

**KARNATAKA LOKAYUKTA**

Compt/Lok/MYS-2831/2015/ARE-5

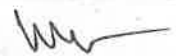
Multi-storied Building,  
Dr.B.R. Ambedkar Veedhi,  
Bangalore,  
Dated: 25/05/2017.

**REPORT UNDER SECTION 12(3) OF THE KARNATAKA  
LOKAYUKTA ACT, 1984**

Sub: Proceedings against (1) Sri.P.K.Kuvaran, Asst. Agriculture Officer (Retired), Watershed Development Department, Koppa, Chikkamagaluru District, (2)Sri.Jayaraj, Agricultural Assistant, Watershed Development Department, Koppa, Chikkamagaluru District, (3)Sri.S.Vijayakumar s/o.late Srikanta Bhandari, the then President, Attikodige Grama Panchayath, Koppa Taluk and (4)Sri.M.C.Vinayakumar, Asst. Director of Agriculture (Retired), Watershed Development Department, Tarikere Sub.Divn, Chikkamagaluru District regarding their misconduct as public servants-reg.

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The ADGP, Karnataka Lokayukta, Bangalore has forwarded the Investigation Report submitted by Dy.S.P. Karnataka Lokayukta, Chikkamagalore in Cr.No.05/2013 for further action. On the basis of the said report, suo-motu investigation against (1) Sri.P.K.Kuvaran, Asst. Agriculture Officer (Retired), Watershed Development Department, Koppa, Chikkamagaluru District, (2)Sri.Jayaraj, Agricultural Assistant, Watershed Development Department, Koppa, Chikkamagaluru District, (3)Sri.S.Vijayakumar




s/o.late Srikanta Bhandari, the then President, Attikodige Grama Panchayath, Koppa Taluk and (4)Sri.M.C.Vinayakumar, Asst. Director of Agriculture (Retired), Watershed Development Department, Tarikere Sub.Divn, Chikkamagaluru District, (hereinafter referred to as Respondent Nos.1 to 4 respectively) has been taken up u/s 7(1)(b) of the Karnataka Lokayukta Act.

**BRIEF FACTS OF THE CASE:**

2. The Police Inspector Sri.K.T.Gururaja, Karnataka Lokayukta, Chikkamagalore on receiving the credible information regarding creation of false documents in respect of works executed in Koppa Taluk by the department of Jalanayana Abivruddi under DPAP & other project by the officials and misappropriation of amount, he visited Honnagundi Village which is coming under Attikodige Grama Panchayath limits and verified the documents and visited the spot and collected documents. He found that Respondent No.1 P.K.Kuvaran, Assistant Agriculture Officer, Koppa, Respondent No.2- Jayaraj, Agriculture Assistant and others had created false documents as if farm pond measuring 12 mtrs length, 12 mtrs width and 3.60 mtrs depth had been formed in the land bearing Sy.No.32 of beneficiary Krishna Poojari s/o.Somaiah and drawn the bill for Rs.23,425-00 without farming the farm pond and misappropriated the said amount.

3. The Police Inspector, Karnataka Lokayukta, Chikkamagalore on 30.4.2013 at about 1 pm has registered the case in Cr. No. 5/2013 for the offences punishable u/s 13(1)(c)(d) r/w Sec.13(2) of P.C.Act 1988 r/w Sections 406, 409, 468, 471, 471(A), 420 and 120 (B) of IPC. After the case has been transferred to Sri.E.V.Vinay, PI,



Karnataka Lokayukta, Chikkamagalore (I.O. for short) for conducting investigation I.O. has secured panchas and prepared the mahazars and seized the various documents. The I.O. has recorded the statements of the witnesses and he has submitted the final report to the ADGP, Karnataka Lokayukta, Bangalore after completing investigation against respondent No.1 to 4.

4. The materials collected during investigation by the I.O. including the mahazars, statement of the witnesses recorded and documents seized during investigation prima facie disclose the following illegalities committed:

(a) Krishna Poojari has been identified as beneficiary by Attikodige Grama Panchayath. Farm pond had to be formed in Sy.No.32 of Honnagundi Village belonging to Krishna Poojari. But no farm pond has been farmed in the land of Krishna Poojari. Respondent Nos. 1 to 3 had to execute work of farming pond in the land of Krishna Poojari. But Respondent Nos.1 to 3 in connivance with each other have concocted bogus bills as if farm pond has been farmed in the land of Krishna Poojari and prepared bill for Rs.23,425/- in the name of Vijayakumar who is said to be head of labourers and used that amount for their personal use with a dishonest intension to cause loss to the Government and make unlawful gain for themselves.

(b) G.V.Sadashiva has been identified as beneficiary for "Nala revetment" by Attikodige Grama Panchayath. Respondent Nos.1 to 4 had to execute the work of construction Nala revetment in Sy.No.32/P2 belonging to G.V.Sadashiva. But Respondent Nos.1 to 4 in connivance with each other have concocted bogus bills as if



Nala revetment has been constructed in the land of G.V.Sadashiva and prepared bill for Rs.29,969/- in the name of Ramaiah and used that amount for their personal use with a dishonest intension to cause loss to the Government and make unlawful gain for themselves with an ulterior motive to misappropriated Government funds.

Thereby the Respondent No.1 to 4 have committed official misconduct u/s 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

5. The Observation Note was sent to the respondent Nos. 1 to 4 for their comments. The respondents have submitted their comments denying the allegations and correctness of final report.


6. A perusal of the documents, statement of witnesses and materials collected and produced by the I.O. along with final report prima facie show that the respondents 1 to 4 without forming the farm pond in the land Sy.No.32 of Krishna Poojari s/o. Somaiah have created false documents and prepared false bills with dishonest intention to cheat the Government and beneficiary and withdrawn the amount and misappropriated the amount. Therefore the comments submitted by the Respondents are not acceptable to drop the proceedings against them.

7. Since the said facts and materials on record prima facie show that Respondent Nos.1- Sri.P.K.Kuvaran, Asst. Agriculture Officer (Retired), Watershed Development Department, Koppa, Chikkamagaluru District, (2)Sri.Jayaraj, Agricultural Assistant, Watershed Development Department, Koppa, Chikkamagaluru District, (3)Sri.S.Vijayakumar s/o.late Srikanta Bhandari, the then



President, Attikodige Grama Panchayath, Kopa Taluk and (4)Sri.M.C.Vinayakumar, Asst. Director of Agriculture (Retired), Watershed Development Dept, Tarikere Sub.Divn, Chikkamagaluru District have committed misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against Respondent No.2- Sri.Jayaraj, Asst. Agriculture Officer, Watershed Development Department, Koppa and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Further, it is recommended to initiate Disciplinary proceedings against Respondent No.1- Sri.P.K.Kuvaran, Asst. Agriculture Officer and Respondent No.4- Sri.M.C.Vinayakumar, Asst. Director of Agriculture under Rule 214(2)(b) of KCSRS as they have retired and to recover the amount misappropriated by them. Further, it is also recommended to take action against Respondent No.3-Sri.S.Vijayakumar s/o.late Srikanta Bhandari, the then President, Attikodige Grama Panchayath, Koppa Taluk under the provisions of Karnataka Panchayath Raj Act.

8. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority to intimate this Authority within three months from the date of receipt of this report, the action taken or proposed to be taken on this report. Connected records are enclosed.

  
(Justice P.VISHWANATHA SHETTY)  
LOKAYUKTA,  
KARNATAKA STATE, BENGALURU.

