

KARNATAKA LOKAYUKTA

No. Compt/Lok/BGM/2183/2014/ARE(2)

M.S.Building,
Bangalore,
Date: 09-10-2014

Sub:- Report u/Sec. 12(3) of Karnataka Lokayukta Act
1984.

Ref:- Complaint No.Compt/Lok/BGM/2183/2014/ARE(2)

-\$-

With reference to the above subject, Complainant one Sri. Rajashekar Gowda, Member of Kakol Gram Panchayath in Ranebennur Taluk, Haveri District in his complaint dated 11.07.2014 against

R-1 CEO-Zilla Panchayath, Haveri.

R-2 Executive Officer, Taluk Panchayath, Ranebennur

R-3 MLA of Byadagi Legislative constituency.

alleged that one Beerappa Marthandappa Adinavar during his tenure as Chairman of Kakol Gram Panchayath, illegally drew and spent 2,50,901/-rupees and one Guddappa Neelappa Harogappa during his tenure has chairman of said Panchayath, illegally drew and spent money to the tune of Rs.3,70,000/- without resolutions by the said Gram Panchayath and without proper vouchers. He further alleged that during the audit of the accounts of the said Panchayath, the audit officers gave report on 05.12.2012, recommending for recovery of Rs.2,50,901/- from the said Beerappa Marthandappa Adinavar with interest at 15% per annum as per Sec. 43(a) and Sec. 48(4) of Panchayath Raj Act 1993 and thus there has been misappropriation of the money belonging to the Panchayath.

2. On the basis of the preliminary scrutiny note dated 16.07.2014, when copies of complaint were sent to the respondent no. 1 & 2, requiring them to submit their comments, the 1st respondent sent comments on 18.08.2014 and 2nd respondent sent his comments on 10.09.2014,

UBev

stating that on the basis of the note dated 04.10.2011 given by Chief Planning Officer, Z.P. Haveri and Nodal Officer and also the audit report dated 22.08.2012 pertaining to Kakol Gram Panchayath, steps were initiated to recover Rs.3,70,000/- from Guddappa Neelappa Harogappa and Rs.2,50,109/- from Beerappa Marthandappa Adinavar with interest thereon at 15%.(both are former chairman of Kakol Gram Panchayath)and disciplinary proceedings were also initiated against the former Gram Panchayath Secretaries Sri H.C. Halaswamy and Sri S.T. Gaddad and office order dated 05.12.2012 was issued by the Executive Officer, Taluk Panchayath, Ranebennur for recovery of the above amounts as per Sec. 246 (8) of Karnataka Panchayath Raj Act 1993 and against the said orders, appeals were filed by the said persons before the Chief Executive Officer, ZP, Haveri and by order dated 25.04.2014 passed in the said appeal, the matter was remanded to the Taluk Panchayath, Ranebennur for taking action in accordance with law and thereafter, the further action is being taken by Executive Officer, Taluk Panchayath.

3. When copies of the comments of respondents 1 & 2 were sent to the complainant for his rejoinder, he did not send a reply.
4. The allegations in the complaint relate to mal-administration and they are well founded.
5. Sec. 246 of Panchayath Raj Act provides for audit of accounts of every Gram Panchayath to be conducted annually by such officers as may be authorized by the controller of State Accounts. On receipt of audit report, the Gram Panchayath concerned has to remedy any defects or irregularities which have been pointed out in the report and send compliance report to the Executive Officer of the Taluk Panchayath. The Executive Officer may, after making such enquiry, as he may consider necessary, pass such order, for surcharging the amount referred in the audit report. Any person aggrieved by such order, can prefer an appeal within 30 days of the receipt of a copy of such decision of Executive officer to the CEO. Ultimately, the Controller of State Accounts department has to submit the summary of the

VR

observation made in the audit report and rectification made by the Gram Panchayath, to the Government.

Under the above circumstances, this report under section 12 (3) of Karnataka Lokayukta Act 1984 is made, recommending Principal Secretary to Government, Department of Rural Development and Panchayath Raj, Government of Karnataka to take appropriate action against the then Executive Officer, Taluk Panchayath, Ranebennur, only for his failure to take effective steps towards the recovery of the losses caused to the said Gram Panchayath.

2. It is recommended to the Government to examine this report and **within three months** of date of receipt of this report, intimate or cause to be intimated to me the action taken or proposed to be taken on the basis of this report.

Y. Bhaskar Rao
10/10/04

(Justice Dr. Y. Bhaskar Rao),
Hon'ble Lokayukta.