

**KARNATAKA LOKAYUKTA****No.Lok/BGM-8859/2016/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 Sri.Veerasha  
Subhashchandra Hittinahalli, Panchayath  
Development Officer, Hanjagi Gram  
Panchayath, Indi Taluk, Vijayapura District.

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1. On the basis of the complaint filed by Sri.Ganapathi S/o.Lalasing Rathod, Hanjagi Thanda, Indi Taluk, Vijayapura, against (1) Smt.Shakuntala Muttappa Pothe, President, (2) Smt.Sumithra Siddu Chavan, Member of Gram Panchayath, (3) Sri.Veerasha Subhashchandra Hittinahalli, Panchayath Development Officer, Hanjagi Gram Panchayath, Indi Taluk, Vijayapura District, (4) Sri.Prashant S Jamadar, Technical Assistant Engineer, Taluk Panchayath, Indi Taluk, Vijayapura District, and (5) Sri.Veeresh, Panchayath Development Officer, Hanjagi Gram Panchayath, Indi Taluk, Vijayapura District, alleging large scale irregularities in execution of works under NAREGA Scheme, investigation was taken up under Sec.9 of the Karnataka Lokayukta Act.

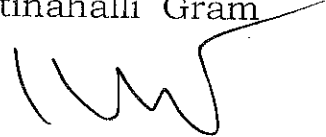


2. The brief averments of the complaint are that, from 6 years the Panchayath officers and the members of the Panchayath have committed illegalities in execution of works under NAREGA Scheme, namely, Basava/Indira/Ambedkar Housing Schemes, construction of toilets in L.T.Thanda of Hanjagi Village, in installation of compound gate to L.T.School, and in construction of cow shed, roads, ponds etc., in Gram Panchayath, Hanjagi. It is further alleged that without execution of works, bogus bills have been created and amounts have been withdrawn.
3. The respondent 1 in her comments dt.15/6/17 and further comments dt.16/6/2019 has denied the complaint allegations and also the report submitted by the Superintendent of Police, Karnataka Lokayukta, Vijayapura. She has further contended that she has affixed the signature to the concerned documents after confirming about the execution of work by way of spot inspection. She has further contended that it is the responsibility of the Technical Assistant to record the quantity and quality in the measurement book and to check measure the same. On the above grounds she has sought for exonerating her from the charges leveled against her.
4. Respondent 2 in her comments has denied the complaint allegations.
5. Respondent 3 is Sri.V.S.Hitnalli, P.D.O, Hanjagi Gram Panchayath. In his comments dt.15/6/17, he has shown his name as Veerasha Subhashchandra Hitnalli, P.D.O,



Hanjagi Gram Panchayath, Indi Taluk, Vijayapura. Even he has denied the complaint allegations. He has further stated that considering the orders of the Ombudsman, the present complaint may be closed. He has produced the orders of Ombudsman, Zilla Panchayath, Vijayapura dt.17/10/2016.

6. Respondent 4 was subsequently impleaded on the basis of the report submitted by the Superintendent of Police, Karnataka Lokayukta, Vijayapura. The respondent 4 in his comments has denied the complaint allegations. He has further contended that the work “ಶ್ರೀ ಸೇವಾಲಾಲ ಸಮುದಾಯ ಭವನದ ಮೈದಾನ ಸುಧಾರಣೆ ಮತ್ತು ಕಾಂಪೌಂಡ್ ನಿರ್ಮಾಣ” was completed partly and accordingly bill has been passed for payment towards the said partially completed work. He has further alleged that due to ill-will between the complainant and Sri.Siddu Heeru Chowhan, Panchayath Member, the work could not be completed and the compound and foundation work which were completed have also been demolished. It is further contended that after demolition of the above construction, the said land has been encroached and over head tank along with houses have been constructed by the residents of Thanda. He has also produced the copy of measurement book, RA bill part-II, estimate and photos relating to the above work.
7. Respondent 5 has also been impleaded on the basis of the report of the Superintendent of Police, Karnataka Lokayukta, Vijayapura. Respondent 5 is shown as Veeresh S/o.Subhashchandra, PDO, Hittinahalli Gram



Panchayath, Hanjagi, Indi Taluk, Vijayapura. In response to the notice issued to him, he has filed comments on 10/10/18, wherein his name and address have been mentioned as Sri.Veeeresh S/o.Subhashchandra Hittinahalli, the then Panchayath Development Officer, Hanjagi Gram Panchayath, Indi Taluk, Vijayapura. Therefore respondent 3 and respondent 5 are one and the same person. Again in his comments dt.10/10/18 he has denied the complaint allegations and also the report of the Superintendent of Police, Karnataka Lokayukta, Vijayapura.

8. The Superintendent of Police, Karnataka Lokayukta, Vijayapura was directed to investigate and submit the report. He submitted the report along with the documents on 9/1/18 opining that the allegation of the complainant regarding illegalities in construction of toilets, installation of gate to L.T.School, financial irregularities in implementation of housing schemes like Basava Vasathi Yojane have not been proved. However, it has been reported that as regards the execution of work “ಶ್ರೀ ಸೇವಾಲಾಲ ಸಮುದಾಯ ಭವನದ ಆವರಣ ಸಮಪಾತಳಿ ಮತ್ತು ಪಾಯ ಕಾಮಗಾರಿ” the measurements entered in measurement book do not tally with that specified in estimate. It is further reported that the respondent 4 without verifying the actual measurement has made recordings in the measurement book and has released Rs.68,000/- towards wage amount. The Superintendent of Police, Karnataka Lokayukta, Vijayapura in his final opinion has submitted as below:



“ಅರ್ಜಿಯಲ್ಲಿ ಅಪಾದನೆ ಮಾಡಿದಂತೆ ಬಸವ ವಸತಿ ಯೋಜನೆ ಅಡಿ ಸನ್ 2010-11ನೇ ಸಾಲಿನಲ್ಲಿಯ ನಿರ್ಮಾಣ ಮಾಡಿದ 4 ಮನೆಗಳು ನಿಜವಾದ ಫಲಾನುಭವಿಗಳಿಗೆ ಸೇರಿದ ಬಗ್ಗೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆ ಅಡಿ ನಿರ್ಮಾಣ ಮಾಡಿದ ಕಾಮಗಾರಿಗಳಾದ ದನ ಕಟ್ಟುವ ಶೆಡ್ಡು, ಶಾಲೆಯ ಕಂಪೌಂಡ ಸುಧಾರಣೆ, ಮತ್ತು ಶೌಚಾಲಯ ನಿರ್ಮಾಣದಲ್ಲಿ ಅವ್ಯವಹಾರ ಆದ ಬಗ್ಗೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ ಆದರೆ ಸೇವಾಲಾಲ್ ಸಮುದಾಯ ಭವನ ಕಂಪೌಂಡ ಗೋಡೆ ಹಾಗೂ ಆವರಣ ಸಮಪಾತಳಿ ಮಾಡಿದ ಕಾಮಗಾರಿಗೂ ಖರ್ಚು ಮಾಡಿದ ಹಣಕ್ಕೂ ವ್ಯತ್ಯಾಸವಿದ್ದು, ಕಾಮಗಾರಿಗೆ ಯಾವುದೇ ವಸ್ತುಗಳನ್ನು ಖರೀದಿ ಮಾಡದೇ ಕೇವಲ ಕೂಲಿಕಾರರ ಖಾತೆಗಳಿಗೆ ಹಣ ಜಮಾ ಮಾಡಿದ್ದು, ಹೀಗಾಗಿ ಈ ಕೆಳಕಂಡ ಮೂರು ಜನರಾದ 1) ಶ್ರೀ ಪ್ರಶಾಂತ ಸಾಯಬಣ್ಣ ಜಮಾದಾರ, ಟೆಕ್ನಿಕಲ್ ಅಸಿಸ್ಟೆಂಟ್ ಇಂಜಿನಿಯರ್, ತಾಲೂಕ ಪಂಚಾಯತ, ಇಂಡಿ 2) ಶ್ರೀ ವಿರೇಶ, ತಂದೆ ಸುಭಾಸಚಂದ್ರ ಹಿಟ್ಟಿನಹಳ್ಳಿ, ಪಂಚಾಯತ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, 3) ಶ್ರೀಮತಿ ಶಕುಂತಲಾ ಗಂ: ಮುತ್ತಪ್ಪ ಪೋತೆ, ಅಧ್ಯಕ್ಷರು. ಅ.ನಂ: 2-3 ಇಬ್ಬರೂ ಗ್ರಾಮ ಪಂಚಾಯತ ಹಂಜಗಿ ಇವರ ನಿಷ್ಕಾಳಜಿ ಹಾಗೂ ಬೇಜಬ್ಬಾರಿತನ ಕಂಡು ಬಂದಿದ್ದು, ಕಾರಣ ಮೂರು ಜನರ ಮೇಲೆ ಮುಂದಿನ ಕ್ರಮ ಕುರಿತು ವಿಚಾರಣಾಧಿಕಾರಿ ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ”.

9. The Superintendent of Police, Karnataka Lokayukta has also produced the report submitted by Sri.M.A.Patil, Assistant Engineer, PWD, Vijayapura dtd.22/12/2017. The said report recites as below:

“ದಿ.5/9/2017 ರಂದು ಇಂಡಿ ತಾಲೂಕಾ ಪೈಕಿ ಹಂಜಗಿ ಎಲ್.ಟಿ.ಯಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ ಸೇವಾಲಾಲ್ ಸಮುದಾಯ ಭವನ ಕಟ್ಟಡದ ಸುತ್ತಲೂ ಆವರಣ ಗೋಡೆ ನಿರ್ಮಿಸಿದ ಕಾಮಗಾರಿಯನನು ಪರಿಶೀಲಿಸಲಾಗಿ ಸಮುದಾಯ ಭವನದ ಸುತ್ತಲೂ 26.00 ಮೀಟರ್ ಉದ್ದಳತೆ 0.75 ಮೀ ಅಗಲ ಮತ್ತು 0.75 ಎತ್ತರ ಪಾಯಾವನ್ನು ಅಗೆದದ್ದು, ಅದರಲ್ಲಿ ಒಣಕಲ್ಲನ್ನು ತುಂಬಲಾಗಿದೆ.

ಅದರಂತೆ ಅಂದಾಜು ಪತ್ರಿಕೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಅಳವಡಿಸಲಾಗಿದೆ.”

1. Earth work excavation in ordinary soil for leveling and lowering.
2. Earth work excavation for foundation of building --- in hard soil.
3. Providing and laying in position plain cement concrete of mix M.7.5



4. Providing and constructing granite, trap, basalt, rubble machinery in C.M.1:6
5. Providing in P.C.C of mix M10 for coping.
6. Providing and constructing burnt brick machinery in CM.1:6
7. Providing 18 mm thick cement plaster in CM 1:4
8. Providing and finishing water proof cement paint to wall.

ಅದರಂತೆ ಸದರಿ ಕಾಮಗಾರಿಯ ಬಿಲ್ಲನ್ನು ಅಳತೆ ಪುಸ್ತಕ ಸಂ: 9803 ಪುಟ ಸಂ: 6 ರಲ್ಲಿ ದಾಖಲು ಮಾಡಲಾಗಿದೆ. ಅಳತೆ ಪುಸ್ತಕವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಅಂಶಗಳನ್ನು ದಾಖಲು ಮಾಡಲಾಗಿದೆ.

1. Earth work excavation in ordinary soil for leveling and lowering. (ನೆಲಸಮತಟ್ಟು ಮಾಡುವುದು) ಅದರ ಬದಲಾಗಿ Earth work excavation for foundation of building - in hard soil. ದಾಖಲ ಮಾಡಿರುತ್ತಾರೆ ಹಾಗೂ ಅಳತೆಯಲ್ಲಿ 1ಮೀ\*34ಮೀ\*30ಮೀ\*0.38 ಮೀ=387.60 ಫ.ಮೀ ಎಂದು ದಾಖಲಿಸಲಾಗಿದ್ದು, ಆದರೆ 1\*15\*7.00\*0.38 = 39.90 ಫ.ಮೀ ಮಾತ್ರ ಕಾಮಗಾರಿಯನ್ನು ಮಾಡಲಾಗಿದೆ. ಮೊತ್ತ 39.9\*135 = 5386.5
2. Earth work excavation for foundation of building --- in hard soil. 1ಮೀ\*26ಮೀ\*0.75ಮೀ\*0.75ಮೀ = 14.63 ಫ.ಮೀ ಎಂದು ಬರೆಯಲಾಗಿದ್ದು, ಇದನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಅಳತೆಯ ಸರಿಯಿರುತ್ತದೆ. ಮೊತ್ತ 14.63\*239.40 = 3502.42
3. Providing and laying in position plain cement concrete of mix M.7.5. 1ಮೀ\*26ಮೀ\*0.75ಮೀ\*0.50ಮೀ= 2.92 ಫ.ಮೀ ಎಂದು ಅಳತೆಯನ್ನು ಬರೆಯಲಾಗಿದ್ದು, ಆದರೆ ಸ್ಥಳದಲ್ಲಿ ಕಾಂಕ್ರೀಟ್ ಹಾಕಿದ ಬಗ್ಗೆ ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ.
4. Providing and constructing granite, trap, basalt, rubble machinery in CM.1:6= 5.50 ಫ.ಮೀ ಎಂದು ಬರೆಯಲಾಗಿದೆ. ಆದರೆ ಈ ಅಂಶವು ಸ್ಥಳದಲ್ಲಿ ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದರೆ ಒಣಕಲ್ಲನ್ನು ಹಾಕಲಾಗಿದ್ದು, ಅದರ ಮೊತ್ತ ಸುಮಾರು ರೂ.6000/-ಗಳಾಗಿರುತ್ತವೆ.

ಅಭಿಪ್ರಾಯ:

ಒಟ್ಟು ಕಾಮಗಾರಿಗೆ ರೂ. 14,888,92/- ಗಳ ಮೊತ್ತದ ಕಾಮಗಾರಿಗಳಿಗಾಗಿ ಖರ್ಚು ಮಾಡಲಾಗಿರುತ್ತದೆ”.



10. The comments of the respondent 4 is also very material in this regard. The respondent 4 in his comments has admitted that the work was not completed. He has admitted that wage amounts have been credited to the accounts of the workers. He has contended that the foundation and compound which were constructed were demolished due to the ill-will between the complainant and the Panchayath Member Sri.Siddu Heeru Chowhana. In the document it is shown as 'work has been executed from 22/4/2016 to 28/4/16'. The respondent 4 has produced a photograph contending that they show the different stages of work. But even as per estimates no name board has been installed and therefore it cannot be said that the said photo relates to the present work. He has also stated that during verification, he noticed that the important documents in the original file are missing. Therefore from the documents produced by the Investigating Officer and the respondent 4 and also from the comments it can be opined that there are materials to substantiate the allegation of the complainant regarding financial irregularities in the above work.
11. Hence, there are materials to opine that there is dereliction of duty and lack of absolute integrity on the part of respondent 3 in his duties as a public servant which attracts Rule 3 of Karnataka Civil Service (Conduct) Rules, 1966.
- 12. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is required to made to the Competent Authority for initiating**



**disciplinary proceedings against the respondent 3 (also arrayed as respondent 5) Sri.Veerasha Subhashchandra Hittinahalli, Panchayath Development Officer, Hanjagi Gram Panchayath, Indi Taluk, Vijayapura District, and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.**

13. Hence there are materials to opine that there is also dereliction of duty and lack of absolute integrity on the part of respondent 4. But the respondent 4 in his comments has stated that he has been appointed on outsource basis. Therefore a direction is required to be given to remove him as an outsource employee and not to take him to duty as an outsource employee for a period of four years, if he has not yet been removed.
14. Respondent 1 was the President of Gram Panchayath during relevant period. As per the investigation report she was the President from 12/12/2012 to 30/3/2015 and from 30/6/2015 till the date of submission of investigation report. In her comments she has conceded that she has signed the documents in respect of the complained works. Therefore she is also to be held equally liable towards the above financial irregularities in Hanjagi Gram Panchayath and therefore for appropriate action under Sec.43-A(vi) of the Karnataka Panchayath Raj Act (Amended Act). 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;

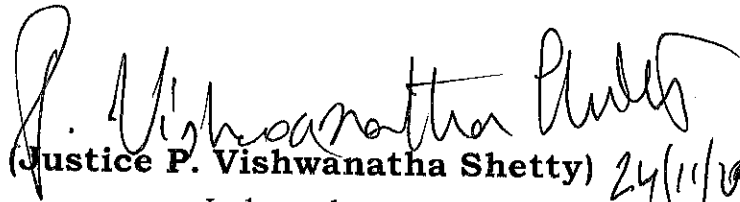
(2) An Adhyaksha or Upadhyaksha or member so removed shall cease to function as such member and shall be disqualified from contesting election as provided in sections 12 of the Act to any panchayat for the next six years.



15. Therefore recommendation is made under Sec.12(3) of the Karnataka Lokayukta Act, against the respondent 1 Smt.Shakuntala Muttappa Pothe, President, Hanjagi Gram Panchayath, Indi Taluk, Vijayapura District, for initiating appropriate action under Sec.43-A(vi) of the Karnataka Panchayath Raj Act (Amended Act) and to take appropriate civil/criminal/pecuniary action against the respondent 4 Sri.Prashant S Jamadar, Technical Assistant Engineer, Taluk Panchayath, Indi Taluk Vijayapura District (appointed on outsource basis), and to immediately terminate him from outsource employment and not to appoint him on outsource basis for a period of four years.

16. 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) 24/11/2020  
Lokayukta,  
State of Karnataka, Bengaluru