

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/453/2018/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 07th September, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shriyuths:

- (1) K.G.Ramanna, Junior Engineer, Tumakuru Mahanagara Palike, Tumakuru.
- (2) H.D.Nagendraiah, the then Assistant Executive Engineer, Tumakuru Mahanagara Palike, Tumakuru (Now Retired)-reg.,

Ref: 1) Government Order No.ನಅಇ 18 ತುಮಕೂ 2018, Bengaluru, dated: 07/09/2018.

2) Nomination Order No.UPLOK-2/DE/453/2018, Bengaluru, dated: 25/09/2018 of Upalokayukta, State of Karnataka, Bengaluru.

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

The Government by its order dated: 07/09/2018 initiated the disciplinary proceedings against (1) Shri K.G.Ramanna, Junior Engineer, Tumakuru Mahanagara Palike, Tumakuru and (2) Shri H.D.Nagendraiah, the then Assistant Executive Engineer, Tumakuru Mahanagara Palike, Tumakuru (Now Retired) (hereinafter referred to as Delinquent Government Official, for

92

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/453/2018~~, Bengaluru, dated: 25/09/2018 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. During the pendency of the Inquiry, at the stage of preparing Articles of charge, on 18/06/2019, DGO No.1 has appeared before this Authority and submitted copy of Application No.7417/2018, filed before Karnataka State Administrative Tribunal, Bengaluru, wherein the matter was stayed. Further DGO No.2 also appeared on the same day i.e., on 18/06/2019 and filed the copy of Writ Petition No.48928/2018 (S-DE), wherein the matter was stayed by Hon'ble High Court of Karnataka, Bengaluru Bench. Later, on 05/01/2021 the order of KSAT in Application No.7417/2018 is received from Chairman Legal Cell, KLA wherein Application filed by DGO No.1 is allowed and impugned order bearing No. ನಅಇ 18 ಶುಮಪಾ 2018, dated 07/09/2018 at Annexure-A4 passed by the 1st Respondent/ Disciplinary Authority is set aside on 13/02/2020. Opinion was sought from Additional Registrar (Enquiries-2),



Karnataka Lokayukta, Bengaluru in this regard. On 12/06/2020, Additional Registrar (Enquiries-2), Karnataka Lokayukta, Bengaluru has given opinion that this is not a fit case to prefer Writ Petition against the order of KSAT in Application No.7417/2018 and the same has been approved by Hon'ble Lokayukta on 16/06/2020. Later on Chairman, Legal Cell has sent letter dated: 17/06/2020 with an opinion that, matter is not fit case to prefer Writ Petition before Hon'ble High Court of Karnataka, Bengaluru.

4. Further, the Writ Petition No.48928/2018 (S-DE) preferred by DGO No.2 has been allowed by Hon'ble High Court of Karnataka and judgement has been passed on 13/11/2020, wherein the Government Order bearing No.ನ೨ಇ 18 ತುಮಪಾ 2018, Bengaluru, dated 07/09/2018, passed by the 1st Respondent/Disciplinary Authority is quashed and the file was placed before Chairman, Legal Cell for opinion on the judgment in the above Writ Petition. The Chairman, Legal Cell-1 and 2, Karnataka Lokayukta, Bengaluru has given opinion on 02/02/2022 that, it is not a fit case to prefer Writ Appeal before Hon'ble High Court of Karnataka. The same has been approved by Hon'ble Lokayukta on 17/06/2022. The Chairman, Legal Cell, Karnataka Lokayukta has sent letter dated: 04/07/2022 that, the office has taken decision



not to challenge the order passed in Writ Petition No.48928/2018 (S-DE) by the Hon'ble High Court of Karnataka, Bengaluru.

5. On perusal of the judgement laid down by the KSAT in KAT Application No.7417/2018 and judgement laid down by the Hon'ble High Court of Karnataka, Bengaluru Bench in Writ Petition No.48928/2018 (S-DE) and on consideration of the totality of circumstances, since, the impugned Government Order bearing No.ನಲಇ 18 ತುಮಪಾ 2018, Bengaluru, dated 07/09/2018, passed by the 1st Respondent/Disciplinary Authority against DGO No.1 is quashed by KSAT in KAT Application No. 7417/2018, vide order dated: 13/02/2020.

Further, Hon'ble High Court of Karnataka in Writ Petition No.48928/2018 (S-DE) quashed Government Order bearing No.ನಲಇ 18 ತುಮಪಾ 2018, dated: 07/09/2018, passed by the 1st Respondent/Disciplinary Authority against DGO No.2, vide order dated: 13/11/2020, and the same is not challenged by the Chairman, Legal Cell, Karnataka Lokayukta, Bengaluru and to close this enquiry against DGOs No.1 and 2. Hence, the instant proceedings against the DGOs No.1 and 2 does not survive for consideration.



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.

“It is hereby recommended to the Government, the proceedings initiated against DGO No.1, K.G.Ramanna, Junior Engineer, Tumakuru Mahanagara Palike, Tumakuru is closed in view of the fact that impugned Government Order bearing No.ನಅಇ 18 ತುಮಪಾ 2018, Bengaluru, dated 07/09/2018, passed by the 1st Respondent/Disciplinary Authority is quashed by KSAT in KAT Application No.7417/2018, vide order dated: 13/02/2020 and as this Authority decided it is not fit to challenge the order passed by KSAT”.

“It is hereby recommended to the Government, the proceedings against DGO No.2, H.D.Nagendraiah, the then Assistant Executive Engineer, Tumakuru Mahanagara Palike, Tumakuru (Now Retired) is closed in view of the fact that impugned Government Order bearing No.ನಅಇ 18 ತುಮಪಾ 2018, Bengaluru, dated 07/09/2018, passed by the 1st Respondent/Disciplinary Authority is quashed by Hon'ble High Court of Karnataka in Writ



Petition No.48928/2018 (S-DE), vide order dated: 13/11/2020 and as this Authority decided it is not fit to challenge the order passed by Hon'ble High Court of Karnataka".

7. 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/453/2018/ARE-11

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

:: R E P O R T ::

Sub: Departmental Enquiry against
1. Sri.K.G.Ramanna, Junior Engineer,
Tumkuru Mahanagara Palike, Tumakuru
and
2. Sri. M.D.Nagendraiah, Assistant
Executive Engineer, Tumkuru Mahanagara
Palike, Tumakuru (Now Retired) -reg.

Ref: 1. Government Order No. ನಲಇ 18 ತುಮಪಾ
2018 Bengaluru, dated 07/09/2018.
2. Nomination Order No. UPLOK-
2/DE/453/2018, Bengaluru, dated
25/09/2018.

1. The Departmental Enquiry is initiated against (1) Sri. N K.G.Ramanna, Junior Engineer, Tumkuru Mahanagara Palike, Tumakuru and (2) Sri. M.D.Nagendraiah, Assistant Executive Engineer, Tumkuru Mahanagara Palike, Tumakuru (hereinafter referred to as the Delinquent Government Official, in short DGO-1 and DGO-2 respectively) on the basis of the complaint filed

6/9

by the complainant, Shri. Sridhar M.C., Class-1 Contractor, Gokul Badavane Tumkuru. The allegations of the complainant is that, in the year 2002-03 the complainant has allotted tender to the work related to laying fences to the parks pertaining to ward No.32 of Baddihalli Grama coming under the jurisdiction of Tumkuru Municipal Corporation. He completed the tender work. For that the spot inspection was done but bill amount has not been passed. For that DGO-1 has demanded Rs.1000/- for him and Rs.750/- for DGO-2 to do the official favour to the complainant i.e., to pass the remaining bills. As the complainant was not willing to pay the said amount lodged complaint before Police Inspector, Karnataka Lokayukta, Tumkuru and case was registered in Cr. No.1/2004 under 7(1)((d) r/w 13(2) of P.C. Act, 1988 against DGOs 1 and 2 and FIR was sent to jurisdictional Court.

The Investigating Officer took up investigation and on 16/06/2004 at about 2.05 p.m complainant met DGO-1 in his office and enquired about his work. DGO-1 demanded bribe money of himself and for DGO-2. The DGO-1 was caught red handed by the Lokayukta Police, Tumkur while accepting bribe amount of Rs.1,750/- from the complainant. On the same day Police seized bribe amount of Rs.1,750/- and arrested DGO-1.


6/9

On enquiry by police DGO-1 and DGO-2 have not given satisfactory explanation and committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966.

2. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 24/05/2018 u/s 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against both DGOs 1 and 2. The Government by its order and sanction dated 07/09/2018 against DGO No.1 and 2 entrusted the matter to Hon'ble Upalokayukta.

3. The Hon'ble Upalokayukta nominated Additional Registrar, Enquiries-11 to conduct enquiry by order dated 25/09/2018. The case was posted for framing articles of charge. That on 18/06/2019 DGO-1 appeared before this authority and submitted copy of Application No.7417/2018 filed before Karnataka State Administrative Tribunal, Bengaluru wherein the matter was stayed. Further DGO No.2 also appeared on the

A handwritten signature in blue ink, followed by the date '6/9' written below it.

same day and he filed copy of Writ Petition No.7417/2018 (S.DE) wherein the matter was stayed by Hon'ble Karnataka State Administrative Tribunal. Later on 05/01/2021 the order of Hon'ble KSAT in Application No. 7417/2018 is received from Chairman Legal Cell, KLA wherein application filed by DGO No.1 is allowed and impugned order bearing No. ನಇ 18 ತುಮಪಾ 2018 dated 07/09/2018 at Annexure-A4 passed by the 1st Respondent/disciplinary authority is set aside on 13/02/2020. Opinion was sought in this regard to Additional Registrar (Enquiries-2), KLA and on 12/06/2020 ARE-2, KLA has given opinion that this is not a fit case to prefer Writ Petition against the order of KSAT in Application No.7417/2018 and the same has been approved by Hon'ble Upalokayukta-2 on 15/06/2020 and the same was approved by Hon'ble Lokayukta on 15/06/2020. Later on Chairman, Legal Cell has sent letter dated 17/06/2020 with an opinion that matter is not fit case to prefer Writ Petition before Hon'ble High Court of Karnataka, Benngaluru.

4. Further the Writ Petition No.48928/2018 (S-DE) preferred by DGO No.2 has been allowed by Hon'ble High Court of Karnataka on 13/11/2020 wherein the Government Order bearing No. ನಇ 18 ತುಮಪಾ 2018 dated

A handwritten signature in blue ink, followed by a diagonal line and the date '6/9' written below it.

07/09/2018 passed by the 1st Respondent/disciplinary authority is quashed and the file was placed before Chairman, Legal Cell for opinion on the judgment in the above Writ Petition. The Chairman, Legal Cell-1 and 2, KLA, Bengaluru has given opinion on 02/02/2022 that it is not a fit case to prefer Writ Appeal before Hon'ble High Court of Karnataka. The same has been approved by Hon'ble Upalokayukta-2 on 11/02/22 and same has been approved by Hon'ble Lokayukta on 17/06/2022. The Chairman, Legal Cell, KLA has sent letter dated 04/07/2022 that the office has taken decision not to challenge the order passed in W.P.No.48928/2018 by the Hon'ble High Court of Karnataka, Bengaluru.

5. Since the entrustment order against DGO No.1 is set aside wide order dated 13/02/2020 by the Hon'ble KSAT in Application No.7417/2018 and same entrustment order against DGO No.2 is quashed vide order dated 13/11/2020 in W.P. No.48928(S-DE) by the Hon'ble High Court of Karnataka, Bengaluru and the same are not challenged by the Chairman, Legal Cell, the file has to be closed.

6. Narrating the above details, the file is placed before the Hon'ble Upalokayukta for approval to close this enquiry against DGOs1 and 2. That on 06/09/2022 the Hon'ble


6/9

Upalokayukta has approved the same and ordered to close the matter.


7. Hence, Since the entrustment order against DGO No.1 is set aside wide order dated 13/02/2020 by the Hon'ble KSAT in Application No.7417/2018 and same entrustment order against DGO No.2 is quashed vide order dated 13/11/2020 in W.P. No.48928(S-DE) by the Hon'ble High Court of Karnataka, Bengaluru and the same are not challenged by the Chairman, Legal Cell, this enquiry stands **closed** and I proceed to pass the following :-

REPORT

The Departmental Enquiry against the DGO-1 Sri. Sri.K.G.Ramanna, Junior Engineer, Tumkuru Mahanagara Palike, Tumakuru stands closed on account of entrustment order is set aside by the Hon'ble KSAT in Application No.7417/2018 and DGO-2 Sri. M.D.Nagendraiah, Assistant Executive Engineer, Tumkuru Mahanagara Palike, Tumakuru (Now Retired) stands closed on account of entrustment order is quashed vide order dated 13/11/2020 in W.P. No.48928(S-DE) by the Hon'ble High Court of Karnataka, Bengaluru.


6/9

This report is submitted to the Hon'ble
Upalokayukta-2 in a sealed cover for kind perusal
and for further action in the matter.



(J.P. Archana)

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

