕರೆಯಲ್ಪಡುವ ಟೆಂಡರ್ ಅನ್ನು ನಿಯಮಬಾಹಿರವಾಗಿ ಪಡೆದುಕೊಂಡು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಮಕ್ಕಳ ವಸತಿ ಗೃಹಗಳಿಗೆ ಭೇಟಿ ಕೊಡದೆ ಗರಿಷ್ಟ ರೂ.900/- ದರದ 22 ಲೀಟರ್ ಕುಕ್ಕರ್ ಅನ್ನು ರೂ.3,890/- ಗಳಿಗೆ ಮತ್ತು ಗರಿಷ್ಟ ರೂ.800/- ದರದ 24 ಲೀಟರ್ ಸಾಮರ್ಥ್ಯದ ವಾಟರ್ ಫಿಲ್ಟರ್ ಅನ್ನು 1,980/- ಗಳಿಗೂ ಮತ್ತು ಗರಿಷ್ಟ ಮೌಲ್ಯ ರೂ.10,000/- ಟಿವಿಯನ್ನು ರೂ.12,000/- ಗಳಿಗೆ ಖರೀದಿಸಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಪಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನೆಸಗಿರುತ್ತೀರಿ.

ಎರಡನೆಯದಾಗಿ:- ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಗೋವಿಂದರಾಜು ಆದ ನೀವು ಹಾಸನ ಜಿಲ್ಲೆಯ ಚನ್ನರಾಯಪಟ್ಟಣದ ತಾಲ್ಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯವರ ಕಛೇರಿಯಲ್ಲಿ ಕಛೇರಿ ವೈವಸ್ಥಾಪಕರಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಹಾಸ್ಟೆಲ್ ವಾರ್ಡನ್‌ಗಳಿಂದ ಇಂಡೆಂಟ್ ಇಲ್ಲದಿದ್ದರೂ ಸಹ 400 ಲೀಟರ್ ಸಾಮರ್ಥ್ಯದ ರೆಫ್ರಿಜರೇಟರ್, 29 ಇಂಚು ಅಳತೆಯ ಬಣ್ಣದ ಟಿ.ವಿ. ಸ್ಟೆಜಿಯೋ, ಸೈ ಡಿಸ್ಕ್ ಗಳನ್ನು ಕರೀದಿ ಮಾಡಲು ಕೊಟೇಷನ್ ಕರೆದು 29 ಇಂಚು ಅಳತೆಯ ರೂ.10,000/- ಮಾರುಕಟ್ಟೆ ಬೆಲೆಯ

9/6

UPLOK-2/DE/92/2019/ARE-11

ಟಿ.ವಿ.ಯನ್ನು ರೂ.12,000/- ಗಳಿಗೆ ಖರೀದಿಸಿ, ಹಾಸ್ಟೆಲ್ ಅನವಶ್ಯಕವಶಗಿದ್ದ ರೂ.42,000/- ಮೌಲ್ಯದ ರೆಫ್ರಿಜರೇಟರ್ ಖರೀದಿ ಮಾಡಿ ಆ ಮೂಲಕ ಸರ್ಕಾರದ ಹಣವನ್ನು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಪಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನೆಸಗಿರುತ್ತೀರಿ.

7. The Statement of imputation of misconduct is framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ -2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಹಾಸನ ಜಿಲ್ಲೆಯ ಕರ್ನಾಟಕ ಲೋಕಾತಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕರು, ದಿನಾಂಕ:18-07-2018ರಂದು ಚನ್ನರಾಯಪಟ್ಟಣದಲ್ಲಿರುವ ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆಗೆ ಸೇರಿದ ಸಾರ್ವಜನಿಕ ಬಾಲಕರ ಮೆಟ್ರಿಕ್ ಪೂರ್ವ ವಿದ್ಯಾರ್ಥಿ ನಿಲಯಕ್ಕೆ ಭೇಟಿ ಕೊಟ್ಟ ಸಂದರ್ಭದಲ್ಲಿ ಹಾಸ್ಟೆಲ್‌ನ ಮೇಲ್ವಿಚಾರಕಿಯಾದ ಶ್ರೀಮತಿ ಜವರಮ್ಮ ರವರ ಸಮಕ್ಷಮದಲ್ಲಿ ದಾಸ್ತಾನು ಮಾಡಲಾಗಿದ್ದ ಸಾಮಗ್ರಿಗಳ ಸಾಮಗ್ರಿಗಳ ಬೆಲೆ ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ ಮಾರುಕಟ್ಟೆ ದರಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ದರಗಳನ್ನು ನೀಡಿ ಸಾಮಗ್ರಿಗಳನ್ನು ಖರೀದಿಸಿರುವುದು ಕಂಡು ಬಂದಿದ್ದು, ಈ ಸಂಬಂಧ ಹಾಸನ ಲೋಕಾತಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕರು ಕೊಟ್ಟ ಸೂಚನೆಯಂತೆ ಸದರಿ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ತನಿಖೆ ನಡೆಸಿ ತನಿಖಾಧಿಕಾರಿಯವರು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಅದರಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಹೊರಹೊಮ್ಮಿರುತ್ತವೆ.

- 1) ಕವಿರಾಜ್‌ಕಂಪನಿಯ 22 ಲೀಟರ್ ಸಾಮರ್ಥ್ಯದಕುಕ್ಕರ್‌ನ ಬೆಲೆ ರೂ.2,990/- ಇದ್ದರೂ ಸಹ ರೂ.3,890/-ಗಳನ್ನು ಪಾವತಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.
- 2) 24 ಲೀಟರ್ ವಾಟರ್ ಫಿಲ್ಪರ್‌ಗೆ ರೂ.1,980/- ಇದ್ದುಇದಕ್ಕೆ ಹೆಚ್ಚುವರಿಯಾಗಿ ರೂ.1,005/-ಗಳನ್ನು ಪಾವತಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.


9/6

- 3) 3 ದಿನಗಳಿಗೊಮ್ಮೆ ಹಾಗೂ ಪ್ರತಿ ನಿತ್ಯ ಹಾಲನ್ನು ಕೊಳ್ಳುತ್ತಿದ್ದರೂ ಸಹ ಹಾಸ್ಟೆಲ್ ವಾರ್ಡನ್‌ರವರಿಂದ ಯಾವುದೇ ಲಿಖಿತ ಬೇಡಿಕೆ ಇಲ್ಲದಿದ್ದರೂ ಸಹ ರೂ.42,000/- ಜೆಲೆಯಕ್ಯಾರಿಯರ್‌ಕಂಪನಿಯ 400 ಲೀಟರ್ ಸಾಮರ್ಥ್ಯದ ರೆಫ್ರಿಜರೇಟರ್‌ನ್ನು ಅನಗತ್ಯವಾಗಿ ಖರೀದಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.
- 4) ಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ರೂ.10,000/- ಇಂದ ರೂ.12,000/-ಗಳಿಗೆ ಲಭ್ಯವಾಗುವ ಸ್ಯಾನ್ ಸುಯಿ ಕಂಪನಿಯ 29 ಇಂಚು ಕಲರ್ ಟಿ.ವಿ, ಸ್ಟೆಬ್‌ಲೈಸರ್ ಮತ್ತು ಟಾಟಾ ಸ್ಟೈಡಿಸ್ ಇವರುಗಳನ್ನು ರೂ.38,000/-ಗಳನ್ನು ಖರೀದಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.
- 5) 40 ಸೊಳ್ಳೆ ಪರದೆ, 15 ಉಲ್ಲನ್ ರಗ್ಗುಗಳು, 11 ಟವಲ್‌ಗಳು, 56 ಬೆಡ್ ಶೀಟುಗಳು, 56 ಕಾರ್ಪೆಟ್‌ಗಳು, 1 ಗೋಡೆಗಡಿಯಾದ, 20 ಜಾಮಿಟ್ಟಿ ಬಾಕ್ಸ್‌ಗಳನ್ನು ಮಕ್ಕಳಿಗೆ ವಿತರಿಸದೆ ಇಟ್ಟಿರುವುದು.
- 6) ಸಾಮಗ್ರಿಗಳನ್ನು ಖರೀದಿಸುವ ಮುನ್ನ ಸ್ಥಳೀಯ ಜನತಾ ಬಜಾರ್‌ನಿಂದ ಖರೀದಿಸುವ ಅವಕಾಶವಿದ್ದರೂ ಸಹ ಅದನ್ನು ಬಳಸಿಕೊಳ್ಳದೆ ಟೆಂಡರ್‌ಗಳನ್ನು ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪ್ರಕಟಿಸದೆ ಖರೀದಿಸಿರುವುದು.
- 7) ಪಿ.ಜಿ. ಇಂಡಸ್ಟ್ರೀಸ್ ಇವರು ಸರಬರಾಜು ಮಾಡಿದಂತಹ ಸಾಮಗ್ರಿಗಳನ್ನು ಗುಣಮಟ್ಟ ಪರೀಕ್ಷೆಗೊಳಪಡಿಸಿರುವುದಿಲ್ಲ.

ತನಿಖಾ ವರದಿ ಹಾಗೂ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳು ಸಲ್ಲಿಸಿರುವ ವಿವರಣಾಪತ್ರ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ನೋಡಲಾಗಿ, ನೀವುಗಳು ನಿಯಮಗಳನ್ನು ಪಾಲಿಸದೆ ಖರೀದಿ ಪ್ರಕ್ರಿಯೆ ಇನ್ನು ನಡೆಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದ ಕಾರಣ ನೀವುಗಳಿಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವುಗಳು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರಗಳು ಅಂಗೀಕಾರ ಯೋಗ್ಯವಲ್ಲವೆಂದು ಕಂಡು ಬಂದಿದ್ದು ನೀವುಗಳು ನಿಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ನಿಭಾಯಿಸಿಲ್ಲವೆಂದು ಕಂಡು ಬಂದಿದ್ದು ಮತ್ತು ನೀವುಗಳು ಎಸಗಿರುವ ಕೃತ್ಯಗಳು ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದ ಕಾರಣ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು 1957ರಡಿ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಮತ್ತು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ವಿಧಿ 12(3)

9/6

UPLOK-2/DE/92/2019/ARE-11

ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿದ್ದು ಅದರಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆಯಾದುದರಿಂದ ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

8. In response to due service of articles of charge DGO 1 and 2 entered appearance before this authority on 30/11/2019 and engaged Advocate for their defence. In the course of first oral statement of DGO 1 and 2 recorded on 30/11/2019, they pleaded not guilty and claimed inquiry.

9. The DGO No.1 has filed his written statement on 07/02/2020 wherein he has admitted that he was working as Social Welfare Officer, Channarayapatna during the said period and further denied all the allegations made against him that he has purchased the articles i.e., cooker, Television and Water Filter etc. without calling tender even though there was order of the higher officer and the above articles were available in Jantha Bazar. Further contended that he has purchased the said articles from P.G. industries by calling the price list and after purchasing the said articles as per price list and recording them in the stock register he has made payment to the supplier through cheque. He has further contended that food articles were


9/6

checked and purchased as per rules and entered in the stock register after counting them and payment was made to the supplier through cheque. He further stated that he has not done any dereliction of duty and misconduct, hence prays to drop the proceedings against him.

10. The DGO No.2 has filed his written statement on 07/02/2020 denied all the allegations made against him and further contended that quotations called by them for the purchase of Quarier company Refrigerator has been recommended and approved by their superior officer in consultation with the Hostel Warden. That there was a discussion with Hostel warden and Superintendent. The refrigerator was good quality and of standard material for storage of egg, banana and vegetables, as there was a Santhe which would be held weekly once in the Taluk. The requirement of refrigerator was very much required for the purpose of storage of vegetables, eggs and fruits. That on the approval of the bill by the office superior and consultation with the Hostel warden the payment has been made to the contractor by way of cheques, for purchase of refrigerator. Further DGO-2 contended that for purchase of 29 inches TV, the tender was called and upon receipt of quotations, the standard and quality material i.e. 29 Inches Sansui TV, Stabiliser, TV stand etc., was purchased for the welfare of the students who were concentrating on other

④
9/6

activities. That there was absolutely no misappropriation of funds. That the amount was paid to the contractor for the supply of materials by way of cheque. That there is no dereliction of duty and he has acted in accordance with the Rules and regulation and all the purchase and procedures are subjected to the audit and the entire allegations made against him is frivolous, concocted and with an intention to harass him and further contended that this false case filed against him has made him to suffer a lot and he has not committed any misconduct as alleged in charge sheet and prays for dropping the proceedings against him.

11. The points that arise for consideration are as follows:-

1. Whether the disciplinary authority proves that DGO-1 while serving as Social Welfare Officer in Channarayapatna Taluk, Hassan District, in relation to purchase of articles to the Hostels, he has committed following dereliction of duties:

a. DGO-1 has purchased 22 liters cooker having MRP rate Rs.900/- at the rate of Rs.3,890/-, 24 liter water filter at Rs.1,980/- where MRP rate was Rs.1005/- and purchased T.V. at the rate of Rs.12,000/-


9/6

where it's MRP rate was Rs.10,000/- and caused loss to the State exchequer.

- b. There is no document to show that the tenders were published in the District Level/State level newspapers.
- c. The opportunity of procuring the articles through Janatha Bazar was not utilised.
- d. DGO-1 instead of discharging the duties as mandated under rules, as per the oral instructions of DGO-2 has got the tender approved in respect of M/s P.G. Industries and the respondent himself has given his statement in this regard.
- e. The tender conditions were not proper. The verification of quality and quantity of material supplied was to be done by the Taluk Social Welfare Officer. But a condition in the tender was mentioned that the articles were


9/6

to be supplied to the hostels itself.

- f. The Bills of the contractor was not examined in relation to KST/CST.
- g. Even though there was condition for rejection of quotation in case of any suspicion, the Bills were passed hurriedly before examination of quotations.
- h. Even after supply of articles, the DGO No.1 has not visited the hostels and verified the articles supplied and by this the DGO No.1 has committed misconduct, dereliction of duty and acted in a manner unbecoming of a Government Servant, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

2. Whether the disciplinary authority proves that DGO-2 while he was serving as Office Superintendent of the office of the Taluk Social Welfare Officer, Hassan


9/6

he has committed the following dereliction of duties:

a. There was no indent from the concerned hostel wardens for supply of 400/- litre refrigerator, 29" colour T.V., Stabilizer, Tata Sky Disc, Even then, quotations were called for and articles were procured and payment was made.

b. The market price of 29" T.V. was Rs.10,000/- but a sum of Rs.12,000/- was paid, causing loss to the State exchequer.

c. The Refrigerator supplied to the Government Pre Metric Boys' Hostel, Channarayapatna for a sum of Rs.42,000 was not useful to the Hostel and by this the DGO No. 2 has committed misconduct, dereliction of duty and acted in a manner unbecoming of a Government Servant, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

3. What findings?


9/6

12. (a) The disciplinary authority has examined 1 witness and got 3 documents exhibited.
(b) The DGO No.1 and 2 have examined themselves as DW1 and DW2 and got 7 documents exhibited.
(c) Since DGOs 1 and 2 have adduced defence evidence questionnaire is dispensed with.
13. Heard the arguments of learned presenting officer and the advocates for DGO No.1 & 2 have submitted their respective written briefs on their behalf.
14. The answers to the above points are:
1. In the negative for (a) and affirmative for (b to h) charges levelled against DGO-1
 2. In the negative for (b) and affirmative for (a) & (b) charges levelled against DGO-2
 3. As per final findings for the following

REASONS

15. (a) **Point No.1 & 2 :-** These points are taken together to avoid repetition and for the sake of convenience.

(b) The disciplinary authority in order to substantiate the charges leveled against the DGO No.1 & 2 has examined Sri. P.L. Rudramuni as PW1 and he has deposed that he has


9/6

served as Police Inspector in Lokayukta Police Station, Hassan from 2006 to August 2012. That on 18/07/2008, the S.P. of Lokayukta Hassan inspected the Boys Pre-Metric Hostel in Channarayapatna and found that the 22 liters Cooker had MRP of Rs.2,2990/- and when he asked for the stock book, he was told that the stock book is in Social Welfare Department, Channarayapatna. He further deposed that the S.P. left to attend different work and he saw that there was 24 litres water filter of Universal Company and on the box, the MRP was shown as Rs. 975/- and when he asked for the stock register the warden, Smt.Javaramma said that the stock register is not with them and it is in Social Welfare Department Office. PW1 has further deposed that he also saw a 400 litres refrigerator and when he opened the same, he saw half litre milk and about 1kg of vegetables. The warden said that the electricity bill per month comes to Rs.800/-. That he asked, how frequently the vegetables were brought for which the warden said that it is brought once in 3 days and that the vegetables are available nearby. The warden also said that the milk is brought every day and further he asked as to what was the need of such a big refrigerator. The warden said that, they have not demanded, but it is supplied by the Social Welfare Department of Channarayapatna Taluk. The warden said that the refrigerator might be costing Rs. 42,000/-. PW1 further deposed that on the same day, i.e., 18/07/2008, he saw Sansui company 29 inches colour T.V and stabilizer and

①
9/6

dish of Tata Sky. The warden said that the same is not used and it's cost is about Rs. 38,000/-. The warden also said that the T.V has been supplied by the Social Welfare Department on their own. P.W.1 has further deposed that on inspecting the cupboard, he found that the text books were in the cupboard only and looking into the box that was open he found that the books were not distributed to the students/hostel inmates since 12/01/2008. That 40 mosquito curtains, 15 rugs, 11 towels, 56 bed sheets, 56 carpets and one wall clock, 20 geometry boxes were kept without disbursing to the hostel inmates. P.W.1 further deposed that he went to the Social Welfare Department to check the stock register. The DGOs 1 and 2, who were serving as Social Welfare officer and office manager respectively told him that the stock register is not complete. He checked the file, annexure-II and found that the cooker was purchased for Rs. 3890/- as against MRP Rs.975/-. PW.1 further deposed that he submitted report dated 26/07/2008 in this regard through Superintendent of Police, Karnataka Lokayukta, Hassan. Further he identified the copy of the said report and his signature on the same as Ex.P-1. Further he identified the copy of the quotation dated 08/02/2008 wherein at serial number 41 and 56, the rate with respect to TV and refrigerator is mentioned as Ex.P-2. Further he identified the copy of invoice/receipt dated 08/02/2008 of the refrigerator along

9/6

with other items as Ex.P-3. PW1 further identified the DGOs No.1 and 2 who were present before the authority.

(c) Nothing material is elicited from the cross examination of PW1 to discredit his testimony by the advocate for DGO No.1 & 2.

(d) DGO No.1 and 2 have got themselves examined as DW1 and DW2 respectively and filed their affidavit in lieu of their chief examination, wherein they have reiterated their respective written statement averments and got marked Ex.D1 to D7.

16. 1(a) It is the case of Disciplinary Authority that DGO No.1 while working as Taluk social Welfare Officer, Channarayapatna Taluk, Hassan District has purchased 22 liters cooker having MRP rate Rs.900/- at the rate of Rs.3,890/-, 24 liter water filter at Rs.1,980/- where MRP rate was Rs.1005/- and purchased T.V. at the rate of Rs.12,000/- where it's MRP rate was Rs.10,000/- and caused loss to the State exchequer. In order to prove the same the disciplinary authority has examined P.W.1 who has reiterated the above contention and DGO No.1 who is examined as DW1 denied the above said contention. P.W.1 except his self serving evidence has not produced any document to show that the market value i.e., MRP rate of 22 liters cooker is Rs.900/-, MRP rate of 24 liter water filter is Rs.1,005/- and MRP rate of 29" T.V. is

9/6

Rs.10,000/-. In the absence of any document produced by disciplinary authority the above said charge is not proved by the disciplinary authority against DGO No.1.

1(b) It is the case of Disciplinary Authority that DGO No.1 while working as Taluk social Welfare Officer, Channarayapatna Taluk, Hassan District has not published the tender in the District and State level news papers before purchasing the utensils used for cooking purpose which was purchased for the hostels. In order to substantiate the same the disciplinary authority has examined Police Inspector, Karnataka Lokayukta, Hassan as P.W.1 and he has deposed in this regard and this fact has been specifically denied by DGO No.1 in his written statement. To show that tenders were published in the district and state level news papers, no piece of document is produced by DGO No.1. Nothing material is elicited from the cross examination of PW1 to discredit his testimony. D.W.1 has not produced any document i.e., news paper of district or state level to substantiate his defence. Moreover DW 1 has admitted this fact in his cross examination. Further DGO No.1 has produced Ex.D3 which is the tender publication which is published on 04/02/2008. In the said tender publication the names of suppliers i.e., P.G.Industries, Hassan, Prabha Industries and Bharath Suppliers and Sellers Co-operative Association (R), Hassan is


9/6

already mentioned and as per the endorsement in ExD3 notices have been sent to them in person.

DGO No.1 has not produced any paper publication showing that he has called tender in any district or state level news papers instead he has produced Ex.D3 which has already the name of three dealers. As such the above charge leveled against DGO No.1 that he has not published the tender in the District and State level news papers before purchasing the utensils used for cooking purpose which was purchased for the hostels stands proved.

1 (c) The other charge leveled against the DGO No.1 by the disciplinary authority is that the opportunity of procuring the articles through Janatha Bazar was not utilised. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report and stated that DGO No.1 has not made any attempt of procuring articles from Janatha Bazar and opportunity was not utilized by him before purchasing the articles for the hostel. DGO No.1/DW1 has specifically denied this aspect and in support of his contention that he had taken letter from Janatha Bazar before purchasing the articles that the articles purchased were not available, he has produced Ex.D2 which reveals that DGO No.1 has written letter to the Manager, Janatha Bazar, Channarayapattana Taluk seeking information whether T.V. Stabilizer, Cooker, Water filter and refrigerator are available


9/6

for purchase to supply to the Government hostels. An endorsement is made by the Manager, Janatha Bazar stating that the above said articles are not available in their shop. It is pertinent to note here that quotation is called for purchase of 58 items to the hostel as per ExD4 and the DGO No.1 has written letter to the Manager, Janatha Bazar, Channarayapattana Taluk seeking information whether T.V. Stabilizer, Cooker, Water filter and refrigerator are available for purchase to supply to the Government hostels. There is no mention of other articles purchased which are in ExD4 seeking information whether they are available in Jantha Bazar. There is no explanation forthcoming in this regard by the DGO No.1. As such, from this document DW-1/DGO has not proved that he had made attempt for procuring articles through Janatha Bazar before purchasing it and allegations made against him in this regard stands proved.

1 (d) The other charge leveled against the DGO No.1 by the disciplinary authority is that DGO-1, instead of discharging the duties as mandated under rules, as per the oral instructions of DGO-2 has got the tender approved in respect of M/s P.G. Industries and he himself has given his statement in this regard. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report and stated that instead of discharging his duties as mandated under Rules, DGO-1 has got the


a/b

tender approved in respect of P.G. Industries on the oral instructions of Sri. Govindgowda the then Social Welfare Officer. DGO No.1/DW1 has denied this contention but in his cross examination he has clearly admitted that tender was not called or published in State and District level news papers and he has stated that he has purchased the goods on the oral instructions of Dist. Social Welfare Officer Sri. Govindgowda from P.G. Industries, hence he has not given any paper publication calling for tender. From this admission by DW1/DGO it is clear that he has not followed rules and regulations with respect to calling of tender while purchasing the articles for the hostel and instead acted on the say of his higher officer and approved the tender in respect of P.G. Industries and as such the said charge leveled against DGO No.1/DW-1 is proved by the disciplinary authority.

1(e) The other charge leveled against the DGO No.1 by the disciplinary authority is that the tender conditions were not proper and the verification of quality and quantity of material supplied was to be done by the Taluk Social Welfare Officer. But a condition in the tender was mentioned that the articles were to be supplied to the hostels itself. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report and stated that the tender conditions were not proper. The verification of quality and quantity of material supplied was to be done by the Taluk Social Welfare Officer. But, a condition in the

9/6

tender was mentioned that the articles were to be supplied to the hostels itself.

DW1/DGO has denied this aspect and in his cross examination he has stated that he has checked the quality of the articles and he has inspected the items prior to the payment and he has specifically denied the charges made against him. On perusal of Ex.D6 dated 08/02/2008 which is sent to P.G. Industries, it is stated that the said dealer is directed to supply the articles to the doors of the concerned hostels and prepare bill in duplicate and submit it to the office. There is no mention of checking or verification of quality and quantity of material supplied in Ex.D6. Further Ex.D7 is the copy of the stock register extract wherein the articles have been taken to the stock register on 09/02/2008 itself but a note is mentioned in the register extract that they have been verified on 28/07/2008. This clearly goes to show that before purchase of stock, quality and quantity of material supplied were not verified and Ex.D6 reveals that they have been supplied directly to the hostels. There is no piece of document given by DGO/DW1 to show that he has verified the stock before taking it to the stock register. As such the above said charge against DW-1/DGO No.1. is proved in the absence of material supplied by him.

1(f) The other charge leveled against the DGO No.1 by the disciplinary authority is that the Bills of the contractor was


9/6

not examined in relation to KST/CST. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report and stated that the bills of the contractor was not examined in relation to KST/CST. DW-1/DGO No.1 has denied this aspect in his oral evidence. On perusal of Ex.P3 and Ex.D3 which is the invoice /Credit bill of M/s P.G. Industries no where there is mention of KST/CST. The document Ex.D3 produced by DW1/DGO No.1 corroborates the charge leveled against him that he has not verified the bills of the contractor in relation to KST/CST. As such, the above said charge is proved against him.

1(g) The other charge leveled against the DGO No.1 by the disciplinary authority is that even though there was condition for rejection of quotation in case of any suspicion, the Bills were passed hurriedly before examination of quotations and even after supply of articles, the first respondent has not visited the hostels and verified the articles supplied. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report and stated that even though there was condition for rejection of quotation in case of any suspicion, the bills were passed hurriedly before examination of quotations. DW1/DGO No.1 in his oral evidence has denied this aspect specifically.

On perusal of the quotation and Ex.D3 tender publication, it reveals that it is not published in any


9/6

newspaper in District and State level and the names of suppliers is already mentioned in the said notice. Further Ex.D3 tender publication was done on 04/02/2008 and on 08/02/2008 quotations have been submitted by P.G. Industries, Prabha Industries and Bharath Suppliers and Maratagarar Sahakar Sangha as per Ex.D4, which is within a span of 4 days. On the same day the comparative price list is prepared as per Ex.D5 and office order is passed as per Ex.D6 i.e., on 08/02/2009 wherein tender is approved for P.G. Industries and contract is given to the supply of articles to the door steps of concerned hostels. DW1/DGO No.1 has not made any paper publication with respect to calling of tenders and quotations of other suppliers were not received and even though there is no mention of KST/CST by these suppliers their quotation was approved within a span of one day and the tender order was passed on the same day. All these goes to show that DW1/DGO No.1 was pre-determined to grant the tender to P.G. Industries. So he has passed the tender publication hurriedly before examining of quotation. Hence the said charge leveled against him is proved.

1(h) The other charge leveled against the DGO No.1 by the disciplinary authority is that even after supply of articles, the DGO has not visited the hostels and verified the articles supplied. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report. DGO-1/DW1 has denied this charge leveled against him. But

9/6

to prove that he visited the hostel after supply of articles and verified the articles supplied is concerned there is no piece of evidence. He has not produced the stock register or any document to rebut the above charges. Hence the said charge leveled against him is proved.

17. 2 (a) It is the case of the Disciplinary Authority that DGO No.2 while working as Office Superintendent of the office of the Taluk Social Welfare Officer, Hassan, even though there was no indent from the concerned hostel warden for supply of 400 liter refrigerator, 29" colour T.V. Stabilizer, Tata Sky Disc quotations were called for and articles were procured and payment was made. In order to substantiate the same P.W.1 is examined and he has reiterated the same and has submitted his report and stated that DGO-2 even though there was no indent from the concerned hostel warden for supply of 400 litre refrigerator, 29" colour T.V. Stabilizer, Tata Sky Disc quotations were called for and articles were procured and payment was made. DGO No.2 has specifically denied this aspect and contended that permission was taken from higher authority for the purchase of the above articles which were necessary for the hostels. In this regard he has produced Ex.D1, copy of the letter sent by District Social Welfare Officer, Hassan, wherein permission was granted for the purchase of 10 items as per rules from the amount which remained in the account after annual expenditure for the year 2007-2008. On perusal of Ex.D1 copy of the letter sent by


9/6

District Social Welfare Officer, Hassan, permission is granted for purchase of furniture, T.V., T.V. stand, rack, Grinder, Clocks, cooker, utensils and office furniture but there is no mention of refrigerator, Tata Sky disc in the said order. Further P.W.1 has deposed in his evidence that he visited the hostel where he found that on enquiry to the warden that she has not demanded for supply refrigerator to the hostel but it is supplied by the Social Welfare Department, Channarayapatna. Further he has stated that on enquiry to the warden she has stated that the vegetables are brought once in 3 days and are available nearby and milk is bought on daily basis and there was no necessity of purchase of refrigerator. Nothing material is elicited from the cross examination of PW1 to discredit his testimony. D.W.1 has not produced any documents to substantiate his defence.

Ex.D1 does not say anything about granting permission to purchase refrigerator and TATA sky disc and there was no indent given by the hostel warden for supply of said Refrigerator and TATA sky disc. Even then the said items were purchased and payment was made. There is no cogent explanation forthcoming by DGO -2 in this regard. As such Disciplinary Authority has proved the above said charge leveled against him.

2(b) It is the case of the Disciplinary Authority that DGO No.2 while working as Office Superintendent of the office of the


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Taluk Social Welfare Officer, Hassan, even though that the market price of 29" T.V. was Rs.10,000/- but a sum of Rs.12,000/- was paid causing loss to the State exchequer. In order to prove the same the disciplinary authority has examined P.W.1 who has reiterated the above contention and DGO No.2 who is examined as DW2 denied the above said contention. P.W.1 except his self serving evidence has not produced any document to show that the market value i.e., MRP of 29" T.V. was Rs.10,000/- but Rs.12,000/- was paid for the same. In the absence of any document produced by disciplinary authority the above said charge is not proved by the disciplinary authority against DGO No.2.

2 (c) It is the case of the Disciplinary Authority that DGO No.2 while working as Office Superintendent of the office of the Taluk Social Welfare Officer, Hassan, has purchased the Refrigerator which was supplied to the Government Pre Metric Boy's Hostel, Channarayapatna for a sum of Rs.42,000/- even though it was not useful to the hostel. In order to prove the same the disciplinary authority has examined P.W.1 who has reiterated the above contention and DGO No.2 who is examined as DW2 denied the above said contention. P.W.1 has deposed in his evidence that he visited the hostel where he found that on enquiry to the warden that she has not demanded for supply refrigerator to the hostel but it is supplied by the Social Welfare Department, Channarayapatna. Further he has stated that on enquiry to

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9/6

UPI.0K-2/DE/92/2019/ARE-11

the warden she has stated that the vegetables are brought once in 3 days and are available nearby and milk is bought on daily basis and there was no necessity of purchase of refrigerator. Nothing material is elicited from the cross examination of PW1 to discredit his testimony. D.W.2 has not produced any documents to substantiate his defence. There is no cogent explanation forthcoming by DGO -2 in this regard. As such Disciplinary Authority has proved the above said charge leveled against him.

18. Thus, this Additional Registrar Enquiries, finds that, the evidence of P.W1, Ex.P1 to P3, as reasoned above, proves that the DGO No.1 while serving as Social Welfare Officer in Channarayapatna Taluk, Hassan District, in relation to purchase of articles to the pre metric government boy's Hostel, has purchased article even though there is no document to show that the tenders were published in the District Level/State level newspapers and has purchased the articles without utilizing the opportunity of procuring the same through Janatha Bazar and instead of discharging the duties as mandated under rules, as per the oral instructions of DGO-2 has got the tender approved in respect of M/s P.G. Industries and the DGO-1 himself has given his statement in this regard and the tender conditions were not proper and the verification of quality and quantity of material supplied was to be done by the Taluk Social Welfare Officer, but a condition in the tender was mentioned that the articles were to be

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supplied to the hostels itself and the Bills of the contractor was not examined in relation to KST/CST and even though there was condition for rejection of quotation in case of any suspicion, the Bills were passed hurriedly before examination of quotations and even after supply of articles, the DGO-1 has not visited the hostels and verified the articles supplied and by this the DGO No.1 has committed misconduct, dereliction of duty as per Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966.

19. Further this Additional Registrar Enquiries, finds that, the evidence of P.W1, Ex.P1 to P3, as reasoned above, proves that the DGO No.2 while he was serving as Office Superintendent of the office of the Taluk Social Welfare Officer, Hassan, even though there was no indent from the concerned hostel wardens for supply of 400/- litre refrigerator, 29" colour T.V., Stabilizer & Tata Sky Disc quotations were called for and articles were procured and payment was made and has purchased the Refrigerator supplied to the Government Pre Metric Boys' Hostel, Channarayapatna for a sum of Rs.42,000 even though it was not useful to the Hostel and by this the DGO No. 2 has committed misconduct, dereliction of duty, as per Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966

20. Consequently, the disciplinary authority has not proved the charges 1 (a) against DGO No.1 and has not proved the charges 2 (b) against DGO No.2. Further the disciplinary authority has proved the charges 1 (b to h) against DGO No.1

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9/6

and has proved the charges 2 (a & c) against DGO No.2. Thereby, DGO No.1 & 2 have committed misconduct, dereliction of duty and acted in a manner unbecoming of a Government Servant violating Rule 3(1)(i) to (iii) of K.C.S. Conduct) Rules, 1966. Hence, point No.1 & 2 are answered accordingly.

21. **Point No.3** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

FINDINGS

The disciplinary authority has not proved the charges 1 (a) and has proved the charges 1 (b) to (h) against DGO No.1.

The disciplinary authority has not proved the charges 2 (b) and has proved the charges 2 (a & c) against DGO No.2.

Submitted to Hon'ble Upalokayukta for kind approval, and necessary action in the matter.


9/6/22

(J.P. Archana)

Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

ANNEXURES

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri. P.L.Rudramuni

List of witnesses examined on behalf DGO:-

DW1:- Sri. Nagaraju (DGO-1)

DW2:- Sri.Govindaraju (DGO-2)

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Original report of P.W.1 dated 26/07/2008.
Ex P2	Original quotation of price list of P.G. Industries dated 08/02/2008.
Ex P3	Xerox copy of invoice dated 08/02/2008 of P.G. Industries.

List of documents marked on behalf of Defence:-

Ex D1	Xerox copy of permission letter dated 04/02/2003
Ex D2	Xerox copy of letter of DW1 dated 28/01/2008
Ex D3	Xerox copy of tender Notifiation dated 04/02/2008.
Ex.D4	Xerox copy of questions in six sheets.
Ex.d5	Xerox copy of comparative statement.
Ex.D6 and Ex.D7	Xerox copies of supply order and stock register extracts.


(J.P.Archana)

Additional Registrar (Enquiries-11),
Karnataka Lokayukta, Bangalore.

