

KARNATAKA LOKAYUKTA

No. Compt/Uplok/GLB-8257/2011/DRE-3 M.S. Building,
Dr. Ambedkar Veedhi,
Bangalore-560 001,
Date: 27.07.2016.

**REPORT UNDER SECTION 12(1) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Making recommendation for redressal of
the grievance of the complainant by
paying wages - reg.

This complaint is filed by Shri. Nawabkhan S/o Makbulkhaan Pathan, R/o Dubalgundi, Humnabad Taluk, Bidar District against (1) Shri. Dhanaji Jadhav, Secretary, Dubalagundi Grama Panchayath, Humnabad Taluk, Bidar District, (2) the Panchayath Development Officer, Dubalagundi Grama Panchayath, Humnabad Taluk, Bidar District and (3) Shri. Ashok Chalakapoore, former President of Dubalagundi Grama Panchayath, Humnabad Taluk, Bidar District with the following grievance;

- The work of desilting of open well in the land of the complainant was taken up under MGNREG scheme for the year 2009 on 28.09.2009 through Dubalagundi Grama Panchayath.
- In spite of the repeated request by the complainant, wages have not been paid to him and other labourers, for which the Secretary of the Grama Panchayath is responsible. Hence has prayed to take action against the respondents.

Along with the complaint, copy of the muster roll is produced to show the name of the labourers who have worked for desilting the open well in the land of the complainant.

- 2) The respondent no.1 has submitted his comments dated 23.09.2013 stating that the Chief Executive Officer, Zilla Panchayath, Bidar has directed to pay the wages only after completion of MIS of Muster Roll/NMR. There was no internet connection after some days and therefore the work of MIS was not updated. Later the code for opening MIS was not functional. His effort to upload data in MIS through Taluk Panchayath and also through Zilla Panchayath offices was not fruitful and therefore some of the works have remained without payment of wages. The complainant's work was also one of them. Thereafter from the year 2010-11 the works of desilting of check dam and open wells were not allowed by Zilla Panchayath. Therefore the remaining spill work was not included in the action plan of subsequent years. Therefore the wages have not been paid to the alleged work of the complainant.
- 3) The respondent no.2 - Panchayath Development Officer of Dubalagundi Grama Panchayath has submitted his comments dated 06.01.2012 and 07.05.2012 stating that as per NMR and Measurement Book the alleged work was taken up in the land of the complainant in the year 2008-09 under MGNREG scheme & the work was executed in the month of Sep for the year 2009-10 & the estimated amount was Rs.40,000/-. The bill of the alleged work was not paid in the year 2009-10. The work was not included in the action plan for the year 2009-10, 2010-11 and 2011-12 under

MGNREG scheme and therefore the bill has not been paid. Further permission has not been accorded from Zilla Panchayath, Bidar to take up the work of desilting of open wells for the last three years. In spite of bringing to the notice of the higher authorities, permission has not been accorded for payment of bills to the alleged work.

4) The respondent no.3 – Ashok Chalakapooore, Ex-President of Dubalagundi Grama Panchayath has submitted his comments dated 10.07.2013 stating that since there was an instruction from Zilla Panchayath and Taluk Panchayath to not to take up desilting of open wells and not to pay bills for such works, the wages pertaining to the alleged work was not paid. In spite of his effort along with the Secretary of Grama Panchayath to upload the data in MIS, the same was not successful. In spite of bringing to the notice of higher authorities, no action has been taken for payment of wages.

5) The complainant has submitted his rejoinder dated 06.02.2012 stating that the desilting work taken up in the year 2009-10 under MGNREG scheme in the lands of Smt. Sridevi W/o Dharmaraja and Ashoka S/o Mallarao Patil have been paid with wages. But the work taken up in the year same year in his land has not been paid with wages. Hence has prayed to redress his grievance.

6) On perusal of the entire materials on record, the grievance of the complainant is that the work of desilting of open well taken up by Dubalagundi Grama Panchayath in his land under MGNREG scheme for the year 2009-10 has not been paid with wages. Further states that for similar desilting work taken up in the lands

Sridevi and Ashoka for the year 2009-10 have been paid with wages. The respondents in their comments have not disputed the execution of the work of desilting of open well in the land of the complainant. But states that due to technical problems it was not possible to upload the data of Muster Roll/NMR in MIS in the year 2009-10 and therefore wages were not paid. Further have contended that in view of the directions of the Chief Executive Officer, Zilla Panchayath, Bidar, the works of desilting of open wells were not taken up in the subsequent years. In spite of bringing to the notice of the higher authorities permission has not been accorded to pay the wages. Therefore the wages are not paid to the alleged work.

7) The Executive Officer, Taluk Panchayath, Humnabad has submitted his report dated 21.05.2013 stating that the respondent no.1 being the Secretary of the Grama Panchayath and respondent no.2 being the President of Grama Panchayath in the year 2009-10 are to be held responsible for non-payment of wages. The report of Executive Officer and also the facts admitted by the respondents go to show that the respondent no.1 being the Secretary and respondent no.3 being the President of Dubalagundi Grama Panchayath in the year 2009-10 are prima-facie responsible for non-payment of wages for the alleged work.


8) The respondent no.1 is retired on 31.07.2012 and the allegation pertains to the year 2009-10. 4 years have already been lapsed from the date of incident and therefore no action can be initiated against respondent no.1 in view of the Rule 214(2)(b)(ii) of KCSRs.

9) The respondent no.3 being the President of the Grama Panchayath in the year 2009-10 is not a member of Panchayath as on today. Therefore, no action can be initiated against him under the provisions of Panchayath Raj Act.

10) It is clearly admitted by the respondents that the alleged work of desilting of open well in the land of the complainant Shri. Nawaz Khan has been executed in the year 2009 through the Grama Panchayath, Dubalagundi. It is also admitted that the wages have not been paid to the complainant and other labourers. The complainant has produced copy of the Muster Roll showing execution of work and also copy of the Annual Action Plan for the year 2009-10 wherein the alleged work of the complainant is shown to be included at Sl.No. 120.

11) Hence, this report under Sec. 12(1) of the Karnataka Lokayukta Act, 1984 is sent to the Competent Authority for redressing the grievance of the complainant by paying wages. The Competent Authority is required to intimate action taken under Sec. 12(2) of the Karnataka Lokayukta Act, 1984 to this authority within one month from the date of receipt of this report.

Connected records are enclosed.

N. 
(Justice N. Ananda),
Upalokayukta-1, 29/7
State of Karnataka.

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