

**KARNATAKA LOKAYUKTA**

No.Compt/Uplok/MYS-349/2009/ARE-6

M.S. Building,  
Dr. B.R. Ambedkar Veedhi,  
Bangalore, Dt. 23/01/2018.

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

**Sub:** Complaint filed by Sri. Purushotham S.A –  
S/o. Late. V.V.Annegowda, R/o. Sulada  
Post, Hosakoppa Post, Thammadavalli  
Grama, Koppa Taluk, Chikkamagalur  
District.

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On the basis of complaint filed by complainant Sri. Purushotham S.A – S/o. Late. V.V.Annegowda, R/o. Sulada Post, Hosakoppa Post, Thammadavalli Grama, Koppa Taluk, Chikkamagalur District against Sri.H.L.Rajashekar – Assistant Agricultural Officer, Raitha Samparka Kendra, Kasaba Hobli, Chikkamagalur District alleging misappropriation of funds by the respondent a case was registered by invoking powers vested u/s. 9 of the Karnataka Lokayukta Act.

2. The matter was referred to TAC for investigation. The TAC after prolonged time has investigated the matter and submitted the report as per para Nos. 1 to 13. The report reveals that without carrying out the work by one Sri.S.V.Purushotham in Sy.No.133/P of Kammadahalli, an amount of Rs.18,004/- was paid and also another sum of Rs.24,990/- has been paid for the purpose of revetment of

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Canal. But, that work has not been carried out. Therefore, a sum of Rs.42,994/- has been paid by the respondent in favour of Sri.Purushotham and hence, the respondent is responsible for misappropriation of the said government funds. The report further reveals about the details of proposals made for the purpose of digging krushi Honda, revetment of canal. But, without carrying out the work, the said Purushotham has received the amounts. The respondent has not verified the works before preparing the bills and payment of money.


3. Comments from the respondent were called. In the comments, the respondent admitted that he was the Assistant Agriculture Officer during relevant period and the amounts were paid in favour of Sri.Purushotham for revetment of canal and also for the purpose of construction of krushi Honda. But, he has not carried out the said works. He also stated that even though he was responsible for making payment, but the committee President and Secretary have also signed to the proceedings therefore, they are also equally responsible for making payment.
4. The above comments clearly substantiate the report of TAC. The next point for consideration is whether further proceedings can be made against the respondent. This complaint was filed in the year 2009 with regard to the misappropriation of government funds during the year 2005-06. The respondent has retired from service, but the

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respondent has not stated as to when he has retired from service. As per available records the respondent has retired from service more than 4 years ago. Hence, 12(3) recommendation cannot be made. However, since the respondent has been working as a government servant when the complaint was filed and when the misappropriation was taken place and he himself was responsible for making payment in favour of Sri.Purushotham, even though no work has been carried out, he is liable to pay the amount to the government. Hence, there is no bar to take action against him for recovery of the amount by sending 12(1) recommendation.

5. Accordingly, the recommendation is made u/s 12(1) of K.L. Act to the competent authority for recovery of sum of Rs. 42,994/- from the respondent along with admissible interest as per government rules.
6. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate the action taken or proposed to be taken on this report within one month from the date of receipt of this report.

Copies of connected records are enclosed.

  
(Justice Subhash B. Adi)

Upalokayukta,  
State of Karnataka.

