

KARNATAKA LOKAYUKTA

No. Compt/Lok/BGM/1772/2005/ARE (2)

M.S.Building,
Bangalore,
Date: 02-08-2013

Sub:- Report u/Sec. 12(1) of Karnataka Lokayukta
Act against Chief Executive Officer, Zilla
Panchayath, Gadag and Taluk Executive Officer
Taluk Panchayath, Mundaragi.

Ref:- Compt/Lok/BGM/1772/2005/ARE-2

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This complaint involving grievances was filed by Sri Mallappa H. Gujjal against Deputy Commissioner of Gadag. His grievance is that though he had retired as a Secretary of Bobdihal village Panchayath in the year 1999 itself, neither his pension has been fixed nor his pensionary benefits have been paid to him. During the pendency of this complaint, the said complainant died and on sending a letter in this regard to the complainant's wife Shivamma to intimate as to whether she and her children intend to prosecute the complaint as laid down as provided in proviso to sec. 9 under Karnataka Lokayukta Act, (Amendment act 25/2010) the complainant's wife under her letter dated 05.06.2012 has expressed her willingness to prosecute the case and application also has been filed by her for bringing the name of herself and her children as the legal representatives.

The respondent has filed comment dated 24.11.2005, admitting about his retirement and has stated that in the riot which took place in the year 1998 in Gadag, many documents

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were destroyed and there are no documents relating to this case. It is also stated in that letter that as the deceased complainant was working as a employee of Panchayath, it is C.E.O. who is responsible for the same. It is an admitted fact that Dharwad District was divided into other district including Gadag and the place where the complainant was working had fallen within the jurisdiction of Gadag district. Accordingly, in furtherance of our letter, the C.E.O. Zilla Panchayath, Gadag in his letter dated 11.04.2012 bearing No. ಜಿಪಂ:ಗ್ರಾಪಂ:ವಹಿ:2010-11/114 addressed a letter to the Taluk Executive Officer, Mundaragi to do the needful regarding the sanction of retirement benefit. Thereafter, no further communication is received.

In the facts and circumstances mentioned above, it is apparent in this case that there is no dispute that the deceased Mallappa Gujjal of Boodihal panchayath who was the Secretary of Grama Panchayath had retired from service in the year 1999. It is also not in dispute that pension has not been fixed nor pensionary benefits have been released to the now deceased complainant Sri Mallappa H. Gujjal during his lifetime. Thereby, the only inference that could be drawn is that the complainant is entitled for redressal of grievances relating to sanction of pension as well as pensionary benefits due to him as a Public Servant under the Karnataka Civil Service rules. On death of the complainant, his heirs have been brought on record and amongst the three heirs, the complainant's wife is entitled for family pension and his other two children along with wife are entitled for pensionary benefits as heirs. The respondent Chief Executive Officer, Zilla Panchayath, Gadag and Taluk Executive Officer of Mundaragi are jointly liable for redressal of the grievances relating to pensionary benefits, the arrears of the pension as well as family pension as referred above.

Hence, in exercise of power conferred u/Sec. 12(1) of Karnataka Lokayukta Act, following recommendations are made.



1. Chief Executive Officer of Gadag Zilla Panchayath and Executive Officer of Taluk Panchayath, Mundaragi **shall** confer the pensionary benefit due to the complainant Mallappa H. Gujjal from 1999 onwards till his death on 25.02.2007 to the above said legal representatives and also of the pensionary benefits due to the deceased under the Karnataka Civil Service Rules.

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2. The complainant's wife Smt. Shivavva shall be granted family pension from the date of death of the deceased as per Law.

Hence, this report u/Sec. 12(1) of Karnataka Lokayukta Act.

The competent Authority is required to examine this report and within two months of date of this report, intimate or cause to be intimated to me the action taken or proposed to be taken on the basis of this report.

Y. Bhaskar Rao
3/8/013
(Dr. Justice Y. Bhaskar Rao),
Hon'ble Lokayukta.