“That, you DGO - Sri Shadakshariaiah - Panchayath Development Officer, Gududoora Grama Panchayath, Sindhanur Taluk, Raichur District had diverted the grant amount released for payment of salary to lower group employees for other purpose which is illegal. You DGO has not explained why salary was not paid for outsource waterman and further have failed to submit the comments and hence not cooperated for investigation.

Thus you DGO, being a Government/Public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.”
It is the case of the Disciplinary Authority that DGO being the Panchayath Development Officer, had diverted the grant amount released for payment of salary to lower group employees for other purpose which is illegal. Further, DGO has not explained why salary was not paid for outsource waterman. Further more, DGO has failed to submit the comments, and not cooperated for investigation.

In so far as argument in this enquiry is concerned, the learned Presenting Officer has submitted that PW1, being the complainant has fully supported the disciplinary authority and Ex P1 to 3 are also consistent with the case/enquiry and on the basis of deposition of supported witness and ExP1 to 3 affirmative finding can be given as charge proved.

Having heard and on careful perusal and appreciation of oral and documentary evidence of disciplinary authority placed on record, it is obviously clear that the disciplinary authority has placed sufficient and satisfactory oral and documentary evidence to prove its case/enquiry against the DGO as per the standard of preponderance of probabilities to warrant my finding on the charge against DGO in the affirmative as proved.

It is worthy to not that, moreover, the DGO did not appear before this Enquiry Authority by taking his own defence to say and to show that the case of the disciplinary authority is false. Hence, an adverse inference can also be drawn against the DGO as per Section 114 of the Indian Evidence Act, 1872.

On careful analysis and appreciation of oral and appreciation of oral and documentary evidence placed on record, it is manifestly clear that the evidence of PW1 is fully corroborated and consistent with Ex P1 to 3 and the same are inspiring confidence of this enquiry authority to rely and to act upon and there is nothing brought on record to disbelieve the same.

For the reason stated above, observation made in the light of depositin of PW1, relevant documents (i.e. Ex. P1 to 3) and provision of law and under the given set of facts and circumstances of this enquiry, I have arrived at inevitable conclusion and constrained to hold that the Disciplinary Authority through its presenting officer is successful in proving the charge framed and levelled against the DGO up to the standard of preponderance of probabilities, to record my finding, in the affirmative as proved.

From the oral and documentary evidence and materials places on record, I hold and record my finding that the Delenquent Government Official Sri. Shadaksharaiah, Panchayath Development officer, Gududooru Gram Panchayath, Sindhanur Taluk,
Raichur District, has failed to maintain absolute integrity and devotion to duty and committed an act of which is unbecoming of a Government servant and found guilty of misconduct/charge under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

Having regard to the nature of charge proved against DGO Sri Shadakshariah, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Shadakshariah, Panchayath Development Officer, Gududooru Grama Panchayath, Sindhanur Taluk, Raichur District, with Cumulative effect.

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ORDER

Sub: DGO 504: GPP 2017

This order is passed with the approval of the competent authority.

Signature

(Official's Name)

Date: 09.01.2019

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Note:

Date: 

Signatures and stamps are missing in some places.