

KARNATAKA LOKAYUKTA

No.COMPT/LOK/BGM/1871/2016/Sr.APP-2

M.S.Building,
Dr. B.R.Ambedkar Veedhi,
Bangalore,
Dated: 16/01/2018.**DRAFT REPORT UNDER SECTION 12(1) OF
KARNATAKA LOKAYUKTA ACT, 1984****Sub:** Proceedings against Sriyuths:

1. Veeranagowda Shivanagowda Yattinamani, Secretary/Panchayath Development Officer, Tumminakatti Gram Panchayath, Ranibennur Taluk, Haveri District.
2. K.P.Ananthakumar, Assistant Horticulture Officer, Office of the Assistant Horticulture Director, Jagaluru, Davangere.
3. S.B.Ravikumar, Planning Director (DRDA), Zilla Panchayath, Bellary.
4. Mamatha Nanjappanavara, Ex-President, Present Member, Hirekebbar Gram Panchayath, Hirekabbar, Hirekeruru Taluk, Haveri District. -reg.

On the basis of the oral information received from Sri Girish G.Giriyolkar (hereinafter referred to as 'complainant' for short) that Sriyuths: (1) Veeranagowda Shivanagowda Yattinamani, Secretary/Panchayath Development Officer, Tumminakatti Gram Panchayath, Ranibennur Taluk, Haveri District, (2) K.P.Ananthakumar, Assistant Horticulture Officer, Office of the Assistant Horticulture Director, Jagaluru, Davangere, (3)



S.B.Ravikumar, Planning Director, Zilla Panchayath, Bellary and (4) Mamatha Nanjappanavara, Ex-President, Present Member, Hirekebbbar Gram Panchayath, Hirekabbar, Hirekeruru Taluk, Haveri District (hereinafter referred to as 'respondent nos. 1 to 4' for short) have committed misconduct, an investigation was taken up by Sri Chidhananda, Police Inspector, Karnataka Lokayukta, Haveri (hereinafter referred to as Investigating Officer – I.O for short). The Police Inspector, Karnataka Lokayukta, Haveri registered a suo-motu complaint and conducted investigation and submitted his report to the Additional Director General of Police (ADGP for short), Karnataka Lokayukta, Bengaluru. The ADGP has forwarded the investigation report to the Registrar, Karnataka Lokayukta.

2. The brief facts of the case are:

The respondent No.1 was working as Panchayath Development Officer in Hirekebbbar Gram Panchayath, Hirekerur Taluk. The 4th respondent Mamatha Nanjappanavar was working as President of Hirekebbbar Gram Panchayath, now she is the member of Hirekebbbar Gram Panchayath. The 1st and 4th respondent passed a resolution on 9.6.2009 in the gramasabha at Chikkakabbara village regarding the plantation of the banana plant in the land of Sharanagowda



Rudragowda Patil under Mahatma Gandhi Rural Employment Guarantee Scheme. The land in Sy.No.3/A+B+4A measuring 4 acres 23 guntas belongs to Sharanagowda Rudragowda Patil and he is the beneficiary under the scheme in the year 2010-11. The estimated amount for the aforesaid plantation of banana plants was calculated at Rs.1.06 lakhs. The plantation of banana in the land of Sharanagowda Rudragowda Patil in Sy.No.3/A+B+4A measuring 4 acres 23 guntas situated in Chikkakabbara village was implemented by the department of Horticulture under MNREGA Scheme.

The first respondent Veerannagowda Shivanagowda Yattimani was working as Panchayath Development Officer in Hirekebbar Gram Panchayath. The 4th respondent Mamatha Nanjappanavar was the President of Hirekebbar Gram Panchayath. The first and 4th respondent prepared the action plan for plantation of banana plants in the land of Sharanagowda Rudragowda Patil for the year 2010-11. The 2nd respondent Sri.K.P.Anantha Kumar was working as Assistant Horticulture Officer in Raitha Samparka Kendra, Rattihalli at that relevant point of time. The 2nd respondent gave technical approval and prepared the estimation for the banana plantation in



the land of Sharanagowda Rudragowda Patil. The estimated amount was Rs.98,750/-.

The 3rd respondent Sri.S.B.Ravikumar was working as Executive Officer, Taluk Panchayath. He gave an administrative approval to the action plan prepared by respondents 1 and 4 and issued work order on 24.2.2011 for banana plantation in the land of Sharanagowda Rudragowda Patil in the aforesaid survey number.

3. The allegations against the respondents 1 to 4 is that though one Sri Sharanagowda Rudragowd Patil was not eligible to be considered as a beneficiary to receive benefit under the scheme known as Mahathma Gandhi National Rural Employment Guarantee Scheme (MNREG Scheme for short), the respondents 1 & 4 selected him as beneficiary, since he owned lands in excess of the limits prescribed for the benefit of the scheme and the respondents 1 to 4 know that the said Sharanagowda Rudragowd Patil was not eligible for the benefit of the said scheme, he was selected as one of the person as beneficiary of the scheme and by creating false documents and in all a sum of Rs.98,750/- loss caused to the State Exchequer.



4. The police have registered FIR against the respondents for the offence punishable under Sec.13(1)(c)(d)(iii) r/w Sec.13(2) of P.C.Act, 1988 and Sec.108, 120(B), 420 of IPC against the respondents and finally submitted the report to this Authority.

5. On the basis of the investigation report, an observation note was prepared and the same was sent to the respondents 1 to 4 calling for their explanation as to why recommendation should not be made to the competent authority for initiating disciplinary proceedings against them on the basis of the investigation report.

6. The respondents 1 to 4 in their explanation denied the allegations made against them in the observation note and claimed that they are totally innocent of the charges levelled against them.

7. In order to ascertain whether the said S.R.Patil was eligible for the benefits under the scheme, the records are perused. The materials available on record shows that Sharanagowda Rudragowd Patil owns land measuring 4 acres 23 guntas in Re-Sy.No.3/A+B+4A, land measuring 4 acres 13 guntas in Sy.No.20/3B/2+4, land measuring 2 acres 16 guntas in Re-Sy.No.22/M1-3 and land



measuring 5 acres in Re.Sy.No.38/2A situated within the limits of Hirekebbbar Gram Panchayath. In addition to the land referred above, the materials on hand also discloses that Sri.Sharanagowda Rudragowda Patil owned the land measuring 11 acres 37 guntas in Re.Sy.NO.47/1+2+3/2 situated within the limits of Aaluru Gram Panchayath. The revenue records (RTC's) available on record clearly establishes the extent of land owned by Sri Sharanagowda Rudragowda Patil.

8. The materials available on record prima-facie show that the respondents 1 and 4 though they were aware that Sri Sharanagowda Rudragowda Patil was not a small agricultural land owner at the time of preparing action plan. Thus the records indicate that, by selecting him as beneficiary under the above said scheme though it was applicable only for small agricultural land holders, they are guilty of mal-administration acting in derogation of their duties by showing favouritism to him.

9. Further, the respondents 1 and 4 did not obtain the quotation for the supply of banana sapling from the various plant nurseries in the district. They requested the respondent 2 who was working as



Assistant Horticultural Officer (RSK) Rattihalli for the preparation of estimate of cost. Accordingly, the respondent No.2 gave an estimate of cost of Rs.98,750/- and fixed the price of each banana sapling at Rs.11/- without any basis.

10. The respondent No.2 gave a technical approval by means of his estimation report dated 10-02-2011 to the said action plan for the purpose of planting banana sapling in the lands of Sri Sharanagowda Rudragowda Patil.

11. During the period 2010-2011 the respondent No.3 S.B. Ravi Kumar was working as Executive Officer of Taluk Panchayath, Hirekerur. He gave an administrative approval to the action plan prepared by the respondents 1 and 4 and issued the work order dated 24.2.2011 to the action plan prepared by the respondents 1 and 4 under MNERGA Scheme. However, the work order was subjected to conditions that (i) the execution of work should have been carried out during the year 2010-11, (ii) the progress report shall be submitted in the specified form before 26th of every month regarding the work executed and (iii) the photographs of the



execution of work at every stage i.e., the initial stage, middle stage and final stages should be mandatorily affixed to the every bill.

12. The materials on record shows that the respondents 1 and 4 certified that the banana plantation was completed as per the action plan prepared by respondents 1 and 4 for the year 2010-11. Further, the material on record also shows that the respondent No.2 had certified in prescribed form the completion of work on the basis that he had inspected the said banana plantation.

13. Further, the respondent No.3 without inspecting the spot and without verifying the relevant documents and photographs as required under the conditions imposed in the work order, released sum of Rs.98,400/- and the same is available in the file.

14. The materials on record also shows that the respondents 1 and 4 had shown Sri Chandappa, Sri Maadappa, Sri Gajendra and others as coolies in the muster rolls who were stated to have worked in the fields of Sri Sharanagowda Rudragowda Patil for the purpose of banana plantation. In the course of investigation, the Investigating Officer had recorded the statement of the said Sri Chandapa and Sri Gajendra. In their statements they have categorically stated that



they have not worked in the field of Sri Sharanagowda Rudragowda Patil for the purpose of banana plantation. Further, they have stated before the I.O. that on 27.9.2014 a sum of Rs.4,000/- was withdrawn from the bank by Sri Chandappa and the same was given by him to Sri Sharanagowda Rudragowda Patil. Therefore, the muster roll prepared by respondents 1 and 4 dated 3.3.2011 to 10.3.2011, 11.3.2011 to 18.3.2011 and 19.3.2011 to 26.3.2011 in relation to coolies who were stated to have worked in the land belonging to Sri Sharanagowda Rudragowda Patil, is a created document. Further the said Sri Chandappa also has denied his signature in the application form under MNREGA Scheme.

15. The investigating officer in the course of investigation has also inspected the spot and drawn mahazar on 27-09-2014. The photographs produced by the Investigating Officer along with his report. The said mahazar indicates that Sri Sharanagowda Rudragowda Patil did not cultivate the banana plantation for the past 4 to 5 years. On the inspection of the land and the RTC's pertaining to the land bearing Sy.No.3/A+B+4A situated in Chikkakabara village shows that only maize was grown in the said field. The RTC in respect of the land in question did not show any



entry for having grown banana by Sri Sharanagowda Rudragowda Patil in the lands referred to above during the period 2010-11 till 13-02-2014.

16. One Sri Basappa who is the neighbour of Sri Sharanagowda Rudragowda Patil has given his statement before the I.O that the land bearing Sy.No.3/A+B+4A measuring 23 guntas of Sri Sharanagowda Rudragowda Patil was situated towards eastern side of the land of said Sri. Basappa and there is no water facility available in the land of Sri Sharanagowda Rudragowda Patil to cultivate the banana plantation. He has also stated that Sri Sharanagowda Rudragowda Patil did not grow banana during the period 2010-11 in the Sy.No.3/A+B+4A.

17. The discussion made above shows that Sri Sharanagowda Rudragowda Patil did not raised any banana plants in his land and no one had worked as coolies in his lands and the fake documents are prepared to that effect.

18. The respondents 1 to 4 had the duty to inspect the lands in which banana saplings were stated to have been cultivated. Further the respondents 1 to 4 without any justification issued the work



completion certificates and created false documents with a view to misappropriate the government funds released under MNREGA scheme. The observation made above prima-facie shows that the respondents 1 to 4 acted dishonestly with an intention to make lawfully illegal gain for themselves and caused unlawful loss to the State and with a view to misappropriate the Government funds created false documents and misappropriated a sum of Rs.98,750/-.

19. Thus, respondents 1 to 3 failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of public/government servant and therefore liable for disciplinary action. Hence, respondents 1 to 3 have committed misconduct as per rule 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.


18. In the light of the discussion made above, I make the following Recommendation:-

1. The Government is directed to recover a sum of Rs.98,750/- from the respondents 1 to 4 in accordance with law.
2. Since the Police Inspector, Karnataka Lokayukta have registered the FIR against the respondents 1 to 4 for the offence punishable under Sec.13(1)(c)(d)(iii)



r/w Sec.13(2) of P.C.Act, 1988 and Sec.108, 120(B),
420 of IPC, there is no recommendation for the
investigation by the police.

Connected records are enclosed.


(Justice P. Vishwanath Shetty)
Lokayukta, State of Karnataka. 16/1/2018

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