

KARNATAKA LOKAYUKTA

No:Uplok-1/DE/122/2021/ARE-19

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 09-11-2022

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against Sri. S.M. Hatti, the then BEO, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District and (2) Sri.Basavaraja, the then FDA, Office of the Block Education Officer, Devadurga, presently working as FDA, Government High School, Jambagi, Aurad Taluk, Bidar District - reg

- Ref: 1. Government Order No. ಇಡಿ 10 ಡಿಜಿಟ 2021 ದಿನಾಂಕ: 13/07/2021
2. Nomination Order No:Uplok-1/DE/122/2021/ARE-15, Bengaluru, dt:27.07.2021 of Hon'ble Uplokayukta.

This Departmental Enquiry is initiated against the above said DGO Nos.1 and 2 as per the Government Order No. ಇಡಿ 10 ಡಿಜಿಟ 2021 ದಿನಾಂಕ:13/07/2021 referred above at Sl.No.1 subsequent to the report submitted by Hon'ble Uplokayukta Under Section of 12(3) of Karnataka Lokayukta Act, 1984 acting on the Complainant of one Sri Channappagowda S/o Sugungowda.

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09/11/22

Thereafter, the Additional Registrar Enquires has been nominated as Enquiry Officer vide Order of Upalokayukta referred at Sl.No.2.

2. Articles of Charge with Statement of Imputation of misconduct, list of documents and witnesses are served upon the D.G.O Nos.1 and 2. Sri S.M Hatti DGO No.1 has appeared before this Authority on 01.10.2021 and on recording his First Oral Statement he has pleaded not guilty. **The DGO No.2/ Basavaraj has not appeared in spite of service of Notice and AOC. Therefore, he is placed Ex-Parte.**

3. The allegations in brief are that DGO No.1 the then Block Education Officer, Devadurga Taluk and DGO No.2 Sri Basavaraj, FDA of the Office of DGO No.1 have opened an account in favour of Smt. Sharanamma W/o Basavaraj (DGO-2) with Indian Overseas Bank, Devadurga Branch falsely showing her as Assistant Teacher in Government School by furnishing false information to the bank at the time of opening the Account No.229401000004463. Then both DGO Nos.1 and 2 have drawn the salary in the name of Smt. Sharanamma falsely showing her as the Assistant Teacher and credited the amount in her aforesaid account. For the month of June-2019 to August -2019 the DGO had deposited salary amount twice and thereby they have misappropriated the Government fund to an extent of Rs.2,02,668/-. The further allegation is that the salary of Smt.

Sharanamma was not drawn through HRMS like any other Government Employees and that apart KGID Number of other Employees has been given to Smt. Sharanamma in order to draw the salary in her name and thereby they have committed the misconduct.

4. DGO Nos.1 Sri. S.M Hatti has filed his comments on 14-03-2020 stating that he has not misused or misappropriated the government fund as alleged and he has not created any document. He further contends that he came to know about the complainant allegations after complaint was sent to the CEO, Zilla Panchayath, Raichur and he immediately issued a show cause notice to the DGO No.2. In his written reply to the same DGO No.2 has admitted his mistake stating that he has opened bank account in the name of his wife Smt. Sharanamma with IOB, Bank, Devadurga and obtained the signature of the DGO No.1 concealing the fact that he had added the name of the wife as Government Assistant Teacher and he could draw the salary and deposited the amount with her account. Sri Basavaraj DGO No.2 has clearly admitted illegal act committed by him. Then as per the oral instructions of DDPI, DGO No.1 has filed a criminal case against DGO No.2 on 26-01-2020 with Devadurga Police. The case is a registered in Crime No.8/2020 of Devadurga Police Station for the Offence Punishable u/sec.417 and 420 of IPC. Subsequent to the comment of DGO No.1 Basavaraj has been

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impleaded as DGO No.2. The DGO No.1 has prayed for his exoneration.

5. The Articles of Charge framed is as below.

That, you-DGO N o.1 and 2 have opened Bank A/c No.229401000004463 in name of DGO No.2's wife Sharanamma, in Indian Overseas Bank, Devadurga, Raichur, and falsely showing her as Assistant Teacher, credited Rs.2,02,668/- into her account as salary for June-August-2019, and for that you, the DGO No.1 have also put your signature as Drawing Officer, and both of you, have misappropriated Government Funds to an extent of Rs.2,02,668/- and thereby, guilty of misconduct, dereliction of duty, acts unbecoming of a Government Servant and not maintained absolute integrity, violating R.3(1) (i) to (iii) of K.C.S (Conduct) Rules, 1966.

6. In order to prove the charge against DGO Nos.No.1 and 2 the Disciplinary Authority has examined the complainant Sri Channappagowda as PW.1 and has got marked documents at Ex.P.1 to Ex.P.3 and closed the evidence. Then second oral statement of DGO No.1 has been recorded on 04-06-2022. Then he has examined himself as DW.1 and has produced 04 documents at Ex.D.1 to Ex.D.4.

7. I have heard the arguments of Presenting Officer. The DGO No.1 has submitted in his written argument and the DGO No.2 is Ex-Parte. I have gone through all the materials on record.

8. The point that arises for my consideration is as below.

1) Whether the Disciplinary Authority has proved that the DGO No.1 and 2 have failed to maintain absolute integrity and they have acted unbecoming of government servants in violation of Rule 3(1) (i) and (iii) of K.C.S (Conduct) Rules 1966?

2) I answer the point in the Affirmative for the following

:: R E A S O N S ::

9. **POINT No.1:-** Before proceeding to consider the materials on record, I feel it relevant to make a brief advertence to the facts admitted on record. DGO No.1 was working as Block Education Officer, Devadurga Taluk, Raichur District and DGO No.2 was working as FDA in the Office of DGO No.1 at the relevant point of time. The DGO No.1 in his written reply to the show cause notice issued by DGO No.1 has clearly admitted that Smt. Sharanamma is his wife and so also she is not the Government Employee as the Teacher. It is also admitted that an Account bearing No.229401000004463 in the name of Smt. Sharanamma is opened



with the IOB, Branch Devadurga by falsely showing her as Assistant Teacher, Government School, Devadurga and salary for the month of June-2019 to August-2019 was drawn in her name and amount of salary was deposited to the said account.

10. The written reply of DGO No.2 is produced and marked as Ex.D.1 by DGO No.1. The specific admissions read thus;

“ನಾನು ನನ್ನ ಕುಟುಂಬದ ಆರ್ಥಿಕ ತೊಂದರೆ, ಬ್ಯಾಂಕ್ ಮತ್ತು ಕೈಗಡ ಸಾಲಭಾದೆಯಿಂದ ಮಾನಸಿಕವಾಗಿ ಕುಗ್ಗಿ ಅನಿವಾರ್ಯವಾಗಿ ನನ್ನ ಪತ್ನಿಯ ಹೆಸರಲ್ಲಿ IOB ದೇವದುರ್ಗದಲ್ಲ ಖಾತೆ (ತಮ್ಮ ಗಮನ ಮರೆಮಾಚಿ ಸಹಿಪಡೆದು) ತೆರೆದು ಸರ್ಕಾರದ ಹಣವನ್ನು (Payees list) ನಲ್ಲಿ ಜಮಾಮಾಡಿದ್ದೇನೆ. ಇದರಲ್ಲಿ ಮಾನ್ಯ BEO ರವರ ತಪ್ಪು ಏನೂ ಇರುವುದಿಲ್ಲ. ಇದು ಸ್ವಯಂಕೃತವಾದ ಅನಿವಾರ್ಯ ಪರಿಸ್ಥಿತಿ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಆಗಿರುವಂತಹುದು. ಆದ್ದರಿಂದ, ಜಮಾ ಆದ ಮೊತ್ತವನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಪಾವತಿಸಲು ಸಿದ್ಧನಿದ್ದೇನೆ. ಈ ರೀತಿಯ ತಪ್ಪುಗಳು ಮತ್ತೊಮ್ಮೆ ಜರುಗದಂತೆ ಎಚ್ಚರದಿಂದ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತೇನೆಂದು ಪ್ರಮಾಣ ಮಾಡುತ್ತೇನೆ. ಆದ್ದರಿಂದ ಇದೊಂದು ಸಾರೆ ನನ್ನ ತಪ್ಪನ್ನು ಮನ್ನಿಸಿ ಪ್ರಕರಣ ಇತ್ಯರ್ಥಗೊಳಿಸುವಂತೆ ವಿನಂತಿಸುತ್ತಾ ತಪ್ಪೊಪ್ಪಿಗೆ ಪತ್ರ ಬರೆದು ಕೊಡುತ್ತಿದ್ದೇನೆ. ಇಲ್ಲಿ ಸಂಪೂರ್ಣ ಹೊಣೆಗಾರಿಕೆ ನನ್ನದೇ ಎಂಬುದನ್ನು ಮತ್ತೊಮ್ಮೆ ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇನೆ”

11. The DGO No.2 having given such an admission in writing in reply to the show cause notice of DGO No.1 has further chosen to remain absent even after service of the notice of this enquiry and accordingly he has been placed Ex-Parte. So the

version of DGO No.1 has remained undisputed and so also his own admissions made in Ex.D.1 have become trust worthy. There is nothing to disbelieve the same.

12. During the cross-examination of DW-1 i.e the DGO No.1 has made very clear that the signature made in the bank records introducing Smt. Sharanamma for opening the bank account is not his signature and it is forged one. The reply of DGO No.1 mentioned above does reveal that the bank account in the name of Smt. Sharanamma was opened without bringing to the notice of DGO No.1. So, the evidence of the DGO No.1 that he did not sign the account opening form to open the account of Smt. Sharanamma appears to be true.

13. With this it becomes crystal clear that the DGO No.2 falsely representing his wife Smt. Sharanamma as an Assistant Teacher, Government School, Devadurga managed to open the account with IOB, Branch Devadurga and to draw the salary in her name for the period from June-2019 to August-2019 and misappropriated a sum of Rs.2,02,668/- and this demonstrates that he failed to maintain absolute integrity and his said act was clearly unbecoming of a Government Servant and as such he has violated the Rule 3 (1) (i) and (iii) of K.C.S (Conduct) Rules 1966.

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14. Coming to the DGO No.1 he being the drawing officer as the BEO, Devadurga Taluk, Raichur District is expected to discharge his duty with utmost care and caution. In discharge of his duty nothing should remain wanting. Here is a case where in DGO No.1 being the BEO has simply subscribed his signature to the salary bill prepared by the DGO No.2 showing his own wife Smt. Sharanamma as one of the Government Employees working within the jurisdiction of the BEO, Devadurga. Being the BEO he cannot blindly sign the papers placed before him without the proper verification. He has failed to take a little care in verifying the list of employees before subscribing his signature to the salary bill and thereby he could allow the DGO No.2 to draw the salary in the name of his wife Smt. Sharanamma during the relevant period. Thereby, it can very well be said that the DGO No.1 has also failed to maintain **absolutely integrity** and it was unbecoming of a government servant. Of course, as could be born out from the records there is no clear evidence to show that DGO No.1 has joined hands with DGO No.2 in misappropriating the salary amount for himself along with DGO No.2. It is clear that DGO No.1 has only signed the salary bill without the proper verification. As such, for the aforesaid reasons I answer the above point in the affirmative and I proceed to give the following.

:: FINDING ::

The Disciplinary Authority has proved the charge against the D.G.Os 1 and 2.

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

Date of Retirement of DGO-1, 01-06-2027.

Date of Retirement of DGO-2, 31-05-2042.


(PRAKASH L. NADIGER)

Additional Registrar Enquiries-19,
Karnataka Lokayukta,
Bengaluru.

ANNEXURES**1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:**

PW.1	Channappagowda dt:15.11.2021
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2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:

DW.1	S.M. Hatti dt: 04/06/2022
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3. LIST OF DOCUMENTS MARKED ON BEHALF OF D.A:

Ex.P1	Copy of complaint Form No.I
Ex.P1(a)	Signature of PW.1
Ex.P2	Copy of complaint Form No.II
Ex.P2(a)	Signature of PW.1


9/11/22

Ex.P3	Connected documents in blue ink page No. 4 to 34.
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4. LIST OF DOCUMENTS MARKED ON BEHALF OF D.G.O:

Ex.D1	Copy of letter dated: 17/01/2020
Ex.D2	Certified copy of Fir an complaint of Jalhalli police, Station, Raichur Crime No.110/21
Ex.D3	Copy of order passed by Press Council of India dated: 22/08/2022
Ex.D4	Copy of Gaddi Tanda Govt Primary School Teacher List.

(PRAKASH L. NADIGER) 09/11/22
 Additional Registrar Enquiries-19,
 Karnataka Lokayukta,
 Bengaluru.

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/122/2021/ARE-19

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 10th November, 2022.**RECOMMENDATION**

Sub: Departmental Inquiry against Shriyuths:

- (1) S.M.Hatti, the then Block Education Officer, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District.
- (2) Basavaraja, the then First Division Assistant, Office of the Block Education Officer, Devadurga, presently working as First Division Assistant, Government High School, Jambagi, Aurad Taluk, Bidar District-reg.

Ref: 1) Government Order No.ಇಡಿ 10 ಡಿಜಿ. 2021, Bengaluru, dated: 13/07/2021.

2) Nomination Order No.UPLOK-1/DE/122/2021, Bengaluru, dated: 27/07/2021 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 09/11/2022 of Additional Registrar of Enquiries-19, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 13/07/2021 initiated the disciplinary proceedings against (1) Shri S.M.Hatti, the then

Block Education Officer, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District and (2) Shri Basavaraja, the then First Division Assistant, Office of the Block Education Officer, Devadurga, presently working as First Division Assistant, Government High School, Jambagi, Aurad Taluk, Bidar District (hereinafter referred to as Delinquent Government Official, 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/122/2021, Bengaluru, dated: 27/07/2021 nominated Additional Registrar of Enquiries-19, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 and 2.
3. The DGO No.1, Shri S.M.Hatti, the then Block Education Officer, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District and DGO No.2, Shri Basavaraja, the then First Division Assistant, Office of the Block Education Officer, Devadurga, presently working as First Division Assistant, Government High School, Jambagi, Aurad Taluk, Bidar District were tried for the following charges:



ANNEXURE-1
CHARGE

That, you-DGO No.1 and 2 have opened Bank A/c No.229401000004463 in name of DGO No.2's wife Sharanamma, in Indian Overseas Bank, Devadurga, Raichur, and falsely showing her as Assistant Teacher, credited Rs.2,02,668/- into her account as salary for June-August-2019, and for that you, the DGO No.1 have also put your signature as Drawing Officer, and both of you, have misappropriated Government Funds to an extent of Rs.2,02,668/- and thereby, guilty of misconduct, dereliction of duty, acts unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1) (i) to (iii) of K.C.S (Conduct) Rules, 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-19) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has '**Proved**' the charges leveled against **DGO No.1**, Shri S.M.Hatti, the then Block Education Officer, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District and **DGO No.2**, Shri Basavaraja, the then First Division Assistant, Office of the Block Education Officer, Devadurga, presently working as First Division Assistant, Government High School, Jambagi, Aurad Taluk, Bidar District.
5. On perusal of the Inquiry Report, in order to prove the guilt of 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 got



marked. DGO No.1 has examined himself as DW-1 and Ex. D-1 to D-4 documents were got 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 S.M.Hatti, will retire from service on 31/05/2027; DGO No.2, Shri Basavaraja, will retire from service on 31/05/2042.
8. Having regard to the nature of charge '**Proved**' the charges leveled against **DGO No.1**, Shri S.M.Hatti, the then Block Education Officer, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District and **DGO No.2**, Shri Basavaraja, the then First Division Assistant, Office of the Block Education Officer, Devadurga, presently working as First Division Assistant, Government High School, Jambagi, Aurad Taluk, Bidar District and on consideration of the totality of circumstances:-




"It is hereby recommended to the Government to impose penalty of withholding two annual increments payable to DGO No.1, Shri S.M.Hatti, the then Block Education Officer, Devadurga Taluk, presently working as Senior Lecturer, DIET, Yaramaras, Raichur District with cumulative effect".

"It is hereby recommended to the Government to impose penalty of withholding three annual increments payable to DGO No.2, Shri Basavaraja, the then First Division Assistant, Office of the Block Education Officer, Devadurga, presently working as First Division Assistant, Government High School, Jambagi, Aurad Taluk, Bidar District with cumulative effect and also to recover sum of Rs.2,02,668/- that was drawn in the name of his (DGO No.2) wife at the rate of 8% per annum from the date of salary drawn".

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.

