

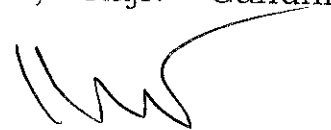
KARNATAKA LOKAYUKTA**No.Lok/BGM-2789&2522/2015/DRE-1**

M.S.Buildng
Dr.Ambedkar Veedhi,
Bangalore-560 001.
Date : 24/11/2020

**Report under Section 12(3) of Karnataka Lokayukta
Act, 1984**

Sub: Proceedings against (1) Sri.V.S.Nayak, the then Panchayath Development Officer, Jalageri Gram Panchayath, Vijayapura Taluk and District. (2) Sri.Chandrashekar Chalawadi (Chandappa Chalawadi @ C.S.Chalawadi), the then Panchayath Development Officer, Jalageri Gram Panchayath, Vijayapura Taluk and District, and (3) Sri.B.S.Biradar, the then Secretary, Jalageri Gram Panchayath, Vijayapura Taluk and District. - reg.

1. BGM-2789/2015 is a suo motu complaint registered against (1) Panchayath Development Officer, Jalageri Gram Panchayath, Vijayapura Taluk (2) Chairman, Jalageri Gram Panchayath, (3) Sri.Amagonda alias Rajugowda, Ex.Gram Panchayath Member, (4) Sri.Annappa, Ex.Gram Panchayath Member, (5) Sri.Mahesh Kengalaguthi, the then Panchayath Development Officer, (dead) (6) Sri.B.S.Biradar, the then Secretary, (7) Sri.Chandrashekar Chalawadi, the then Panchayath Development Officer, Jalageri Gram Panchayath, Vijayapura Taluk and (8) Sri.S.B.Kalyana Shetty, Nodal Officer, Rajiv Gandhi




Vasathi Yojane, Vijayapura, on the basis of the complaint dt.23/3/2015 given by Sri.M.A.Patil.

2. In the complaint dt.23/3/15 by Sri.M.A.Patil, it had been alleged that under Housing Scheme in the name of more than 200-250 bogus beneficiaries, amounts have been misappropriated. Complainant had mentioned 14 names of persons as bogus beneficiaries.
3. After registering the above suo-motu case, as per the directions of Hon'ble Upalokayukta, Superintendent of Police, Karnataka Lokayukta, Vijayapura has investigated the matter through Police Inspector, Karnataka Lokayukta, Vijayapura. Police Inspector, Karnataka Lokayukta, Vijayapura has submitted the report dt.28/9/15 along with documents and Superintendent of Police, Karnataka Lokayukta, Vijayapura has forwarded the same along with report dt.5/10/2015.
4. The respondents 1 to 8 have filed comments. Respondent No.1 and 2 are shown as Panchayath Development Officer and Chairman of Jalageri Gram Panchayath. Sri.C.S.Chalavadi has been arrayed as respondent No.7. The said C.S.Chalawadi has filed comments both in the capacity of respondent No.1 and 7. Respondent No.2 is one Sri.Ogeppa Narayana Gopani. In his comments he has denied the complaint allegations and has contended that Police Inspector, Karnataka Lokayukta, Vijayapura has already enquired and Amagonda @ Rajugowda, Ex.Member of Gram Panchayath has admitted his guilt. He has further stated that he was the President of Jalageri Gram



Panchayath from 13/12/12 to 2/7/15. Respondent No.3 Sri.Amagonda @ Rajugowda has produced documents including the charge sheet and its enclosures in CC 1224/16 (Cr.No.69/15 of Thikota P.S.). Respondent No.4 to 6 and 8 have also filed comments denying the complaint allegations and also the report dt.28/9/2015 of Police Inspector, Karnataka Lokayukta, Vijayapura.

5. Again on the basis of the complaint dt.24/3/15 given by Sri.Mahantesh Annaraya Patil (M.A.Patil), the complaint in BGM-2522/15 has been registered against (1) the then P.D.O, Jalagere Gram Panchayath, Vijayapura Taluk (2) Sri.Kengalaguthi, the then Panchayath Development Officer, (3) Sri.Nayak, the then Panchayath Development Officer, (4) Sri.Chalawadi, the then Panchayath Development Officer, Jalagere Gram Panchayath, Vijayapura Taluk and (5) Sri.Ogeppa, President, Jalageri Gram Panchayath, Jalageri Village, Vijayapura Taluk. In the said complaint the complainant with respect to the same subject matter has specifically mentioned the names of various persons in whose names documents have been allegedly created and the amounts released in their names have been allegedly misappropriated.
6. The respondents 1 to 5 have filed comments and additional comments taking the same defense and further contending that already Departmental Enquiry is pending against respondent 2 to 4 in DE 139/17 on the file of ARE, Lokayukta. The 5th respondent has filed comments similar to that filed in BGM-2789/2015. Report submitted by Superintendent of Police, Karnataka Lokayukta,



Vijayapura along with the report of I.O, i.e., Police Inspector, Karnataka Lokayukta, Vijayapura in BGM-2789/15 has been produced in BGM-2522/15 also.

7. Since the subject matter of both BGM-2789/2015 and BGM-2522/2015 are one and the same, both the complaints have been clubbed together.
8. In the report dt.28/9/2015 of Police Inspector, Karnataka Lokayukta, Vijayapura, it has been opined as below:

“ಅರ್ಜಿಯಲ್ಲಿರುವ ಆಪಾದನೆಗಳ ಬಗ್ಗೆ ಸ್ಥಾನಿಕ ಚೌಕಾಶಿಯಿಂದ/ದಾಖಲೆಗಳಿಂದ ಹಾಗೂ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳಿಂದ ತಿಳಿದುಬರುವುದೇನೆಂದರೆ, ಫಿರ್ಯಾದುದಾರರು ತಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ ಜಾಲಗೇರಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ 2011-12ನೇ ಸಾಲಿನ ಇಂದಿರಾ ಆವಾಸ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ನಡೆದ ಅನ್ಯವಹಾರದ ಬಗ್ಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಈ ಅರ್ಜಿಯಲ್ಲಿನ ಅಂಶಗಳು ದೃಢಪಟ್ಟಿರುತ್ತವೆ. ವಿಚಾರಣೆ ಕಾಲಕ್ಕೆ ನಾವು ಕೇಳಿದ ಈ ಕೆಳಗಿನ ಫಲಾನುಭವಿಗಳ ಕಡತಗಳನ್ನು ಗ್ರಾಮ ಪಂಚಾಯತ ಜಾಲಗೇರಿ ರವರು ಮಾಹಿತಿ ಇಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. (1) ತಾರಾಬಾಯಿ ಅಮಗೊಂಡ ಪಾಟೀಲ, (2) ಸುಗಲಾಬಾಯಿ ಪಾಟೀಲ, (3) ಲಕ್ಷ್ಮೀಬಾಯಿ ಭೀಮಗೊಂಡ ಪಾಟೀಲ, (4) ಶಾರದಾಬಾಯಿ ಯಶವಂತ ಕಾಂಬಳೆ, (5) ಮಲ್ಲಪ್ಪ ರಾಜು ಬಿರಾದಾರ (6) ವಚೀಂದ್ರಾ ಚಂದ್ರಶೇಖರ ಬಿರಾದಾರ, (7) ಗೌರವ್ವ ಯಲ್ಲಪ್ಪ ಹಕ್ಕಿ, (8) ಜಯಶ್ರೀ ಸಾಬು ವಾಲೀಕರ, (9) ರೇಣುಕಾ ಬಾಳಾಸಾಬ ಕೋರಿ, (10) ದೊಂಡಮ್ಮ ನದಾಪ್, (11) ಚಾಂದುಬಾಯಿ ಲಮಾಣಿ, (12) ಶಾರದಾಬಾಯಿ ಕಾಂಬಳೆ (13) ಲಾಯಪ್ಪ ಡೇಂಗಿ ಈ ಎಲ್ಲಾ ಮೇಲೆ ನಮೂದಿತ ಫಲಾನುಭವಿಗಳ ಮನೆಗಳ ಹಣ ಮಂಜೂರ ವಿಚಾರದಲ್ಲಿ ಅನ್ಯವಹಾರ ಮಾಡಿದ್ದು ದೃಢಪಟ್ಟಿರುತ್ತದೆ. ದಿ.2/10/2011 ರಂದು ನಡೆದ ಗ್ರಾಮ ಸಭೆಯಲ್ಲಿ ಆಯ್ಕೆ ಮಾಡಿದ ನಿಜವಾದ ಫಲಾನುಭವಿಗಳ ಹೆಸರಿನಲ್ಲಿ, ಬೇರೆ ಹೆಣ್ಣು ಮಕ್ಕಳನ್ನು ನಕಲಿ ಚುನಾವಣಾ ಗುರುತಿನ ಚೀಟಿ, ನಕಲಿ ಜಾಬ್ ಕಾರ್ಡ್, ನಕಲಿ ಬ್ಯಾಂಕು ಖಾತೆಗಳನ್ನು ಸೃಷ್ಟಿ ಮಾಡಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಈ ರೀತಿ ಬಡವರ ವಿಳಿಗೆಗಾಗಿ ಸರ್ಕಾರ ರೂಪಿಸಿದ ಮಹತ್ವಕಾಂಕ್ಷಿ ಇಂದಿರಾ ಆವಾಸ ಯೋಜನೆಯನ್ನು ತಮ್ಮ ಸ್ವಾರ್ಥ ಸಾಧನೆಗೋಸ್ಕರ ಇಬ್ಬರು ಪ್ರತಿನಿಧಿಗಳಾದ (1) ಶ್ರೀ.ಅಮಗೊಂಡ @ ರಾಜುಗೊಂಡ ತಂದೆ ಬಸನಗೌಡ ಪಾಟೀಲ ವಯ:50 ವರ್ಷ, ಉದ್ಯೋಗ ಮಾಜಿ ಗ್ರಾ.ಪಂ.ಸದಸ್ಯ ಸಾ:ಯತ್ನಾಳ (2) ಶ್ರೀ.ಅಣ್ಣಪ್ಪ ತಂದೆ ವಿಠಲ ರಾರೋಡ, ಮಾಜಿ ಗ್ರಾ.ಪಂ.ಸದಸ್ಯ, ಸಾ:ಯತ್ನಾಳ ತಾಂಡಾ ಇವರುಗಳು ಅಂದಿನ ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಗಳಾದ (1) ಶ್ರೀ.ಮಹೇಶ ಕೆಂಗಲಗುತ್ತಿ, ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, (2) ಶ್ರೀ.ಬಿ.ಎಸ್.ಬಿರಾದಾರ, ಸೆಕ್ರೆಟರಿ, (4)

ಶ್ರೀ.ಚಂದ್ರಶೇಖರ ಚಲವಾದಿ, ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಎಲ್ಲರೂ ಗ್ರಾಮಪಂಚಾಯತ್ ಜಾಲಗೇರಿ, (4) ಶ್ರೀ.ಎಸ್.ಬಿ.ಕಲ್ಯಾಣಶೆಟ್ಟಿ, ಅಂದಿನ ನೋಡಲ್ ಅಧಿಕಾರಿ, ರಾಜೀವ ಗಾಂಧಿ ವಸತಿ ಯೋಜನೆ ಇವರುಗಳು ಅಪರಾಧಿಕ ಸಂಚನ್ನು ರೂಪಿಸಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ಖೊಟ್ಟಿ ದಾಖಲೆಗಳನ್ನು ಸೃಷ್ಟಿ ಮಾಡಿ ಭ್ರಷ್ಟಾಚಾರ ತಡೆನಿಯಂತ್ರಣಾ ಕಾಯ್ದೆ ಅಡಿಯಲ್ಲಿ ಅಪರಾಧವೆಸಗಿದ್ದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ”.

9. Further from the documents produced by respondent No.3 Sri.Amagonda Patil @ Rajugowda in BGM-2789/2015, it is noticed that with regard to the same incident a criminal case in Cr.No.69/15 was registered in Thikota P.S, for the offences under Sec.420, 467, 468, 471, 109 r/w 149 IPC. Charge sheet has also been filed on 4/2/2016 for the said offences against the accused 1 to 13 including Rajugowda @ Amagonda, Channappa S/o.Shivappa Chalawadi, Maheshkuar S/o.Sagalappa Kengalaguthi, Vivekananda S/o.Shekenasingh Nayak and Siddalingeshwara S/o.Balachandra Kalyanashetty. Therefore a criminal case in CC 1224/16 (Cr.No.69/15) has been registered against the respondents 2 to 4 in BGM-2522/2015 and respondents 3, 5 to 8 in BGM-2789/2015.
10. Records in Uplok/BGM-3256/2015 has been secured from ARE-15, before whom DE 139/2017 is pending. From the perusal of the report under Sec.12(3) of Karnataka Lokayukta Act and Article of Charges framed in DE 139/2017, it can be noticed that in the said complaint, the allegation was only with respect to one of the beneficiaries viz., Smt.Tharabai D/o.Amagonda Patil. But in the report of Police Inspector, Karnataka Lokayukta, Vijayapura dt.28/9/2015, there are incriminating materials regarding alleged creation of documents in the names of Vachindra, Sugalabai, Sudalabai @ Susheelabai, Mallavva apart from

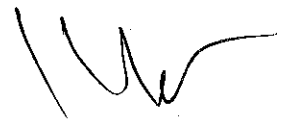
the report regarding Smt.Tharabai with respect to which DE 139/2017 in BGM-3256/2015 has been initiated against the respondent Sri.Maheshkumar Kengalaguthi, Sri.Chalawadi and Sri.Nayak.

11. In the report of Police Inspector, Karnataka Lokayukta, Vijayapura, there are specific recitals regarding misappropriation of Rs.75,000/- each in the name of above 5 persons including Tharabai. Therefore from the charge sheet filed in CC 1224/16 (Cr.No.69/15 of Thikota P.S) and the report of P.I, KLA, Vijayapura dt.28/9/2015, it can be opined that there are prima facie materials to proceed against the respondents with regard to the misappropriation of an amount of Rs.75,000/- each released under Housing Scheme in the name of Smt.Sugulabai W/o.Rajendra Patil, Smt.Sudalabai @ Susheelabai W/o.Shankar Lamani, Smt.Vachindra W/o.Chandrashekar Biradar, and Smt.Mallavva W/o.Raju Biradar. In the charge sheet in Cr.No.69/15 it has been specifically reported that the accused have misappropriated an amount of Rs.3,42,801/-. Hence enquiry regarding alleged misappropriation of amount with respect to each beneficiary would be necessary. Therefore the initiation of disciplinary proceedings in DE 139/17 cannot be considered as a bar to initiate disciplinary proceedings on the basis of the complaint in this case with respect to the alleged financial misappropriation in the name of the other persons (i.e., other than Snt.Tharabai D/o.Amagonda Patil) as stated in the report of Police



Inspector, Karnataka Lokayukta, Vijayapura dt.28/9/2015
and in C.C.1224/16.

12. In the report dt.28/9/15 of the Police Inspector, Karnataka Lokayukta, Vijayapura, it is reported that the documents with respect to Sugulabai have been created by the then Panchayath Development Officer, Sri.Chalawadi, Sri.B.S.Biradar, the then Secretary, and Sri.S.B.Kalyanashetty, Nodal Officer. Documents in respect of Smt.Sudalabai @ Susheelabai, Smt.Vachindra and Smt.Mallavva have been created by Sri.Kengalaguthi and Sri.Chalawadi, the then Panchayath Development Officers, Sri.Biradar, the then Secretary and Sri.Kalyanashetty, Nodal Officer. In the charge sheet in CC.No.1224/16 (Cr.No.69/15 of Thikota P.S), it is alleged that Sri.Nayak also colluding with the above respondents and other accused has committed the offences under Sec.420, 467, 468, 471, 109 r/w 149 IPC.
13. Therefore, there are prima facie materials to proceed against (1) Sri.V.S.Nayak, the then Panchayath Development Officer, (2) Sri.Chandrashekar Chalawadi, the then Panchayath Development Officer, Jalageri Gram Panchayath, and (3) Sri.B.S.Biradar, the then Secretary, Jalageri Gram Panchayath, under Rule 3 of K.C.S.(Conduct) Rules, 1966, with regard to creation of documents and misappropriation of amounts released in the names of various persons mentioned in the report of P.I, KLA, Vijayapura dt.28/9/2015 except in the case Smt.Tharabai referred to above.



14. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against the respondents (1) Sri.V.S.Nayak, the then Panchayath Development Officer, (2) Sri.Chandrashekar Chalawadi (Chandappa Chalawadi @ C.S.Chalawadi), the then Panchayath Development Officer, Jalageri Gram Panchayath, and (3) Sri.B.S.Biradar, the then Secretary, Jalageri Gram Panchayath, and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
15. In BGM-2522/2015 complaint has also been registered against the respondent.5 Sri.Ogeppa, who was the President of Jalageri Gram Panchayath. As per his comments, he was the President of Gram Panchayath from 13/12/2012 to 2/7/2015. Therefore he has ceased to be the member of Gram Panchayath. Moreover there are no materials against him either in the report of P.I, KLA, Vijayapura dt.28/9/2015 or in the charge sheet filed in Cr.No.69/15 of Thikota P.S.
16. Sri.S.B.Kalyanashetty, Nodal Officer, has been appointed on outsource basis by Rajiv Gandhi Vasathi Nigam. Therefore disciplinary action cannot be initiated against Sri.S.B.Kalyanashetty under Rule 3 of K.C.S.(Conduct) Rules, 1966. In CC 1224/16 the said Kalyanashetty has been arrayed as accused.5. Hence recommendation is required to be made to the competent authority to discontinue his services if he is still in service on



outsource basis and again not to consider him for any appointment on outsource basis for a period of two years.

17. As regards Sri.Amagonda @ Rajugowda it is noticed that in CC in 1224/16 (Cr.No.69/15) he has been arrayed as accused.1. Therefore already a criminal case is pending against him.
18. In the report dt.28/9/2015 of P.I, KLA, Vijayapura, one Sri.Annappa S/o.Vittala Rathoda has also been shown as involved in the alleged creation of documents and misappropriation of amount. But as per his comments he was the member of Gram Panchayath during 2010 and he is no more a member of Gram Panchayath.
19. However it is useful to reproduce Sec.43-A(vi) of the Karnataka Panchayath Raj Act (Amended Act) which reads as below:

43A. Removal of members.- (1) *The Government if it thinks fit, on the recommendation of the Gram Panchayat, or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary.-*

- (i) *if he is been guilty of misconduct in the discharge of duties or of any disgraceful conduct;*
- (ii) *become incapable of performing duties as a member, or persistently remiss in performing duties;*
 - (a) *on being medically unfit to hold the post as may be certified by the district surgeon;*
 - (b) *as a result of insolvency or of unsound mind,*
- (iii) *has failed to attend four consecutive meetings of the panchayat, and in the case of an Adhyaksha or Upadhyaksha, failed to convene two consecutive meetings which were either due or were necessary; or*
- (iv) *if the member, by coercion or fraud entice any voer or member of Gram Panchayat or Taluk Panchayat or Zilla Panchayatas as the case may be to trade the post of member or Adhyaksha or Upadhyaksha of Gram Panchayat or Taluk Panchayat or Zilla Panchayat, as the case may be, during election for a consideration.*



- (v) in the execution of any work of the panchayat, contractual or otherwise found involved directly with any person who is a nearest relative in the family or otherwise associated in any transaction related to such work as a partner, employee or a member on the Committee of such organization, or otherwise.
- (vi) if a former Adhyaksha or Upadhyaksha or member of Gram Panchayat has been accused and proved guilty for misconduct or misappropriation in an Inquiry.

Explanation : For the purpose of this section, nearest relative in the family means,-

- (a) the wife or husband of a person residing with her or him;
- (b) son or daughter or step-son or step-daughter;
- (c) any other person related, whether by blood or marriage who is wholly dependent on such person;

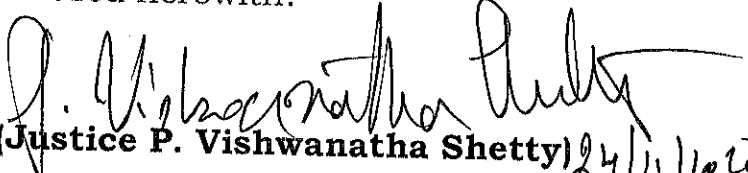
(2) An Adhyaksha or Upadhyaksha or member so removed shall cease to function as such member and shall be disqualified from contesting election as provided in sections 12 of the Act to any panchayat for the next six years.

20. **Therefore recommendation is made to the competent authority against (1) Sri.S.B.Kalyanashetty, Nodal Officer, to discontinue his services if he is still in service on outsource basis and again not to consider him for any appointment on outsource basis for a period of two years. Further recommendation is made against (2) Sri.Amagonda @ Rajugowda and (3) Sri.Annappa S/o.Vittal Rathoda the then members of Gram Panchayath, Jalageri Gram Panchayath, Vijayapura Taluk and District, for initiating appropriate pecuniary and legal action and also for initiating appropriate action under Sec.43-A(vi) of the Karnataka Panchayath Raj Act (Amended Act).**

21. **As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or cause to be intimated to this Authority, the action taken or proposed to be taken on this**

recommendation, within stipulated time from the date of receipt of this report.

Connected records are enclosed herewith.


(Justice P. Vishwanatha Shetty) 24/11/2015
Lokayukta,
State of Karnataka, Bengaluru

