

**KARNATAKA LOKAYUKTA**

No. Compt/Uplok/BGM-8999/2017/ARE-6

M.S. Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru.

Date: 09/05/2018.

**REPORT UNDER SECTION 12 (3) OF THE  
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Proceedings against Sri. Manjunath J.Shetti  
– Unit Officer, Home guard, Sirsi Unit, Sirsi  
about his misconduct as Public/Government  
servant – reg.

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On the basis of the complaint given by Sri. Mahabaleshwar H. Bander, Bisalakoppa, Bachgoan, Post Husari, Sirsi, Uttara Kannada District (hereinafter referred to as 'complainant' for short) against Sri. Manjunath J.Shetti – Unit Officer, Home guard Sirsi Unit, Sirsi being Public/Government Servant has committed misconduct, an investigation has been taken up u/s 9 of the Karnataka Lokayukta Act, 1984.

2. Complainant has alleged that during 2015-16 and 2017-18 without any government order the respondent has appointed home guards and also engaged the home guards to the college commission and collected the money from the college and paid only Rs.400/- each to the homeguards. But, he has taken allowances at the rate of 800/- per day and also drawn the amount in the names of Home guards by forging their



signatures and also collected money from Home guards to continue their services and thereby committed so many irregularities and also involved in misappropriation of funds.

3. After registering of the case, the SP, KLA, Uttara Kannada was asked to conduct an investigation and to submit the report. Accordingly, the SP, KLA, Karwar has submitted his report. The report of the SP, KLA, Uttara Kannada reveals that there is a prima facie material with regard to the allegations made against the respondent.
4. Thereafter, the respondent was asked to submit his comments. Accordingly, the respondent submitted his comments along with certain documents. In his comments, he stated that during 2016-17 i.e., 07 and 08 of January, he himself and other 14 home guards did their service in MES College, as per oral instructions of the higher officials. During that period the amount with regard to meals, breakfast, tea was with him and thereafter the same was distributed to the home guards. He has not at all committed any lapse and he has not at all shown any indiscipline with regard to his work and he has not at all misappropriated any amount. But, just to tarnish his image, this false complaint has been filed. Several awards have been given to him for his sincere work. He has produced newspaper cuttings, appreciation letters issued by various authorities including local MP, President, CMC, Hon'ble Minister for Industries, DGP of Home guards

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and other important persons. He was recommended for presidential medal. All these documents disclose that the respondent has done many good works as a home guard.

5. After perusal of the said comments of the respondents, the matter was referred to District Commandant, Home guards, Karwar to submit his report. Accordingly, the District Commandant, Home Guards, Uttara Kannada has submitted his report dated 19/02/2018 along with investigation report. As per this report, there is no evidence to show that the respondent has committed irregularities, shown indiscipline with regard to his work and also involved in any misappropriation cases. It is stated that as per the statements of Manjunatha Ananda Palanakara, Santhosh G Naika, Raghavendra G Naika, the respondent has not collected any amount from them. On the other hand, they were engaged in work and accordingly paid the wages. They have not put their signatures in the alleged statements. They have not at all given complaints against the respondent on the other hand somebody must have created and concocted the said statements and filed the complaint against the respondent. It is also stated that all the Home Guards joined together and collected money for the purpose of celebration of holding functions and also inauguration of the office building. On 07/01/2017 and 08/01/2017 they were engaged to the function held in MES College and they were paid the wages.

*(Handwritten signature)*

But, in order to give trouble, somebody who was having enimical towards them has filed this complaint. So, as per the report of District Commandant the allegations made in the complaint have not been substantiated.

6. On careful perusal of the report of SP, KLA, it reveals that during 2016 and 17 i.e., on 7<sup>th</sup> and 8<sup>th</sup> of January without the permission of the higher authority, the respondent unauthorisedly took 14 home guards to do the work in MES Private College and accordingly collected Rs.800/- each for home guard and Rs.1600/- for himself in total Rs.12,800/-. It also reveals that by utilizing the seal of the Divisional Officer and putting his signature, he got released the amount from MES institution and thereby committed dereliction of his official duty.
7. The report also reveals that, the respondent has misused his power and removed old home guards without issuing any notice. The report also reveals that as per the records 3 home guards were simultaneously worked at Sirsi and also at MES College festival, but the respondent has drawn the amount. So, the report of SP, KLA prima facie reveals that the respondent has exceeded his jurisdiction and by committing dereliction of official duty, he acted and collected money from the private education institution. The report is supported by the letter given by some victims, voucher pertaining to receipt of Rs.12,800/- from MES College, attendance certificate,

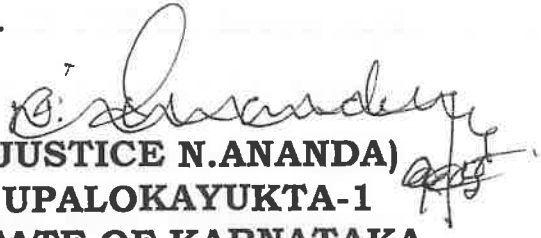


- copies of complaints given by some Home guards, the letter dated 03/06/2017 given by MES Education Society. In view of the report of SP, KLA, the comments of respondent and the report of District Commandant cannot be believed at this stage. Because, the SP, KLA conducted independent investigation and collected the prima facie material with regard to irregularities and exceeding jurisdiction on the part of respondent. So, all these materials and the report prima facie shows that the respondent has not maintained utmost honest, devotion to duty and thereby committed dereliction of his official duty within the meaning of Rule 3(1)(i) to (iii) of KCS(Conduct) Rules 1966.
8. Since the said facts prima facie show that the acts on the part of respondent amounts to dereliction of their official duty within the meaning of Sec. 3(1)(i),(ii) & (iii) of KCS(Conduct) Rules 1966, now, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceeding against the respondent and to entrust the inquiry to this authority under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957.
9. Further, as per U/s 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate this Authority as early as possible but latest within three months from the



date of receipt of this report, the action taken or proposed to be taken on this report against respondent.

Connected records are enclosed.

  
**(JUSTICE N.ANANDA)**  
**UPALOKAYUKTA-1**  
**STATE OF KARNATAKA**