## KARNATAKA LOKAYUKTA

No.Uplok-2/DE/968/2017/ARE-13

M.S. Building, Dr.B.R. Ambedkar Road, Bangalore-560001, Date: 25/08/2021.

## : Present:

Jagadeeshwara M

(I/c) Additional Registrar Enquiries-13, Karnataka Lokayukta, Bangalore.

#### :: REPORT ::

Sub:- Departmental enquiry against,
Sri. Shambulingaiah, Deputy Secretary to
Government, Social Welfare Department,
Karnataka Government Secretariat and the
then Tahasildar, Kunigal Taluk, Tumkur
District- reg.

**Ref**: 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BD/2318/2015/ARLO-1, dated: 18/03/2017.

- 2) Govt Order No. ಸಿಆಸುಇ 12 ಸಉಇ 2017, Bengaluru, dated :17/08/2017.
- 3) Nomination Order No.Uplok-2/DE/968/2017, Bengaluru, dated: 29/08/2017.

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1. In Compt No:COMPT/UPLOK/BD/2318/2015/ARLO-1 12(3) report was sent to Government and the Government had entrusted

the Departmental Enquiry by Government Order No. ಸಿಆಸುಇ 12 ಸಉಇ 2017, Bengaluru dated :17/08/2017.

# <u>ಅನುಬಂಧ –1</u> ದೋಷಾರೋಪಣೆ

2. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ/ಶ್ರೀ ಶಂಭುಅಂಗಯ್ಯ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ, ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ, ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ, ಹಿಂದಿನ ತಹಶೀಲ್ದಾರ್, ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು,

"ದೂರುದಾರರು ಸರ್ವೆ ನಂ.461 ರ ಮಾಆಕರಾಗಿದ್ದು, ಸದರಿ ಜಮೀನಿಗೆ ಹೋಗಲು ಸರ್ವೆ ನಂ.315ಎ ಮತ್ತು ಸರ್ವೆ ನಂ.2 ರ ಜಮೀನಿನಲ್ಲ ಕಾಲು ದಾರಿ ಅಸ್ತಿತ್ವದಲ್ಲದ್ದು, ಸದರಿ ಕಾಲುದಾರಿಯು ಸರ್ವೆ ನಕ್ಷೆಯಲ್ಲ ಕಂಡು ಬಂದಿದ್ದು, ಸದರಿ ಕಾಲುದಾರಿಯನ್ನು ಸರ್ವೆ ನಂ.2 ಮತ್ತು ಸರ್ವೆ ನಂ.315/ಎ ಮಾಆಕರು ಒತ್ತುವರಿ ಮಾಡಿದ್ದು, ಅದನ್ನು ತೆರವುಗೊಳಸುವ ಬಗ್ಗೆ ದೂರುದಾರರು ದಿನಾಂಕ:20/11/2007 ರಂದು ನಿಮ್ಮ ಕಚೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಸಿದ್ದು, ಈ ಬಗ್ಗೆ ನೀವು–ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದೂರುದಾರರ ಮತ್ತು ಶ್ರೀ ಹೊನ್ನಪ್ಪ ಎಂಬುವವರಿಗೆ ಅಳತೆಗೆ ಹಾಜರಾಗುವಂತೆ ನೋಟೀಸ್ ನೀಡಿದ್ದು, ಅದರಂತೆ, ಭೂಮಾಪಕರು ಅಳತೆ ಕಾರ್ಯ ಪೂರೈಸಿ, ಕಾಲುದಾರಿಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿರುವ ಬಗ್ಗೆ ನಕ್ಷೆ ತಯಾರಿಸಿದ್ದು, ಅದರಂತೆ, ಕ್ರಮ ಜರುಗಿಸಲು ಮತ್ತು ಸದರಿ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಸಲು ಕೋರಿ ದಿನಾಂಕ : ೦3/೦9/2014 ಮತ್ತು 21/11/2014 ರಂದು ನಿಮ್ಮ ಕಚೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಸಿದ್ದು, ಆದರೆ ನೀವು–ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ. ಯಾವುದೇ ಸಾರ್ವಜನಿಕ ಅಥವಾ ಕಾಲುದಾರಿಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿರುವ ಬಗ್ಗೆ ದೂರು ಬಂದ ಸಂದರ್ಭದಲ್ಲ ನೀವು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿ, ಸದರಿ ಕಾಲುದಾರಿಯ ಅವಶ್ಯಕತೆಯ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ನಡೆಸಿ, ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯಿದೆ ಅಡಿ ಕ್ರಮ

ಜರುಗಿಸಿ, ಸದರಿ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಸುವುದು ನಿಮ್ಮ–ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕರ್ತವ್ಯವಾಗಿದೆ, ಆದರೆ, ನೀವು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯ ಲೋಪ ವೆಸಗಿರುತ್ತೀರಿ.

ಅದರಂತೆ, ನೀವು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲ ಪರಿಷೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳ 1966 ರ3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.

- 3. During the pendency of the enquiry, DGO approached the Hon'ble Karnataka State Administrative Tribunal at Bengaluru in Application No. 5235/2019. The Hon'ble KSAT after hearing both sides on 27/01/2021 has passed the following order.
  - " Accordingly we allow the application and the impugned order bearing No. Lews 12 Nova 2017, Bengaluru dated:17/08/2017 issued by Respondent No-1 and produced vide Annexure A3 and the impugned order bearing No. UPLOK-2/DE/968/2017/ARE-4 dated:02/11/2017 issued by Respondent No-2 and produced vide Annexure A4 are hereby set aside, but however, with liberty to Respondent No-2 Lokayukta to furnish a copy of the

complaint to the applicant giving him an opportunity to submit his say within a reasonable period of 15 days from the dated of receipt of copy of the complaint and then the Lokayuta authorities can proceed in the matter in accordance with law".

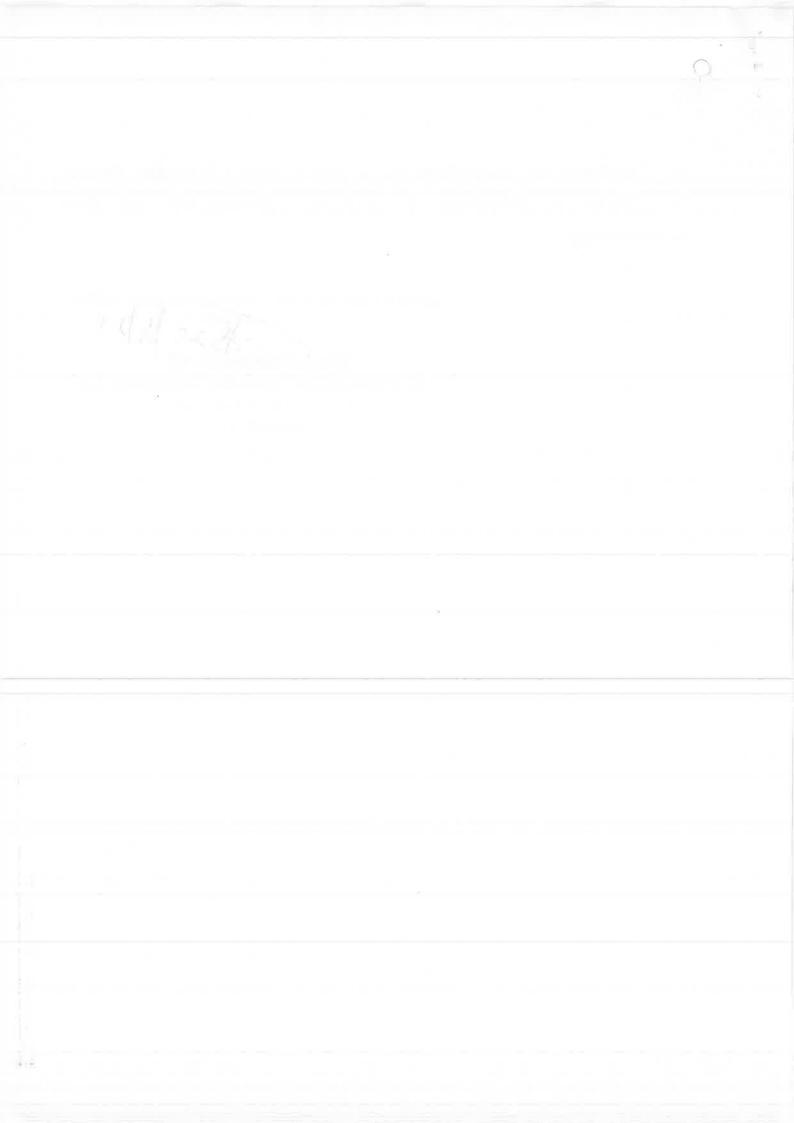
- 4. After hearing both sides, the Hon'ble KSAT by order dated: 27/01/2021 allowed said application and set aside the entrustment of enquiry and issuance of AOC on the main ground that the copy of the complaint in No.Compt/Uplok/BD/2318/2015 was not served on the DGO/Applicant and opportunity was not given to him to furnish his comments on the allegation of the complaint, which is a mandatory requirement u/sec. 9(3) of the Karnataka Lokayuta Act 1984. However, liberty is given to this Institution to furnish copy of complaint to the DGO/Applicant giving to him an opportunity to submit his say within a reasonable period of 15 days from the date of receipt of copy of complaint and then this Institution to proceed in the matter in accordance with law.
- 5. The legal cell of this institution on perusal of the order of KSAT has opined that the order dated:27/01/2021 in Application No.5235/2019 of Hon'ble KSAT is not fit to be challenged before the Hon'ble High Court of Karnataka.

6. Therefore the proceedings in the above enquiry is closed. Hence, the report is submitted to Hon'ble Upalokayukta for kind consideration.

Dated this the 25th day of August 2021

(Jagadeeshwara M)

(I/c) Additional Registrar Enquiries-13 Karnataka Lokayukta Bangalore





No.UPLOK-2/DE.968/2017/ARE-13

Multi Storied Building, Dr. B.R. Ambedkar Veedhi, Bengaluru-560 001. Dated 31.08.2021.

### **RECOMMENDATION**

Sub:- Departmental inquiry against Sri Shambhulingaiah, Deputy Secretary to Govt., the then Tahsildar, Kunigal Taluk - reg.

Ref:- 1) Government Order No. DPAP 12 SUD 2017 Dated 17.08.2017.

- 2) Nomination order No. UPLOK-2/DE.968/2017 dated 17.08.2017 of Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 25.08.2021 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 17.08.2017 initiated the disciplinary proceedings against Sri Shambhulingaiah, Deputy Secretary to Govt., the then Tahsildar, Kunigal Taluk, [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.968/2017 dated 17.08.2017 nominated Additional Registrar of Enquiries-4, 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 6.8.2018, Additional Registrar of Enquiries-13, was re-nominated as the Inquiry Officer to continue the said departmental inquiry.
- 3. The Inquiry Officer (Additional Registrar of Enquiries-13) has submitted that, after service of article of charges, the DGO filed Application No.5235/2019 before Hon'ble KAT and the Hon'ble KAT by its order dated 27.01.2021, allowed the applications filed by the DGO and set aside the entrustment of enquiry and consequent article of charges framed against the DGO.
- 4. It has been found that this is not a fit case to file writ petition before Hon'ble High Court.
- 5. Therefore, in view of order passed by the KAT, the enquiry initiated against DGO Sri Shambhulingaiah, Deputy

Secretary to Govt., the then Tahsildar, Kunigal Taluk, stands closed.

6. Connected records are enclosed herewith.

(JUSTICE B.S.PATIL)

Upalokayukta, State of Karnataka.

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