

## **KARNATAKA LOKAYUKTA**

No: Compt/Uplok/BGM-1547/2013/PP

M.S.Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru – 560 001,  
Date: 04-04-2018.

### **Report under Section 12(1) of the Karnataka Lokayukta Act, 1984**

Sub: Suo-motu investigation against Sri. Thalewada A.S,  
Bill Collector, Kumate Village Panchayat, Kumate,  
Vijayapura Taluk & District - reg.

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A suo-motu investigation was taken up against Sri. Thalewada A.S, Bill Collector, Kumate Village Panchayat, Kumate, Vijayapura Taluk and District (hereinafter referred to as '**the Respondent**' for short), on the allegation that the Respondent had misappropriated an amount of Rs.59,195/- (Rupees fifty nine thousand one hundred and ninety five only) during the year 2011-12, as reported by the Assistant Controller of District Local Audit Circle, Vijayapura, during the audit conducted by him.

2. Copy of the report of Assistant Controller of District Local Audit Circle, Vijayapura was sent to the Respondent for his comments. The Respondent has not chosen to submit his comments to the report submitted by the Assistant Controller of District Local Audit circle, Vijayapura.

3. The report of the Assistant Controller of District Local Audit Circle, Vijayapura, discloses that the Respondent has not remitted the amount collected by him towards the house/property tax for the year 2011-12 in time, which amounts to temporary misappropriation of amount belonging to the Government/Panchayath. The Respondent being the public servant ought not to have done the same.

4. Further, the records made available discloses that, the Respondent Sri. Thalewada A.S, Bill Collector, Kumate Village Panchayat, Vijayapura Taluk and District, is not a Government servant. Hence, Karnataka Civil Services Rules are not applicable to him. However, the Chief Executive Officer, Zilla Panchayat, Vijayapura by his letter dated 06-08-2016 has stated that the Respondent had misappropriated an amount of Rs.59,159/- collected towards tax, but later, he had deposited the same and further stated that he is amenable to the disciplinary jurisdiction under Section 113(1) of Karnataka Panchayath Raj Act, 1993 and it is the Grama Panchayat which is competent to take action against the Respondent.

5. In this connection, a Criminal case against the Respondent has been registered by Babaleshwara Police Station, Vijayapura Taluk and District in Cr.No.125/2017 for the offences under Sections 408 & 409 of IPC.


6. On careful consideration of the material on record, Prima-facie appears, that the Respondent has committed

misconduct by misappropriating the Government/ Panchayath fund to a tune of Rs. Rs.59,159/- collected towards house/property tax, which attracts action against him under the provisions of Karnataka Panchayath Raj Act, 1993.

7. Under the circumstances, by invoking the power vested on me under Section 12(1) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to **“remove Sri. Thalewada A.S, Bill Collector, Kumate Grama Panchayat, Vijapura Taluk and District, from his service, as prevailed under the provisions of Karnataka Panchayath Raj Act, 1993, for his criminal breach of trust”** as narrated above.

8. The Competent Authority is required to intimate the action taken or proposed to be taken on this report **within one month** from the date of receipt of this report, as contemplated under Section 12(2) of the Karnataka Lokayukta Act, 1984.

Connected records are enclosed herewith.

  
(Justice N. Ananda), 4/4  
Upalokayukta,  
Karnataka State.

